

# NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	30 Zachary Drive MALLACOOTA VIC 3892 Lot: 4 PS: 734387
The application is for a permit to:	Development of a Dwelling and Outbuilding
<b>A permit is required under the following clauses of the planning scheme:</b>	
<b>Planning Scheme Clause</b>	<b>Matter for which a permit is required</b>
44.06-2 (BMO)	Buildings and works associated with accommodation
42.03-2 (SLO)	Buildings and works
42.02-2	Remove, lop or destroy vegetation.
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2025.209.1

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.

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

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



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

Page 1 of 1

VOLUME 12462 FOLIO 761

Security no : 124125177034K  
Produced 10/06/2025 10:30 AM

### LAND DESCRIPTION

Lot 4 on Plan of Subdivision 734387D.

PARENT TITLES :

Volume 11857 Folio 049      Volume 11861 Folio 241

Created by instrument PS734387D/D1 22/03/2023

### REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

EMMA LOUISE BRUCE

MATTHEW JOSEPH CUCE

AY766093L 09/01/2025

### ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987  
S946112Y 18/02/1994

AGREEMENT Section 173 Planning and Environment Act 1987  
AM857158G 16/06/2016

### DIAGRAM LOCATION

SEE PS734387D FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 30 ZACHARY DRIVE MALLACOOTA VIC 3892

### ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



# Imaged Document Cover Sheet

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EDITION 2 PS 734387D

COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL

# PLAN OF SUBDIVISION

## LOCATION OF LAND

**PARISH:** MALLACOOTA  
**TOWNSHIP:** \_\_\_\_\_  
**SECTION:** \_\_\_\_\_  
**CROWN ALLOTMENT:** 9 A (PART)  
**CROWN PORTION:** \_\_\_\_\_  
**TITLE REFERENCE:** VOL 10097 FOL 247  
 VOL 11857 FOL 049  
**LAST PLAN REFERENCE:** LOT 1 - PS312176W  
 LOT 1 - PS640193Q  
**POSTAL ADDRESS:** 30 & 32 ZACHARY DRIVE,  
 (at time of subdivision) MALLACOOTA 3892  
**MGA94 CO-ORDINATES:** E: 742 040 ZONE: 55  
 (of approx centre of land in plan) N: 5841 460

## VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

## NOTATIONS

**DEPTH LIMITATION** 15.24 METRES BELOW THE SURFACE

### SURVEY:

This plan is based on survey.

### STAGING:

This is not a staged subdivision.  
 Planning Permit No.

This survey has been connected to permanent marks No(s). 52 & 53

In Proclaimed Survey Area No. NIL

DIMENSIONS SHOWN UNDERLINED ARE NOT THE RESULT OF THIS SURVEY.  
 THE AREA OF LOT 3 IS BY DEDUCTION FROM TITLE.

LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS  
 FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT & LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND IF APPLICABLE, OWNERS CORPORATION RULES

## EASEMENT INFORMATION

**LEGEND:** A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO THE LAND IN THIS PLAN

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	ELECTRICITY SUPPLY	10	PS312172W	S. E. C. V.
E-1	WAY, DRAINAGE, SEWERAGE & SUPPLY OF GAS, ELECTRICITY, TELEPHONE SERVICES, WATER AND DATA TRANSMISSION	10	PS312172W	LOT 1 ON PS312176W
E-2	ELECTRICITY SUPPLY	10	PS312172W	S. E. C. V.
E-2	WAY, DRAINAGE, SEWERAGE & SUPPLY OF GAS, ELECTRICITY, TELEPHONE SERVICES, WATER AND DATA TRANSMISSION	10	PS312172W	LOT 2 ON PS312176W

**Crowther & Sadler** Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS  
 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875  
 P. (03) 6162 6011 E. contact@crowthersadler.com.au

SURVEYORS FILE REF: 19883

MICHAEL JOSEPH SADLER, VERSION 1

ORIGINAL SHEET  
 SIZE: A3

SHEET 1 OF 2 SHEETS

THIS IS A LAND USE VICTORIA  
 COMPILED PLAN  
 FOR DETAILS SEE MODIFICATION TABLE HEREIN

Printed 3/09/2025  
 Page 4 of 165

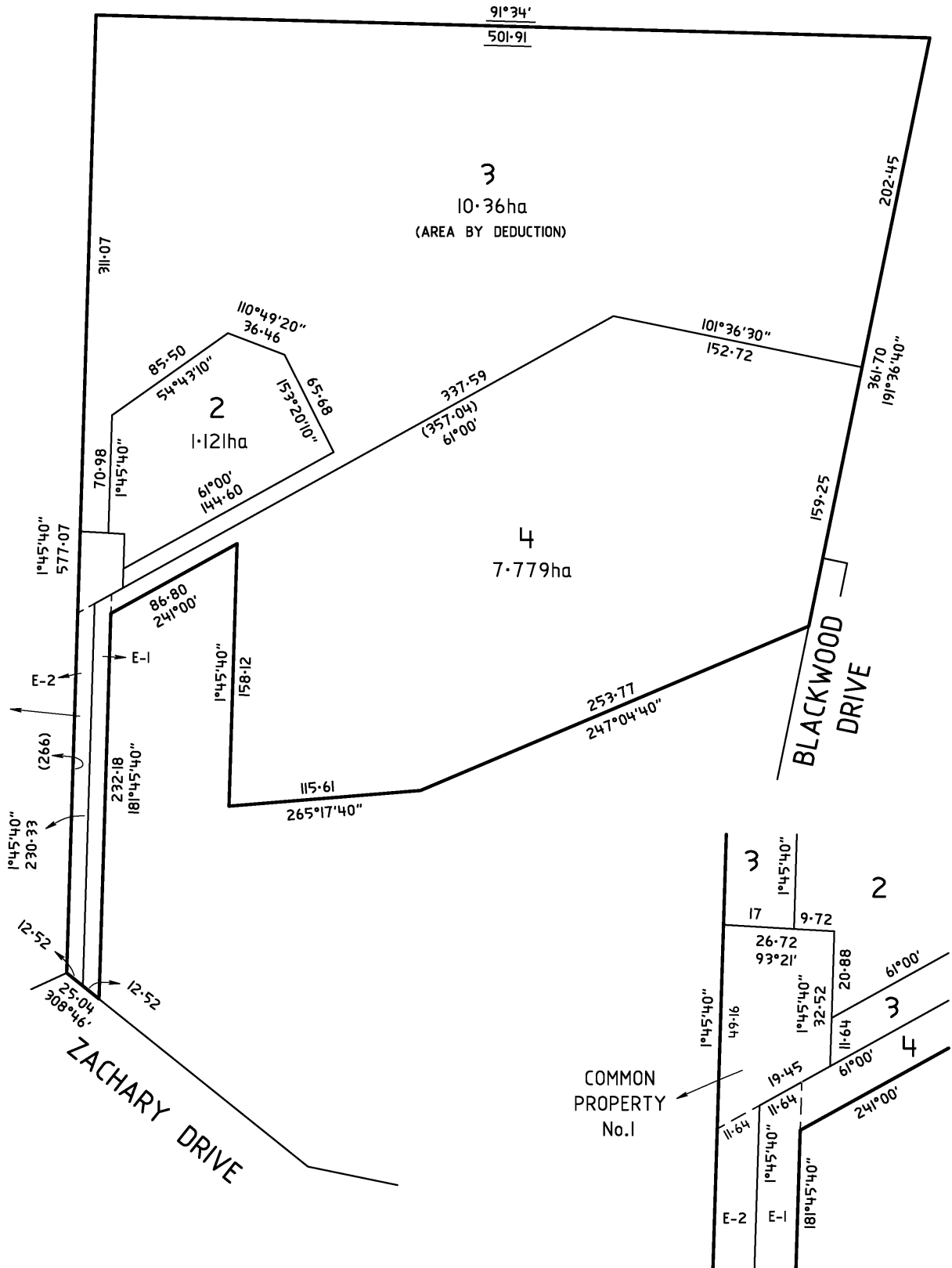
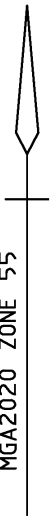


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PS 734387D

COMMON  
PROPERTY  
No. 1  
3326m<sup>2</sup>

MGA2020 ZONE 55



COMMON  
PROPERTY  
No.1

**Crowther & Sadler Pty. Ltd.**

LICENSED SURVEYORS & TOWN PLANNERS  
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875  
P. (03) 6162 6011 E. contact@crowthersadler.com.au

SURVEYORS REF  
19883

SCALE  
1:2500

25 0 25 50 75 100  
LENGTHS ARE IN METRES

ORIGINAL SHEET  
SIZE: A3

SHEET 2

MICHAEL JOSEPH SADLER, VERSION 1

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## **Plan of Subdivision PS734387D**

### **Certification of plan by Council (Form 2)**

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S064112V

Plan Number: PS734387D

Responsible Authority Name: East Gippsland Shire Council

Responsible Authority Permit Ref. No.: 315/2013/P

Responsible Authority Certification Ref. No.: PS734387D

Surveyor's Plan Version: 1

### **Certification**

☒ This plan is certified under section 6 of the Subdivision Act 1988

### **Public Open Space**

A requirement for public open space under section 18 of the Subdivision Act 1988

☐ Has not been made at Certification

Digitally signed by Council Delegate: Sarah McLaughlin

Organisation: East Gippsland Shire Council

Date: 16/04/2015



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RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLANNING NUMBER  
PS734387D

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.  
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# Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 Planning and Environment Act 1987

Lodged by:

Name: Eastcoast Conveyancing  
Phone: (03)5152 1171  
Address: DX 82212 Bairnsdale Vic  
Reference: 16-3282  
Customer Code: 549U



The Responsible Authority having made an agreement referred to in Section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register.

Land: *(volume and folio)*

Volume 10766 Folio 283 Volume 10097 Folio 248

Responsible Authority: *(full name and address including postcode)*

East Gippsland Shire Council of 273 Main Street Bairnsdale Victoria 3875

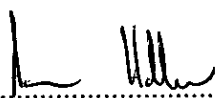
Section and Act under which agreement made:

Section 173 Planning & Environment Act 1987

A copy of the agreement is attached to this Application.

Date: 08/06/2016

Signature for Responsible Authority:



Name of Officer:

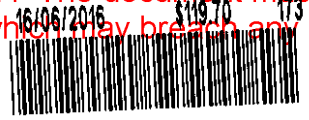
Aaron Hollow  
Manager Statutory Services.



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Date 03/06/2016

**Agreement under section 173  
of the Planning and Environment Act 1987**  
Subject Land: 162 Mirrabooka Road Mallacoota

East Gippsland Shire Council  
and

Ian John Bruce, Narelle Bruce and Roger Edward Bruce



AM857158G



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## Agreement under section 173 of the Planning and Environment Act 1987

Dated 03 / 06 / 2016

AM857158G

16/06/2016 \$119.70 173



### Parties

Name	<b>East Gippsland Shire Council</b>
Address	273 Main Street, Bairnsdale, Victoria
Short name	<b>Council</b>

Name	<b>Ian John Bruce and Narelle Bruce and Roger Edward Bruce</b>
Address	Mirrabooka Road Mallacoota, Victoria
Short name	<b>Owner</b>

### Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council issued the Planning Permit requiring the Owner to enter into this Agreement providing for the matters set out in conditions 4 and 23 of the Planning Permit.
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

### The Parties agree

#### 1. Definitions

In this Agreement unless the context admits otherwise:

**Act** means the *Planning and Environment Act 1987*.

**Agreement** means this Agreement and includes this Agreement as amended from time to time.

**Bushfire Building Envelope** means the areas identified in the Bushfire Management Statement Plan as a 'building envelope' or the like.



## Agreement under section 173 of the Planning and Environment Act 1987

Dated 03 / 06 / 2016

AM857158G



### Parties

Name	<b>East Gippsland Shire Council</b>
Address	273 Main Street, Bairnsdale, Victoria
Short name	<b>Council</b>

Name	<b>Ian John Bruce and Narelle Bruce and Roger Edward Bruce</b>
Address	Mirrabooka Road Mallacoota, Victoria
Short name	<b>Owner</b>

### Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council issued the Planning Permit requiring the Owner to enter into this Agreement providing for the matters set out in conditions 4 and 23 of the Planning Permit.
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

### The Parties agree

#### 1. Definitions

In this Agreement unless the context admits otherwise:

**Act** means the *Planning and Environment Act 1987*.

**Agreement** means this Agreement and includes this Agreement as amended from time to time.

**Bushfire Building Envelope** means the areas identified in the Bushfire Management Statement Plan as a 'building envelope' or the like.



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**Bushfire Management Statement Plan** means the report entitled 'Bushfire Management Statement Plan Version 1, Ref 12555', prepared by Crowther and Sadler, dated 3 September 2013, as amended from time to time, and approved by Council in accordance with clause 44.06-2 of the Planning Scheme, or such other plan approved by Council'.

**Consent or Satisfaction Fee** means a fee payable by the Owner to Council for determining whether any one of the Owner's obligations has been undertaken to Council's satisfaction, or deciding whether to give consent for anything this Agreement provides must not be done without Council's consent, and which is payable at the rate of:

- (a) \$102 if paid within 12 months from the date that this Agreement commences; or
- (b) \$102 plus Indexation if paid at any time after 12 months from the date that this Agreement commences.

**CPI** means the annual Consumer Price Index (All Groups-Melbourne) as published by the Australian Bureau of Statistics, or, if that index number is no longer published, its substitute as a cumulative indicator of the inflation rate in Australia, as determined by Council from time to time.

**Current Address** means:

- (a) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- (b) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

**Current Email** means:

- (a) for Council, feedback@egipps.vic.gov.au, or any other email address listed on Council's website; and
- (b) for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

**Dependent Person's Unit** has the same meaning as in the Planning Scheme.

**Dwelling** has the same meaning as in the Planning Scheme.

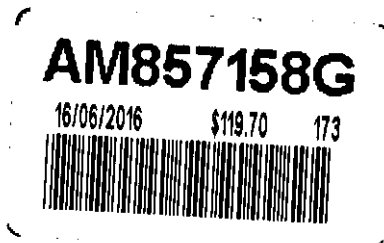
**Indexation** means an annual adjustment to the Consent Fee carried out in accordance with CPI.

**Lot** means a lot created by a subdivision of the Subject Land whether in accordance with the Planning Permit or otherwise.

**Mortgagee** means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land or any part of it.

**Owner** means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

**Owner's obligations** includes the Owner's specific obligations and the Owner's further obligations.





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**Party or Parties** means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

**Planning Permit** means planning permit no.61/2008/P/C, as amended from time to time, issued on 28<sup>th</sup> January 2010, authorising the subdivision of the Subject Land in accordance with plans endorsed by Council.

**Planning Scheme** means the East Gippsland Planning Scheme and any other planning scheme that applies to the Subject Land.

**Property Management Plan** means the plan endorsed by Council from time to time pursuant to condition 4 of the Planning Permit

**Proposed Lot** means a lot identified on the Endorsed Plan.

**Relevant Fire Authority** means the relevant fire authority for the Subject Land pursuant to the Planning Scheme.

**Subject Land** means the land situated at 162 Mirrabooka Road Mallacoota being the land referred to in certificates of title volume 10766 folio 283 and volume 10097 folio 248 and any reference to the Subject Land includes any Lot created by the subdivision of the Subject Land or any part of it.

## 2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

**AM857158G**

16/06/2016 \$119.70 173



## 3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:



- 3.1 give effect to the Planning Permit;
- 3.2 satisfy the requirements of the exemption from a planning permit contained in Clause 44.06-1 of the Planning Scheme; and
- 3.3 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

---

#### 4. Reasons for Agreement

The Parties acknowledge and agree that Council entered into this Agreement for the following reasons:

- 4.1. Council would not have issued the Planning Permit without the condition requiring this Agreement;
- 4.1 the CFA would not have agreed to the Planning Permit without the condition requiring this Agreement; and
- 4.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

---

#### 5. Agreement required

The Parties agree that this Agreement will continue to be required unless Council confirms in writing that it is no longer required.

---

#### 6. Owner's specific obligations

##### 6.1 Bushfire management

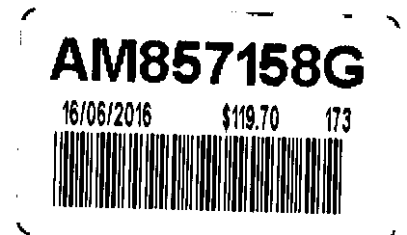
The Owner must ensure that any future Dwelling or Dependent Person's Unit built, constructed or erected, or permitted to be built, constructed or erected:

- 6.1.1 must be provided with a static water supply which meets all requirements of condition 26 of the Planning Permit; and
- 6.1.2 must be constructed within the Bushfire Building Envelope.

##### 6.2 Vegetation Management

The Owner must:

- 6.2.1 implement the defendable space requirements set out in the Bushfire Management Statement Plan:
  - (a) on Proposed Lot 2 – before the issue of the statement of compliance; and
  - (b) on any of Proposed Lots 1, 3, 4, 5, 6, or 7 – before the occupation of any new Dwelling on the relevant Lot;
- 6.2.2 maintain vegetation on the Subject Land in accordance with the requirements of:



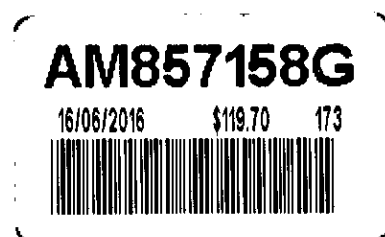


- (a) conditions 27 and 28 of the Planning Permit; and
- (b) the Bushfire Management Statement Plan.

### 6.3 Static Water Supply

The Owner must:

- 6.3.1 before the issue of the statement of compliance, provide a static water supply for the existing Dwelling on Proposed Lot 2;
- 6.3.2 before any new Dwelling is occupied on any of Proposed Lots 1, 3, 4, 5, 6, or 7, provide a static water supply on the Subject Land to service that Lot in accordance with the requirements of Condition 26 of the Planning Permit; and
- 6.3.3 ensure the static water supply:
  - (a) provides a minimum of 10,000 litres of water;
  - (b) is maintained solely for fire fighting purposes;
  - (c) is located within 60 metres of all outer walls of the Dwelling it services (allowing for any obstructions);
  - (d) is stored in an above ground water tank constructed of concrete, steel or corrugated iron;
  - (e) incorporates a 64mm nominal (minimum) gate or ball valve and 64mm (fixed size, 3 threads per inch, male fitting to suit a CFA coupling;
  - (f) incorporates a vortex inhibitor, or additional water supply to ensure that the volume of water available is not restricted by a vortex;
  - (g) incorporates a separate ball or gate valve to provide access to the water by the resident of the Dwelling (for firefighting purposes);
  - (h) is not obstructed by vegetation, buildings, fences or other structures;
  - (i) allows fire authority vehicles to get within 4 metres of the water supply outlet; and
  - (j) incorporates signage on or adjacent to the water tank that:
    - (i) indicates the water supply is for fire fighting purposes only;
    - (ii) specifies the capacity of the water tank; and
    - (iii) has lettering that is:
      - A. in upper case;
      - B. not less than 75mm in height;
      - C. fade resistant; and
      - D. in a contrasting colour with that of the background;





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- 6.3.4 ensure pipework between the static water supply and the outlet/s is a minimum 64mm nominal bore;
- 6.3.5 ensure fixed above-ground water pipelines and fittings are constructed of materials resistant to corrosion and combustion;
- 6.3.6 ensure any water supply outlet/s are:
  - (a) fixed to the water tank; and
  - (b) face away from the Building to allow access during emergencies;
- 6.3.7 ensure all below-ground water pipelines must be installed to at least the following depths:
  - (a) 300 millimetres, in areas subject to vehicle traffic;
  - (b) 75 millimetres under Dwellings or concrete slabs; and
  - (c) 225 millimetres for all other locations.

