

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	Bastion Point Road MALLACOOTA 3892 TBA: PART UNUSED ROAD B/W 94 & 98 BASTION
The application is for a permit to:	Use and Development of a Tool Library
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2024.333.1

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

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

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

An objection must

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

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

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

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



Planning Permit Application

Applicant Details:

Name:			
Business trading name: (if applicable) DEVELOPMENT SOLUTIONS VICTORIA			
Email address: ADMIN@DEVSOLVIC.COM.AU			
Postal address: 48 BAILEY STREET, BAIRNSDALE			
			Postcode
			3 8 7 5
Phone number: Home:	Work: 03 5153 4858	Mobile:	

Owners Details: (if not the applicant)

Name:			
Business trading name: (if applicable) DEPARTMENT OF ENERGY, ENVIROMENT AND CLIMATE ACTION			
Email address: ADMIN@DEVSOLVIC.COM.AU			
Postal address: 48 BAILEY STREET, BAIRNSDALE			
			Postcode
			3 8 7 5
Phone number: Home:	Work: 03 5152 4858	Mobile:	

Description of the Land:

Street number:	Street name: BASTION POINT ROAD		
Town: MALLACOOTA	Postcode		
3 8 9 2			
Legal Description: DEECA LICENCE NO. 3003414			
Lot Number:	<input type="checkbox"/> Lodged plan <input type="checkbox"/> Title plan <input type="checkbox"/> Plan of Subdivision		Number:
Crown Allotment Number:		Section Number:	
Parish/Township Name:			
Has there been a pre-application meeting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Officers name:	
Your reference number: 24096			

Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

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When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

East Gippsland Shire Council

273 Main Street (PO Box 1618)
 Bairnsdale VIC 3875
 Website www.eastgippsland.vic.gov.au
 Email feedback@egipps.vic.gov.au
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Telephone: (03) 5153 9500
 Fax: (03) 5153 9576
 National Relay Service: 133 677
 ABN: 81 957 967 765

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Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Description of proposal: Describe the use, development or other matter which needs a permit: USE AND DEVELOPMENT OF A STORE (TOOL LIBRARY)		
<hr/> <hr/> <hr/> <hr/> <hr/>		
Existing conditions: Describe how the land is used and developed currently: VACANT LAND		
<hr/> <hr/> <hr/> <hr/> <hr/>		
Estimated cost of development: Note: You may be required to verify this estimate	\$ 65,000	

If you need more space or have more information, please attach with this form.

Please make sure that:

- Form is filled in fully and signed
- The correct fee is paid or payment enclosed
- Attached any supporting information or documents
 - **Required** - Title (must have been generated within the past 30 days)
 - Covenants or Section 173 agreements
 - Site plan/floor - plan/elevations
 - Planning report
 - Supporting information/reports (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

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East Gippsland Shire Council

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 Website www.eastgippsland.vic.gov.au
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Telephone: (03) 5153 9500
 Fax: (03) 5153 9576
 National Relay Service: 133 677
 ABN: 81 957 967 765

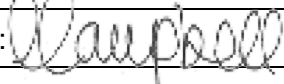
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Declaration:

I declare that I am the applicant and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

I confirm that I have authority to use the relevant documents.

In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council’s website.

Applicant signature: 
Name: DEVELOPMENT SOLUTIONS VICTORIA Date: <u>25</u> / <u>09</u> / <u>2024</u>

Submitting your application:

Electronic	Fax to 03 5153 9576 Email to planning@egipps.vic.gov.au	
Mail	Post the signed, completed form together with any applicable fees or copies of any documentation to; PO Box 1618 BAIRNSDALE VIC 3875.	
In Person	Bring the completed form and supporting documents to any of the following locations;	
	Service Centre Opening Hours: 9.00am to 5:00pm. Monday to Friday.	Bairnsdale Corporate Centre: 273 Main Street. Bairnsdale Service Centre: 24 Service Street. Bairnsdale Business Centre: 34 Pyke Street. Lakes Entrance Service Centre: 18 Mechanics Street. Omeo Service Centre: 179 Day Avenue. Orbst Service Centre: 1 Ruskin Street. Paynesville Service Centre: 55 The Esplanade.
	Mallacoota Service Centre Opening Hours: Monday and Tuesday 10.00am to 2.00pm Wednesday, Thursday, Friday 2.00pm to 5.00pm	Mallacoota Service Centre: 70 Maurice Avenue

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APPLICATION FOR PLANNING PERMIT
**USE AND DEVELOPMENT
OF A STORE (TOOL LIBRARY)**

96 BASTION POINT ROAD, MALLACOOTA
DAVID APPLETON & MALLACOOTA AND DISTRICT TOOL LIBRARY
REF: 24096

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APPENDIX

- A Copy of DEECA Licence
- B Proposed Development Plans
- C Bushfire Management Report
- D Cultural Heritage Due Diligence

DOCUMENT REVISION

1	Draft Report	DAC	13/09/2024
2	Final Report	CMC	18/09/2024

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1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of David Appleton, the applicant for this planning permit application for the use and development of a store (tool library) at 96 Bastion Point Road, Mallacoota.

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

A tool library offers significant community benefits by providing cost-effective access to a wide range of tools, including specialised equipment that may be too expensive for individual purchase. A tool library offers a convenient and sustainable solution for both individuals and the community.

The proposal is consistent with the objectives of the East Gippsland Planning Scheme and is an appropriate development in this location.

Address	96 Bastion Point Road, Mallacoota
Site Description	DEECA Licence number 3003414
Title Particulars	Abuts southeast boundary of Crown Allotment 4B, Section 17
Site Area	Unused Road Reserve
Proposal	Use and Development of a Store (Tool Library)
Planning Scheme	East Gippsland Planning Scheme
Zone	Mixed Use Zone
Overlays	Bushfire Management Overlay Vegetation Protection Overlay – Schedule 8
Aboriginal Cultural Heritage	Identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 32.04-2 Mixed Use Zone – Use Clause 32.04-10 Mixed Use Zone – Building and Works Clause 44.06-2 Bushfire Management Overlay – Buildings and Works
Notice	Exempt from notice at Clause 44.06-7
Referrals	Country Fire Authority
Work Authority Licence	Not Applicable
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Settlement – Coastal settlements – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Bushfire Planning – Clause 13.02-1S Built environment and heritage – Clause 15 Mixed Use Zone – 32.04 Bushfire Management Overlay – Clause 44.06 Bushfire Planning – Clause 53.02 Decision guidelines – Clause 65

2. SITE CONTEXT

Site

The subject site is located at 96 Bastion Point Road, Mallacoota. The site is a vacant unused Road Reserve between 94 and 98 Bastion Point Road. The area is approximately 20 metres wide and is leased through the Department of Environment, Energy and Climate Action (DEECA). A copy of the DEECA Licence is contained in **Appendix A**. The parcel is not affected by any restrictive covenants or agreements.

The site is rectangle in shape with a total area of approximately 1450m² and is currently vacant land.

The site is approximately 20 metres wide and 72 metres long, gently undulating in nature and contains minimal scattered vegetation throughout. Details of the site are depicted in the photographs provided below.

There is currently no formal access to the site. Bastion Point Road adjoins the southwestern boundary of the site. Bastion Point Road is a bitumen sealed road with gravel shoulders, traversing in a northwest to southeast direction.

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



Figure 1 – Locality Plan – 96 Bastion Point Road, Mallacoota (source: mapshare.vic.gov.au)

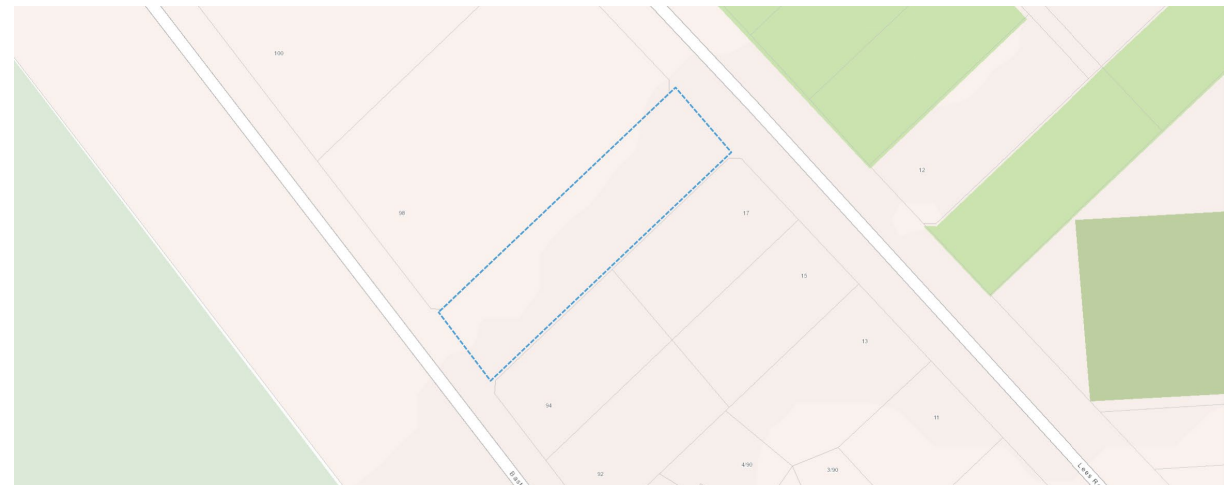


Figure 2 – Locality Plan – 96 Bastion Point Road, Mallacoota (source: mapshare.vic.gov.au)

Surrounds

The land in this locality is a combination of residential, commercial and public land.

Adjoining the northwestern boundary of the subject site is Kina Diving. Adjoining northeastern boundary is Lees Road and existing dwellings. Adjoining the southeastern boundary is existing residential development and adjoining the southwestern boundary is Bastion Point Road and public land identified as Mallacoota Bushland Reserve.

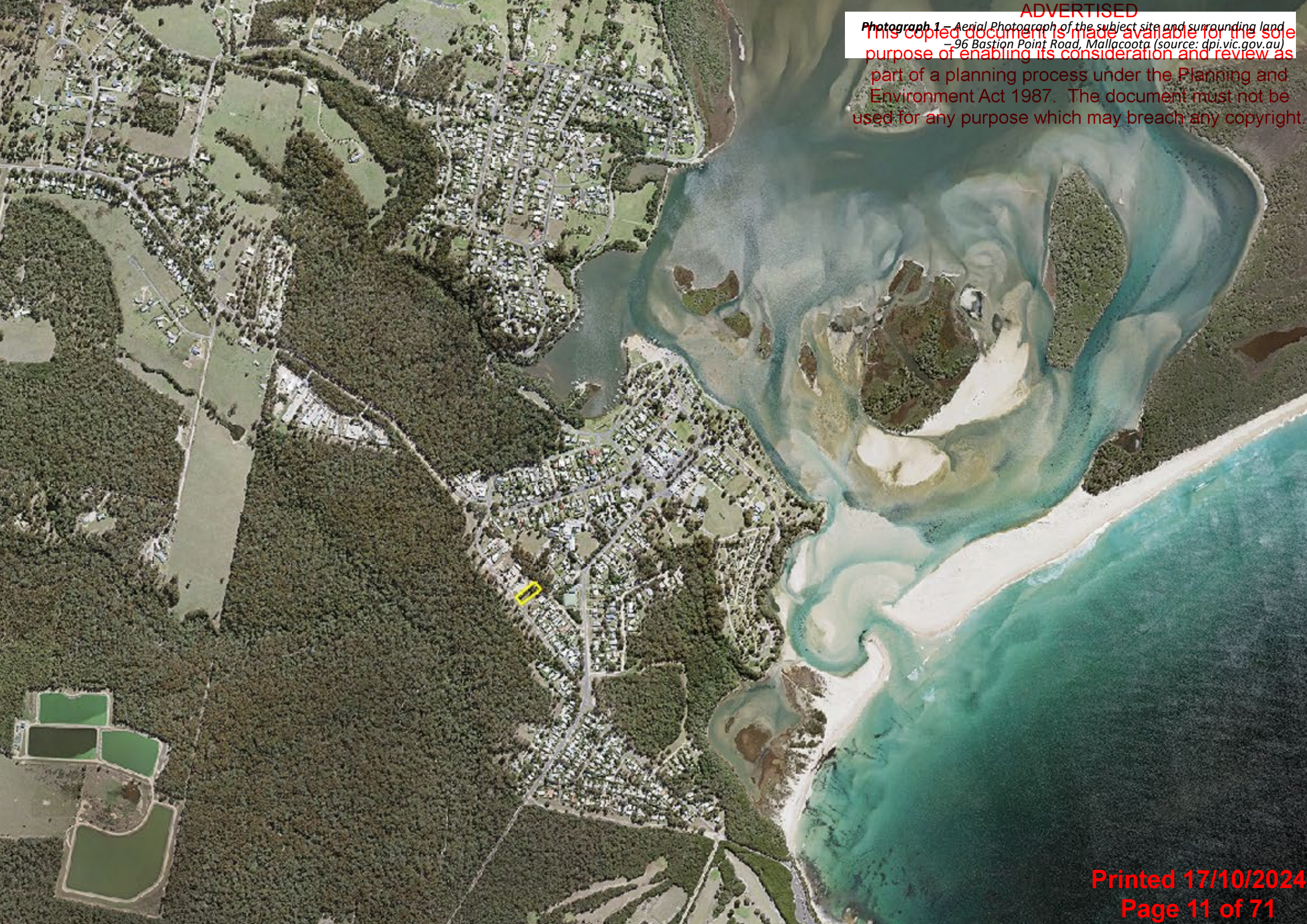
The site is located approximately 500 metres southwest of the central business district of Mallacoota.

Mallacoota is a small seaside holiday town located 143.7 kilometres east of Orbost in the far eastern area of the East Gippsland Shire. Mallacoota has a suitable level of community and commercial services and facilities to support the existing residential component.

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



Photograph 1 – Aerial Photograph of the subject site and surrounding land
– 96 Bastion Point Road, Mallacoota (source: dpi.vic.gov.au)
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Photograph 2 – Subject site at 96 Bastion Point Road, Malla-coota.



Photograph 4 – Subject site facing northeast showing proposed location for the building.



Photograph 6 – Subject site facing southwest showing proposed location for the building.



Photograph 3 – Subject site facing northwest showing proposed location for the building.