#### 6.4 Access

The Owner must:

- 6.4.1 provide vehicle accessways:
  - (a) on Proposed Lot 2 – prior to the issue of a statement of compliance for that Lot;
  - (b) on any of Proposed Lots 1, 3, 4, 5, 6, or 7 – before any new Dwelling is occupied on the relevant Lot;
- 6.4.2 ensure that all vehicle accessways (including gates, bridges and culverts) provided pursuant to clause 6.4.1:
  - (a) do not contain a curve with an inner radius of less than 10 metres;
  - (b) do not contain a dip with more than a 1 in 8 (12.5%) (7.1 degrees) entry and exit angle;
  - (c) are of an average grade of no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum grade of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres;
  - (d) have a minimum trafficable width of 3.5 metres;
  - (e) are substantially clear of encroachments for at least 0.5 metres on each side of the vehicle accessway;
  - (f) are clear of encroachments at least 4 metres vertically across its full width;
  - (g) are designed, constructed and maintained for a load limit of at least 15 tonnes; and
  - (h) are of all-weather construction.





## 6.5 Maintenance

The Owner must carry out and thereafter maintain in perpetuity all requirements contained in clauses 6.1, 6.2, 6.3, and 6.4 of this Agreement:

- 6.5.1 at the full cost of the Owner; and;
- 6.5.2 to the satisfaction of Council and the Relevant Fire Authority.

## 6.6 No further subdivision

Notwithstanding anything in the Planning Scheme, the Owner must not subdivide the Subject Land in a way that creates an additional Lot except in accordance with the Planning Permit.

## 6.7 Vegetation

The Owner must not remove any vegetation from the Subject Land to accommodate the construction of:

- 6.7.1 Dwellings;
- 6.7.2 fencing; or
- 6.7.3 vehicle access to Proposed Lots 1 or 2.



## 6.8 Roads across drains and watercourses

The Owner agrees that:

- 6.8.1 where a road or other accessway crosses a drainage line or watercourse the Owner must construct a piped crossing or other bridging structure to the satisfaction of Council; and
- 6.8.2 in determining its satisfaction with a crossing or bridging structure pursuant to clause 6.8.1, Council may seek advice from the Department of Sustainability and Environment.

## 6.9 Fill

The Owner must ensure that:

- 6.9.1 all fill associated with construction of accessways to Proposed Lots is compacted;
- 6.9.2 all batters must be topsoiled and revegetated; and
- 6.9.3 all drainage from benched areas, batters and accessways is diverted via multiple drainage points and on non-scouring grades to stable vegetated areas.

## 6.10 Property

The Owner must prepare and submit for Council's approval a Property Management Plan for Proposed Lots 1, 2, 3 and 4 addressing but not limited to:

- 6.10.1 establishing domestic and conservation management zones on the Subject Land;
- 6.10.2 vegetation to be removed for fire protection purposes;
- 6.10.3 weed and pest management;



- 6.10.4 methods of protecting native vegetation;
- 6.10.5 persons responsible for implementing and monitoring vegetation replacement; and
- 6.10.6 timeframes for implementing the recommendations and requirements of the Property Management Plan.

## **7. Owner's further obligations**

### **7.1 Notice and registration**

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

### **7.2 Further actions**

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with section 181 of the Act; and
- 7.2.3 agrees to do all things necessary to enable Council to do so, including:
  - (a) sign any further agreement, acknowledgment or document; and
  - (b) obtain all necessary consents to enable the recording to be made.

### **7.3 Fees**

The Owner must pay any Consent or Satisfaction Fee to Council within 14 days after a written request for payment.

### **7.4 Council's costs to be paid**

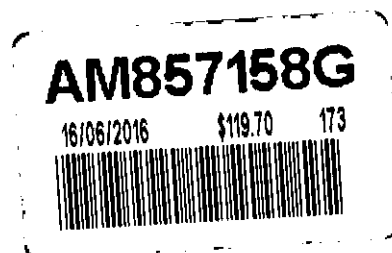
The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.4.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.4.2 preparing, drafting, finalising and recording any amendment to this Agreement; and
- 7.4.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

### **7.5 Time for giving consent**

If Council makes a request for payment of:

- 7.5.1 a fee under clause 7.3; or
- 7.5.2 any costs or expenses under clause 7.4.3,





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the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

## 7.6 Interest for overdue money

7.6.1 The Owner must pay to Council interest in accordance with section 227A of the *Local Government Act* 1989 on any amount due under this Agreement that is not paid by the due date.

7.6.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

---

## 8. Agreement under section 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

---

## 9. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

---

## 10. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

---

## 11. General matters

### 11.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 11.1.1 personally on the other Party;
- 11.1.2 by leaving it at the other Party's Current Address;
- 11.1.3 by posting it by prepaid post addressed to the other Party at the other Party's Current Address; or
- 11.1.4 by email to the other Party's Current Email.





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AM857158C



**11.2 No waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

**11.3 Severability**

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

**11.4 No fettering of Council's powers**

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

**11.5 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**11.6 Governing law**

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

---

**12. Commencement of Agreement**

This Agreement commences on the date specified on page one or if no date is specified on page one, the date the Planning Permit was issued.



AM857158G



## Signing Page

**Signed, sealed and delivered** as a deed by the Parties.

**Signed sealed and delivered** by the Chief Executive Officer on behalf of the **East Gippsland Shire Council** pursuant to the power delegated to that person by an Instrument of Delegation in the presence of:

*Colleen Smith*

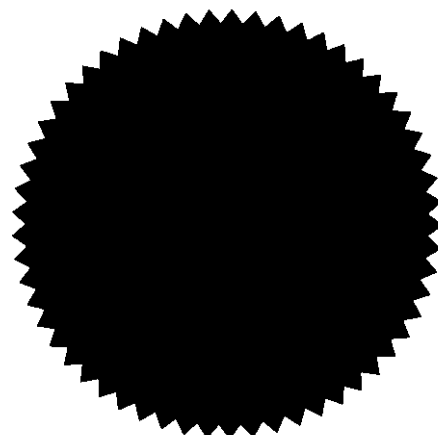
Witness

*Colleen Smith*

Print name

*03/06/16*

*Long Bell*



**Signed Sealed and Delivered** by Ian John Bruce in the presence of:

*R. G. Smith*

Witness

*I. J. Bruce*

**Signed Sealed and Delivered** by Narelle Bruce in the presence of:

*R. G. Smith*

Witness

*Narelle Bruce*

**Signed Sealed and Delivered** by Roger Edward Bruce in the presence of:

*R. G. Smith*

Witness

*R. Bruce*



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### Mortgagee's Consent

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD as Mortgagee under Instrument of mortgage No. AM3766908T consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

.....  
Signatory and Stamp

Executed for and on behalf of **AUSTRALIA AND NEW ZEALAND BANKING GROUP** LIMITED ABN 11 005 357 522 under Power of Attorney dated 18 November 2002 and registered in Victoria Permanent Order Book no. 277 page 19 Item 6 by  
**KRISTINE JOHNSON**

who certifies that he/she is a **BANK OFFICIAL** and that he/she has not received notice of revocation of that power in the presence of

) .....  
) Signature of Attorney  
) .....  
) Signature of Witness  
) **LAL. RAMANAYAKE**  
) .....  
) Print name of Witness  
) **14C 833 COLLINS ST**  
) **MELBOURNE 3008**  
) .....  
) Address of Witness VIC



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VICTORIA

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APPLICATION BY RESPONSIBLE  
AUTHORITY under Section 181 Planning  
and Environment Act 1987 for ENTRY  
OF A MEMORANDUM OF  
AGREEMENT.

The Responsible Authority under the Planning Scheme having entered into an Agreement with the parties named for the land described requires that a memorandum of the Agreement be entered on the Certificate(s) of Title to the land referred to.

LAND (insert Certificate of Title Volume and Folio)  
Certificates of Title Volume 10097 Folios 247, 248 and 249

ADDRESS OF THE LAND  
Mirrabooka Road, Mallacoota

RESPONSIBLE AUTHORITY  
Mallacoota Water Board

PLANNING SCHEME  
Orbost Planning Scheme

AGREEMENT DATE

1.8.92

AGREEMENT WITH (name and  
address)

The MALLACOOTA WATER BOARD  
of 100 Bastion Point Road, Mallacoota

IAN JOHN BRUCE and NARELLE  
BRUCE and ROGER EDWARD BRUCE  
Of 34 Bruce Street Mallacoota; and

Signature for the Responsible Authority: .....

Name of Officer: RAJ. P. RAJAKUMAR.

Date: 7<sup>th</sup> FEBRUARY, 1994.

ID:bruce.APT:10c

As 16/3/94



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THIS AGREEMENT is made the <sup>1st</sup> day of August 1992

BETWEEN:

THE MALLACOOTA WATER BOARD (The Board)

of 100 Bastion Point Road Mallacoota

of the first part

and

IAN JOHN BRUCE AND NARELLE BRUCE

and

ROGER EDWARD BRUCE (The Owners)

all of 34 Bruce Street Mallacoota

of the second part

WHEREAS:-

- (A) The Owners are the registered proprietors of the land described in First Schedule hereto (the subject land) and have made application to the Shire of Orbost as the Responsible Authority under the Orbost Planning Scheme (the scheme) for a permit to subdivide the subject land for rural residential purposes.
- (B) The Shire of Orbost has granted Planning Permit No. OPS-LS-C4-145 dated the 7th day of November 1991 (the Permit) for the subdivision of the subject land for rural residential purposes subject to conditions including a condition as follows:-

"The Owner enters into an agreement with the Mallacoota Water Board under Section 173 of the Planning and Environment Act 1987. Such agreement shall allow for the subdivision of the land into five (5) allotments, generally as submitted with Lot 3 including the allotment shown as Lot 4.



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Such agreement shall prevent the further subdivision of Lot 3 (incorporating Lot 4) until such time as the Mallacoota Water Board determines that it is able to supply reticulated water in an adequate quantity and at an adequate pressure.

Such agreement would not prevent the Board allowing water supply by measure to Lots 1, 2 and 3 under the Boards normal conditions, which include inter alia the provision that the Board does not undertake to supply water of a particular quantity or to provide any degree of pressure, continuity of supply or sufficient for fire fighting purposes. Such agreement shall come into effect prior to the issue of a Certificate of Compliance.

Such agreement may be ended at such time as the Mallacoota Water Board determines that it is able to supply reticulated water to any Lots created by further subdivision of Lot 3 in an adequate quantity and at an adequate pressure.

Such agreement shall be registered with the Registrar of Titles Act as provided under Section 181 of the Planning and Environment Act 1987.

Such agreement shall include an undertaking of the owner to pay all costs associated with the preparation and registration of the Agreement."

- (c) The Board and the Owners have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be so treated this Agreement shall be treated as being an agreement under Section 173(1) of the Planning and Environment Act



1987.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:-

1. In this Agreement unless inconsistent with the context or subject matter:-
 

"Owners" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the subject land;

"subdivision" includes:-

  - .1 The dividing of land into two or more parts -
    - (a) by sale, conveyance, transfer or partition; or
    - (b) by procuring the issue of a Certificate of Title under the Transfer of Land Act 1958 in respect to a part of the land;
  - .2 the subdivision of land by sale, transfer or partition into two or more Lots and common property.
  - .3 The subdivision of land by sale, transfer or partition into two or more units and common property whether or not any unit is on the same level as any other unit; and "subdivided" has a corresponding interpretation.
2. The Owners with the intent that their covenant hereunder shall run with the land hereby covenant and agree that they (which term shall include the owner or owners of the subject land or any part thereof from time to time) will-
  - .1 Comply with the conditions of the Permit;
  - .2 Not cause, allow or permit the subject land to be further subdivided under the provisions of the Subdivision Act 1988 or any amendment or consolidation thereof or otherwise until such time



as the Board determines that it is able to supply reticulated water to the subject land in an adequate quantity and at an adequate pressure.

This agreement will not prevent the Board (provided appropriate easements are created as required) supplying water by measure to lots 1, 2 and 3 under the Board's normal conditions provided however the owner agrees and is aware that the board does not undertake to supply water of a particular quantity or at a particular pressure, continuity of supply or sufficient for fire fighting purposes.

4. The Owners agree to do all things necessary to enable the Board to enter a memorandum of this Agreement on the Certificate of Title to the subject land in accordance with Section 181 of the Act including signing any further agreement acknowledgment or document to enable the said memorandum to be registered under that section.
5. The Owners covenant and agree to pay the Boards costs and incidental to the preparation and execution of this Agreement and registration of a memorandum of Agreement at the office of Titles pursuant to Section 191 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the memorandum at the Office of Titles including any subsequent costs relating to this agreement being brought to an end.
6. This Agreement will end pursuant to Section 177 of the Act by agreement between the Responsible Authority and all persons who are bound by the Covenant in this Agreement and when the Board determines it is able to

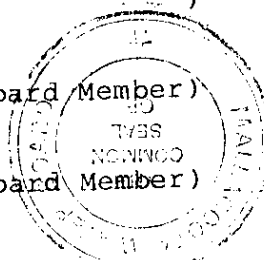


supply reticulated water to any Lots created by further subdivision of the subject land in an adequate quantity and at an adequate pressure.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of THE  
MALLACOOTA WATER BOARD was hereunto  
affixed in the presence of:

..... *[Signature]* ..... (Board Member)  
..... *[Signature]* ..... (Board Member)  
..... *[Signature]* ..... (Secretary)



SIGNED by the said  
IAN JOHN BRUCE in the presence of:

*[Signature]* IAN BRUCE

SIGNED by the said  
NARELLE BRUCE in the presence of:

*[Signature]* IAN BRUCE

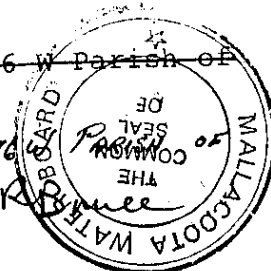
SIGNED by the said  
ROGER EDWARD BRUCE in the presence  
of:

*[Signature]* MARION L BRUCE

SCHEDULE

~~Lot 3 on Plan of Subdivision No. PS 312176 in Parish of~~  
~~Mallacoota.~~

LOTS 1-2-3 Plan of Subdivision No PS 312176  
MALLACOOTA.



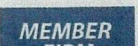
*[Signature]*  
*[Signature]*  
*[Signature]*



## Property Management Plan v3

Planning Permit 61/2008/P  
162 Mirrabooka Road, Mallacoota  
Reference – 12555

February 2014





Property Management Plan v3  
Planning Permit 61/2008/P

Page 2

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## Attachments

Management Zone Plan

Endorsed Proposed Subdivision Plan



## 1. Introduction

The following Property Management Plan has been prepared in accordance with dot point 5 of Condition 4 pertaining to Planning Permit 61/2008/P (amended).

This Report has been prepared for Lots 1, 2, 3 & 4 only as approved by Planning Permit 61/2008/P and shown on the endorsed proposed Subdivision Plan (Version 3, dated 22/03/2013).

The purpose of the Property Management Plan is to ensure that the land is appropriately managed to protect and enhance the natural surrounds whilst allowing development of the land for residential purposes.

The following documentation outlines the specific details of the management actions and requirements of the required management.

## 2. The Subject Land

The whole of the subject land associated with the subdivision is approximately 25.7 hectares in area however only part of the land is affected by this Plan due to proximity to an existing vegetated gully system.



*View of vegetated gully system*

The gully system is located centrally to the subdivision and is the main trigger for requirement of this Property Management Plan is to ensure preservation of its environmental significance.

- The vegetation within the gully system is considered to be significant due to its contiguous nature which follows the drainage line into Mallacoota Inlet.
- The vegetation acts as a habitat corridor and is particularly important due to records of threatened species inclusive of Azure Kingfisher, Ground Parrot and Eastern Curlew which are known to be present within the area.



Property Management Plan v3  
Planning Permit 61/2008/P

Located on site currently is an existing dwelling which is positioned on proposed Lot 2.

The purpose of the subdivision is to create allotments for further residential style development which are sympathetic to the significant environmental elements of the site enabling the two elements to coexist.

The vegetation within the existing vegetated gully system was effected by the 1939 bushfire and comprises mainly of larger established trees with a more limited understorey component present.

### 3. Management Zones

Please find attached a Property Management Zone Plan (V2, dated 13/02/2014) which nominates both Conservation Management Zone and Domestic Zones over Lots 1, 2, 3 & 4.

This Property Management Plan provides specific detail on the Conservation Management Zone area which has been placed over the more sensitive gully area.



*Vegetation within Conservation Management Zone*



### Conservation Management Zone

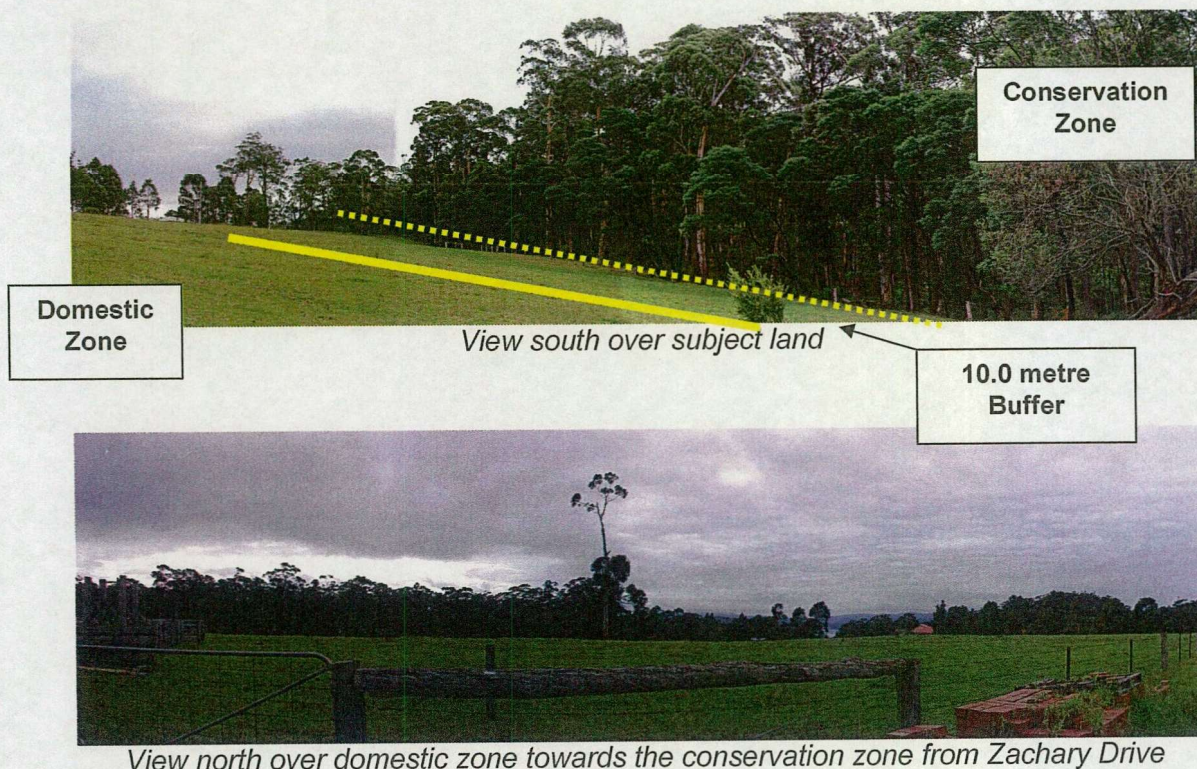
The Conservation Management Zone has been nominated over the vegetated gully area which is positioned on the southern section of Lots 1 & 2 and on the northern portion of Lots 3 & 4.

The purpose for nominating this zone is to provide some management requirements specific to the vegetation and the protection and enhancement thereof.

This area also includes a 10.0 metre buffer of cleared area to ensure that there is adequate protection of the existing vegetation. The vegetation located within this buffer zone must be maintained to the current standard in order to comply with the Bushfire Management Statement Plan as endorsed as part of the Permit.

### Domestic Zone

The area nominated as Domestic Zone pertains to the cleared section of the land on which development is able to occur including but not limited to development of dwellings, outbuildings, provision of services, placement of garden beds and the like.





#### 4. Fire Protection

Planning Permit 61/2008/P (amended) does not permit the removal of any native vegetation and furthermore any future removal of native vegetation will need to seek relevant planning permission.

A Bushfire Management Statement Plan was approved as part of the Permit and is required to be an ongoing control as it will be enforced under a Section 173 Legal Agreement which will be registered to each Lot.

##### Water Supply

A static water supply must be provided prior to the issue of a Statement of Compliance for the existing dwelling on Lot 2 and prior to the occupation of a dwelling on any of Lots 1, 3, 4, 5, 6 & 7.

A static water supply must meet all of the requirements stipulated by Condition 26 of Permit and the endorsed Bushfire Management Statement Plan.

##### Access Requirements

Access must be provided prior to the issue of a Statement of Compliance for the existing dwelling on Lot 2 and prior to the occupation of a dwelling any of Lots 1, 3, 4, 5, 6 & 7.

Access must be provided to the standards in accordance with Country Fire Authority requirements as prescribed by the controls of Permit which will also be provided as part of Section 173 Legal Agreement.

##### Vegetation Management

The site vegetation will need to be managed in accordance with the protection measures as prescribed by Permit Conditions, endorsed Bushfire Management Statement Plan and the owners obligations under the Section 173 Legal Agreement.

It is important to acknowledge that there is no ability to allow for regrowth to occur within much of the 10 metre buffer zone as the area is required to be managed to outer zone requirements to meet defendable space.



## 5. Weed and Pest Management

Monitoring and subsequent works are to be undertaken to keep the presence of pest plant and animals to a minimum within the Conservation Zone.

To reduce the risk of pest plants and animals entering into the conservation zone garden planting within the domestic zone will be prohibited from utilising environmental weeds. Further information on environmental weeds can be obtained from the *Department of Sustainability & Environment* website. *Agapanthus* for example is classified as an environmental weed.

Cattle are to be excluded from within the conservation management zone at all times to prevent soil compaction and to enhance the chances of recruitment to occur. Exclusion of cattle will also assist with stopping the spread of weeds.

## 6. Protection of Native Vegetation

The vegetation located within the conservation management zone will be protected by the *East Gippsland Planning Scheme* controls as applying. These controls currently include Vegetation Protection Overlay – Schedule 8 (Clause 42.02) and Particular Provisions pertaining to Native Vegetation (Clause 52.17).

This Plan strongly discourages removal of vegetation from within the conservation management zone which will be carried forward by the entering into of Section 173 Legal Agreement.

The Legal Agreement also specifically stipulates that no vegetation removal is to occur for fencing purposes, location of dwellings and driveway access to proposed Lots 1, 2 & 3.

Clause 52.17 provides a planning permit exemption for removal of native vegetation for the construction of a fence on a boundary between properties in different ownership allowing the combined maximum width of clearing either side of the fence to be 4.0 metres wide.

The Legal Agreement has the effect of overriding this exemption given the significant status of the vegetation in question.



## 7. Fencing

It is highly recommended that the Conservation Management Zone be fenced at all times from the general Domestic Zone to assist with exclusion of animals and to deter access.

The vegetated section of the Conservation Management Zone is already fenced from the remainder of the site within Lots 3 & 4 as shown on the below photograph.



*View of existing fencing*

The fencing will also have the dual effect of excluding other inappropriate actions such as motorbike riding for example and other general use within the area.

Whilst it is deemed appropriate to fence the conservation zone, the far western section of the zone will need to be kept clear to enable access into Lots 1 and 2. This section of the conservation zone is the only portion of the conservation zone where vehicle, pedestrian access and provision of services is permitted.

There is ability to fence the property boundaries within the Conservation Management Zone given that there is currently limited understorey and therefore ability to provide the fencing without vegetation removal.

No vegetation removal is to occur for fencing purposes and this Plan will override the current exemptions pertaining to removal of vegetation for fencing as stipulated at Clause 52.17 of the *East Gippsland Planning Scheme*.

## 8. Responsibilities

This Property Management Plan pertains to Lots 1, 2, 3, & 4 and will be attached to each title by virtue of entering into a Section 173 Legal Agreement.

Effectively the responsibilities of implementing the Plan will lie with the owner/s of each allotment. In the event land is transferred and ownership alters, the responsibilities will shift to the new owner of the land.



## 9. Timeframes

The implementation of this Property Management Plan will commence upon issue of the Statement of Compliance for Subdivision approved under Planning Permit 61/2008/P (amended).

This Plan is ongoing and will be enshrined by Section 173 Legal Agreement which will be attached to each of the relevant titles.

## 10. Recruitment

As part of the management of the conservation zone it is expected that weed removal/exclusion should occur so as to enable natural recruitment of native flora species and to prevent competition.

If in the event that no recruitment occurs within the first year from implementation of this Plan, then it is expected that enhancement planting be undertaken with appropriate rainforest species which are indigenous to the region.

Cattle are to be excluded from the gully as a priority which will then make weed management and control a more realistic task. Monitoring will be required to ensure that weed species are controlled appropriately and that their coverage does not increase.

Currently the understorey coverage is quite sparse with few native plants and weeds occurring.



*View of existing conditions within the Conservation Zone*



## 11. Enhancement Planting

As there is to be no vegetation removed as part of the Subdivision, there is no requirement to provide offset planting in accordance with *Victoria's Native Vegetation Management A Framework For Action, 2002*.

Notwithstanding the above, there will be opportunity for recruitment of existing trees to commence and also ability to provide some enhancement planting of indigenous rainforest species.

During the first year of implementation of this plan, cattle will be removed from the conservation management area which may enable natural recruitment to commence.

If in the event natural recruitment does not occur within the first year, then it recommended that enhancement planting of species indigenous to the area be undertaken.

As the conservation area does not represent an offset management area, the planting will not need to be undertaken in accordance with *Victoria's Native Vegetation Management A Framework For Action, 2002* however it would be preferable if it was undertaken to a similar standard. This will provide the area with the best opportunity to flourish into a site representative of a more natural state.

The site is considered to represent Ecological Vegetation Class (EVC) 16 'Lowland Forest' of the East Gippsland Lowlands Bioregion. The Benchmark to this EVC outlines that the vegetation should be characterized by the diversity of life forms and species in the understorey including a range of shrubs, grasses and herbs.

Some of the main character species of EVC 16 include *Eucalyptus sieberi* (Silvertop Ash), *Eucalyptus globoidea* (White stringy bark) and *Eucalyptus consideniana* (Yertchuk) within the overstorey layer. Other understorey species representative of EVC 16 include *Acacia melanoxylon* (Blackwood), *Exocarpos cupressiformis* (Cherry Ballart), *Epacris impressa* (Common Heath).

The document *Revegetation Planting Standards – Guidelines for Establishing Native Vegetation for Net Gain Accounting* will assist with determining the number of plants to provide as enhancement planting and for which life form in the event enhancement planting is to be undertaken.

As the relevant EVC is considered to be a lowland forest, the base target number of overstorey trees per hectare is 150.



The following table outlines the appropriate numbers with respect to understorey species.

Lifeform	Target Number of Plants per Hectare	Maximum Density (125% of 10 year target)	Minimum Density (75% of 10 year target)
Understorey Tree or Large Shrub	100	125	75
Medium Shrub	1200	1500	900
Small Shrub	1500	1875	1125
Large Tufted Graminiod	500	625	375

## 12. Concluding Remarks

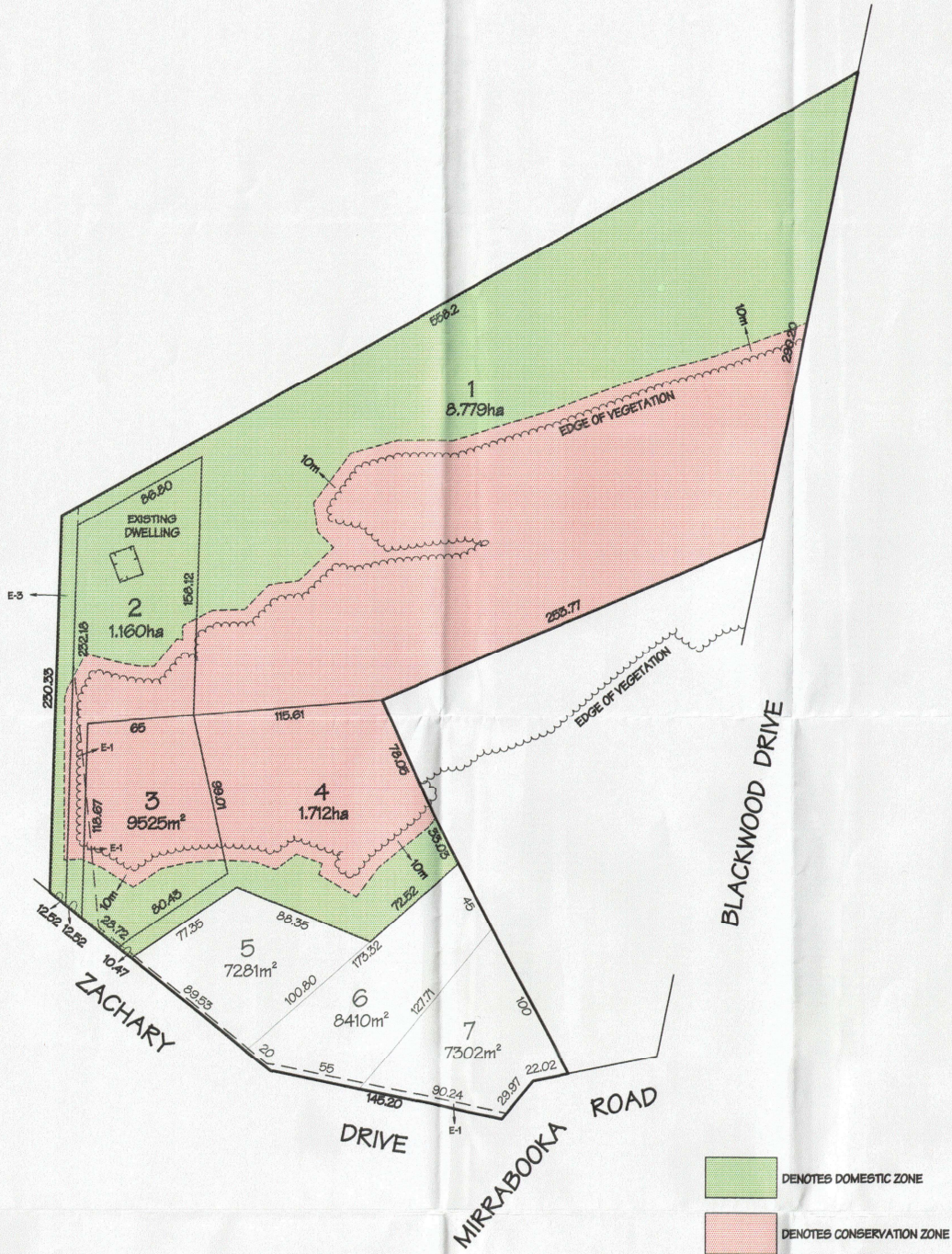
In summary, this Property Management Plan nominates an area of conservation management zone and domestic zone of proposed Lots 1, 2, 3 & 4 only and outlines the required management actions and techniques to enhance the natural state of the vegetated gully system.



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Signed: [Signature]  
Date: 14/5/2014 Page: 2 of 2

AMG ZONE 55



N:\Jobs\12000-12999\12555 Bruce\12555 Management Zone Plan V2.pro

#### NOTATIONS

E-1 EXISTING EASEMENT FOR ELECTRICITY SUPPLY  
E-2 EXISTING EASEMENT FOR ELECTRICITY SUPPLY  
E-2 EXISTING EASEMENT FOR WAY, DRAINAGE, SEWERAGE & SUPPLY OF GAS, ELECTRICITY TELEPHONE SERVICES, WATER AND DATA TRANSMISSION  
E-3 EXISTING EASEMENT FOR ELECTRICITY SUPPLY  
E-3 EXISTING EASEMENT FOR WAY, DRAINAGE, SEWERAGE & SUPPLY OF GAS, ELECTRICITY TELEPHONE SERVICES, WATER AND DATA TRANSMISSION

AREAS ARE APPROXIMATE ONLY  
DIMENSIONS ARE SUBJECT TO SURVEY

#### MANAGEMENT ZONE PLAN

PARISH OF MALLACOOTA  
CROWN ALLOTMENT 9 (PART)  
LOT 3 ON PS515226C  
LOT 2 ON PS312176W  
LOT 1 ON PS312176W

Crowther & Sadler Pty. Ltd.  
LICENSED SURVEYORS & TOWN PLANNERS  
162 MACLEOD STREET, BAIRNSDALE, VIC., 3676  
TELEPHONE (03) 5162 5011

SURVEYORS REF.  
12555

SCALE  
1 : 2000

VERSION 2 : DRAWN 13/02/2014

ROGER BRUCE  
162 MIRRABOOKA ROAD, MALLACOOTA



30 May 2025

# LAND CAPABILITY ASSESSMENT

## PROPOSED DEVELOPMENT

30 ZACHARY DRIVE,  
MALLACOOTA, VICTORIA, 3892



### Prepared for:

Matt Cuce & Emma Bruce

Report Number: 25091\_LCA



30 May 2025

25091-LCA

## CONTENTS

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2.0 DESCRIPTION OF THE DEVELOPMENT .....	2
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4.0 SYSTEM SELECTION AND DESIGN .....	7
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## Figures

Figure 1: Site Plan

Figure 2 and 3: Site Photos

## Appendices

### Appendix A

Reports of Boreholes

Water balance calculations

### Appendix B

Limitations



## SUMMARY

### Location:

Address: 30 Zachary Drive, Mallacoota

SPL: 4\PS734387

### Land Features:

Slope of land: 10%

Distance to surface water: onsite drainage path

Aspect: easterly

Flooding: &gt; 1in 100 years

Evaporation: 1510 mm

Rainfall: 940 mm

### Limiting Layer Soil Properties:

Soil texture (limiting layer): light clay

Permeability: 0.06-0.20 mm/day

### Treatment System:

Primary treatment

### Land Application system:

Absorption Trenches

### Design Loading rate (DLR):

Absorption Trenches: 8.0 mm/day

### Land Application Area minimum size

Design Flow Rate	Trench length
4-bedroom dwelling – 750L/day	6 x 25m long trenches @ 0.7m wide

### Site Constraints:

Light clay, rainfall run-on, onsite dam

### Special Conditions / Mitigation Measures:

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

**Dispersive Soils:** Soil Amelioration recommended. Apply gypsum to the base of trenches at a rate of 1kg/m<sup>2</sup>.

**Onsite Dam:** Locate Land Application Area a minimum 60m from the waterway and 40 m from the drainage line.

### Key Buffer Distances:

Site boundaries and buildings:

1.5m downslope; 3.0m upslope

Waterway (potable):

100m

Waterway (non-potable):

30m

### Management:

Desludging primary tank and inspection of eluent absorption trenches: every **3-5 years**

Flush absorption trenches with liquid gypsum every 3-5 years or as required.



## 1.0 INTRODUCTION

Matt Cuce & Emma Bruce have engaged DBM Geotech Consulting Pty Ltd (DBM Geotech) to undertake a Land Capability Assessment for the proposed residential dwelling at 30 Zachary Drive, Mallacoota. The field investigation and report have been undertaken and prepared by suitably experienced consultants.

This report will accompany an application for a Septic Tank Permit to Install submitted to East Gippsland Shire Council for an onsite wastewater management system at 30 Zachary Drive, Mallacoota. The report provides information about the site and soil conditions. It also provides a Land Capability Assessment (LCA) for the site and includes a conceptual design for a suitable onsite wastewater management system, including recommendations for monitoring and management requirements.

## 2.0 DESCRIPTION OF THE DEVELOPMENT

The site is located on the east side of Zachary Drive. The land is approximately 20 Hectares in area, and is situated on top of a rise, with moderately downwards sloping sides towards the northeast and southeast. At the location of the proposed dwelling, the land has a slight to moderate downwards slope towards the northeast.

The closest water body is a drainage line located about 20 m north of the proposed dwelling and a waterway located about 120m south of the proposed dwelling.

**Site Address:** 4\PS734387; 30 Zachary Drive, Mallacoota (Figure 1)

**Council Area:** East Gippsland Shire Council

**Zoning:** RLZ – Rural Living Zone

**Domestic Water Supply:** Tank water

**Anticipated Wastewater Load:** Assume a residence with full water-reduction fixtures at maximum occupancy. Wastewater generation = 150 L/person/day; Table 4.1 of EPA Guidelines (2024) (1).