Photograph 5 – Subject site facing southeast showing proposed location for the building and neighbouring property along the southern boundary at 94 Bastion Point Road, Malla-coota.



Photograph 7 – Subject site facing northwest along the rear boundary.



Photograph 8 – Subject site facing southeast along the northern boundary.



Photograph 10 – Neighbouring property along the northern western boundary at 98 Bastion Point Road, Mallacoota.



Photograph 12 – Bastion Point Road facing northwest.



Photograph 9 – Subject site facing southwest along the northern boundary.



Photograph 11 – Property directly opposite the subject site at Bastion Point Road, Mallacoota being Public Conservation and Resource Land.



Photograph 13 – Bastion Point Road facing southeast.

3. THE PROPOSAL

This application seeks approval for the use and development of a store (tool library). The proposed development plans are contained in **Appendix B**.

The proposed store will be located in the southwestern portion of the subject site with a setback of approximately 15 metres to the southwestern boundary being Bastion Point Road and 2 metres to the northwestern boundary.

The proposed store will have a total building footprint of approximately 135m², being 15 metres long and 9 metres wide including the proposed verandah. The overall proposed height of the building is 5.32 metres.

The finished materials and colours of the proposed building will include Colorbond Woodland Grey for the walls, roof and trim. The roller doors will be Colorbond colour Wallaby. An extract of the site plan and artist impression elevation is provided to the right and in **Appendix B**.

There is no formal vehicle access to the site. Access is proposed along the southwestern boundary directly from Bastion Point Road via a gravel driveway as indicated on the proposed development plans.

Drainage from the proposed building will be directed to the legal point of discharge to the satisfaction of the responsible authority.

The proposal does not require any earthworks beyond a site scrape and the installation of the proposed access point and no vegetation is required to be removed to facilitate the proposed development.



Figure 3 – Artist Impression Elevation – Riviera Barns and Garage

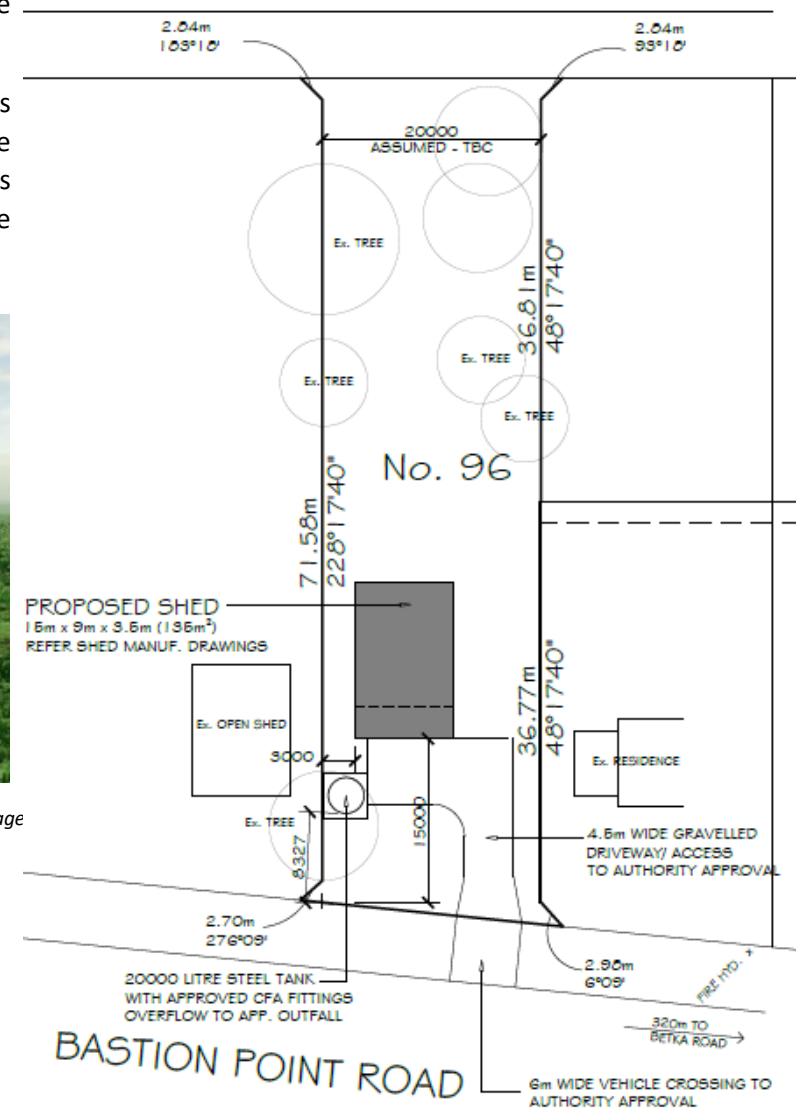
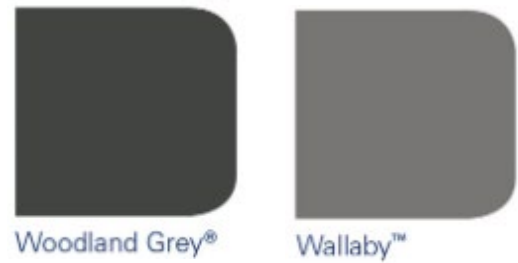


Figure 4 – Site Plan – 3875 Design and Drafting

4. ZONES AND OVERLAYS

Mixed Use Zone

The purpose of the Mixed Use Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

An extract of the Mixed Use Zone Map is provided in **Figure 5**.

Clause 32.04-2 provides a building used for store is a Section 2 use permit required.

Clause 32.04-10 provides a permit is required to construct a building or construct or carryout works for a Section 2 use.

As such a permit is required under the provisions of the Mixed Use Zone. The relevant decision guidelines are addressed in Section 5.

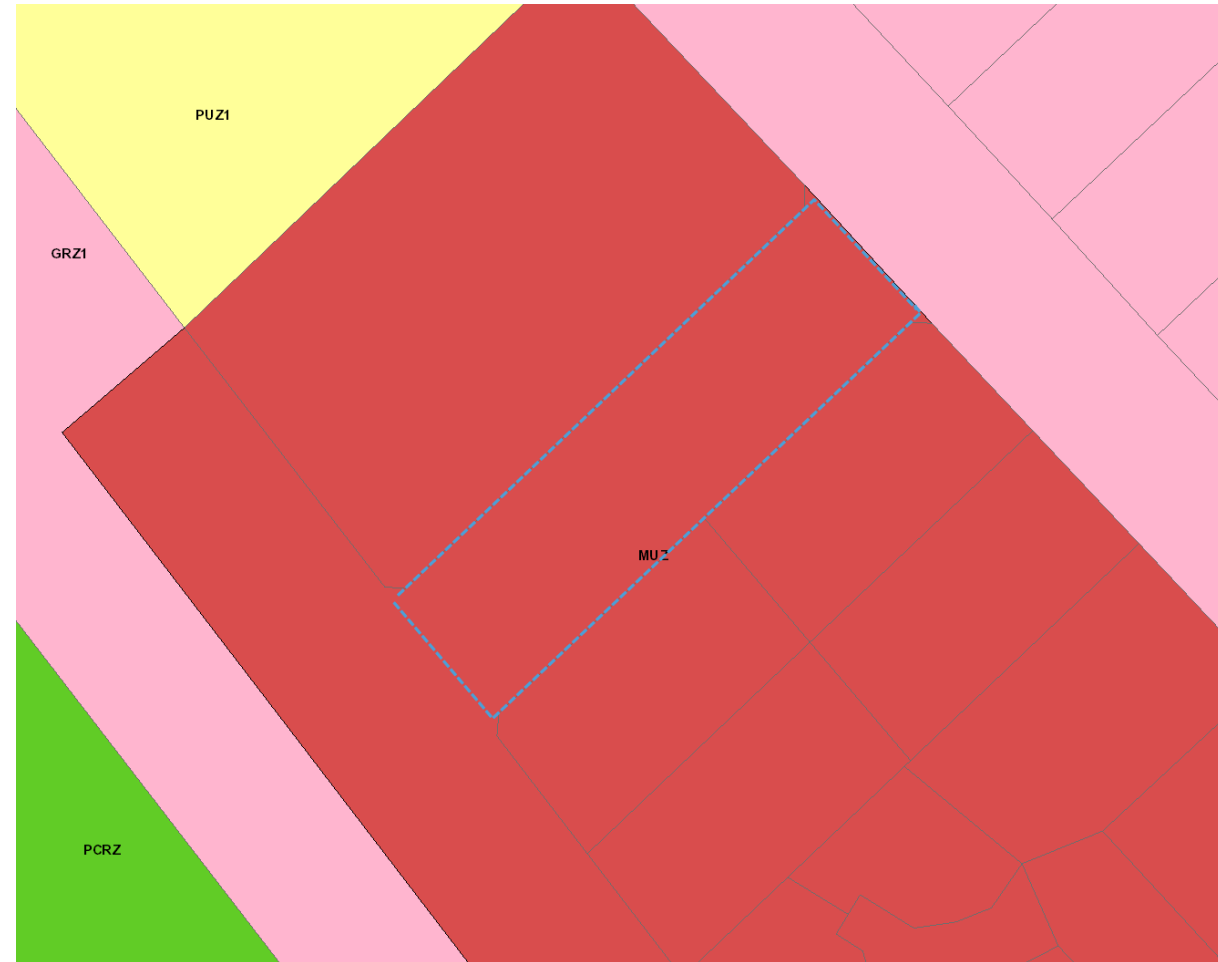


Figure 5 – Mixed Use Zone – (source - mapshare.vic.gov.au)

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Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is:

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

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

Clause 44.06-2 provides a permit is required to construct a building associated with Store or warehouse.

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 proposed use and development of a store (tool library) will require planning approval under the provisions of the Bushfire Management Overlay and Clause 53.02 and as such the relevant decision guidelines are addressed below in Section 5. A Bushfire Management Report is contained in **Appendix C**.

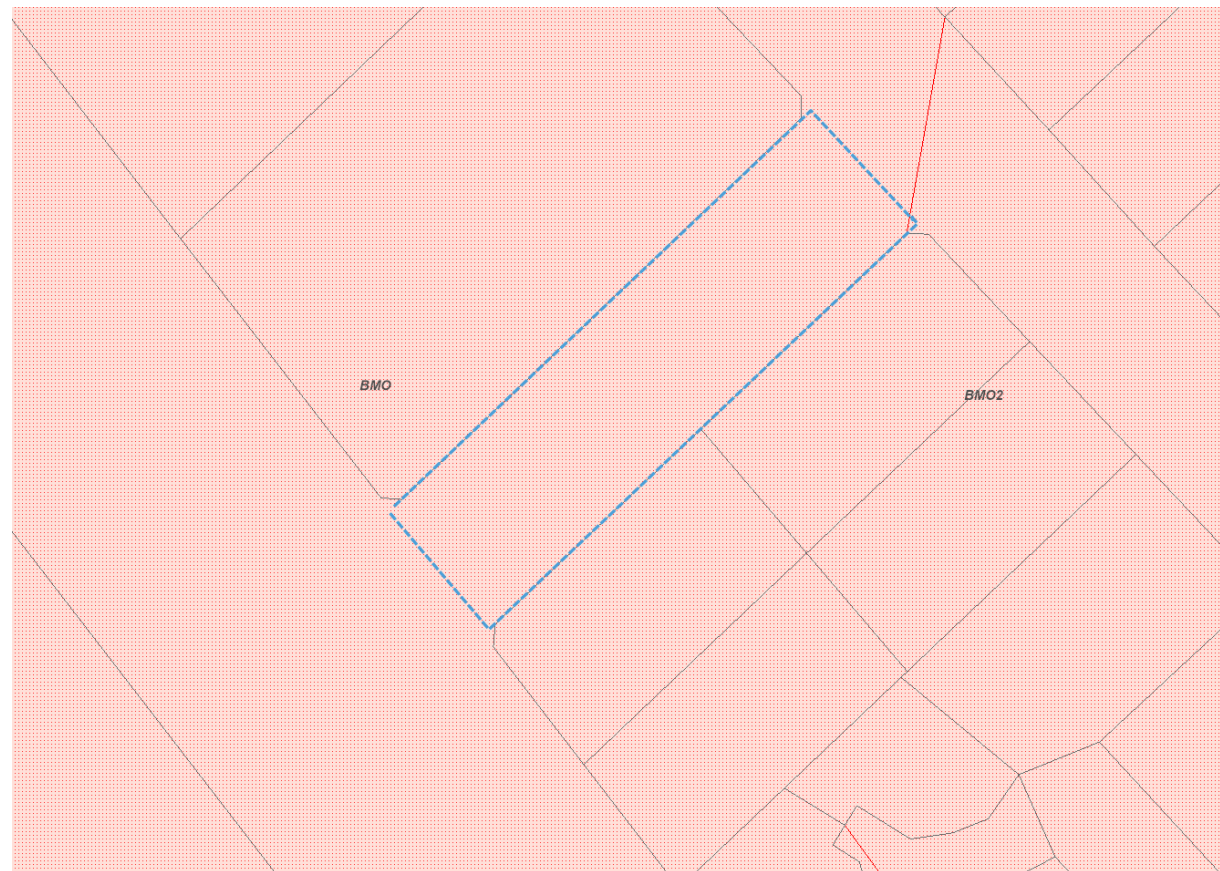


Figure 6- Bushfire Management Overlay – (source - mapshare.vic.gov.au)

Vegetation Protection Overlay – Schedule 3

The purpose of the Vegetation Protection Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas of significant vegetation.
- To ensure that development minimises loss of vegetation.
- To preserve existing trees and other vegetation.
- To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
- To maintain and enhance habitat and habitat corridors for indigenous fauna.
- To encourage the regeneration of native vegetation.

An extract of the Vegetation Protection Overlay Map is provided in **Figure 7**.

The proposal is not seeking to remove, destroy or lop any vegetation. As such a permit is not required under the provisions of the Vegetation Protection Overlay. This is not addressed further.