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

## 3.0 SITE AND SOIL ASSESSMENT

### 3.1 SITE ASSESSMENT

DBM Geotech undertook a site investigation on the 28 April 2025. Table summarises the key features of the site in relation to effluent management proposed for the site.

**NOTE:**

- The site is not in a special water supply catchment area.
- The site experiences minor stormwater run-on from Zachary Drive.
- The risk of effluent transport offsite is low.



Figure 1 attached provides a site plan and indicates the location of the proposed dwelling. Site photos are shown in Figure 2 and Figure 3.

**Table 1: Site Assessment**

Characteristic	Level of Constraint		
	Nil or Minor	Moderate	Major
<b>Aspect</b>	North / North-East / North-West	East / West / South-East / South-West	South
<b>Climate</b>	Excess of evaporation over rainfall in the wettest months	Rainfall approximates to evaporation	Excess of rainfall over evaporation in the wettest months
<b>Erosion</b>	Nil or minor	Moderate	Severe
<b>Exposure to sun and wind</b>	Full sun and/or high wind or	Dappled light	Heavily shaded and little wind
<b>Fill (imported)</b>	No fill or minimal fill, or fill is good quality topsoil	Moderate coverage and fill is good quality	Extensive poor quality fill and variable quality fill
<b>Flood frequency (ARI)</b>	Less than 1 in 100 years	Between 100 and 20 years	More than 1 in 20 years
<b>Groundwater bores</b>	No bores onsite or on neighbouring properties	Setback distance from bore complies with requirements in EPA Guidelines 2024	Setback distance from bore does not comply with requirements in EPA Guidelines 2024
<b>Land area available for LAA</b>	Exceeds LAA and duplicate LAA and buffer distance requirements	Meets LAA and duplicate LAA and buffer distance requirements	Insufficient area for LAA
<b>Landslip</b>	Nil	Minor to moderate	High or Severe
<b>Slope Form</b>	Convex or divergent side-slopes	Straight side-slopes	Concave or convergent side-slopes
<b>Slope gradient (%)</b>			
(a) for absorption trenches and beds	<6%	6-15%	>15%
(c) for subsurface irrigation	<10%	10-30%	>30%
<b>Soil Drainage (qualitative)</b>	No visible signs or likelihood of dampness, even in wet season	Some signs or likelihood of dampness	Wet soil, moisture-loving plants, standing water in pit; water ponding on surface, soil pit fills with water



**Table 1: Site Assessment**

Characteristic	Level of Constraint		
	Nil or Minor	Moderate	Major
<b>Stormwater run-on</b>	Low likelihood of stormwater run-on	Moderate likelihood of inundation by stormwater run-on	High likelihood of inundation by stormwater run-on
<b>Surface waters - setback distance (m)</b>	Setback distance complies with requirements in EPA Guidelines 2024		Setback distance does not comply with requirements in EPA Guidelines 2024
<b>Vegetation coverage over the site</b>	Plentiful vegetation with healthy growth and good potential for nutrient uptake	Limited variety of vegetation	Sparse vegetation or no vegetation

### 3.2 SITE ASSESSMENT RESULTS

Moderate or major soil constraints were identified in the soil assessment. These constraints listed in Table 2 along with mitigation measures for controlling the risks identified at the site.

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

**Table 2: Site constraints**

Constraint	Proposed mitigation measure
<b>Aspect</b>	None required – The EDRS has high sun and wind exposure.
<b>Climate</b>	Use a water balance to size the land application area.
<b>Slope form / gradient</b>	The slope at the proposed effluent application point has a gradual between 10 – 12%. We consider that this slope angle is suitable for absorption trenches and do not consider any mitigation measures are required.
<b>Soil Drainage</b>	Locate Land Application Area appropriately on the site away from the lower lying parts of the site.
<b>Stormwater run-on</b>	Install a diversion drain upslope of the proposed effluent disposal area.



### 3.3 SOIL ASSESSMENT

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

A soil survey was carried out at the site to determine suitability for application of treated effluent. Soil investigations were conducted at three locations as shown in Figure 1. The investigation was carried out using a push tube sampler to depths of 1.4m below ground level. In addition, samples were collected and tested for PH, EC and dispersive soils. A summary of the soil properties for the different soil types encountered are presented in Table 3. Full profile descriptions of the soils are provided in Appendix A.

**Table 3: Soil properties**



Soil Type	sandy clay loam	Light Clay
Depth range	0.0 – 0.5	0.5 – 1.3
Soil Texture	4b	5a - 5b
EC	0.13	0.15
PH	5.0	4.8
Soil Dispersion	 Dispersive	 Non - Dispersive
Design Loading Rate Sub-surface / (absorption trench)	3.5 mm/day (10 mm/day)	3.0 mm/day (8 mm/day)

Table 4 provides a risk assessment based on the physical and chemical characteristics of each soil type.

**Table 4: Soil Risk Assessment**

Characteristic	Level of Constraint		
	Nil or Minor	Moderate	Major
Electrical Conductivity (ECe) (dS/m)	<0.8	0.8 - 2	>2
Dispersive soils	Non-Dispersive (4, 5, 6, 8)	7	Dispersive (1, 2, 3)



**Table 4: Soil Risk Assessment**

Characteristic	Level of Constraint		
	Nil or Minor	Moderate	Major
<b>Gleying</b>	Nil	Some evidence of greenish grey / black or bluish grey soil colours	Predominant greenish grey / black, bluish grey / black colours
<b>pH</b> (favoured range for plants)	5.5 - 8 is the optimum range for a wide range of plants; 4.5 - 5.5 suitable for many acid-loving plants		<4.5, >8
<b>Rock Fragments</b> (size & volume %)	0 – 10%	10 – 20 %	>20%
<b>Depth to Rock or impermeable layer</b> <b>Trenches</b> (irrigation/mounds)	>1.2 m (>0.7m)	1.2 – 0.9 m	<0.9 m (<0.7m)
<b>Soil Structure</b> (pedality)	Highly or moderately structured	Weakly-structured	Structureless, Massive or hardpan
<b>Soil Texture</b>	Cat. 2b, 3a, 3b, 4a	Cat. 4b, 4c, 5a	Cat. 1, 2a, 5b, 5c, 6
<b>Watertable Depth (m)</b>	>1.5 m	1.0 – 1.5 m	<1.0 m

### 3.4 SOIL ASSESSMENT RESULTS

The soils at were typically categorised as a clay loam overlying a light clay. Weathered siltstone was encountered at a depth of about 1.3m below ground level. Considering the physical characteristics of the subsoil in the area of the site, effluent application via absorption trenches is a suitable and viable disposal system for this site.

Moderate or major soil constraints were identified in the soil assessment. These constraints listed in Table 5 along with mitigation measures for controlling the risks identified at the site.

**Table 5: Soil assessment migration measures**

Constraint	Proposed mitigation measures
<b>Soil Texture</b>	The soils at the site comprise moderately to well-structured light clay soils. Based on our experience we consider that these soils are suitable for primary treatment of wastewater disposed of into conventional absorption trenches. We have adopted a conservative design by using a water balance to size the trenches. In addition, we recommend an upslope diversion drain is installed to reduce rainfall run-on and improve trench performance.



**Table 5: Soil assessment migration measures**

Constraint	Proposed mitigation measures
<b>Dispersive soils</b>	Apply gypsum at a rate of 1kg/m <sup>2</sup> to the base of trenches. Flush the absorption trenches with liquid gypsum every 3 - 5 years or as required.

### 3.5 OVERALL LAND CAPABILITY RATING

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

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

## 4.0 SYSTEM SELECTION AND DESIGN

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

### 4.1 EFFLUENT MANAGEMENT OPTIONS / TARGET EFFLUENT QUALITY

A range of possible land application systems have been considered, such as absorption trenches, evapo-transpiration/absorption (ETA) beds, subsurface irrigation, and mounds. Based on the results of the onsite permeability tests we consider that the system of conventional absorption trenches for primary treated waste is suitable for the site.

Should the client or regulator prefer to secondary treat the effluent, disposal via absorption trenches or shallow subsurface irrigation are suitable.

### 4.2 WATER BALANCE

To determine the necessary size of the Land Application Area, water balance modelling has been undertaken using the method and water balance tool in the Victorian Land Capability Assessment Framework (2014) and EPA, 2024.

The water balance can be express by the following equation:

$$\text{Precipitation} + \text{Effluent Applied} = \text{Evapotranspiration} + \text{Percolation}$$

The assumptions and parameters adopted for the water balance calculation are provided below:



30 May 2025

- We have adopted a rainfall runoff factor of 0.75 for the site. The rainfall runoff factor was selected based the fact that rainfall exceeds evaporation during winter months and local experience. Given that winter months are the critical months in the water balance calculations and the fact that rainfall exceeds evaporation during this period we consider this factor appropriate for the site.
- A design loading rate of 8.0mm/day for light clay soil was adopted (Table 4-8, EPA Guidelines 2024).
- Crop factors for Pasture from section 4.4.2.3 of EPA 2024 (1) were used.
- Rainfall and evaporation data – See Table 6

The full water balance calculations are provided in Appendix A and a summary of the results are provide in Table 6.

**Table 6: Rainfall and Evaporation Data**

Rainfall (mm) – Mallacoota (84084)												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Tot
66.0	63.7	73.7	92.9	82.8	97.4	78.8	68.6	75.7	79.4	87.3	74.9	<b>940</b>
Evaporation (mm) – Mallacoota (BoM – Australian Water Outlook)												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Tot
220.9	176.9	149.6	94.1	66.7	50.7	58.9	78.5	103.3	140.1	166.8	203.7	<b>1510</b>

#### 4.2.1 EFFLUENT DISPERSAL FIELD SIZING

The nominated area method is used to calculate the area required to balance all inputs and outputs to the water balance. As a result of these calculations a minimum land application area required for absorption trenches is shown in Table 7. The full water balance calculation is shown in Appendix A.

**Table 7: Land Application Area**

Total Daily wastewater flow (L/day)	Trench Basal Area required (m <sup>2</sup> )	Trench Width (m)	Trench sizes
750 <sup>^</sup>	105	0.7	(6No. Trenches @ 25m lineal meters per trench)

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

<sup>^</sup>In accordance with EPA 2024 (1) any room such as a study, library or sunroom that can be closed off with a door, shall be treated as a bedroom.



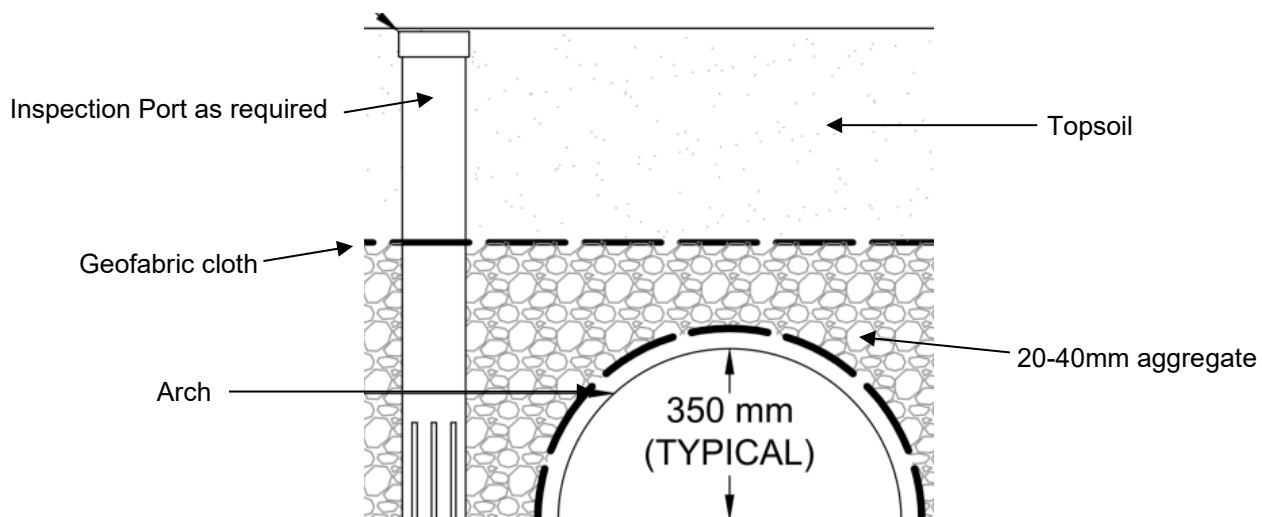
All trenches should be constructed along the contour and be installed at a maximum length of 25m. We recommend that trenches are spaced 3.0m apart to allow a reserve field to be configured within the envelope should it be required.

## SECONDARY TREATMENT SYSTEM

Should the client or regulator prefer to secondary treat the effluent, disposal via absorption trenches or shallow subsurface irrigation is an alternative method. Where absorption trenches are adopted with secondary treatment the number of trenches listed above can be reduced by 25% (due to increased loading rate). Where subsurface irrigation is used in conjunction with secondary treated effluent the sub-surface irrigation area shall be a minimum of 350m<sup>2</sup>.

### 4.3 USE OF ARCHES IN TRENCHES

Where arches are used in trenches they must be backfilled with aggregate to the top of the arch and a layer of geofabric cloth placed between the aggregate and topsoil. We do not consider backfilling around arches with site derived soils a suitable design for this site. This is because the soils are dispersive can form a clogging layer around the arch reducing the trench capacity. Arches should be constructed as per the below diagram.



**Plate 1:** Trench layout for arches.



#### 4.4 SITING AND CONFIGURATION OF THE SYSTEM

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

Whilst there is ample area for application of the effluent, it is important that appropriate buffer distances be maintained. It is important to note that buffers are measured as the overland flow path for run-off water from the effluent irrigation area.

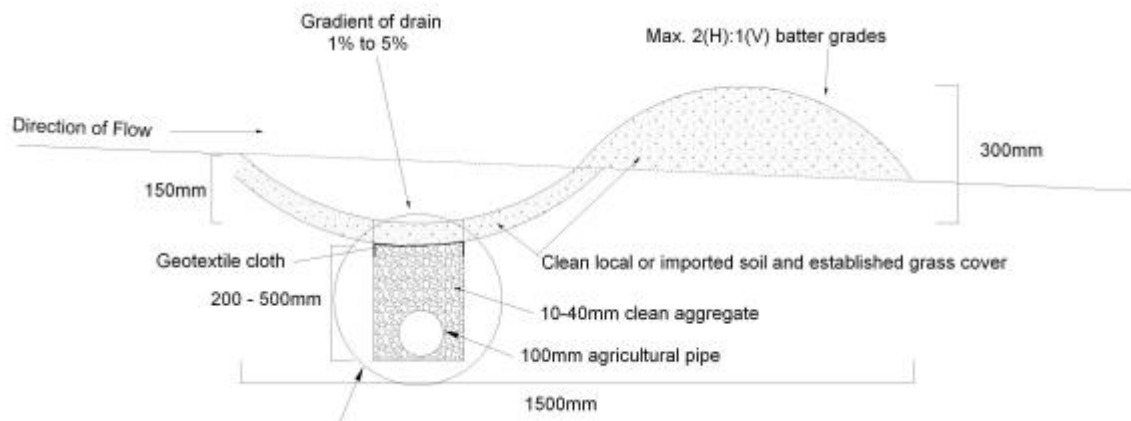
It is recommended that the owner consult a wastewater contractor familiar with effluent system construction to construct the system, and an appropriately registered plumbing/drainage practitioner to install the system.

#### 4.5 STORMWATER RUN-ON MEASURES

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

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

An upslope cut-off drain should be constructed at the site in accordance with the below figure. The upslope drain should be keyed a minimum 150mm into clay soils at the site. We recommend the drain is constructed 3m upslope of the Land Application Area.



**Plate 2:** Upslope diversion drain.



## 4.6 BUFFER DISTANCES

Setback buffer distances from EDRS systems are required to help prevent human contact, maintain public amenity and protect sensitive environments. The relevant buffer distances for this site, taken from Table 4-10 of the EPA Guidelines 2024 (1) are provided in Table 8.

**Table 8: Primary Treatment Buffer Distances**

Site Feature	Setback Distance (m)
Building / allotment boundaries / swimming pool / water and gas pipes	6m – Up-slope 3m – Down-slope
Services	6m – Closed stormwater drain 50m – Open stormwater drain
Surface waters	100m – Up-slope from watercourses in a potable water supply catchment 60m – Up-slope from non-potable watercourses 40m – Up-slope from drainage lines
Groundwater bores	20m – Category 2b to 6 soils
Soil depth	1.5m – Depth to water table 1.5m – Depth to hydraulic limiting layer

## 5.0 MONITORING, OPERATION AND MAINTENANCE

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

To ensure the treatment system functions adequately, residents must:

- Desludging primary tank and inspect eluent absorption trenches every 3-5 years.
- Use household cleaning products that are suitable for septic tanks;
- Keep as much fat and oil out of the system as possible; and
- Conserve water (AAA rated fixtures and appliances are recommended).
- Do not discharge your unwanted and expired medicine into your OWMS.
- Avoid use of products containing PFAS (Per-and Polyfluoroalkyl substances)



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25091-LCA

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

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

## 6.0 CONCLUSION

As a result of our investigations, we conclude that sustainable onsite wastewater management is feasible with appropriate mitigation measures, as outlined, for the proposed residence at 30 Zachary Drive, Mallacoota.

Specifically, we recommend the following:

- Primary Treatment of wastewater.
- Land application of treated effluent via conventional absorption trenches. Trenches are to be up to a maximum of 25 metres long and 1 metre wide, with a minimum spacing of 3.0m between trenches;
- Installation of water saving fixtures (minimum 4 star WELS) and appliances (minimum 3 star WELS) in the new residence to reduce the effluent load;
- Use of low phosphorus and low sodium (liquid) detergents to improve effluent quality and maintain soil properties for growing plants; and
- Operation and management of the treatment and disposal system in accordance with manufacturer's recommendations, the EPA Certificate of Approval, the EPA Guidelines 2024 and the recommendations made in this report.



## 7.0 REFERENCES

Environment Protection Authority (2024) (1). Guideline for onsite wastewater management (GOWM).

Environment Protection Authority (2024) (2). Guideline for onsite wastewater effluent dispersal and recycling systems (EDRS).

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

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

## 8.0 LIMITATIONS

Your attention is drawn to the document – ‘Limitations’ which is included in Appendix B of this report. The statements presented in this document are intended to advise you of what your realistic expectations of this report should be. The document is not intended to reduce the level of responsibility accepted by DBM Geotech, but rather to ensure that all parties who may rely on this report are aware of the responsibilities each assumes is so doing.