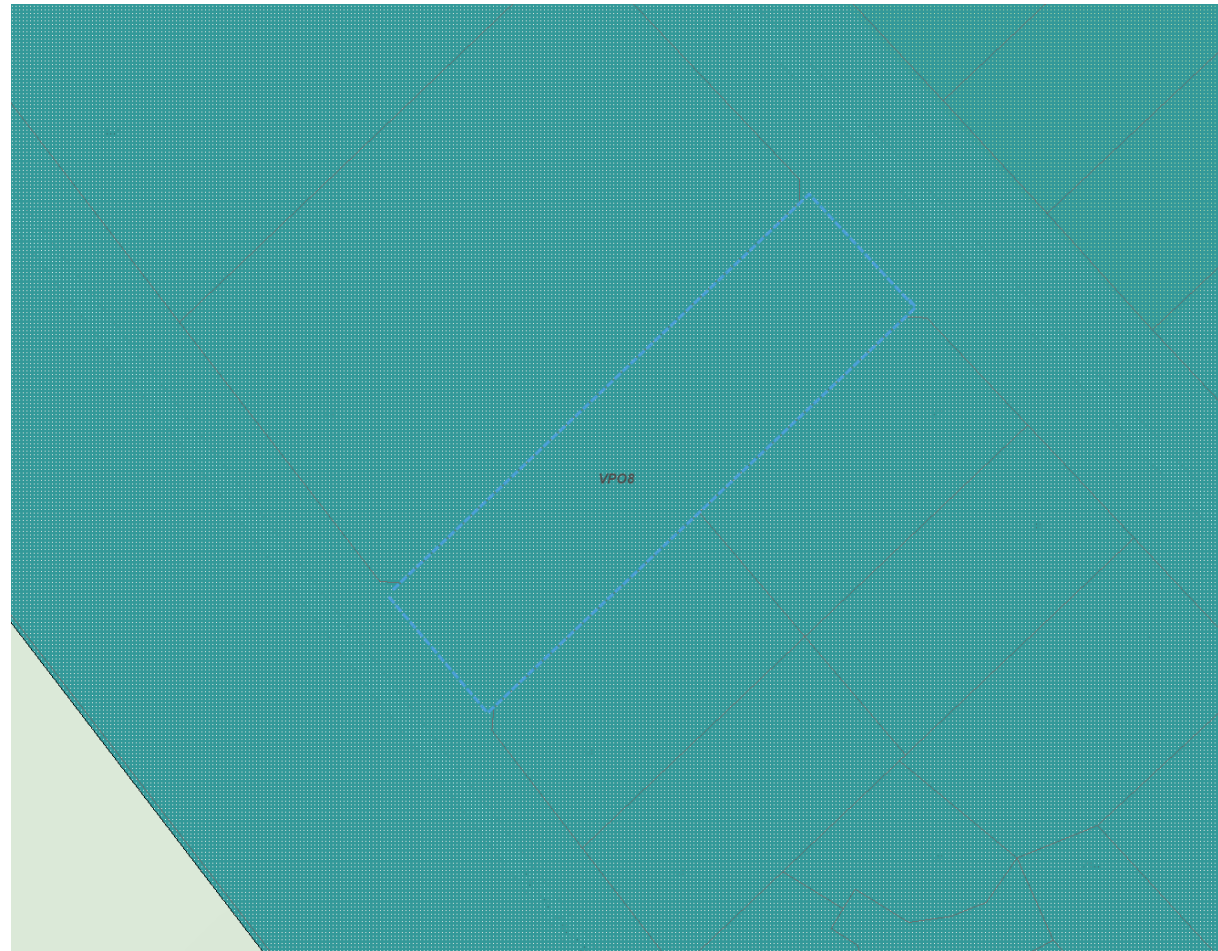


Figure 7 – Vegetation Protection Overlay – (source - mapshare.vic.gov.au)

Aboriginal Cultural Heritage

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

Cultural heritage due diligence has been provided by the client and is contained in **Appendix D**. It is concluded a Cultural Heritage Management Plan is not required and as such this is not addressed further.

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

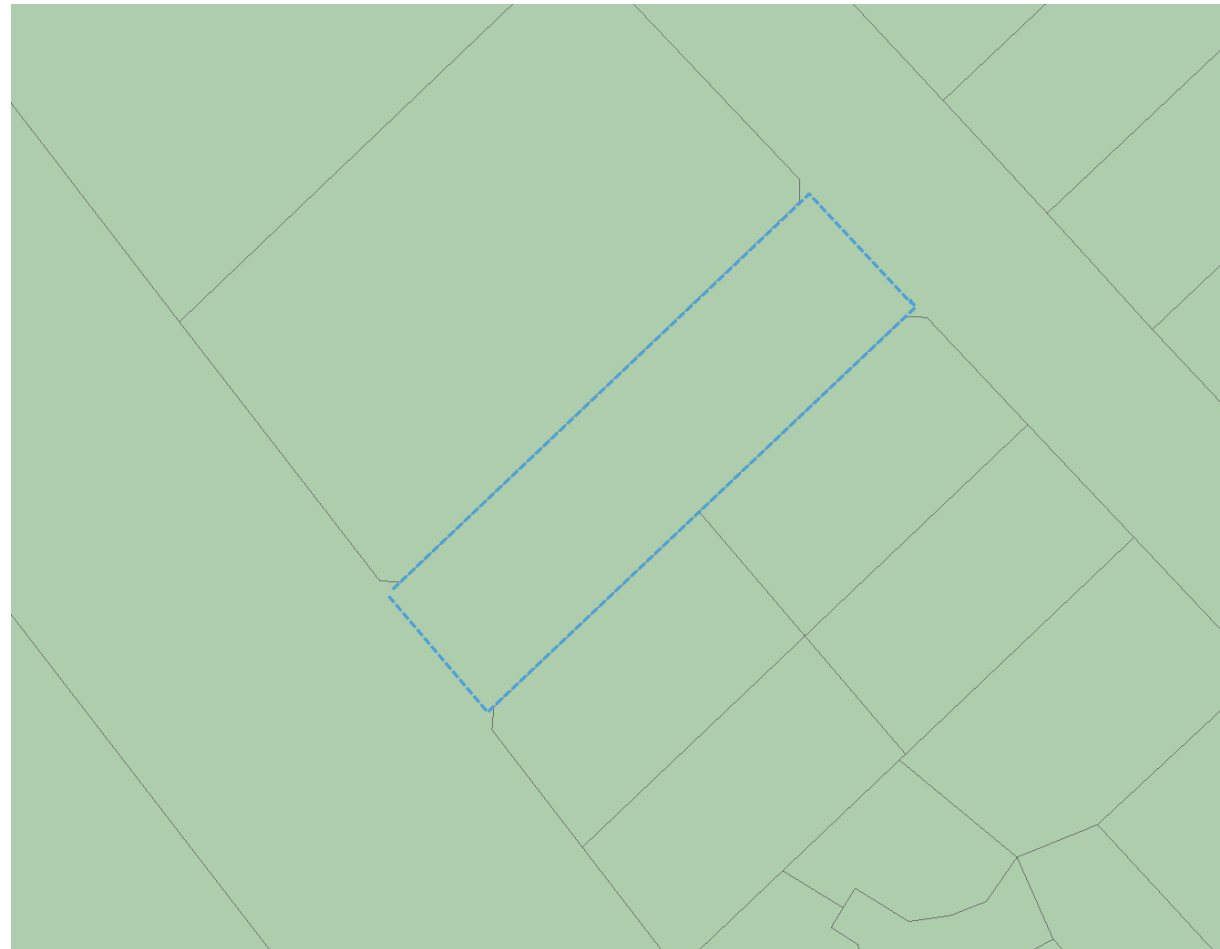


Figure 8 – Aboriginal Cultural Heritage Map – (source - mapshare.vic.gov.au)

5. PLANNING ASSESSMENT

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

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02** and the Planning Policy Framework at **Clause 10** providing for an appropriate building that can be respectful of the existing surrounding development and the environment.
- The proposal will contribute to a high standard of environmental sustainability, urban design and amenity by designing the building to meet the constraints of the land reducing any potential negative environmental implications as sought to achieve by the relevant clauses including **Clause 02.03** and **Clause 11**. The site does contain scattered vegetation however no vegetation is required to be removed to facilitate the proposed use and development.
- **Clause 02.03-1** identifies Mallacoota as a coastal settlement. Mallacoota, in the far east of the Shire, is a very popular holiday location and a retirement area, a base for

eco-tourism and the centre of the abalone industry in eastern Victoria

- Given the subject site is a road reserve there is no services or infrastructure beyond access to the existing road network.
- The proposal is consistent with the decision guidelines of the Mixed Use Zone at **Clause 32.04-15** which seeks to support a variety of residential, commercial, and industrial uses that complement the mixed-use nature of the area, promote higher-density housing, and encourage development that aligns with the existing or desired neighbourhood character.
- The proposed use and development of a store will result in a tool library that will be a valuable asset to the community, promoting sustainability, reducing waste, and encouraging resource sharing. Allowing residents to borrow tools instead of purchasing them, fosters a culture of collaboration and reduces the financial burden of maintaining a full range of tools for occasional use. Additionally, a tool library provides equitable access to resources, benefiting individuals and the community.
- There is no formal access to the site, access is proposed along the southwestern boundary directly from Bastion Point Road

via a gravel driveway as indicated on the proposed site plan.

- No vegetation is required to be removed to facilitate the proposed building.
- **Clauses 02.03-3, 13.01-1S** and **44.06** require consideration of bushfire hazards and implications as a result of any proposed use and development. A Bushfire Management Report is provided in **Appendix C** which concludes the subject site can achieve a BAL 29 rating. The proposed building will be constructed to the requirements of the BAL29 rating including 50 metres around the building to be maintained for defendable space, the installation of a 20,000-litre water tank dedicated for CFA purposes. All approved bushfire protection measures have been incorporated into the proposal. **Clause 44.06-4** provides the application must meet the requirements of **Clause 53.02**. All of the approved measures set out in Clause 53.02-4 have been incorporated into the proposal and it is concluded the risks can be reduced to an acceptable level.
- This submission has addressed the decision guidelines of **Clause 65**, and the proposed use and development supports orderly planning of the area whilst taking into consideration the potential effect on the

environment, human health and the amenity of the area.

- Access to the site is proposed along the southwestern boundary as indicated on the proposed development plans. There will be no negative impact on the existing road network and the increased traffic as a result of the proposal is unlikely to generate any negative impact on the existing road network.
- The site is identified as being susceptible to bushfire hazards. A Bushfire Management Report is contained in **Appendix C**.
- There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.

6. CONCLUSION

This submission is in support of a planning permit application for the use and development of a store (tool library) at 96 Bastion Point Road, Mallacoota.

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

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is consistent with the objectives of the Mixed Use Zone and Bushfire Management Overlay.
- The proposed tool library will provide the community with an equitable option to access a range of tools.
- The design of the building is complementary to the existing surrounding development and is consistent with the character of the area.

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

Development Solutions Victoria

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Department of Energy, Environment
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574 Main Street
BAIRNSDALE VIC 3875
deeca.vic.gov.au

13 September 2024

M Klein
Secretary
Mallacoota & District Tool Library
Email: madtoolibrary@gmail.com

Dear Mathew

RE: LANDOWNER CONSENT TO LODGE A PLANNING PERMIT & BUILDING PERMIT APPLICATION FOR A NEW COMMUNITY SHED

PART OF UNUSED ROAD, BETWEEN 94 & 98 BASTION POINT ROAD, MALLACOOTA

In relation to your request for written consent to lodge a planning permit application, the Department of Energy, Environment and Climate Action (DEECA) as the public landowner for the Crown land, acknowledges your request to apply for a planning permit as described above, in accordance with Clause 52.19-3 of the East Gippsland Planning Scheme.

The Department hereby consents to the lodging of a planning permit application with the East Gippsland Shire. Please note that the Department has the right to further comment on your planning permit application, when circulated through the planning permit process.

Landowner consent is also granted for a building permit application being submitted.

This consent is subject to any other consents, permits and approvals required to be obtained prior to undertaking any work.

If you have any further enquiries, I can be contacted on 0457 501 299 or email tracey.west@deeca.vic.gov.au

Yours sincerely

Tracey West
Program Officer
Land & Built Environment

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15 Hume and Hovell Road
Seymour Vic 3660
Telephone: 03 8624 3004
www.delwp.vic.gov.au

Our Ref: 3003414

2 May 2024

Mallacoota & District Tool Library Inc
Email: madtoollibrary@gmail.com

Dear Sir/Madam

RE: NEW ISSUE OF GENERAL LICENCE NO. 3003414 – PARISH OF MALLACOOTA

I refer to previous dealings concerning the above described licence and enclose licence No. 3003414, issued in your name/s.

This licence is an important document and should be stored in a secure and safe place, if lost a replacement fee may be charged. If you wish to transfer the licence you will need to advise our office to arrange the transfer.

Should you have any queries regarding this licence please contact transactioncentre@delwp.vic.gov.au.

Yours sincerely

Transaction Centre

Transaction Centre

cc: Municipality of Gippsland – Att: Rates Department



**Department of
Energy, Environment and Climate Action**

ABN 90 719 052 204

LICENCE

**LAND ACT 1958
Section 138**

THIS LICENCE is granted by the Licensor to the Licensee and commences on the date set out in the Schedule.

In consideration of the payment of the licence fee and the conditions contained in this Licence, the Licensor or a person authorised by the Licensor, at the request of the Licensee **HEREBY AUTHORISES** the Licensee to use the Crown land described in the Schedule for the specified purposes set out in the Schedule.

This Licence is subject to the provisions of the *Land Act 1958* and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

Vannessa Jones

Vannessa Jones (May 2, 2024 12:09 GMT+10)

.....
Signature of Licensor or Authorised person

**Project Manager
Land and Built Environment**

The Licensee hereby agrees that payment of the Licence Fee, shown in Item 7 of the Schedule, by the Licensee shall constitute acceptance by the Licensee of this Licence and shall constitute an undertaking by the Licensee that the Licensee shall comply with the terms and conditions of this Licence.