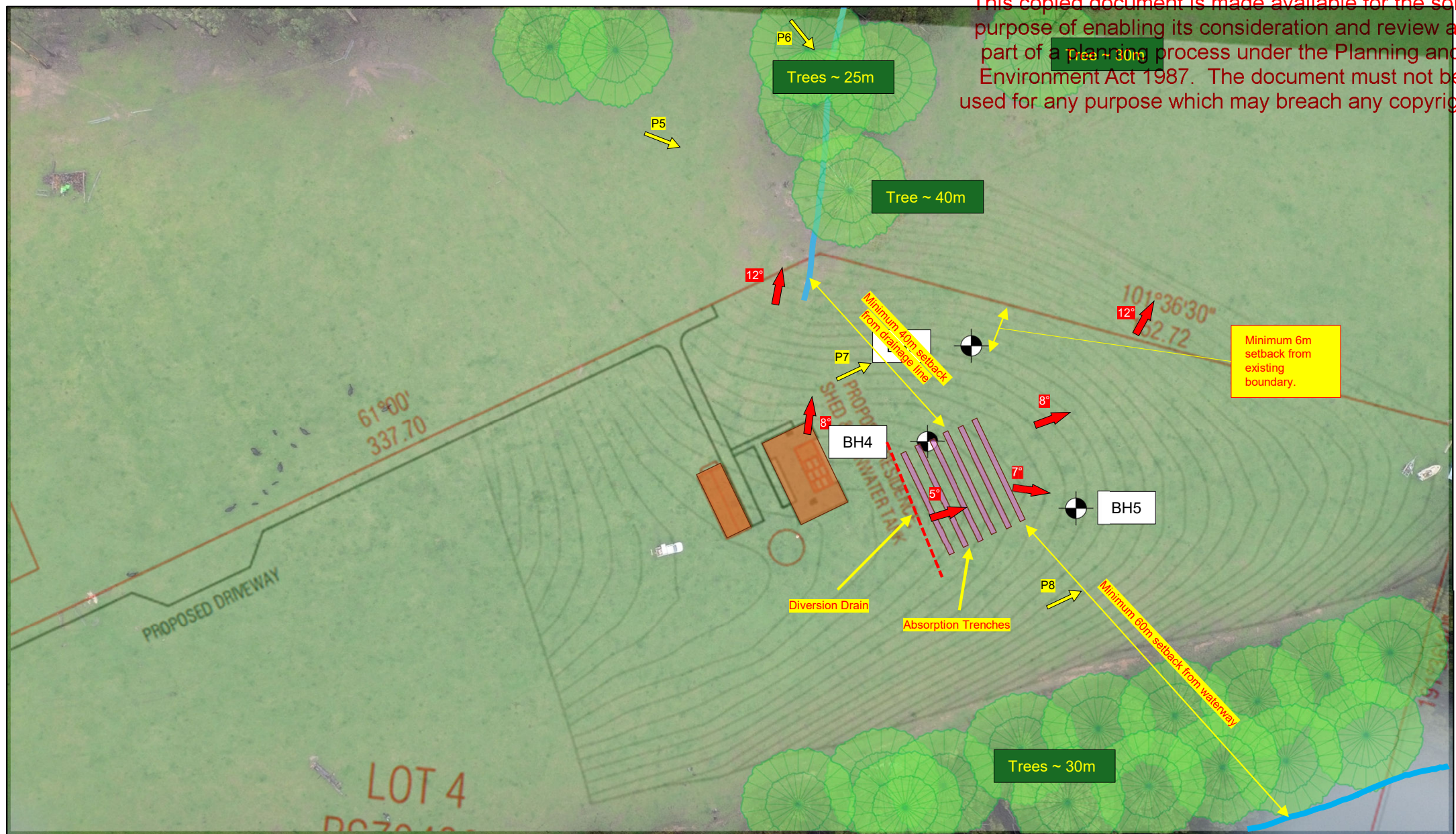
### DBM Geotech



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ABN 69 666 900 643



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Not to scale  
Aerial Imagery Captured: 29/04/2025 14:47



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**GEOTECH**

DBM Geotech Consulting Pty Ltd  
www.dbmgeotech.com.au

**LEGEND:**

BOREHOLE



EXISTING TREE



SITE PHOTO DIRECTION



WATERWAY / DRAINAGE



SLOPE ANGLE



PROPOSED DWELLING



PROPOSED LAA



**FIGURE DETAILS:**

Figure 1 – Site Plan  
(LCA)

**CLIENT:**

Matt Cuce & Emma Bruce

**SITE ADDRESS:**

30 Zachary Drive, Mallacoota

**JOB NUMBER:**

25091

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Photo 1 – Looking northeast



Photo 2 – Looking west



Photo 3 – Looking southwest



Photo 4 – Looking east

**FIGURE DETAILS:**  
**Figure 2 – Site Photos**

**CLIENT:**  
Matt Cuce & Emma Bruce  
**SITE ADDRESS:**  
30 Zachary Drive, Mallacoota  
**JOB NUMBER:**  
25091





Photo 5 – Looking east



Photo 6 – Looking southeast



Photo 7 – Looking east



Photo 8 – Looking east

**FIGURE DETAILS:**  
**Figure 3 – Site Photos**

**CLIENT:**  
Matt Cuce & Emma Bruce  
**SITE ADDRESS:**  
30 Zachary Drive, Mallacoota

**JOB NUMBER:**  
25091

**Printed 3/09/2025**  
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## **Appendix A**

### **Reports of Boreholes**

### **Water Balance Calculations**



**DBM GEOTECH****REPORT OF BOREHOLE BH4**

Job No : 25091

Easting : 833978.55

Sheet : 1 OF 1

Client : . Owner / Designer

Northing : 0.00

Logged : Sam Young

Project : 30 Zachary Drive, Mallacoota

UTM : 30N

Logged Date : 29/04/2025

Location : 30 Zachary Drive, Mallacoota

Drill Rig : Push Tube

Checked :

Contractor : DBM Geotech

Inclination :

Checked Date : 30/04/2025

Drilling Method	Water	Depth (m)	Graphic Log	Classification Code	Material Description	Moisture	Consistency/Density	Samples	Testing	Shear Strength
		0.3		ML	Clayey SILT ML: firm to stiff, low plasticity, brown, with fine to coarse sized gravel, with coarse grained sand, moist, category 4a.	M	F-St			
		1		CI	Silty CLAY CI: stiff to very stiff, medium plasticity, orange redbrown, moist, category 5b.		St-VSt			
				SLT	Extremely weathered, Gravelly SILT SLT: stiff to very stiff, low to medium plasticity, mottled light grey redbrown orange, fine to coarse sized gravel.	M-D				
					<b>BH4 refusal at 1.2m (Practical refusal on XW siltstone)</b>					





**DBM GEOTECH****REPORT OF BOREHOLE BH5**

Job No : 25091

Easting : 833978.55

Sheet : 1 OF 1

Client : . Owner / Designer

Northing : 0.00

Logged : Sam Young

Project : 30 Zachary Drive, Mallacoota

UTM : 30N

Logged Date : 29/04/2025

Location : 30 Zachary Drive, Mallacoota

Drill Rig : Push Tube

Checked :

Contractor : DBM Geotech

Inclination :

Checked Date : 28/04/2025

Drilling Method	Water	Depth (m)	Graphic Log	Classification Code	Material Description	Moisture	Consistency/Density	Samples	Testing	Shear Strength
		0.3		ML	Clayey SILT ML: firm to stiff, low plasticity, brown, with fine to coarse sized gravel, with coarse grained sand, moist, category 4a.	M	F-St			
		1.3		CI	Silty CLAY CI: stiff to very stiff, medium plasticity, orange redbrown, inorganic, moist, with bands of xw siltstone gravels, category 5b.		St-VSt			
				SLT	Extremely weathered, Gravelly SILT SLT: stiff to very stiff, low to medium plasticity, mottled light grey redbrown orange, fine to coarse sized gravel.	M-D				
					<b>BH5 refusal at 1.4m (Practical refusal on XW siltstone)</b>					



## REPORT OF BOREHOLE: BH6

Easting : 833978.55  
Northing : 0.00  
UTM : 30N  
Drill Rig : Push Tube  
Incination :

Sheet : 1 OF 1  
Logged : Sam Young  
Logged Date : 29/04/2025  
Checked :  
Checked Date : 28/04/2025

Printed 3/09/2025  
Page 65 of 165



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# Victorian Land Capability Assessment Framework

## Trench DLR = 8.0mm/day

Please read the attached notes before using this spreadsheet																
Irrigation area sizing using Nominated Area Water Balance for Zero Storage																
Site Address:		30 Zachary Drive, Mallacoota														
Date:		6/05/2025				Assessor:		David Barry-Macaulay								
<b>INPUT DATA</b>																
Design Wastewater Flow	Q	750	L/day	Based on 4 bed home, 150L/day loading rate												
Design Irrigation Rate	DIR	8	mm/day	Based on soil texture class/permeability and derived from Table 4.8 in the EPA 2024												
Nominated Land Application Area	L	285	m <sup>2</sup>	1												
Crop Factor	C	0.8	unitless	Estimates evapotranspiration as a fraction of pan evaporation; varies with season and crop type <sup>2</sup>												
Rainfall Runoff Factor	RF	0.7	unitless	Proportion of rainfall that remains onsite and infiltrates, allowing for any runoff												
Mean Monthly Rainfall Data	Mallacoota (84084)			BoM Station and number												
Mean Monthly Pan Evaporation Data	Mallacoota			Synthetic Pan Evaporation from BOM Australian Water Outlook [-37.557 149.756]												
Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Days in month	D		days	31	28	31	30	31	30	31	31	30	31	30	31	365
Rainfall	R		mm/month	66.0	63.7	73.7	92.9	82.8	97.4	78.8	68.6	75.7	79.4	87.3	74.9	941.2
Evaporation	E		mm/month	215.3	170.7	160.4	116.1	90.2	72.1	82.3	102.5	126.5	161.6	179.9	208.6	1686.1053
Crop Factor	C		unitless	0.80	0.80	0.70	0.70	0.60	0.60	0.60	0.60	0.70	0.80	0.80	0.80	
<b>OUTPUTS</b>																
Evapotranspiration	ET	ExC	mm/month	172	137	112	81	54	43	49	62	89	129	144	167	1239.1632
Percolation	B	DIRxD	mm/month	248.0	224	248.0	240.0	248.0	240.0	248.0	248.0	240.0	248.0	240.0	248.0	2920.0
Outputs		ET+B	mm/month	420.2	360.5263158	360.3	321.3	302.1	283.2	297.4	309.5	328.5	377.3	383.9	414.9	4159.2
<b>INPUTS</b>																
Retained Rainfall	RR	RxRF	mm/month	46.2	44.59	51.59	65.03	57.96	68.18	55.16	48.02	52.99	55.58	61.11	52.43	658.84
Applied Effluent	W	(QxD)/L	mm/month	81.6	73.7	81.6	78.9	81.6	78.9	81.6	81.6	78.9	81.6	78.9	81.6	960.5
Inputs		RR+W	mm/month	127.8	118.3	133.2	144.0	139.5	147.1	136.7	129.6	131.9	137.2	140.1	134.0	1619.4
<b>STORAGE CALCULATION</b>																
Storage remaining from previous month			mm/month	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-292.5	-242.3	-227.1	-177.3	-162.6	-136.1	-160.6	-179.9	-196.6	-240.1	-243.8	-280.9	
Cumulative Storage	M		mm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Maximum Storage for Nominated Area	N		mm	0.00												
	V	NxL	L	0												
<b>LAND AREA REQUIRED FOR ZERO STORAGE</b>			m <sup>2</sup>	62	66	75	88	95	105	96	89	82	72	70	64	
<b>MINIMUM AREA REQUIRED FOR ZERO STORAGE:</b>				105.0	m <sup>2</sup>											
<b>CELLS</b>																
		Please enter data in blue cells														
		Red cells are automatically populated by the spreadsheet														
		Data in yellow cells is calculated by the spreadsheet, DO NOT ALTER THESE CELLS														
<b>NOTES</b>																
<sup>1</sup> This value should be the largest of the following: land application area required based on the most limiting nutrient balance or minimum area required for zero storage																
<sup>2</sup> Values selected are suitable for mixture of grass and eucalyptus trees																



## **Appendix B**

### **Limitations**





## LIMITATIONS

This Document has been provided by DBM Geotech Consulting Pty Ltd (DBM Geotech) subject to the following limitations:

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

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

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



Our Ref: 25045

21<sup>st</sup> August 2025

Robert Buckmaster  
Statutory Planning Officer  
East Gippsland Shire Council  
PO Box 1618  
Bairnsdale Vic 3875

Dear Robert,

**Re: Application for Planning Permit No: 5.2025.209.1  
30 Zachary Drive, Mallacoota  
Development of a Dwelling and Outbuilding.**

We act on behalf of Matthew Cuce the owner of the land at 30 Zachary Drive, Mallacoota.

In response to correspondence dated 9<sup>th</sup> July 2025, requesting further information in relation to the above application, in addition to further discussions, we offer:

- **Revised Plans** - The plans have been modified to show the proposed access point from Zachary Drive extending along the allotment boundaries to the location of the proposed dwelling. We request that Council include a permit condition requiring that access from Zachary Drive be constructed prior to the issue of a Certificate of Occupancy, consistent with the previous approvals.
- **Arborist Report** - An arborist report undertaken by Howe Range Tree Care is attached which provides tree identification and current health status. None of the trees impacted by the proposal are native to Australia.
- **Revised Planning Submission** - A revision of the original planning submission to include the removal of vegetation.

We trust that this information is sufficient to enable the application to proceed and a permit to be granted. After December 2025, our clients and their young family of four will be left without a housing solution. With two small children it is vital that a secure and appropriate home is in place and for this reason they are eager to progress the proposal as soon as possible.

Should you require any further information or wish to discuss any element of the above further, please do not hesitate to contact our office on 03 5152 4858.

Regards



**Courtney Campbell**  
Development Solutions Victoria



# Amend a Planning Permit Application

s50 & s57A Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015

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## Applicant Details:

Applicant name:	
Business trading name (if applicable): DEVELOPMENT SOLUTIONS VICTORIA PTY LTD	
Email address: ADMIN@DEVSOLVIC.COM.AU	
Postal address: 48 BAILEY STREET, BAIRNSALE VIC	
	Postcode: 3875
Preferred Phone number: 03 5152 4858	Secondary number:

## Owners Details: (if not the applicant)

Owner name: EMMA LOUISE BRUCE AND MATTHEW JOSEPH CUCE	
Business trading name (if applicable): C/- DEVELOPMENT SOLUTIONS VICTORIA PTY LTD	
Postal address: 48 BAILEY STREET, BAIRNSALE VIC	
	Postcode: 3875

## Description of the Land:

Street number:	Street name:
Town:	Postcode

AND/OR

Lot Number: 30	Plan Number: 734387D
Other Legal Description: VOL 12462 FOL 761	

Other legal description may be a Crown Allotment reference, Volume/Folio, or other title descriptor. If the proposal relates to multiple addresses/parcels, please attach a document with the details of the additional land included, including Ownership detail.

## Declaration in relation to Title Restrictions:

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Description of proposal:

Describe the use, development or other matter which needs a permit:

DEVELOPMENT OF A DWELLING, OUTBUILDING AND VEGETATION REMOVAL



# Amend a Planning Permit Application

**s50 & s57A Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015**

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## Amendment Type:

Under which section of the *Act* is the amendment to the application made? (one answer only)

<input checked="" type="checkbox"/> s50 Amendment by applicant before notice	<input type="checkbox"/> s57A Amendment by applicant after notice is given
Revised estimated cost of development: <i>Note: You may be required to verify this estimate</i>	\$ 1000.00

## Existing conditions:

Describe how the land is used and developed currently:

VACANT LAND

## Required supporting documents (if the amendment to the application affects the existing documents)

- Title to each property subject to the application (must have been generated within the past 30 days)
- Full copy of Covenants or Section 173 agreements if applicable, and details of beneficiaries if there is a proposal which would contravene, alter, or end a covenant or restriction.
- Supporting documents which are mandatory requirements of the Planning Scheme (e.g. – Native Vegetation Removal Report, Bushfire Management Statement, Geotechnical report/waiver)
- Site plan & floor plan (for use and development applications) / elevations for development applications

## Suggested supporting documents, or subject to requirements of the scheme

- A report responding to the relevant application requirements and the policies and objectives of the East Gippsland Planning Scheme
- Supporting information/reports which are commonly considered with similar applications (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

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

## Payment of Application Fees

For a s50 application, no additional fees are payable unless the amendment introduces a matter not already covered by the original application.

For a s57A application, a fee of 40 percent of the original application fee amount is payable. The amount will be to be confirmed by a senior planning officer in accordance with the *Planning and Environment (Fees) Regulations 2016*. An invoice will be generated once the amended application has been assessed to confirm it is complete.

Invoice Recipient (Payer): DEVELOPMENT SOLUTIONS VICTORIA PTY LTD	
Address: 48 BAILEY STREET, BAIRNSALE VIC	
	Postcode: 3875
Email Address: ADMIN@DEVSOLVIC.COM.AU	Phone Number: 03 5152 4858



# Amend a Planning Permit Application

s50 & s57A Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015


## Privacy Statement

The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act 1987*. Sometimes we may provide a copy of this application form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au). You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

## Declarations:

- ☐ I declare that I am the applicant and that all the information in this application is true and correct and the owner(s) (if not myself) has (have) been notified of the amendment to 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 or 57B 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.
- ☐ In the event that the giving of notice is required pursuant to Section 52 or 57B of the *Planning and Environment Act 1987*, and I receive instructions to give notice to potentially affected parties, I confirm that I will destroy the instructions and personal information once the information is no longer necessary.
- ☐ I accept the East Gippsland Shire Council Privacy Statement.

Applicant signature: 	
Name: COURTNEY CAMPBELL	Date: 28 / 08 / 2025

## Contact Council



03 5153 9500



[feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)



[eastgippsland.vic.gov.au](http://eastgippsland.vic.gov.au)



PO Box 1618, Bairnsdale 3875

## Customer Service Centres:

- **Bairnsdale:** 273 Main Street
- **Lakes Entrance:** 18 Mechanics Street
- **Mallacoota:** 70 Maurice Avenue
- **Omeo:** 179 Day Avenue
- **Orbost:** 1 Ruskin Street
- **Paynesville:** 55 Esplanade



JUN  
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25



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APPLICATION FOR PLANNING PERMIT

# DEVELOPMENT OF A DWELLING, OUTBUILDING AND VEGETATION REMOVAL

30 ZACHARY DRIVE, MALLACOOTA  
MATTHEW CUCE & EMMA BRUCE  
REF: 25045



## CONTENTS

1	Introduction	4
2	Site Context	5
3	The Proposal	10
4	Zones and Overlays	12
5	Planning Assessment	20
6	Conclusion	22

## APPENDIX

A	Copy of Title and Plan of Subdivision
B	Property Management Report
C	Proposed Development Plans
D	Bushfire Management Report
E	Land Capability Assessment
F	Arborist Report

## DOCUMENT REVISION

1	Draft Report	DAC	19/06/2025
2	Final Report	CMC	22/06/2025





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## 1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Matthew Cuce and Emma Bruce the owners of land and the applicants for this planning permit application for the development of a dwelling, outbuilding and the removal of vegetation at 30 Zachary Drive, 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 dwelling site and Bushfire Management Plan were previously approved as part of the subdivision, however this is not the desired location for the proposed dwelling and as such a planning permit is required. An application to end the Section 173 Agreement is also being made at the time of this application as per preliminary discussions.

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

<b>Address</b>	<b>30 Zachary Drive, Mallacoota</b>
<b>Site Description</b>	Lot 4 on Plan of Subdivision 734387D
<b>Title Particulars</b>	Vol 12462 Fol 761
<b>Site Area</b>	7.78 Hectares
<b>Proposal</b>	Development of a Dwelling, Outbuilding and Vegetation Removal
<b>Planning Scheme</b>	East Gippsland Planning Scheme
<b>Zone</b>	Rural Living Zone – Schedule 1
<b>Overlays</b>	Bushfire Management Overlay Erosion Management Overlay Significant Landscape Overlay – Schedule 6 Vegetation Protection Overlay – Schedule 8
<b>Aboriginal Cultural Heritage</b>	Identified as an area of Cultural Heritage Sensitivity
<b>Permit Triggers</b>	Clause 44.06-2 Bushfire Management Overlay – Buildings and Works Clause 42.03-2 Significant Landscape Overlay – Buildings and Works Clause 2.02-2 Vegetation Protection Overlay
<b>Notice</b>	Exempt from notice at Clause 44.06-7
<b>Referrals</b>	Country Fire Authority and DEECA
<b>Work Authority Licence</b>	Not Applicable
<b>Planning Scheme requirements</b>	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 13.02-15 Built environment and heritage – Clause 15 Housing – Clause 16 Bushfire Management Overlay – Clause 44.06 Significant Landscape Overlay – Clause 42.03 Vegetation Protection Overlay – Clause 42.02 Decision guidelines – Clause 65



## 2. SITE CONTEXT

### Site

The subject site is located at 30 Zachary Drive, Mallacoota. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is affected by Section 173 Agreements registered as S946112Y and AM857158G.

#### S946112Y

This agreement was made in 1992 between the original owners and the Mallacoota Water Board. The agreement restricts further subdivision until an appropriate reticulated water supply can be made with adequate pressure.

#### AM857158G

This agreement was made in 2016 and provides restrictions associated with bushfire and vegetation management, static water supply, access and restriction on further subdivision.

It is noted we are applying to **end** this agreement and enter into a **new** Section 173 Agreement with altered wording of 6.1.2. The application to end this agreement will be submitted concurrently with this application.

The site is irregular in shape with a total area of approximately 7.78 hectares and is vacant land.

The southern portion of the site contains an existing watercourse being Two Mile Creek.

The site is undulating in nature and contains dense vegetation concentrated along the southern boundary. This vegetation is protected by a Property Management Plan as contained in **Appendix B**.

There is no existing constructed access to the subject site. A grassed crossover connects directly to Zachary Drive. Access is detailed below in Section 3.



Figure 1 – Locality Plan – 30 Zachary Drive, Mallacoota (source: mapshare.vic.gov.au)



Figure 2 – Locality Plan – 30 Zachary Drive, Mallacoota (source: mapshare.vic.gov.au)



## Surrounds

The land in this locality includes both developed and vacant rural residential land and Public Land.

Adjoining the northern boundary of the subject site is land containing an existing residential dwelling and associated facilities. Adjoining the eastern boundary is densely vegetated vacant land containing Two Mile Creek. Land adjoining the southern boundary contains existing residential dwellings and associated facilities. Adjoining the western boundary is public land containing dense vegetation. Adjoining the southwestern boundary is Zachary Drive and a further residential development.

The site is located approximately 3.1 kilometres northwest 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.

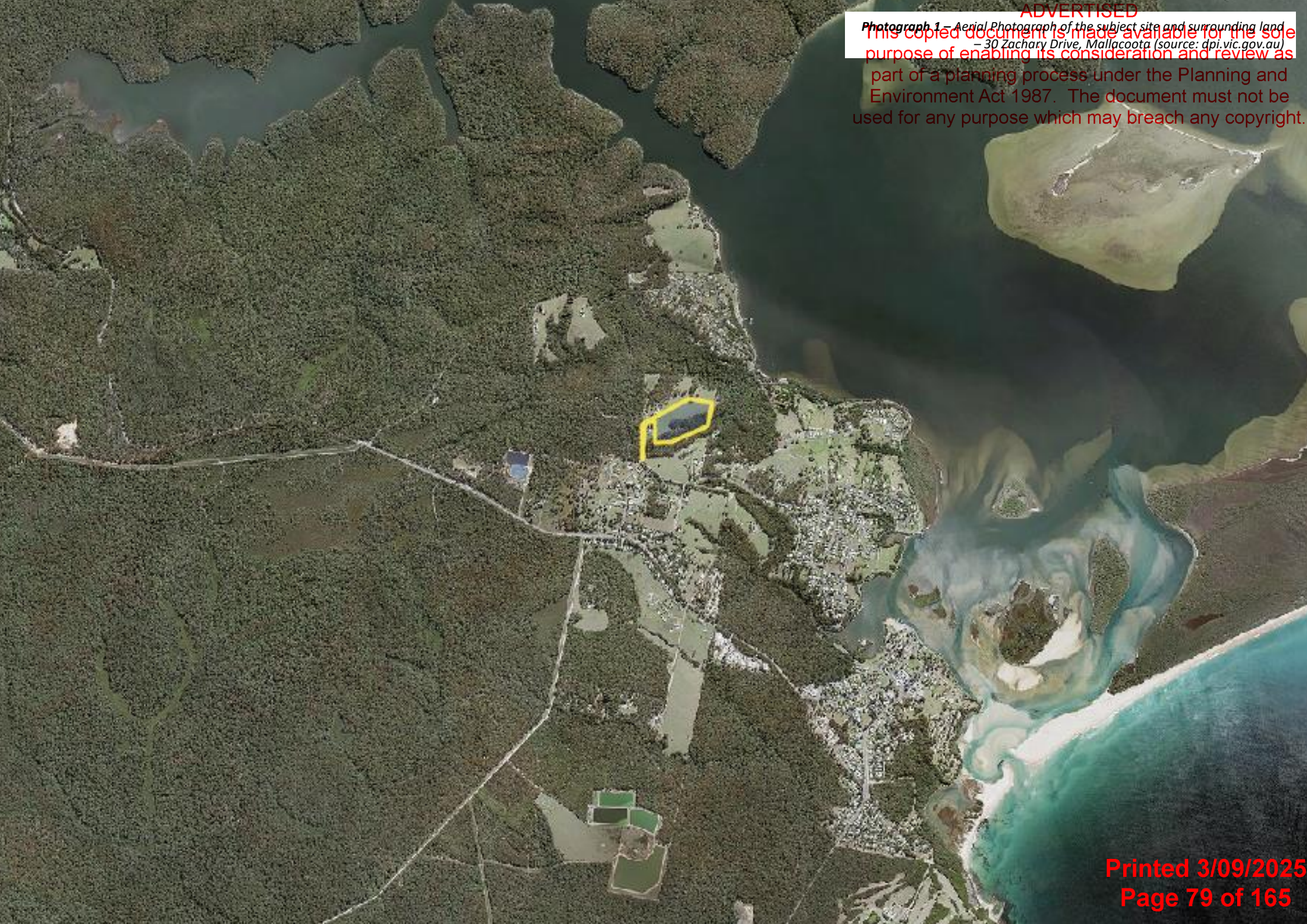
The subject site in relation to Mallacoota is shown in the aerial photograph below.





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Photograph 1 – Aerial Photograph of the subject site and surrounding land  
– 30 Zachary Drive, Mallacoota (source: dpi.vic.gov.au)  
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**Photograph 2** – Subject site at 30 Zachary Drive, Mallacoota.



**Photograph 4** – Existing entrance to subject from driveway access facing northeast.



**Photograph 6** – Subject site facing northwest showing proposed dwelling location.



**Photograph 3** – Existing informal access to subject site facing south.



**Photograph 5** – Proposed access to dwelling site facing northeast.



**Photograph 7** – Subject site facing east showing proposed dwelling location.





**Photograph 8** – Subject site facing south showing proposed dwelling location.



**Photograph 10** – Neighbouring property north of the subject site at 32A Zachary Drive, Mallacoota.



**Photograph 12** – Zachary Drive facing southeast.



**Photograph 9** – Subject site facing west showing proposed dwelling location.



**Photograph 11** – Neighbouring property adjoining the western boundary of the subject site at 28 Zachary Drive, Mallacoota.



**Photograph 13** – Zachary Drive facing northwest.



### 3. THE PROPOSAL

This application seeks approval for development of a dwelling, outbuilding and the removal of vegetation under the provisions of the Bushfire Management Overlay Significant Landscape Overlay and the Vegetation Protection Overlay. The proposed development plans are contained in **Appendix C**.

The proposed dwelling and outbuilding will be located in the northeastern portion of the subject site and will have a setback of approximately 32.5 metres to the northwestern boundary and 56.01 metres to the northeastern boundary.

The total building footprint of the dwelling will be approximately 130m<sup>2</sup>. The overall height of the proposed dwelling is approximately 5.78 metres from natural ground level.

The finished material of the proposed dwelling will include James Hardie Axon Cladding with a painted finish in the Colorbond colour Dune. The roof will be finished with Colorbond metal roof sheeting in the Colorbond colour Dune. A visual description of the exterior finishes is contained in **Appendix C** and an extract provided in **Figure 4**.

#### Outbuilding

The proposed outbuilding will be located approximately 10 metres west to southwest of the proposed dwelling and will have a setback of 33.26 metres to the northwestern boundary.

The proposed outbuilding will have a building footprint of approximately 96m<sup>2</sup> being 6 metres wide by 16 metres long. The overall proposed height of the outbuilding will be 3.5 metres. The finished materials will include Colorbond metal cladding for the roof and walls in Colorbond colour Wallaby. An extract of the proposed outbuilding is provided below and in **Appendix C**.

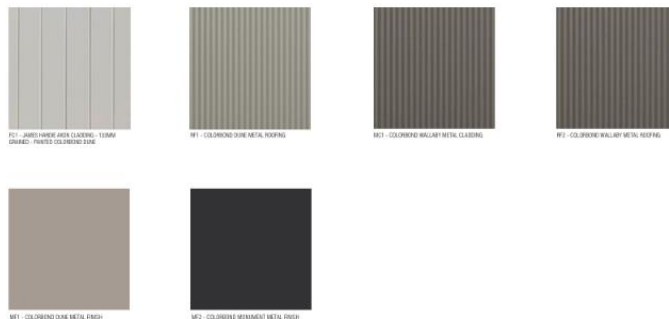
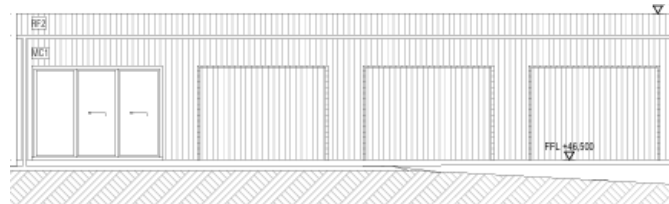


Figure 4— Finished materials schedule —Arkular

The proposed dwelling will connect to all available services including electricity, telecommunications and the existing road network. Wastewater will be treated and retained on site via a primary treatment septic system as recommended within the Land Capability Assessment contained in **Appendix E**. Water will be provided via a water tank as indicated on the proposed development plans.

Drainage from the proposed dwelling and outbuilding will be directed to the proposed water tank in the first instance with overflow directed to the legal point of discharge to the satisfaction of the responsible authority.

The proposal does not require earthworks that exceed 1 metre in depth.

The subject site can achieve a BAL 29 rating, a Bushfire Management Report is contained in **Appendix D**.

#### Vegetation Removal

The proposal includes the retrospective approval for the removal of 1 tree and lopping of two other trees to facilitate suitable access. An arborist report is contained in **Appendix F** which identifies the species, location and health status of the trees. All trees have been identified as not native to Australia.



### Access

There is no formal access to the site, it is proposed to temporarily use the existing access track that currently services 28, 32A and 32B Zachary Drive to access the subject site as indicated on the marked-up aerial to the right in **Figure 5**. This access track extends around Two Mile Creek.

Preliminary discussions with DEECA have confirmed that this access is considered suitable at this time, however ongoing continued use cannot be guaranteed.

It is requested the construction of a permanent access driveway from Zachary Drive be a permit condition requiring the access construction to be completed before a certificate of occupancy is issued. The proposed new access crossover and driveway will be constructed along the property boundaries and will include appropriate passing bays for emergency services as indicated on the revised development plans.

The provision of access will require the removal of one non-native tree and lopping of two others as addressed above. The trees are located in the northern portion of the site where the property boundaries have a limited width and as such their removal is inevitable to provide safe access for the owners and

emergency service vehicles as required by Clause 52.12.



**Figure 5** – Aerial with temporary access – Google Earth



#### 4. ZONES AND OVERLAYS

##### Rural Living Zone – Schedule 1

The purpose of the Rural Living Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

An extract of the Rural Living Zone Map is provided in **Figure 6**.

Clause 35.03-1 provides a permit is not required for the use of a dwelling, and a dwelling must meet the requirements of Clause 35.03-2. The proposed dwelling meets the requirements of Clause 35.03-2 and as such is a Section 1 use – permit not required.

Clause 35.03-4 provides a permit is not required for the dwelling and outbuilding as all the requirements can be met.

As such a permit is not required for the use and development of a dwelling and outbuilding under the provisions of the Rural Living Zone and schedule. This is not addressed further.

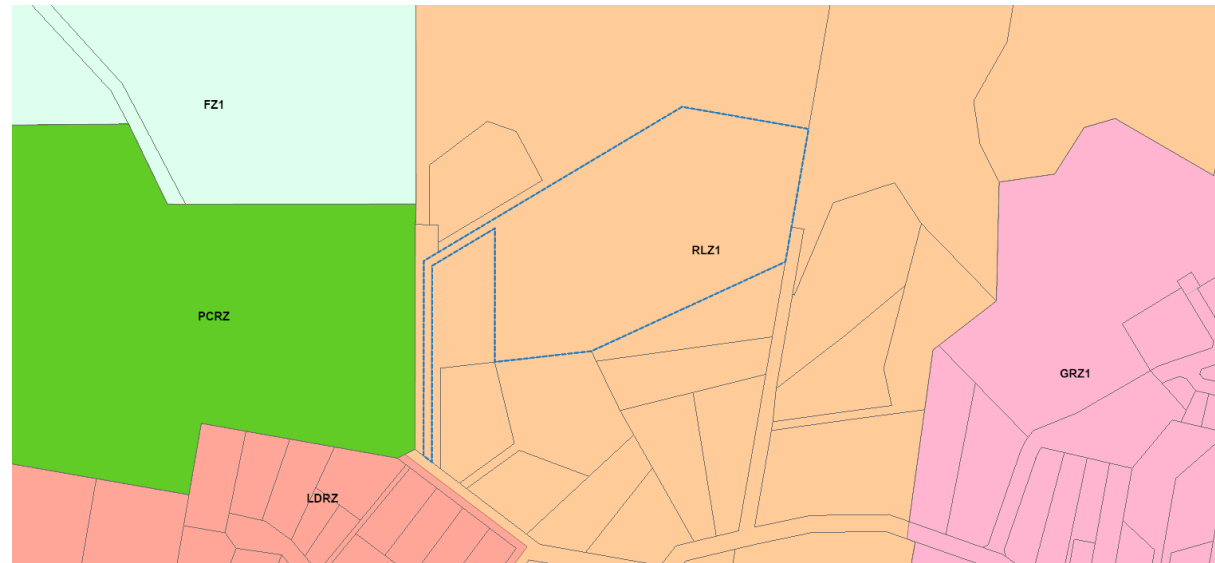


Figure 6 – Rural Living Zone – (source - mapshare.vic.gov.au)



## Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is:

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

An extract of the Bushfire Management Overlay map is provided in **Figure 7**.

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

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

A schedule to this overlay must specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02. There is no schedule applicable to the subject site.

The proposed dwelling requires planning approval under the provisions of the Bushfire Management Overlay and Clause 53.02-3.1 as the dwelling will be located outside the building envelope and as such the decision guidelines are addressed below in Section 5.

A Bushfire Management Report is contained in **Appendix D**.