NOTE:

- | | |
|----------|---|
| 1 | <i>This licence is not valid until payment of the Licence Fee shown in Item 7 of the Schedule is received by the Department of Energy, Environment and Climate Action.</i> |
| 2 | <i>This Licence is an important document and should be stored in a secure and safe place. It will be needed if you sell your property. In the event of loss, a replacement fee may be charged.</i> |

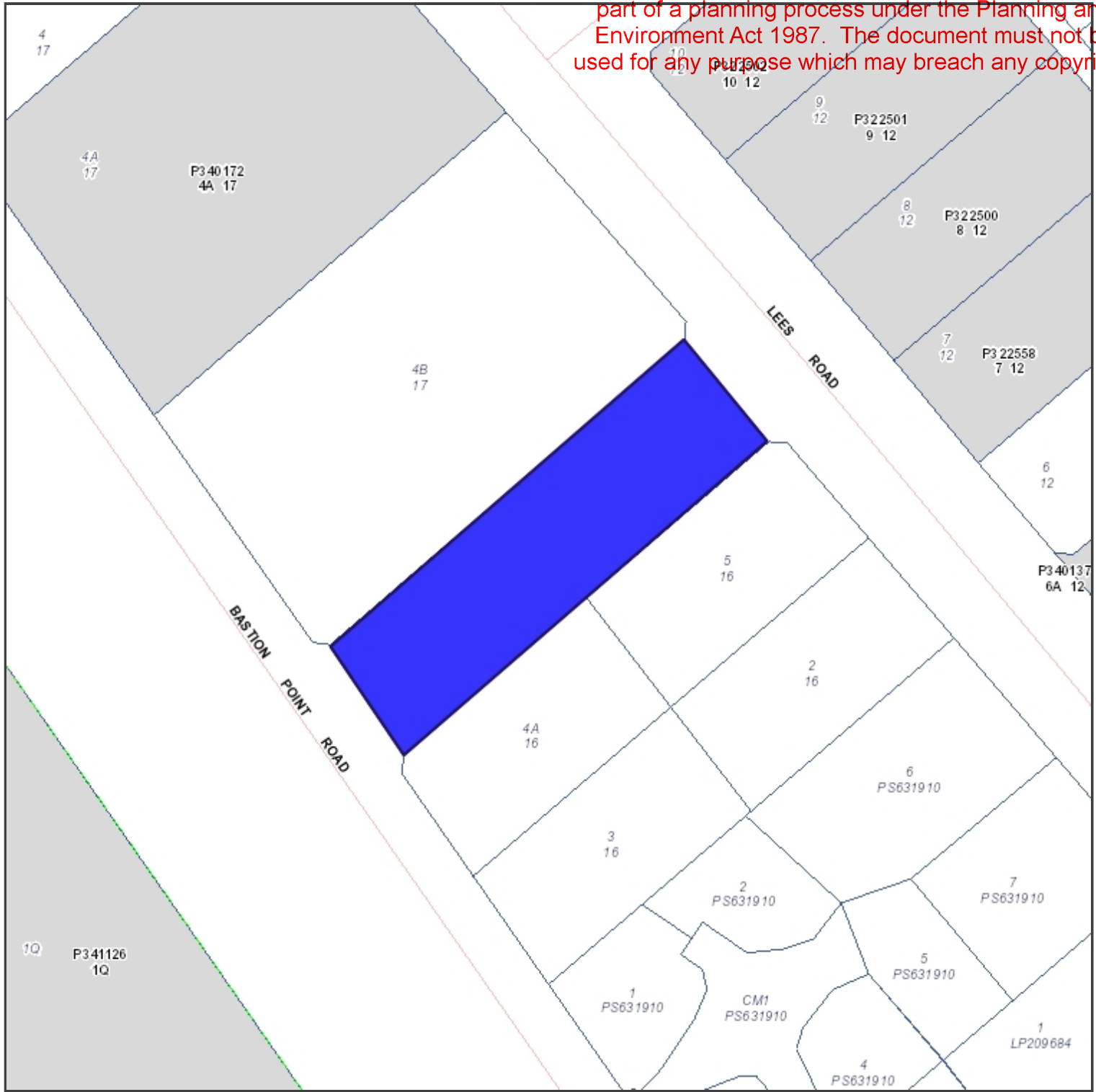
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LICENCE SCHEDULE

1. **Licence No.** 3003414
2. **Licensor** Minister for Environment
3. **Licensee** - Mallacoota and District Tool Library Inc
4. **Address** BASTION POINT ROAD, MALLACOOTA, VICTORIA, 3892, Australia
5. **Commencement Date** 01 June 2024
6. **Term** Annual
7. **Licensee Fee** \$104.00
8. **Payable** Annual
9. **Licensed Land All that land being:**
 MUNICIPALITY OF EAST GIPPSLAND
 UNUSED ROAD ABUTTING THE SOUTHEAST BOUNDARY OF CROWN ALLOTMENT 4B, SECTION 17,
 TOWNSHIP OF MALLACOOTA

 AS INDICATED ON ATTACHED PLAN/S.
10. **Area (Ha)**
11. **Powers under which land is granted** Land Act 1958, Sec 138/140
12. **Specified Purpose** Community Storage Shed
13. **Department Address** 8 NICHOLSON STREET, EAST MELBOURNE, Victoria, 3001, Australia
14. **Public Liability Insurance** \$10000000.00
15. **Statutory and other Conditions**
16. **Special Conditions**



Legend

- | | | | |
|---|--|--|--|
| <ul style="list-style-type: none"> Township Parish Parcel Crown Parcel Crown Land Government Road Plan Noting Apiary ● Temporary Apiary Rights ● Beefarm and Range Licences | <ul style="list-style-type: none"> Linear Tenure — Other Pipelines — Industrial Commercial licences — Recreation Amusement licences — Occupancy licences — Radio TV Telecom site licences — Emergency Services Use licences — Water Supply licences — Miscellaneous General licences — Easements — Pipe Consents | <ul style="list-style-type: none"> Lease General Licence Delegated Lease Delegated Licence Grazing Licence Riparian Management Licence Water Frontage Licence Unused Road Licence Delegated Management Reserve Direct Management Reserve | <ul style="list-style-type: none"> Government Road Government Road Dual Status Government Road |
|---|--|--|--|

1: 832



Overview Map

Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.

LICENCE CONDITIONS

1 **Grant**

The rights conferred by this Licence are non-exclusive, do not create or confer upon the Licensee any tenancy or any estate or interest in or over the licensed land or any part of it, and do not comprise or include any rights other than those granted or to which the Licensee is otherwise entitled by law.

2 **Licensee's Obligations (Positive)**

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will:-

2.1 **Licence fee**

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address shown in Item 13 of the Schedule or as advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

2.2 **Rates and Taxes**

2.2.1 Duly and punctually pay as and when they respectively fall due all rates and taxes on the licensed land.

2.2.2 If requested to do so by the Licensor, produce receipts to the Licensor evidencing payment of the rates and taxes.

2.2.3 Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence and/or the rent payable thereunder or that becomes payable by the Licensor during the period covered by the fee.

2.3 **Indemnity**

Indemnify the Crown in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed land, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith.

2.4 **Public Liability Insurance**

Maintain a public liability insurance policy over the licensed land (providing no less limit of indemnity for any one occurrence during the policy period than the amount shown at Item 14 of the Schedule), which is endorsed (as follows), to note:

'the Crown in the right of the State of Victoria, the Secretary to the Department of Energy, Environment and Climate Action, its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of Professional duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Crown (and others above mentioned), and is limited to the amount shown in Item 14 for any one occurrence.'

2.5 **Maintenance**

2.5.1 Throughout the term keep the licensed land in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed land after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will:-

2.5.1.1 Keep the licensed land free of pest animals and weeds;

2.5.1.2 Remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.

2.6 **Fire Protection Works**

Undertake all fire protection works on the licensed land required by law to the satisfaction of the Licensor and the responsible fire Authority

2.7 **Condition at Termination**

On expiry or prior determination of this Licence return the licensed land to the Licensor in good order and condition and otherwise in accordance with the Licensee's obligations.

2.8 **Notice of Defects and other matters**

2.8.1 Give the Licensor prompt notice in writing of any accident to or defect in the licensed land and of any circumstances likely to cause any damage risk or hazard to the licensed land or any person on it;

- 2.8.2 Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed land and full details of the circumstances of it;
- 2.8.3 Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.8.2 with which the Licensee is required to comply; and
- 2.8.4 At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.8.2 as the Licensor deems expedient.

2.9 **Compliance with Law**

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the licensed land and all lawful orders or direction made under them;

2.10 **Arrears and Interest**

2.10.1 **Pay to the Licensor:-**

2.10.1.1 on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the *Penalty Interest Rates Act 1983* computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;

2.10.1.2 on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed land, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

2.11 **Further Conditions**

Comply with the Special Conditions (if any) contained in Item 16 of the Schedule.

3 **Licensee's Obligations (Negative)**

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will not -

3.1 **Use of Licensed land**

Use the licensed land for any purpose other than the specified purpose referred to in Item 12 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

3.2 **Create nuisance**

Cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the licensed land or to use any land in the vicinity or to occupiers of properties adjoining the licensed land.

3.3 **Allow rubbish**

Permit any rubbish to accumulate in or about the licensed land.

3.4 **Hazardous Chemicals**

Keep any hazardous chemical on the licensed land without the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

3.5 **Assignment**

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed land or any part of it.

3.6 **Licensor's Entry**

3.6.1 Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent at any time from entering and remaining on the licensed land either with or without motor vehicles or other equipment for any purpose and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-

3.6.1.1 retaking or attempting to retake possession of the licensed land;

3.6.1.2 inspection; or

3.6.1.3 any other lawful purpose.

3.7 **Void insurance**

Do or allow anything to be done which might result in any insurance's relating to the licensed land becoming void or voidable or which might increase the premium on any insurance.

3.8 ***Erection of Improvements***

Erect or permit the erection of any improvement on the licensed land without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

4 ***General Conditions***

4.1 ***Termination upon Default***

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the licensee has failed to comply with any terms or conditions of the licence, the Licensor may, by notice published in the Government Gazette, declare that the licence is cancelled, and upon cancellation the licensee will not be entitled to any compensation whatsoever.

4.2 ***Termination without Default***

4.2.1 In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may by giving to the Licensee at least 30 days' written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.

4.2.2 If the licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the licence fee paid.

4.2.3 The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the licence remaining at the date of cancellation.

4.2.4 Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

4.3 ***Licensee's Improvements***

4.3.1 Except as provided in sub-clause 4.3.3 the Licensee's improvements shall remain the property of the Licensee.

4.3.2 On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Licensor, remove all Licensee's improvements and chattels from the licensed land and forthwith make good all damage caused to the licensed land by the affixing, retention or removal of Licensee's improvements to the satisfaction of the Licensor.

4.3.3 If the Licensee's Improvements are not removed at the end of the period of time specified under sub-clause 4.3.2, the Licensee's Improvements shall become the property of the Crown.

4.4 ***Licensor may remove and dispose of Licensee's chattels***

If the Licence expires, or is cancelled, the Licensor may at the end of the period of time specified under Clause 4.3.2 remove the Licensee's chattels and store them at the Licensee's expense without being liable to the Licensee for trespass, detinue, conversion or negligence. After storing them for at least one month, the Licensor may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

4.5 ***Licensor's Agents***

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor and not required by law to be done, made or signed by the Licensor personally may be done made or signed by any person or class of person to whom such power has been delegated by the Licensor.

4.6 ***Notices***

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence shall be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

4.7 ***Review of Licence fee***

The licence fee, unless it has been paid in full for the term, will be reviewed by the Licensor every three years from the commencement date, and the reviewed fee shall commence on the day following the date fixed for each such review.

4.8 ***Debt recovery***

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

5 Definitions

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"**commencement date**" means the date described in Item 5 of the Schedule and is the first day of the term;

"**Crown**" means the Crown in right of the State of Victoria and includes the Licensor and each employee and agent of the Crown or the Secretary;

"**Department**" means the Department of Energy, Environment and Climate Action or its successor in law;

"**GST**" means a goods and services tax within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*.

"**hazardous chemical**" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertilizer and other chemicals;

"**improvement**" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"**licensed land**" means the land described in Item 9 of the Schedule;

"**Licence fee**" means the licence fee described in Item 7 of the Schedule as varied during the term;

"**Licensee**" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"**Licensee's Improvements**" includes building, structure, sign, fence and any other structural improvement including dam, levee, channel or any other earthworks now or hereafter erected on the licensed land but does not include any such improvement shown in Item 16 of the Schedule as being or becoming the property of the Licensor.

"**Licensor**" means the Minister of the Crown for the time being administering Division 9 of Part 1 of the *Land Act 1958* or such other Minister of the Crown or Government Authority to whom responsibility for this Licence may at any time be given or a person or class of person authorised by the Minister to grant licences under Division 9 of Part 1 of the *Land Act 1958*;

"**person**" includes a body corporate as well as an individual;

"**pest animals**" has the same meaning as in the *Catchment and Land Protection Act 1994*;

"**rates and taxes**" means all existing and future rates (including water by consumption and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed land or the Licensor or the Licensee or payable by the owner or occupier of the licensed land;

"**schedule**" means the schedule to this Licence;

"**Secretary**" means The Secretary to the Department of Energy, Environment and Climate Action, the body corporate established under the *Conservation, Forests and Lands Act 1987*;

"**sign**" includes names, advertisements and notices;

"**soil**" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"**term**" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"**weeds**" include noxious weeds within the meaning of the *Catchment and Land Protection Act 1994*, and prescribed flora within the meaning of the *Flora and Fauna Guarantee Act 1988*;

"**writing**" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

6 Interpretations

6.1 A reference importing the singular includes the plural and vice versa..

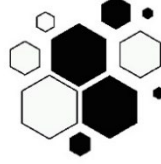
6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.

6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.

6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefor" were added to the reference.

6.5 If the Licensee comprises more than one person, the covenants and agreements contained in this Licence shall be construed as having been entered into by, and are binding, both jointly and severally on all and each of the persons who constitute the Licensee.

6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.



Euca Planning
Bushfire Specialists



Bushfire Planning Report Version 1.0 (Including Bushfire Management Statement)

96 Bastion Point Road, Mallacoota, 3892
September 12th, 2024.

Euca Planning Pty Ltd

PO Box 570, Warragul 3820.

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

Director & Principal Consultant: Deanne Smith

Qualifications/Accreditations:

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

Memberships

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

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.