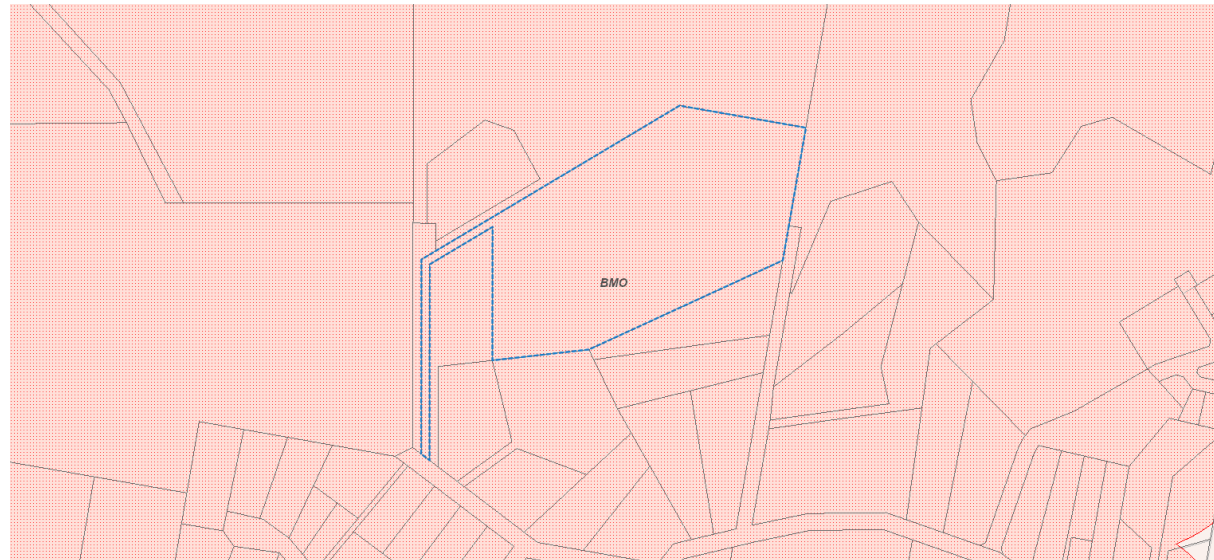


Figure 7 – Bushfire Management Overlay – (source - mapshare.vic.gov.au)



## Erosion Management Overlay

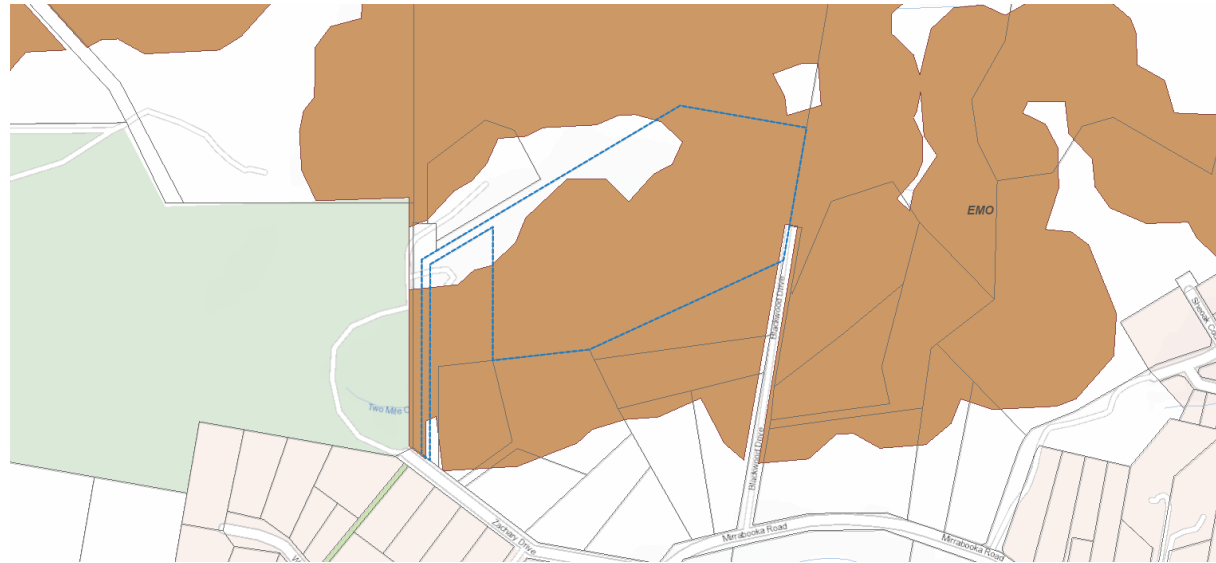
The purpose of the Erosion Management Overlay is:

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

An extract of the Erosion Management Overlay Map is provided in **Figure 8**.

Clause 44.01-2 provides a permit is required to construct a building or construct or carry out works.

Clause 44.01-3 provides a permit is required to remove vegetation however, the location of the vegetation requiring removal will be outside the area affected by the Erosion Management Overlay. The schedule provides a permit is not required to construct a dwelling or outbuilding and as such, a permit is not required. This is not addressed further.



**Figure 8** – Erosion Management Overlay – (source - mapshare.vic.gov.au)



## Significant Landscape Overlay – Schedule 6

The purpose of the Significant Landscape Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

An extract of the Significant Landscape Overlay Map is provided in **Figure 9**.

Clause 42.03-2 provides a permit is required to construct a building or construct or carry out works and for the removal of any vegetation. The schedule does not provide any exemptions for the development of a dwelling. The schedule provides a permit is required to remove, destroy or lop native vegetation. The vegetation requiring removal is not native to Australia. A permit is not required for the removal of vegetation however is required for the development of a dwelling and outbuilding under the provisions of the Significant Landscape Overlay. The relevant decision guidelines are addressed below in Section 5.

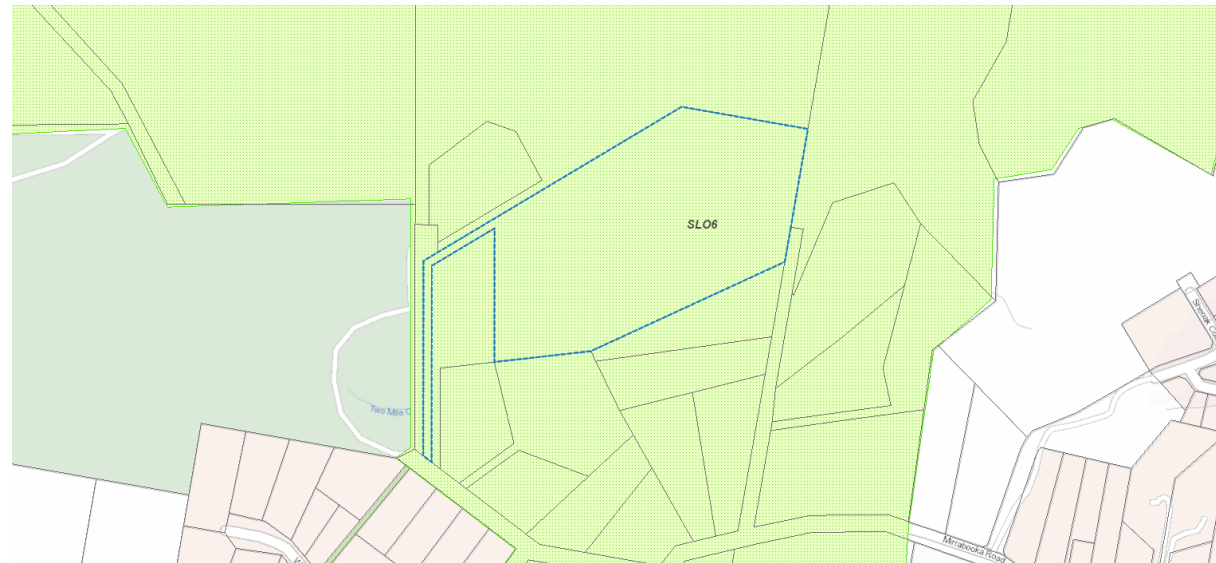


Figure 9 – Significant Landscape Overlay – (source - mapshare.vic.gov.au)



## Significant Landscape Overlay – Schedule 6 continued:

Schedule 6 provides the following statement of nature and key elements of landscape:

*“Mallacoota Inlet is an intricate inland waterbody with a backdrop of densely vegetated hills that come right down to the sea. Its landscape and scenic qualities are of state significance.*

*The inlet is the dominant feature of the landscape but its context is integral to its visual significance. The small coastal township of Mallacoota overlooks the inlet and is sheltered from the wild seas of the Tasman Sea by high coastal sand dunes. The deeply dissected surrounding ranges are cloaked in coastal sclerophyll forests, with temperate rainforests in the more enclosed valleys. A variety of views are experienced from within the landscape, including wide ocean views from the beaches, and an outlook across the inlet to a forested mountain backdrop, from the township.*

*Mallacoota Inlet is a popular holiday destination for visitors from across Victoria and New South Wales. Apart from its notable scenic qualities, it offers a range of recreational activities including snorkelling, rock pooling, walking, fishing, nature study, and artistic*

*pursuits. The landscape is listed by the National Trust for its scenic qualities and is on the Register of the National Estate for its Aboriginal heritage values including occupation sites, ceremonial sites, and middens.”*

Landscape character objectives to be achieved:

*“To retain the dominance of the extensive forested landscapes throughout the area.*

*To strengthen indigenous vegetation throughout the area, particularly on the slopes above Mallacoota Inlet and at roadsides.*

*To protect significant views and vistas, including views across from Mallacoota Inlet to the Howe Range.*

*To protect the setting of scenic and natural areas within Croajingolong National Park.*

*To maintain and enhance the strongly vegetated character of hill slopes and ridges throughout the landscape, and to avoid development which will be visible on the skyline.*

*To maintain the natural and largely unbuilt character of the landscape.*

*To protect locally significant views and vistas that contribute to the character of the area, particularly extensive outviews from the*

*settlement of Mallacoota to the ranges across Mallacoota Inlet, and long distance views from the foreshore along the wild coastline.*

*To protect the views from and setting of natural areas and recreation locations within Croajingolong National Park.*

*To encourage a balance between development and a vegetated landscape at the inlet, waterway and/or coastal edges of settlements.*

*To increase the vegetated character of those parts of the Mallacoota settlement visible from Mallacoota Inlet.*

*To protect or restore the dominance of the natural landscape and vegetation on the hill slopes above Mallacoota Inlet.*

*To encourage landscape change that is consistent with the cultural heritage values of the area.*

*To minimise the visual impact of signage and infrastructure throughout the landscape.*

*To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area. To recognise, and protect, the landscape of Mallacoota Inlet and surrounds as a place of significant Aboriginal cultural heritage value.”*



## Vegetation Protection Overlay – Schedule 8

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 10**.

Clause 42.02-2 provides a permit is required to remove, destroy or lop any vegetation. The schedule does not provide any exemptions. As such a permit is required under the provisions of the Vegetation Protection Overlay. The relevant decision guidelines are addressed below in Section 5 of this submission.

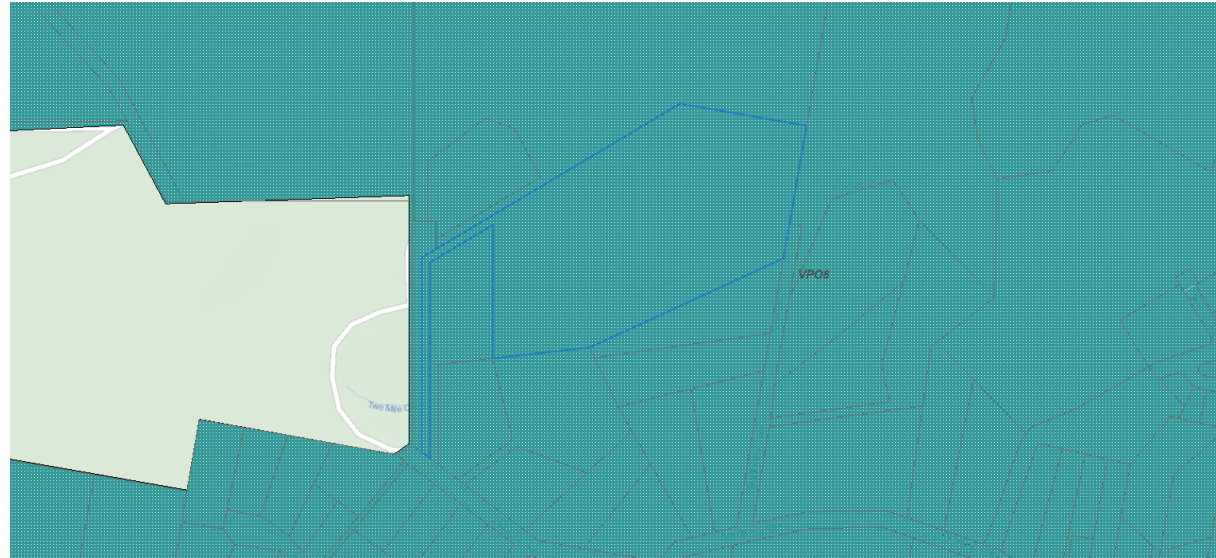


Figure 10 – Vegetation Protection Overlay – (source - mapshare.vic.gov.au)



## **Vegetation Protection Overlay – Schedule 8 Continued:**

Schedule 8 provides the following statement of nature and significance of vegetation to be protected:

*The Mallacoota area is located on the shores of Mallacoota Inlet in far East Gippsland. It contains substantial areas of remnant native vegetation and other significant vegetation, including within built up areas.*

*Vegetation contributes significantly towards aesthetic values of the area and provides for a unique character in a lakeshore setting, resulting in a highly attractive area to both local residents and visitors.*

*Remnant native vegetation throughout the area, including important examples of Rough-barked Angophora (*Angophora floribunda*), Red Bloodwood (*E. gummifera*) and the Mallacoota Gum (or Maiden's Gum, *E. globulus* ssp *Maidenii*), is of high conservation value and provides important fauna habitat. The township area of Mallacoota encompasses the Shady Gully reserve, which provides habitat for a number of vulnerable, rare or threatened species, and the remnant warm temperate rainforest of Develins Gulch. Some Ecological Vegetation Classes represented in the*

*Mallacoota township area, such as Swamp Scrub, are rare or threatened on a state and national basis.*

*Much of the vegetation along the gullies has an important role to play as a sediment trap and in nutrient treatment before stormwater and other flows reach the lake. Maintenance of this vegetation will help maintain water quality.*

*Conservation and enhancement of this area is generally important to, and supported by, the local community.*

Vegetation [protection objectives to be achieved:

*The Mallacoota Vegetation Protection Overlay seeks to conserve vegetation of high conservation value and vegetation with high aesthetic and landscape values.*

*The overlay objective is to ensure that development occurs so as:*

- *To conserve areas of vegetation of high conservation value by minimising the extent of vegetation loss.*
- *To preserve existing trees and other vegetation where it contributes to high landscape and aesthetic values of the area.*

- *To conserve and enhance fauna habitat and habitat corridors by minimising the extent of vegetation loss and encouraging regeneration of indigenous species.*
- *To reduce the risk of soil erosion and degradation of water quality by minimising the extent of vegetation loss.*



## Aboriginal Cultural Heritage

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

The development of a dwelling, outbuilding and the removal of vegetation are an exempt activity, and as such a Cultural Heritage Management Plan is not required. This is not addressed further.

An extract of the Aboriginal Cultural Heritage map is provided in **Figure 11**.



**Figure 11** – 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 development and vegetation removal 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 residential dwelling and outbuilding that can be respectful of the existing surrounding development and the environment.
- The proposal will contribute to a high standard of environmental sustainability, design and amenity by designing the dwelling and outbuilding 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** particularly in relation to bushfire and erosion hazards.
- **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.

- The proposed dwelling will connect to all available services and infrastructure including electricity, telecommunications and a good quality road network. Water will be provided via a water tank located to the south of the dwelling. Wastewater will be treated and retained within the allotment boundaries via a primary treatment septic system as recommended within the Land Capability Assessment contained in **Appendix E**.
- Drainage from the proposed dwelling and outbuilding will be directed to the proposed water tanks in the first instance with overflow directed to the legal point of discharge to the satisfaction of the responsible authority.
- The proposal meets the objectives of **Clause 16** by providing for a new dwelling within an existing, mostly developed rural residential area that will in turn support housing for the community.
- The subject site is affected by two Section 173 Agreements registered on title as S946112Y and AM857158G. An overview of the Section 173 agreements is contained in Section 2 of this submission. It is noted we are applying to end the agreement registered as AM857158G and enter into a

new Section 173 Agreement with altered wording of 6.1.2 to enable the location of the dwelling to be altered with a revised Bushfire Management Plan. The application to end this agreement will be submitted concurrently with this application.

- **Clauses 02.03-3, 13.01-1S and 44.06-8** requires consideration of bushfire hazards and implications as a result of any proposed development. A Bushfire Management Report is provided in **Appendix D** which concludes the subject site can achieve a BAL 29 rating. All approved bushfire protection measures have been incorporated into the proposal including appropriate access with passing bays and turning area suitable for emergency service vehicles, defensible space to a distance of 51 metres around the dwelling or to the property boundaries, whichever is lesser, 10 metres around the outbuilding and a 10,000 litre water tank dedicated for CFA purposes which will be located on the northern end of the proposed outbuilding.
- **Clause 44.06-4** provides the application must meet the requirements of **Clause 53.02**. All of the approved measures set out in Clause 53.02-3 have been incorporated into the proposal and it is concluded the risks associated with bushfire can be reduced to an acceptable level.



- The proposal is consistent with the decision guidelines of the Significant Landscape Overlay at **Clause 42.03-5** which seeks to identify significant landscapes and conserve and enhance the character of significant landscapes.
- The statement of nature and key elements of landscape and the landscape character objectives to be achieved are contained in Section 4 of this submission.
- The subject site contains dense vegetation in the southern portion of the site. One tree requires removal (retrospective approval) and two trees on the adjoining allotment will require lopping and will encroach into the tree protection zone, however will not require removal. The trees will require lopping to enable the provision of access to the site and to enable appropriate access for emergency service vehicles. These trees are located in the northern portion of the site and are not located within the conservation area. An arborist report is contained in **Appendix F** which provides species classification, tree location and health status. It is noted all 3 trees are non-native to Australia.
- The extent of lopping and encroachment will require further investigation and consultation with the adjoining landowner, and it is requested that the lopping and ongoing management of these two trees be by way of a Vegetation Management Plan. It is requested that this be a condition on any planning permit to be granted.
- The tree requiring retrospective approval was removed by the owner's father who did not realise the trees were protected. The trees are located within an area that has a limited width and as such there are no other practical locations for access to the property, this results in inevitable removal in this instance.
- No other trees require removal to facilitate the proposed development at this time.
- Revegetation is not considered an appropriate response particularly given the bushfire hazards associated with the site.
- The vegetation in the southern portion of the site is protected by the Property Management Plan contained in **Appendix B** and will continue to be in the future.
- The proposal is consistent with the decision guidelines of the Vegetation Protection Overlay at **Clause 42.02-5** which seeks to ensure that development minimises the loss of vegetation. The statement of nature and significance of vegetation to be protected and the vegetation protection objectives to be achieved are contained in Section 4 of this submission.
- All standard erosion prevention measures will be undertaken to ensure no erosion occurs as a result of the proposed vegetation removal. The removal of the one tree is not expected to result in a detrimental environmental or ecological impact. Tree 1 does not generally provide habitat for native birds in Australia and there is no evidence of any existing habitat.
- The proposed dwelling will be constructed on stumps to ensure excavations and earthworks are kept to a minimum.
- This submission has addressed the decision guidelines of **Clause 65**, and the proposed 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 addressed above in Section 3 and will be provided to the location of the proposed dwelling and outbuilding. The driveway will include two passing bays and a turning area to the north of the dwelling to accommodate emergency service vehicles as indicated on the proposed development plans and the Bushfire Management Report. The increased traffic as a result of the proposal is unlikely to generate any negative impact on the existing road network.



- 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 development of a dwelling, outbuilding and vegetation removal at 30 Zachary Drive, 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 Bushfire Management Overlay Significant Landscape Overlay and the Vegetation Protection Overlay.
- The hazards associated with bushfire can be reduced to an acceptable level.
- The design of the dwelling and outbuilding are 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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# Howe Range Tree Care

## TREE REPORT

Date: 15/08/2025

**Client: Matt Cuce**

**Address : 30 Zachary Drive,  
Mallacoota, Victoria.**

This report identifies 3 trees that are located on the property of the above address and their health condition as assessed by myself, Matt Boyle - Cert III Arborist.