Conditions of Use

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Version Control

	Name	Date Completed	Comments
Field Assessment	Courtney Cambell	5 August 2024	
Mapping	Kelly Hedley	14 August 2024	
Report - Initiate	Frances Granada	28 July 2024	
Report - Draft	Kelly Hedley	3 September 2024	
Report - Final	Deanne Smith	12 September 2024	

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Executive Summary

This report has been prepared to support a planning permit to develop a store at 96 Bastion Point Road, Mallacoota. 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 development of a store at 96 Bastion Point Road, Mallacoota. The site is within the Mixed Use Zone (MUZ) 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 Bushfire Assessment** that considers the policy context.
- 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 Mallacoota, a small coastal town. The site is located near established commercial buildings, Mallacoota State School and residential dwellings. The land is currently a road reserve and vacant. The land is accessed by a public road, Bastion Point Road and is the egress route into Mallacoota township. The proposed development has low threat vegetation to the north-east and south-east, and forest to the north-west and south-west, associated with public land being the Mallacoota State Forest.

Bushfire Management Statement demonstrates that the defensible space objectives can be met for Column A of Table 2 to Clause 53.02-5 with considerable distance between the store and vegetation. A construction level of BAL29, and access and water supply provided.

Due to landscape forest, the proposed development is expected to be affected by high levels of ember attack in the event of a bushfire, and radiant heat due to the proximity to the vegetation. A BAL of 29 is deemed appropriate considering the distance to the unmanaged vegetation, the vegetation in the broader landscape and egress from Mallacoota township. The proposed development will also enhance the protection of neighbouring developments and lots.

The site is able to meet the approval measures within Clause 53.02 for Column A of Table 2 to Clause 53.02-5 (with unspecified measure proposed), 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	96 Bastion Point Road Mallacoota
Overlays	Bushfire Management Overlay (BMO) Vegetation Protection Overlay – Schedule 8 (VPO8)
Zoning	Mixed Use Zone (MUZ)

1.2 Site Description

Site shape	Rectangular
Site Dimensions	The property has a road frontage to Bastion Point Road of approximately 20 metres, and a property depth of approximately 72 metres.
Site area	Approximately 1450 m ²
Existing use and siting of buildings and works on and near the land	Vacant road reserve
Existing vehicle arrangements	Front access from Bastion Point Road and rear access from Lees Road
Nearest fire hydrant	Not applicable
Private bushfire shelter	Not proposed
Any other site features relevant to bushfire risk	Scattered vegetation throughout the urban settlement. Mallacoota State Forest adjacent allotment to the west is zoned Public Conservation and Resource Zone.

1.3 Site Location

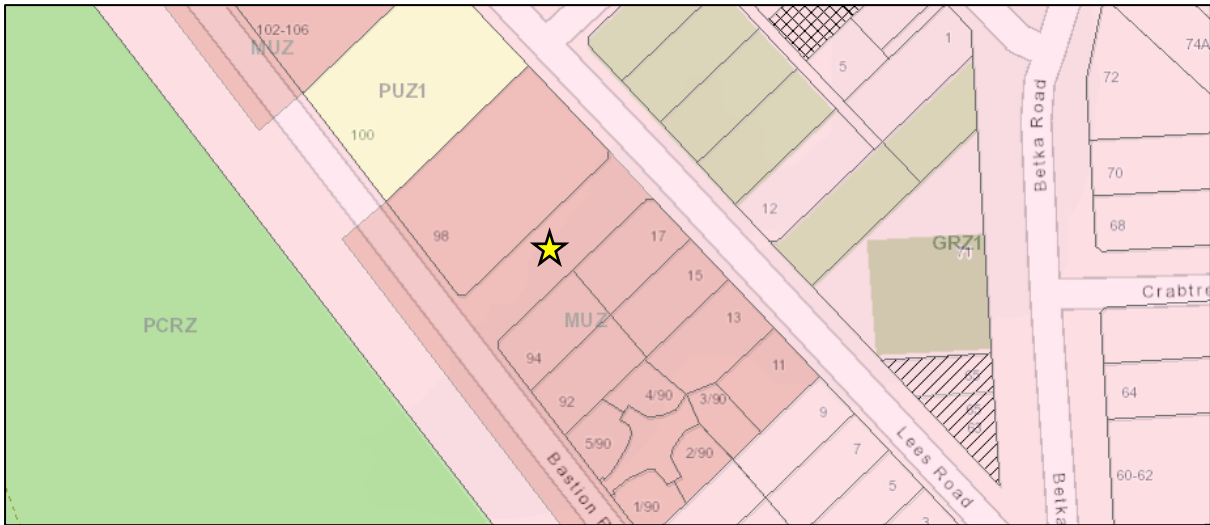


Figure One – Property Location of 96 Bastion Point Road, Mallacoota – Identified with the yellow star central to the map (VicPlan, 2024)



Figure Two – Property Location – 96 Bastion Point Road, Mallacoota (Nearmap, 2024)

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 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) 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 3959-2009.*

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:

... Any application for development that will result in people congregating in large numbers.

It should be noted this is a small building used for storage, and it is not envisaged that large numbers would attend the site. No accommodation is provided, and the building is not being used as a place of assembly, thus the relevance of the use and development control is limited for this proposed development.

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 Mallacoota is also in the BPA and BMO reflecting the moderate to high bushfire hazard.

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 store 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 commercial buildings and residential dwellings. - The existing management and clearing is used in addition to ongoing vegetation management to maintain the separation

<p>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.</p>	<p>of the store from the hazard.</p> <ul style="list-style-type: none"> - The road reserve lot has existed for many years and is within an estate with many lots containing established buildings, residential dwellings and outbuildings. - Existing buildings, residential dwellings and outbuildings exist adjacent to this development and the store 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 defensible space between the store and the boundary. - The existing road network facilitates safe egress towards the established Mallacoota Townships. - Access and egress are facilitated from Bastion Point Road. There is also access via Lees Road, to the rear of the lot.
<p>Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.</p>	<ul style="list-style-type: none"> - An application to develop land needs to articulate how the design responds to the identified bushfire risk. - The store has been designed and sited to respond to bushfire with the assessment of the bushfire risk being undertaken to ensure the store 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>
<p>Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.</p>	<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

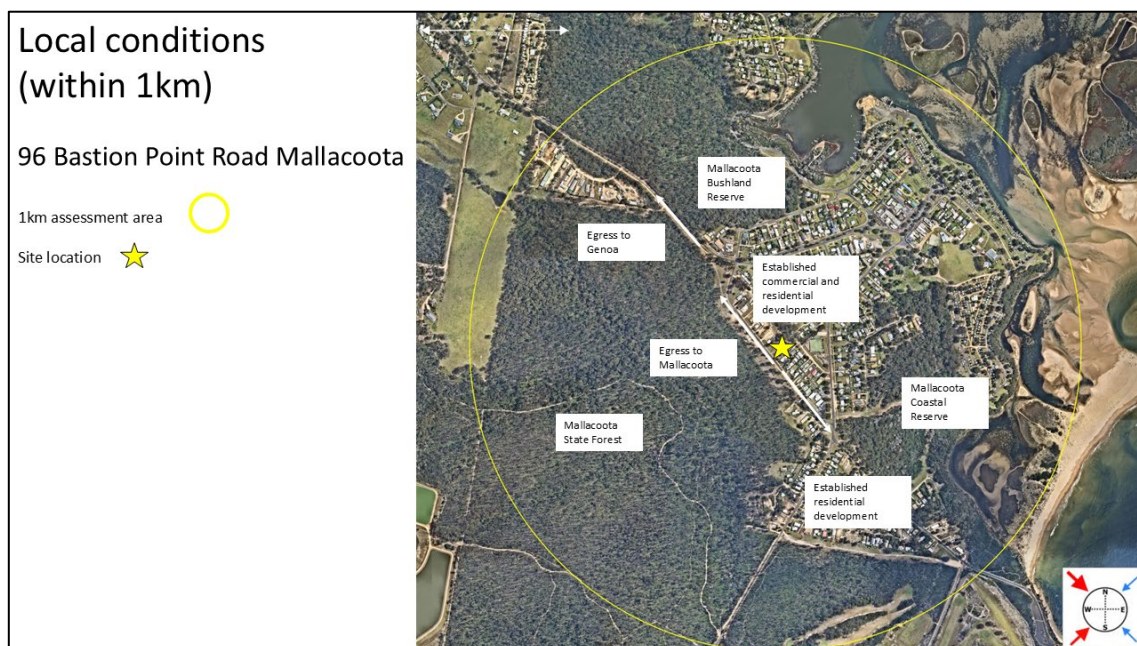
<p>Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.</p>	<p>report (see Section 4).</p> <ul style="list-style-type: none"> - Consistent with the revised Clause 13.02-1S, the planning proposal responds to the Bushfire Prone Area and the Bushfire Management Overlay. - This report demonstrates that sufficient setbacks from the vegetation can be achieved to meet Column A of Table 2 of Clause 53.02 and construction of BAL29, which is an appropriate benchmark for this development. - Detailed design and consideration of the development application is reinforced by the preliminary planning drawings.
<p>Applying the Bushfire Management Overlay in planning schemes to areas where the extent of vegetation can create an extreme bushfire hazard</p>	<ul style="list-style-type: none"> - The BMO does apply to this land recognising that the land is in an area of 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 store in the BMO four scales of consideration are applied: Landscape, Local Conditions, Neighbourhood Conditions and Bushfire Hazard Site Assessment. - Landscape conditions within Section 3.0 of this report. - Local Conditions, Neighbourhood Conditions within Section 2.0 of this report. - The site conditions are considered through the Bushfire Hazard Site Assessment within Section 4.0 of this report.
<p>Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.</p>	<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.
<p>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</p>	<ul style="list-style-type: none"> - The content of this report provides a solid foundation for the design and subsequent approval of the planning proposal, with regard to bushfire risk. - Assessing the site-based bushfire risk and including appropriate bushfire protection measures (e.g. managed land, BALs, separation from the hazard) enables the achievement of the direction of the

Planning Scheme.	
<p>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.</p>	<ul style="list-style-type: none"> - This element of the revised Clause 13.02-1S is the most important element and empowers the Responsible Authority to not approve a permit application until it is satisfied with the bushfire protection measures being implemented. - This report demonstrates that the risk of bushfire should not be a reason for refusal.



Figure Three (a) above – Neighbourhood conditions (within 400m)

Figure Three (b) below – Local conditions (within 1km)



Settlement Planning

<i>Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:</i>	<i>Response</i>
Directing population growth and development to low-risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metres under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).	<ul style="list-style-type: none"> - Recognising the land is an established road reserve lot in a highly vegetated estate that is at high risk from bushfire, development of land with a store should only proceed where all elements of the BMO are achieved. - This report demonstrates that this goal is achieved including the provision of the greatest separation from the hazard and an increased level of construction. - The store has a siting that has been assessed as having a radiant heat flux of less than 12.5kW/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, 2009) where human life can be better protected from the effects of bushfire	<ul style="list-style-type: none"> - The nature of the settlement of Mallacoota provides ready access with a 2-minute drive to areas of the Mallacoota township that constitute BAL-LOW. A NSP-PLR exists in Mallacoota.
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 store. The increased level of vegetation management will reduce the risk of bushfire to the existing buildings of commercial use to the north-west and residents to the south-east.
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 store 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 store in the BMO, four scales of consideration are applied and contained within this report. - The site conditions are best considered through the Bushfire Hazard Site Assessment methodology.
Assessing alternative low risk locations for	<ul style="list-style-type: none"> - The development site is an existing road

settlement growth on a regional, municipal, settlement, local and neighbourhood basis.	reserve lot adjacent commercial and residential development with the ability to improve the interface with the forest to the north-east and south-west.
Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS3959-2018.	- The proposal is a statutory planning application only.

Areas of high biodiversity conservation value

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

Assessment of the development

- The assessment of the vegetation has been undertaken, and responded to, by the broader planning application with consideration of the requirement for bushfire and communication between the practitioners preparing the reports.
- An attempt to retain the tall existing trees in the rear of the lot is made with an unspecified alternate measure to not separate their canopies.

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 store, and 'store' is a nested term in the 'warehouse' group this section of Clause 13.02-1S is not directly 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	The development of a store provides a siting that achieves Column A separation from the

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address the identified bushfire risk.	hazard and the design of the store is in accordance with BAL29 of AS3959.
Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.	This report addresses the bushfire risk and provides an integrated outcome.

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 public land provide management of the forest.
AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).	This is relevant through the derivation of Bushfire Attack Levels and is considered when referring to BAL29. Current standard is AS3959-2018.
Building in bushfire-prone areas - CSIRO & Standards Australia (SAA HB36-1993, May 1993).	This is the handbook to AS3959-2018 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 Four).

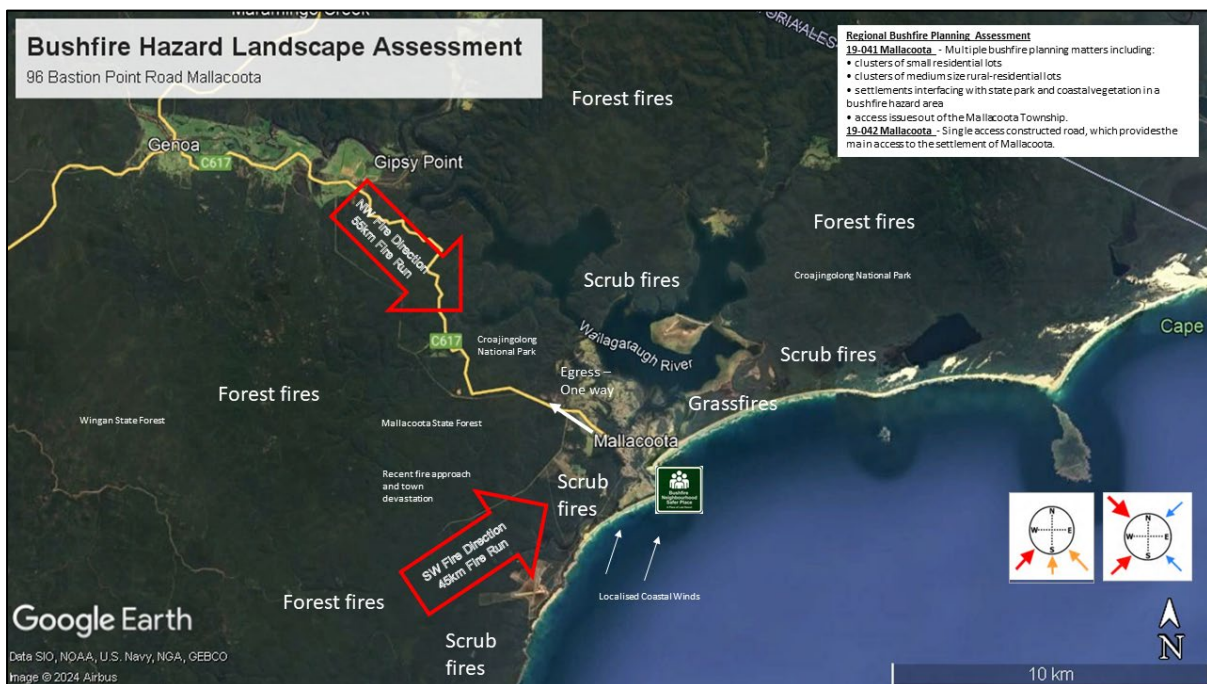


Figure Four – Bushfire Hazard Landscape Assessment

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.

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 within the assumptions of the Bushfire Management Overlay. The design of the building, 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 the landscape fire. The site could experience convection column collapse from the west but does place additional land under vegetation management conditions to strengthen the settlement interface. There is shelter in Mallacoota but an inability to leave the town.

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:

19-041 Mallacoota - Multiple bushfire planning matters including:

- *Clusters of small residential lots*
- *Clusters of medium size rural-residential lots*
- *Settlements interfacing with state park and coastal vegetation in a bushfire hazard area*
- *Access issues out of the Mallacoota Township.*

19-042 Mallacoota - Single access constructed road, which provides the main access to the settlement of Mallacoota.

3.2 Vegetation Extent in the Broader Landscape

The vegetation in the broader landscape is predominantly forest and scrub. An indication of the Ecological Vegetation Classes in the landscape is provided below (site central to image).

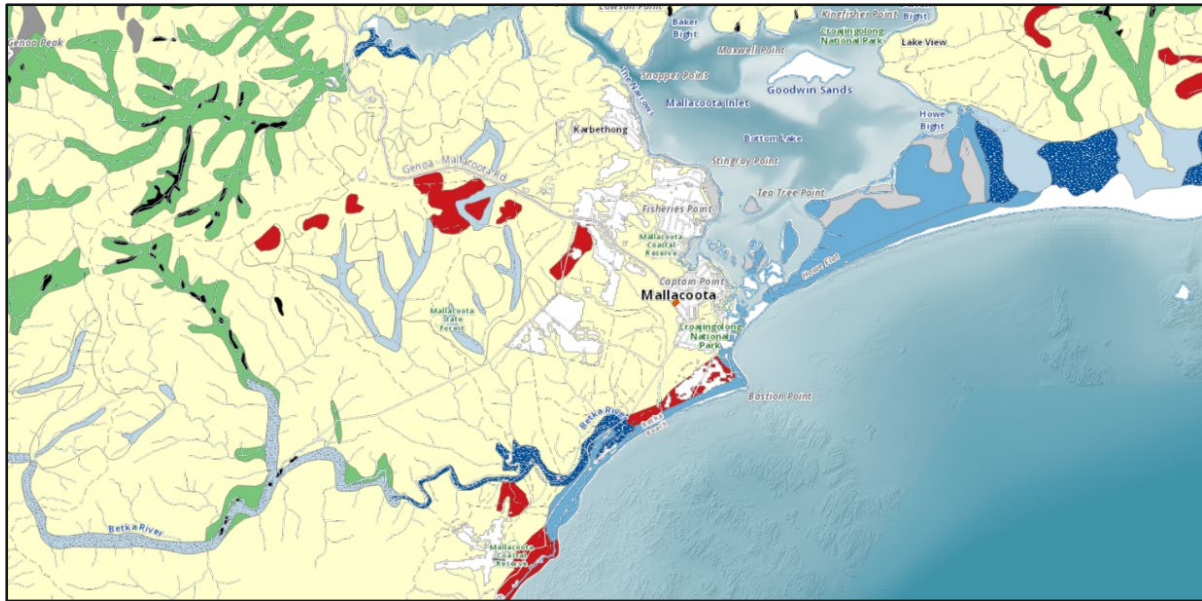


Figure Five – NatureKit Map of surrounds with subject site central to the image showing, Lowland forest (pale orange), Coastal Scrubs Grasslands and Woodlands (blue), Salt-tolerant and/or succulent Shrublands (blue/grey), Heathlands (red), Wetlands (blue with dots), Damp forest (green) and Rainforests (black) (NatureKit, 2024)

3.3 Topography

The topography of the surrounding landscape is typical of this area of Mallacoota. The surrounding area is characterised by forest in the broader landscape with a variety of woodlands, scrubs and heathlands on the coastal areas and waterway regions. There is little cleared vegetation in the form of farmland around the secondary areas of Mallacoota until the settlement area of Genoa approximately 27 kilometres to the north-west. The topography has a natural downslope to the coastal areas with the areas to the north-west being part of the mountain country of Croajingalong National Park. The topography and fuel load within this landscape will contribute to high bushfire threats under certain climatic conditions, impacting property by increased localised ignitions, radiant head and ember attack.

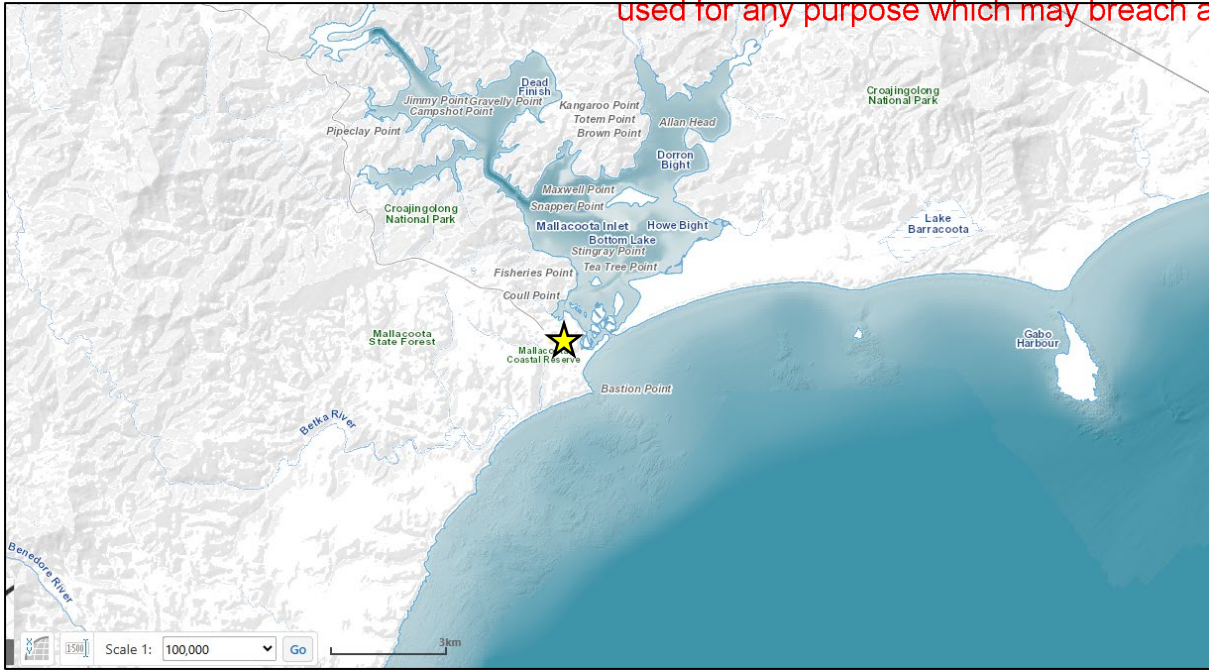


Figure Six – Topography of area around the site (VicPlan, 2024)

3.4 Surrounding Road Network

The planning proposal site has its frontage to Bastion Point Road. Bastion Point Road is a local sealed road, and the property is located along the road. There is rear access via Lees Road. Lees Road is an unsealed dirt road. Bastion Point Road is connected to Maurice Avenue, a local road providing egress to Genoa township, north-west and Mallocota township, east. It is also connected to Bekta Road. Along Bastion Point Road to the north-east is existing commercial and residential use and to the south-west is forest.

3.5 Bushfire History of the Area

There is significant history in the immediate and broader landscape. The area was heavily impacted during the East Gippsland Campaign Fires of 2020. Due to the large expanses of forest, woodland, and coast scrubs throughout the greater area the bushfire risk has always been significant. The bushfire history shows the higher number of fires to the north-west (which is heavily forested and has significant steep and often near inaccessible terrain in places) and east of the area with extensive lowland forest with coast scrubs. Planned burns have occurred in the Mallocota State Forest (to the west), and Croajingalong National Park (to the north) and other surrounding areas.

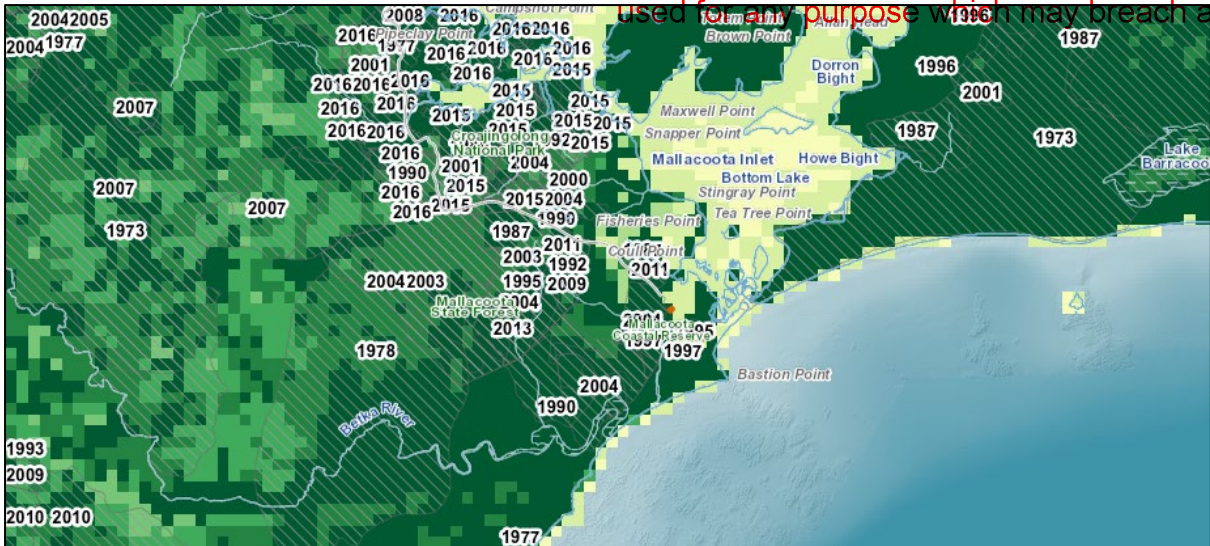


Figure Seven (a) above – Fire History Map – Planned Burns 1970-present (NatureKit, 2024)

Figure Seven (b) below – Fire History Map – Bushfires 1970-present (NatureKit, 2024)



3.6 Bushfire Scenarios

The site is at a high risk of bushfire due to its location adjacent forest and in a coastal location surrounded by extensive forests in the broader landscape. This area has significant fire runs ranging from the lower south-west along the coastal fringes through to the west and north-easterly directions over steeper terrain with little opportunities for some moderation before the outskirts of Mollacocta. The wetland areas associated with Mollacocta Inlet and Top Lake provides some mitigation to the bushfire risk from the north and north-east and west of effects of bushfire on the area. 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 1 – Bushfire from the north-west

A fire approaching from the north-west or west has the potential for a long fire run exceeding 55 kilometres and propagated by rugged terrain and hot, strong winds with minimal opportunities to mitigate the fire with existing clearings and areas of low fuel. This fire can be a landscape fire and be outside the assumptions of the Bushfire Management Overlay due to the ruggedness. A convection column is likely to be established by this fire which is likely to collapse when approaching Mallacoota. If a convection column collapse occurs, massive ember attack will contribute to significant local ignitions. The fire will present to the site as massive ember attack, high radiant heat and localised ignition. This fire may block egress from the site by providing spotting into the settlement and initiating spot fires. Early evacuation (or non-occupancy) is advisable.

Scenario 2 – Bushfire from the south-east

The scenario for a fire approaching from the south-east has the potential for a 300-metre fire run through the public forest to the south-east of the Mallacoota township. Extensive available fuel and fuel types. This fire when propagated by high temperatures and coastal winds has the potential of posing a significant landscape fire threat. This fire can be part of a larger landscape fire and be outside the assumptions of the Bushfire Management Overlay. The fire will present to the site as ember attack, high radiant heat, and localised ignition. This fire is unlikely to block egress from the site, however early evacuation or non-occupancy is advisable.

Scenario 3 – Bushfire from other directions

The other scenarios for this site are dominated by the mixed vegetation types ranging from forest, woodland and coastal scrubs. The outskirts of Mallacoota has some smaller areas of grassland and developed areas with residential areas that may assist with some moderation of fire. The road network also traverses the integrated forest areas. Fire spread in this scenario is expected to emanate from Scenario 1 and 2. The fire will present to the site as radiant heat and ember attack. This fire may block egress from the site, and early evacuation is advisable.

3.7 Neighbourhood Safer Place – Place of Last Resort

There is a nearby designated Neighbourhood Safer Place – Place of Last Resort, located at Mallacoota Foreshore Holiday Park Waterfront area between boat ramp and Captain Stevenson's Point, 12 Allan Drive, Mallacoota 3892.

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 Eight.

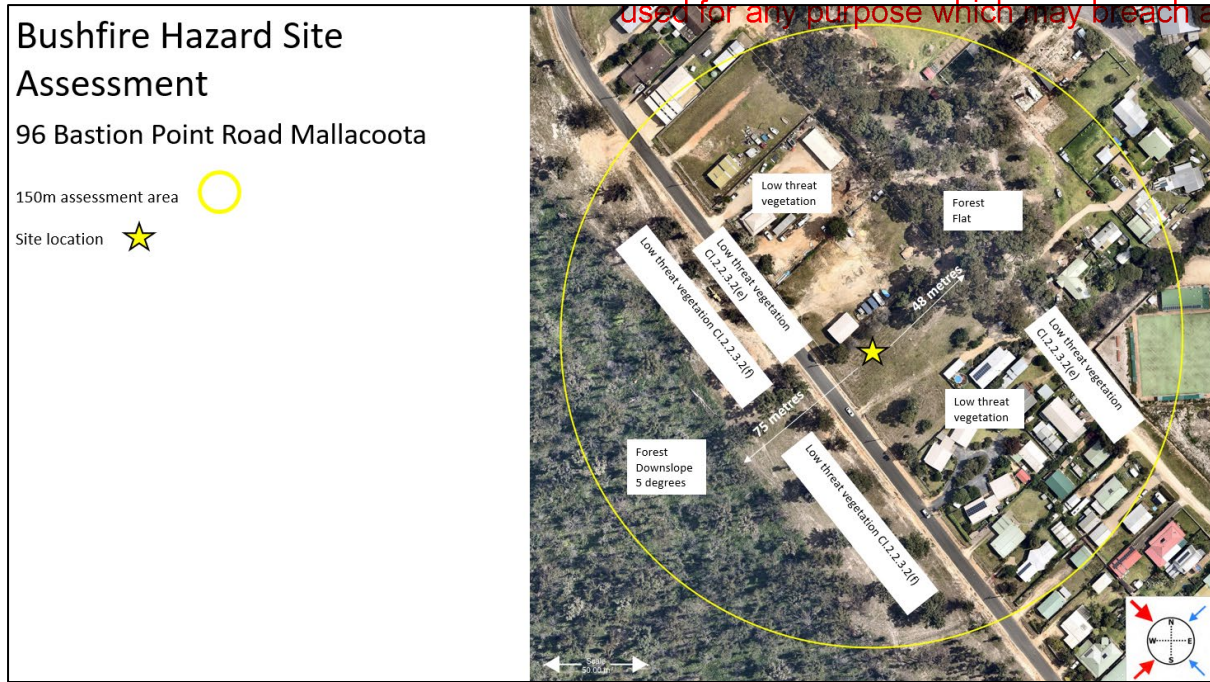


Figure Eight – Bushfire Hazard Site Assessment

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 13.02-1S of the Scheme. This report demonstrates that the application meets the objective of Clause 13.02-1S ‘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 Five) 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 land has forest to the north-east and is associated with the unsealed road of Lees Road, private and public land, and public use zone, further into the broader landscape.



Image – Looking north-east from the middle of site to the unfenced rear boundary, access from Lees Road and forest in the background (site inspection, 2024)

The forest to the south-west (75 metres) is associated with the Mallacoota State Forest. Bastion Point Road and a managed road reserve separating the site and Mallacoota State Forest that is substantially clear of any undergrowth and dense tree canopy before connecting to the state forest.



Image – Looking north-west of Bastion Point Road with site on the right hand side and road reserve and Mallacoota State Forest on the left hand side (site inspection, 2024)



Image – Looking opposite the site at managed road reserve and Mallacoota State Forest (site inspection, 2024)

Vegetation Classification: Excludable and 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 store has low threat vegetation in the immediate north-west and south-east. Majority of the lots are managed near buildings, dwellings and outbuildings with typical garden and grass underplanting. The road reserve separating Mallacoota State Forest and Bastion Point Road is substantially clear of any understory and dense tree canopies and provides a fire break.



Image – Looking at existing conditions already on 98 Bastion Point Road Mallacoota – neighbouring lot (site inspection, 2024)



Image – Looking north-east into the site from Bastion Point Road with existing conditions on either side of the proposed development of a store. 98 Bastion Point Road (left) and 94 Bastion Point Road (left) (site inspection, 2024)

4.2 Topography

The topography of the site and the surrounding area is generally flat with some slope further afield. Downslope occurs in the broader landscape, particularly at the cusp of the Mallacoota State Forest, directing the natural course of water to Davis Creek.



Figure Nine – Topography local to the site (VicPlan, 2024)

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-east	Forest	Flat	48 metres	Table 2 Column A
South-east	Low threat vegetation	Not applicable	Not applicable	Table 2 BAL12.5
South-west	Forest	5 degrees downslope	75 metres	Table 2 Column A
	Low threat vegetation	Not applicable	Not applicable	Table 2 BAL12.5
North-west	Low threat vegetation	Not applicable	Not applicable	Table 2 BAL12.5

Table 2 – Separation determination

Orientation	Highest threat vegetation	Average slope under classifiable vegetation	Separation distance currently	Separation achieved
North-east	Forest	Flat	48 metres	BAL12.5 48 metres
South-east	Low threat vegetation	Not applicable	Not applicable	50 metres or to property boundary where lesser
South-west	Forest	5 degrees downslope	75 metres	BAL12.5 57 metres
North-west	Low threat vegetation	Not applicable	Not applicable	50 metres or to property boundary where lesser

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

- The neighbouring and adjacent lots, and neighbourhood setting in the broader landscape contain existing buildings, dwellings and outbuildings and maintained garden and lawn reflecting low threat vegetation, and presumably continue in this manner.
- Defendable space of 50 metres around the building or to the property boundary, whichever is the lesser will be applied to every direction.
- The vegetation on site will be managed to defendable space requirements.
- The siting of proposed store provides for a Column A separation from the hazard in all directions, derived from ‘Column A, Forest, 48 metres, flat’ and increased for the ‘low threat vegetation’ default.
- Column A, 48 metres of separation is made up of 46 metres from store to rear boundary and an addition 2 metres of Lees Road. This can be justified given the proposed store is for storage and not a place of residence and Lees Road abutting the rear boundary is clear of any vegetation within those 2 metres and maintained under the fire prevention measures of public land of Mallacoota.



Image – Looking north-west from 96 Bastion Point Road Mallacoota towards 98 Bastion Point Road Mallacoota, Lees Road and forest adjacent the lots (site inspection, 2024)

- Given the presences of vegetation within the assessment area and broader landscape, it is appropriate and achievable for the store to meet the requirements of BAL29.

5.0 Bushfire Management Plan

The Bushfire management Plan is contained in Appendix One.

5.1 Proposed Planning Permit Conditions

The following are the expected planning permit conditions.

The bushfire management plan prepared by Euca Planning (Version 1, dated 12/09/2024) 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	Approved Measure	Achieved	Justification
Clause 53.02-3 Dwelling in existing settlements – Bushfire protection objective	AM 1.1	Not applicable	
	AM 1.2	Not applicable	
	AM 1.3	Not applicable	
Clause 53.02-4.1 Landscape, siting and design objectives	AM 2.1	Applicable	
	AM 2.2	Applicable	
	AM 2.3	Applicable	
Clause 53.02-4.2 Defendable space and construction objectives	AM 3.1	Applicable	The building is a store (nested in warehouse) which is no longer part of industry but AM3.1 is deemed appropriate to be used in lieu of an AltM.
	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	
	Unspec AltM	Applicable	Canopy separation variability
Clause 53.02-4.3 Water supply and access objectives	AM 4.1	Applicable	The building is a store (nested in warehouse) which is no longer part of industry but AM3.1 is deemed

		appropriate to be used in lieu of an AltM.
	AM 4.2	Not applicable
Clause 53.02-4.4 Subdivision objectives	AM 5.1	Not applicable
	AM 5.2	Not applicable
	AM 5.3	Not applicable
	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:</p> <p>The development site is positioned south-west of Mallacoota and is an existing road reserve with proposed development of a store. The development site has forest to the north-east and west, and low threat vegetation in all other directions comprising of commercial and residential development. The land is zoned mix use. The store upgrades the existing conditions further and enhances protection to neighbouring lots by land management. Mallacoota State Forest to the south-west, extending into the broader landscape. It is expected that a large landscape fire could occur near the site from the north-west and south-west. Scenarios are detailed earlier in this report. It is noted that the site has reasonable access to the front and rear of development site. All bushfire scenarios are not within the scope of the Bushfire Management Overlay assumptions. The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level by adopting a Column A of Table 2 to Clause 53.02-5 separation, construction requirement to BAL of 29, 50 metres of defensible space or to the property boundary whichever is the lesser as an acceptable approach.</p>

<p>AM 2.2</p>	<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:</p> <p>The store is sited in a substantially cleared area, and approximately 15 metres from Bastion Point Road, achieving separation from the boundaries and vegetation. The store will be accessed by a new and all-weather driveway. Emergency vehicles will be able to access the building and water supply from the access, with turning near the water supply, and store, although not required as the road is within 4 metres of the road. The building is sited away for the retained tree clusters in the rear of the lot.</p>
<p>AM 2.3</p>	<p>A building designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.</p> <p>Response:</p> <p>The store is a simple modest design, external materials is corrugated iron, and will meet the construction requirements of BAL29.</p>

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.

<p>Approved Measure</p>	<p>Requirement</p>
<p>AM 3.1</p>	<p>A building used for a dwelling (including an extension or alteration to a dwelling), small second dwelling, 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:</p> <p>Store is now nested in Warehouse, which is not part of Industry however it is deemed that AM3.1 is reasonable. The store is sited within 150 metres of forest to the north-east and south-west, and low threat vegetation in all other directions. The forest to the north-east associated with public road reserve is flat and approximately 48</p>

metres from the store. The forest to the south-west (75 metres) associated with Mallacoota State Forest is 5 degrees downslope towards Davis Creek. The land between the store and Mallacoota State Forest is flat comprising of Bastion Point Road and a maintained public road reserve. The siting is towards the front of lot achieving the best separation from the hazards given the proximity of boundaries. The store achieves a separation from the hazard in accordance with Column A of Table 2 of Clause 53.02-5. The defendable space is 50 metres around the store or to the property boundary, whichever is the lesser. The store will be designed to meet the construction requirements of BAL29 as detailed in AS3959-2018, to better respond to the ember attack.

AltM unspecified

Retain existing trees, as shown as retained on the Bushfire Management Plan V1, without canopy separation requirements.



Image – Looking south-west along boundary towards Bastion Point Road with existing mature trees to be retained (site inspection, 2024)

Response:

The site is an established road reserve with limited mature trees that achieve separation from the ground to the lowest branches. Reference should be made to the Bushfire Management Plan V1.0 of every tree proposed for retention. The mature trees are to the rear of the site, that are distant to the store shed, providing a backdrop to the view from Bastion Point Road and the store shed. They are an isolated cluster quite distant to the landscape forest and away from the building. Their retention is not expected to reduce the effectiveness of the bushfire mitigation measures.

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 small second dwelling, 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: Store is now nested in Warehouse, which is not part of Industry however it is deemed that AM4.1 is reasonable. The proposed store is to be served by a new static water supply for firefighting by a tank constructed of non-combustible material located to the west of store and within 4 metres of access from the driveway.</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 (2024) 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

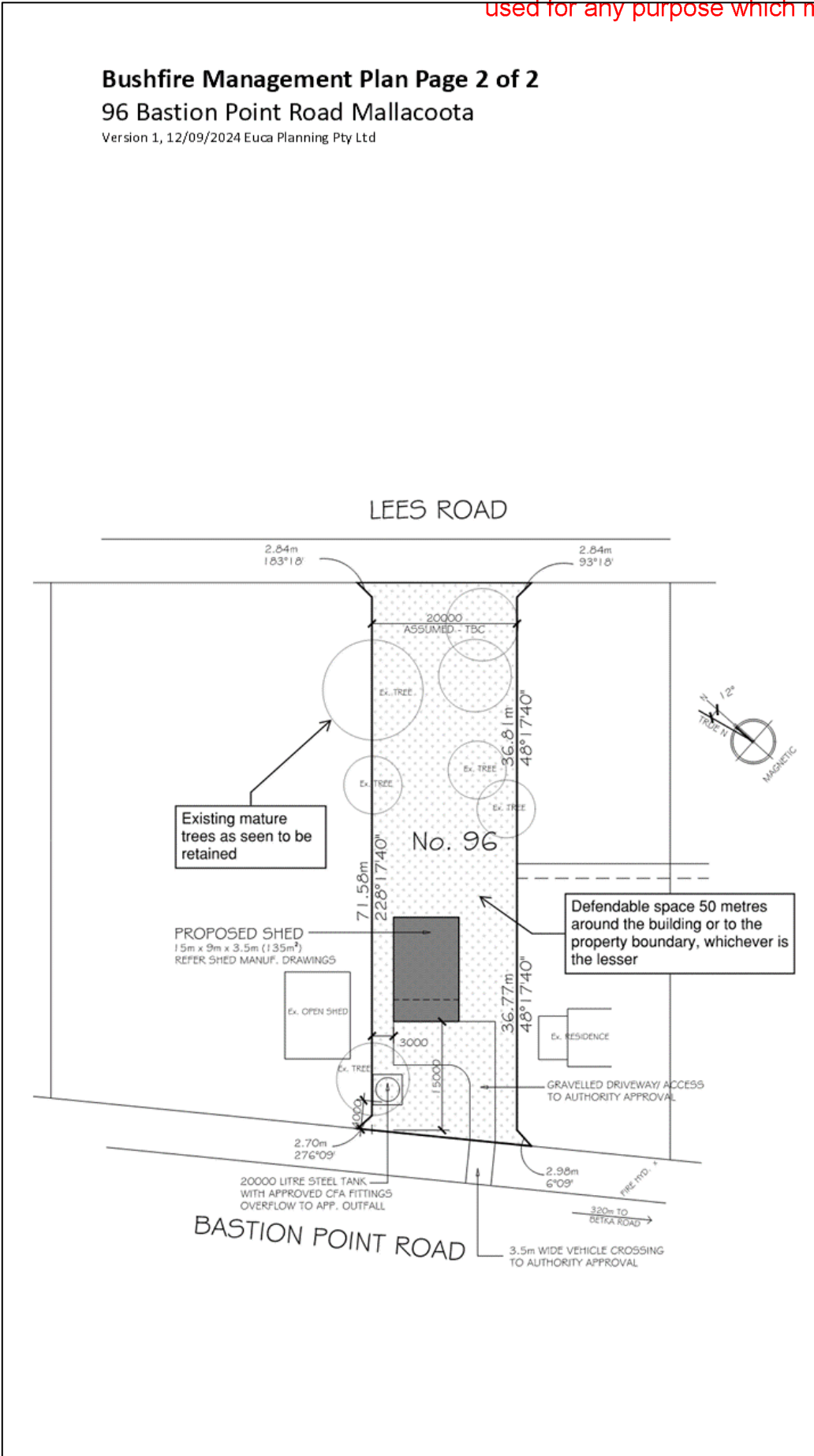
Appendix One: Bushfire Management Plan

<p>Bushfire Management Plan Page 1 of 2 96 Bastion Point Road Mallacoota Version 1.12/09/2024 Euca Planning Pty Ltd</p> <p>BUSHFIRE PROTECTION MEASURES</p> <p>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</p> <p>Construction Standard Building design and all construction works need to comply with a minimum BAL of BAL29 from AS 3959.</p> <p>Defensible space Defensible space extending around the building for a distance of 50 metres (or to the property boundary where lesser) will be managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> • 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 cm 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 5sq. 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, unless an existing tree shown on the Bushfire Management Plan. • There must be a clearance of at least 2 metres between the lowest tree branches and ground level. 	<p>Firefighting water supply The following requirements apply:</p> <ul style="list-style-type: none"> • 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. • 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 4m of the accessway and be unobstructed. • Incorporate a separate ball or gate valve (BSPI 65mm) and coupling (64 mm CFA 3 thread per inch male fitting). • Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling). <p>Access Access is required, and the following design and construction requirements apply:</p> <ul style="list-style-type: none"> • 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 per cent) (7.1 degrees) entry and exit angle.
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96 Bastion Point Road Mallacoota

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Bushfire Management Plan Page 1 of 2

96 Bastion Point Road Mallacoota

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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, 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

Construction Standard

Building design and all construction works need to comply with a minimum BAL of BAL29 from AS 3959.

Defendable space

Defendable space extending around the building for a distance of 50 metres (or to the property boundary where lesser) will be managed in accordance with the following requirements:

- 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 cm 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 5sq. 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, unless an existing tree shown on the Bushfire Management Plan.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Firefighting 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.
- 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 4m of the accessway and be unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access

Access is required, and the following design and construction requirements apply:

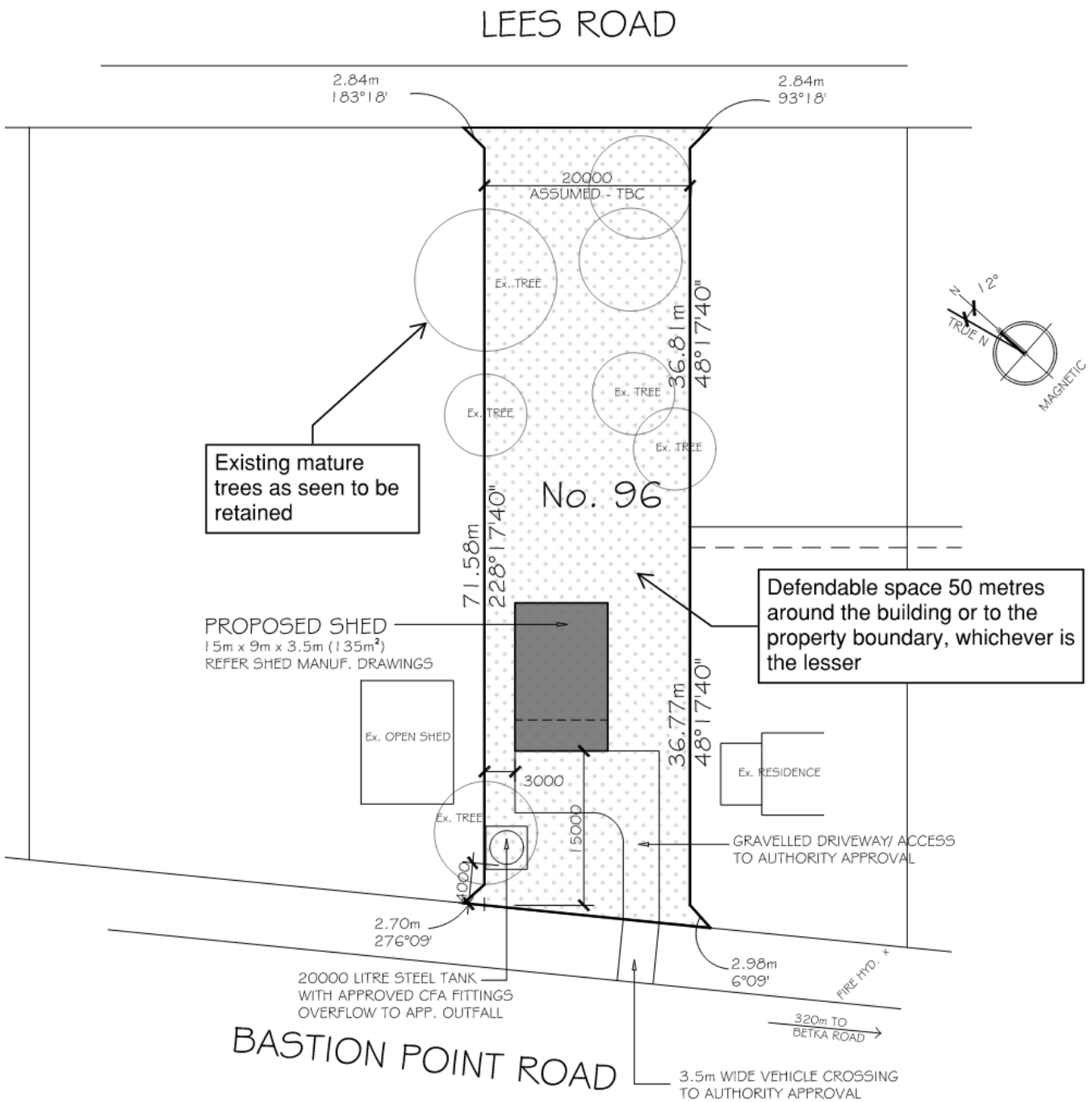
- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be 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 per cent) (7.1 degrees) entry and exit angle.

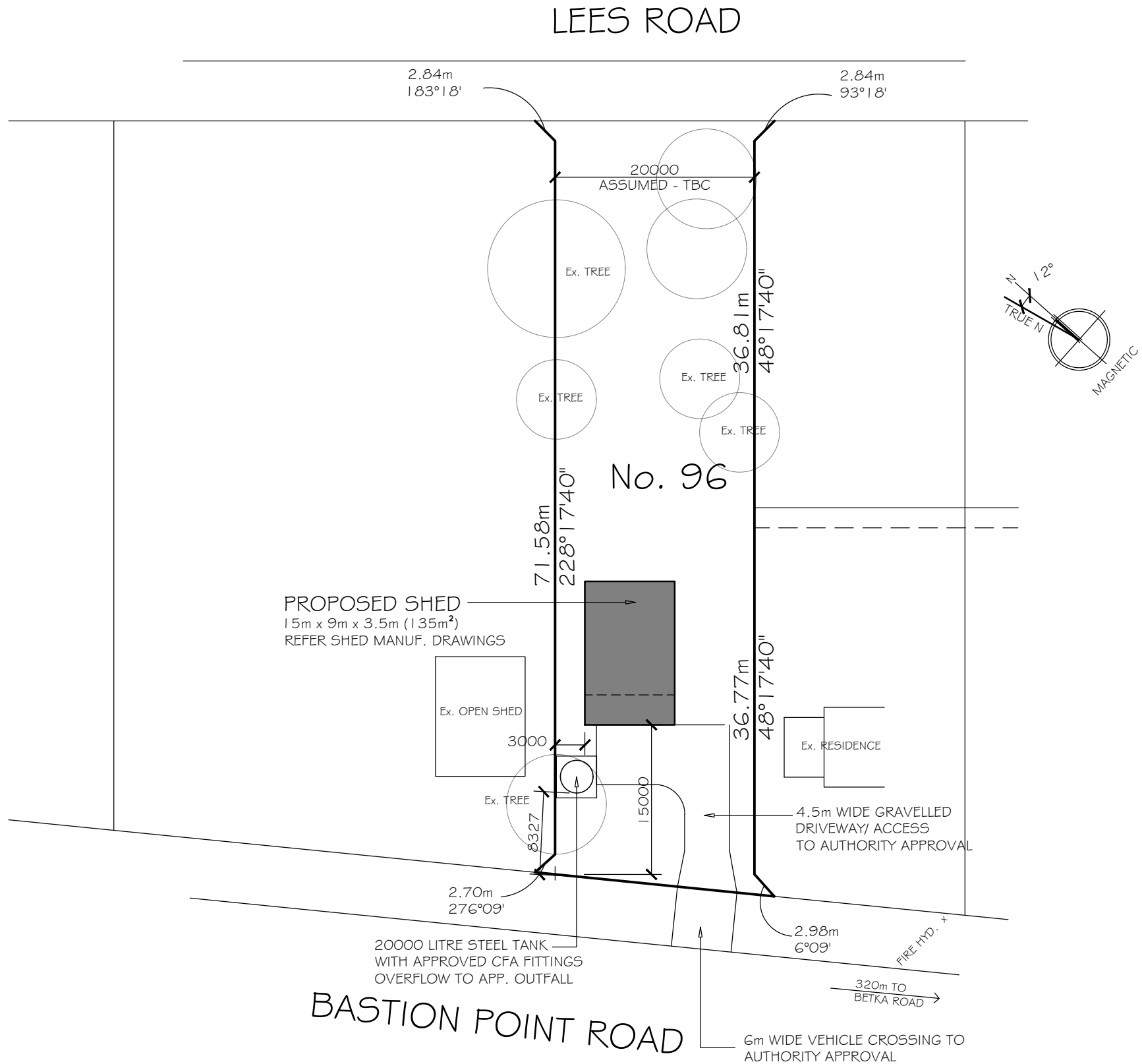
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96 Bastion Point Road Mallee

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SITE/ LOCALITY PLAN

SCALE 1 : 500



Bushfire Management Plan

Firefighting water supply

Provide 10,000 litres of effective water supply for firefighting purposes which must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-groundwater pipes and fitting required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- 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 4m of the accessway and be unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65mm (excluding the CFA coupling)

Bushfire Construction Level

All construction works need to comply with AS 3959 - BAL29.

Defendable Space

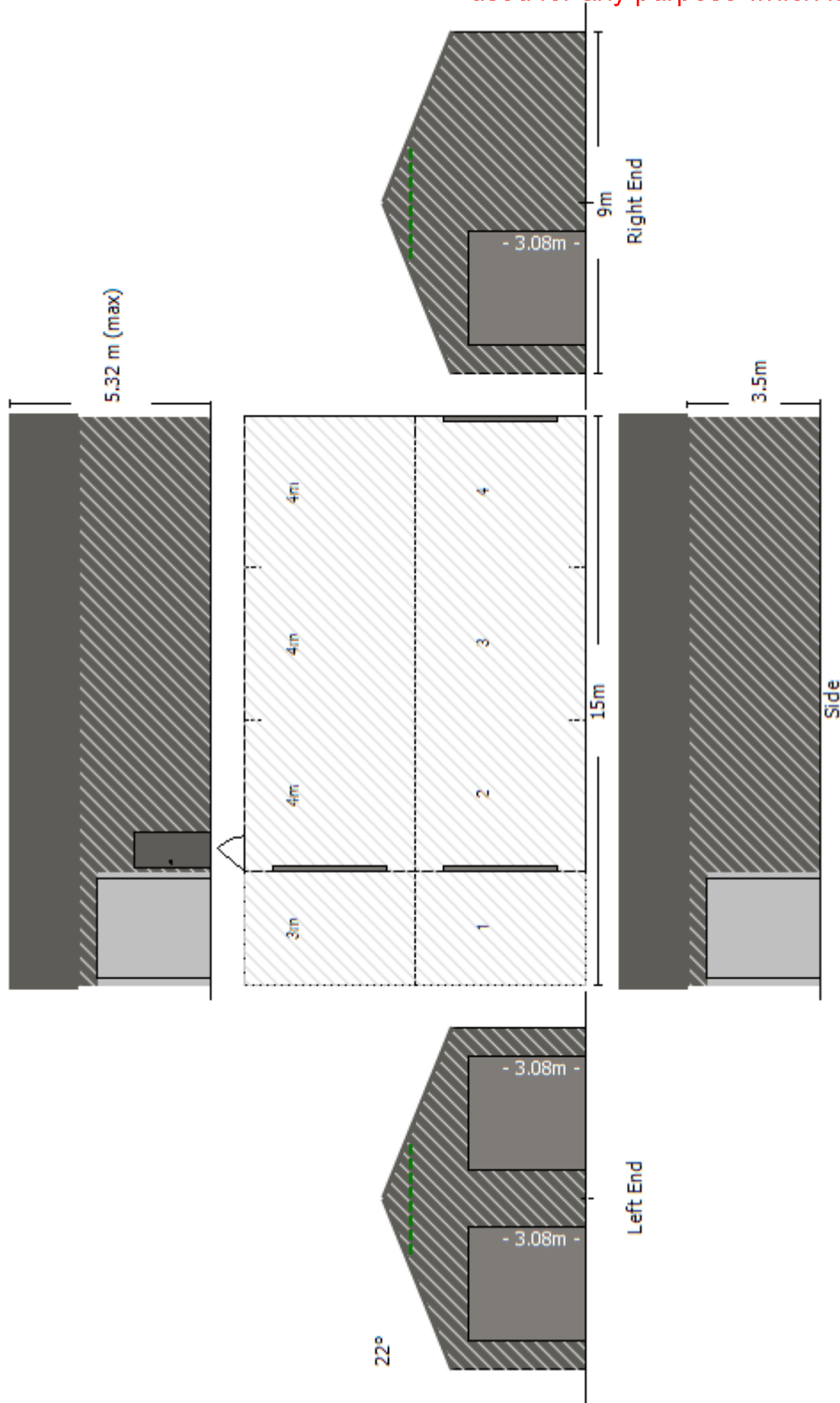
Provide defendable space around the dwelling for a distance of 50 metres or to the property boundary where lesser, and for a distance of 10 metres around the outbuilding, that will be modified and managed in accordance with the following requirements:

- 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 10cm 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 5m² in area and must be separated by at least 5 metres.
- Trees must not overhand 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 the ground level.



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