### **Tree 1:** *Pinus patula* - Mexican Weeping Pine.

This tree is not native to Australia and has evidence of poor health, particularly in the crown with one side missing a substantial amount of foliage causing it to lean to one side creating root uplift. This species does not commonly provide habitat to native birds of Australia. There is no evidence of habitat within this tree. To my knowledge this tree was planted by the previous owner.

(Base dia. 0.4m)

### **Tree 2 & 3:** *Cupressus macrocarpa* - Monterey Cypress

Trees 2 & 3 are both identified as Monterey Cypress which are non-native to Australia. These two trees are both in a healthy condition, however they would benefit from having multiple broken branches removed and a weight reduction to allow for healthier growth. There is damage at the base of both trees from livestock rubbing against them and some roots exposed.

(Base dia. 0.6m & 0.5m)

Refer to over page, for site map.

**MATT BOYLE**

Owner

Howe Range Tree Care  
Mallacoota, Victoria 3852

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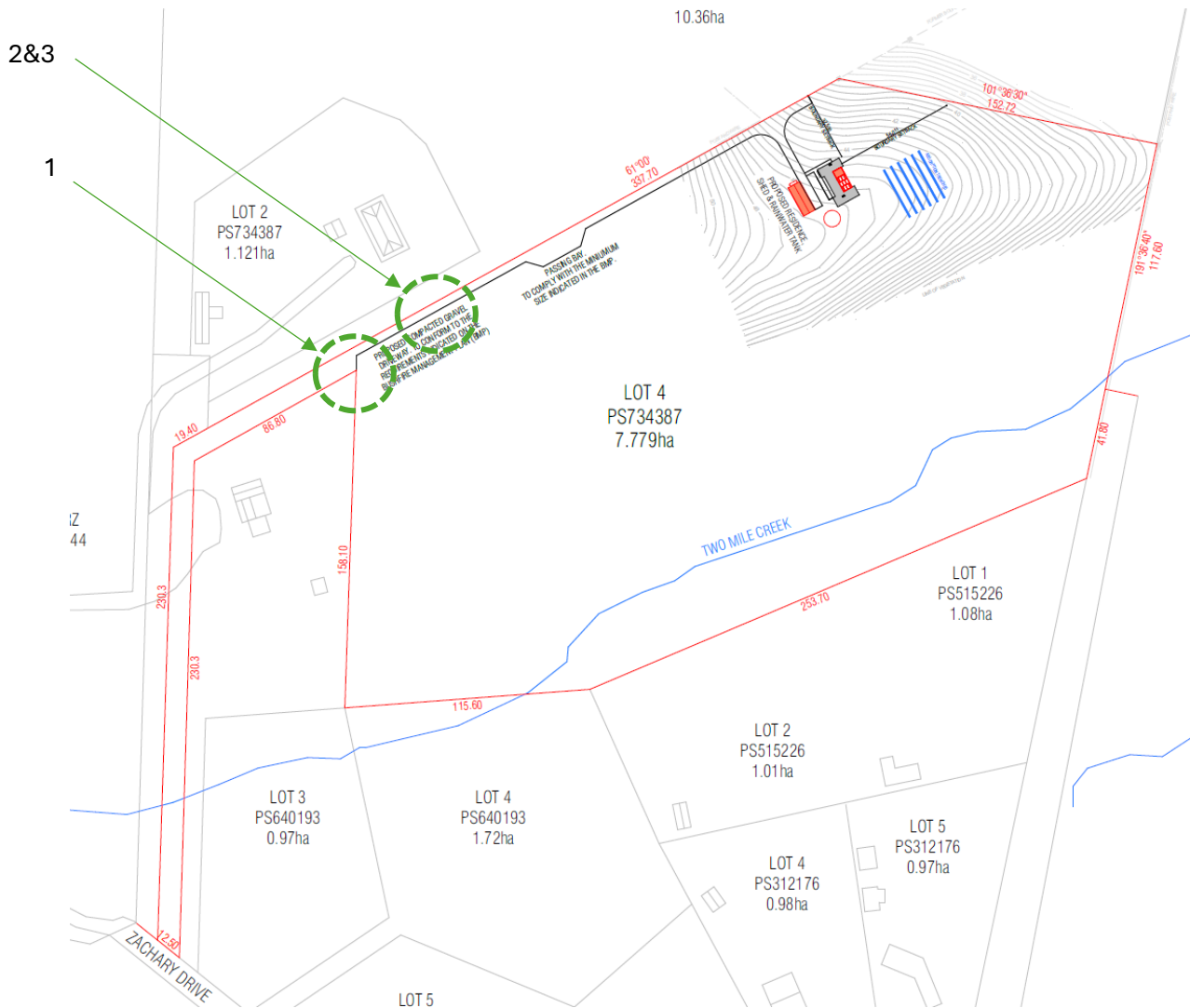


Figure 1: Plan View, 30 Zachary Dr

MATT BOYLE

Owner

Howe Range Tree Care  
Mallacoota, Victoria 3852

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Figure 2: Felled tree at Position 1 (driveway)

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**MATT BOYLE**

Owner

Howe Range Tree Care  
Mallacoota, Victoria 3852

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Figure 3: Pine cones at base of tree in Position 1

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MATT BOYLE

Owner

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Figure 4: Tree at Position 1 (before felling ~May 2025)

**MATT BOYLE**

Owner

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Mallacoota, Victoria 3852

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Figure 5: Trees at Position 2/3 (fence line) 2 total overhanging fence line

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MATT BOYLE

Owner

Howe Range Tree Care  
Mallacoota, Victoria 3692

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# AGILUS

## BUSHFIRE MANAGEMENT STATEMENT AND CLAUSE 13.02 ASSESSMENT

30 ZACHARY DRIVE, MALLACOOTA



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Version No.	Description of changes	Date	Author	Reviewer
<b>V1.0</b>	Report prepared following site assessment.	18/03/2025	Mitch Baade	Mark Potter
<b>V1.1</b>	Minor amendments following client feedback.	21/03/2025	Mitch Baade	Mark Potter
<b>V1.2</b>	Minor amendments following CFA feedback.	15/04/2025	Mitch Baade	Mark Potter
<b>V1.3</b>	Updated site plans.	20/08/2025	Stefan Gouws	Mark Potter



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## 1. EXECUTIVE SUMMARY

This Bushfire Management Statement (BMS) has been prepared to address the requirements of Clause 44.06 – Bushfire Management Overlay (BMO) and Clause 53.02 – Bushfire Planning, as well as Clause 13.02 of the East Gippsland Planning Scheme for the proposed development at 30 Zachary Drive, Mallacoota. Key Findings are as follows:

- The surrounding landscape has been classified as Type 4 hazard in accordance with the BMO technical guide.
- The site and surrounding landscape has previously been impacted by a Bushfire in 2020.
- The proposed dwelling is located in close proximity to forest, woodland, and grassland.
- The property is located in a Bushfire Management Overlay (BMO), with limited evacuation options due to surrounding forested areas.
- Previous bushfire impact (2019-2020) highlights the area's vulnerability.

The proposed design solution is as follows:

- Almost all aspects of the building will be constructed to BAL40, despite the building only being exposed to a radiant heat flux of up to 29 kW/m<sup>2</sup>.
- Maintain a defensible space of 51m, or to the property boundary (whichever is closer) that is maintained in accordance with Table 6 of Clause 53.02. The shed will also be provided with 10 metres of defensible space, located within the dwelling defensible space.
- Existing grassed areas on site will remain as they are and will not be revegetated.
- 10,000 litre static water supply for firefighting purposes.
- Access to the property will be as per the BMO requirements.



## 2. INTRODUCTION

This Bushfire Management Statement (BMS) has been prepared in response to the requirements of Clause 44.06 – Bushfire Management Overlay, and in accordance with the application requirements of Clause 53.02 – Bushfire Planning. This Report also addresses Clause 13.02 of the Planning Scheme.

The BMS contains three components:

1. A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site.
2. A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development.
3. A **bushfire management statement** describing how the proposed development responds to the requirements of Clause 13.02, 44.06 and 53.02.

The proposed development involves the construction of a single dwelling and ancillary shed. A site overview, including proposed buildings, proposed accessways, nearby hydrants, and property dimensions is presented in Figure 1. The proposed development in relation to the BMO is presented in Figure 2.

This Report has been completed following an assessment of the supplied information, a site visit and a detailed desktop assessment. This assessment has also been prepared based on the provided plans by arkular as presented in Appendix D – Architectural Plans.

The provided plans, as well as discussions with arkular, indicate that, except for the deck (which will utilise BAL29-compliant, non-timber materials), the building will largely utilise BAL40-compliant materials, including but not limited to:

- Axon Cladding, which will enclose the underside of the subfloor.
- Colourbond metal roofing.
- 6mm double-glazed glass.

Preliminary advice has been sought from CFA regarding the above design solution, and CFA have indicated their general support (See Appendix C – CFA Preliminary Advice).

## 3. APPLICATION DETAILS

<b>Municipality</b>	East Gippsland
<b>Title details</b>	Lot 4 PS73487
<b>Zoning</b>	Rural Living Zone (RLZ1)
<b>Overlays</b>	Bushfire Management Overlay (BMO), Environmental Significance Overlay (ESO), and Erosion Management Overlay (EMO)



#### 4. SITE DESCRIPTION

<b>Existing use and siting of buildings and works on and near the land:</b>	The site is approximately 7.8 ha in size and currently does not benefit from any structures on site. The surrounding areas are predominately acreage residential properties. Public conservation areas, including Mallacoota State Forest, are located to the west.
<b>Access to firefighting water supplies:</b>	Street hydrants are located along Zachary Drive and surrounding roads.
<b>Access and egress arrangements:</b>	<p>Access and egress to the site is via Zachary Drive, which connects to Mirrabooka Road. The site benefits from two methods of egress towards Mallacoota, however both will require some driving adjacent to Mallacoota Bushland Reserve.</p> <p>Travelling south from Mirrabooka Road and then east from Genoa-Mallacoota Road allows for a direct pathway to the township of Mallacoota.</p> <p>Travelling east along Mirrabooka Road, to connect to Lakeside Drive, and also leads to the township of Mallacoota.</p> <p>Both egress routes are a short 5-6 minute drive (~3.2km) from the site.</p> <p>Mallacoota Foreshore Holiday Park is a neighbourhood safer place and is available for shelter in an emergency. It is not advisable to seek alternate egress opportunities due to the extensive forested landscape surrounding the site and township.</p>
<b>Topography on and in the surrounding area:</b>	<p>The proposed dwelling and shed are situated along a ridgeline. The surrounding terrain is as follows:</p> <ul style="list-style-type: none"> <li>• <b>North:</b> flat/upslope, which is followed by a downslope of 5–10° on the neighbouring property.</li> <li>• <b>East:</b> A downslope of 5–10°.</li> <li>• <b>South:</b> A downslope of 10–15°.</li> <li>• <b>West:</b> flat and upslope.</li> </ul>
<b>Vegetation on and in the surrounding area:</b>	<p>Within 150m of the development, there is a mix of vegetation including Forest, Woodland and Grassland as defined under AS3959:2018.</p> <p>It should be noted that much of the vegetation was assessed using a conservative approach. While the forest vegetation to the south of the site did have evidence of a shrub layer, it was clear that stock had been grazing through the area. There was an argument to be made to classify the area as woodland, however, the forest classification was chosen for conservatism.</p> <p>In the surrounding landscape, there are extensive areas of forested vegetation to the west of the site.</p>





**Figure 1 – Site overview, including proposed buildings, access, parcel dimensions, 10m contours, and nearby hydrants.**



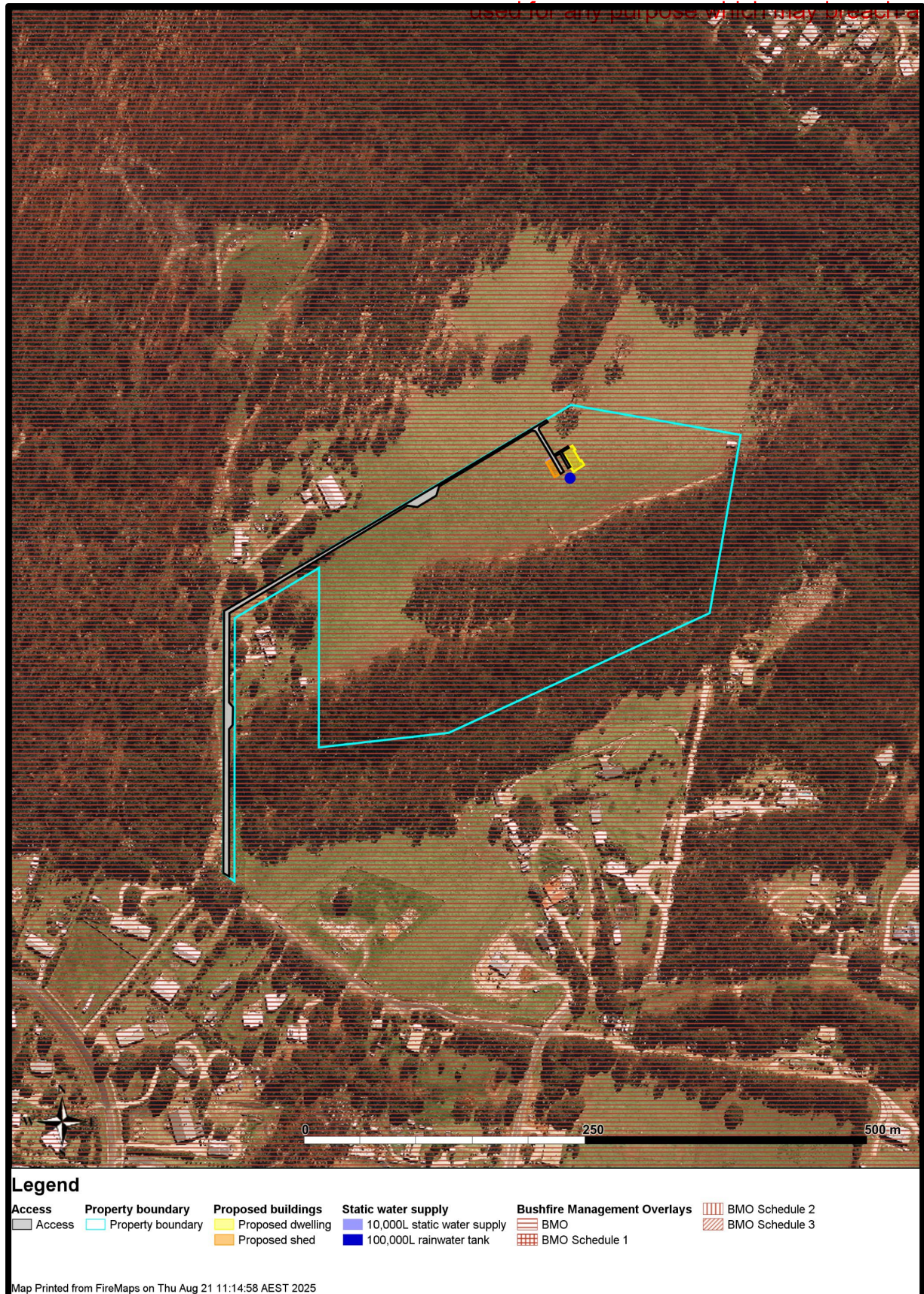


Figure 2 - Proposed development in relation to the BMO



## 5. BUSHFIRE RISK IN SOUTHEAST AUSTRALIA

Southeast Australia, particularly regions of Victoria, New South Wales, and parts of South Australia and Tasmania, experiences significant bushfire risk, especially during the summer months. Several factors contribute to elevated fire dangers in this region:

### Weather conditions

Elevated bushfire danger is often associated with specific weather conditions and wind patterns that can contribute to the rapid spread and intensification of fires. Some of the key weather conditions and wind directions that increase bushfire risk include:

**Hot and Dry Weather:** High temperatures combined with low humidity levels result in dry vegetation, which is more susceptible to ignition. During periods of hot and dry weather, fires can start more easily and spread rapidly.

**Strong Winds:** Strong winds can significantly increase the rate at which fires spread. Wind can carry embers long distances, causing spot fires ahead of the main fire front and making containment efforts more challenging. Wind-driven fires can quickly change direction and intensity, posing a greater threat to communities and firefighters.

**Wind Direction:** The direction from which the wind is blowing can have a significant impact on fire behaviour and spread. In some cases, certain wind directions can funnel fires into narrow corridors, increasing the speed and intensity of the bushfire.

**Wind Changes:** Sudden changes in wind direction or speed can create unpredictable fire behaviour and make firefighting efforts more difficult. Wind shifts can cause fires to change direction rapidly, threatening areas that were previously considered safe. This issue is more prevalent in bushfires in grassland areas where sudden wind changes can cause an immediate change in direction.

**Drought Conditions:** Prolonged periods of drought lead to drier vegetation and soil moisture levels, increasing the overall flammability of the landscape. During drought conditions, fires can ignite more easily and spread more rapidly, posing a greater risk to communities and ecosystems.

### Vegetation

The predominant vegetation in southeast Australia includes eucalypt forests, scrublands, and grasslands. Eucalypt forests, in particular, contain highly flammable oils in their leaves, which can easily ignite and spread fires. Dry grasslands and scrublands also provide ample fuel for fires to propagate.

### Slope

Steep slopes and rugged terrain are common in many parts of southeast Australia. Slopes increase the speed at which fires can spread, as flames can travel more quickly uphill due to preheating of fuel and the influence of wind. Additionally, fires burning downhill can create their own wind patterns, further accelerating their spread.

### History of Fire (planned and unplanned) Activity



Many areas in southeast Australia have a history of recurrent bushfires and planned burning activities, which if not regularly occurring, can lead to the accumulation of dry vegetation and debris. This accumulated fuel increases the intensity and severity of fires when they occur, as well as making firefighting efforts more challenging.

During periods of elevated fire danger, authorities often issue warnings and implement fire bans to mitigate the risk. Community preparedness, including fuel reduction efforts, maintaining defensible space around properties, and having a bushfire survival plan in place, are crucial for minimising the impact of bushfires in southeast Australia.

## 6. BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

### 6.1. INTRODUCTION

The Bushfire Hazard Landscape Assessment (BHLA) is prepared to provide an overview of the bushfire hazard more than 150 metres from the site. This assessment considers the relevant bushfire history, planned burning history, future fuel management programs proposed, types of vegetation, landscape features that may slow or stop bushfire spread and other factors.

The BHLA assessment has considered the hazards within one and 20 kilometres from the subject site.

### 6.2. BUSHFIRE AND FUEL REDUCTION BURNING HISTORY

The site has been impacted by at least one recent fire in 2020, which formed part of the 2019-2020 Bushfires. This fire was recorded to have impacted more than 358,751ha and resulted in the township of Mallacoota being cut off from the rest of Victoria. The Royal Australian Navy was eventually called in to assist in the evacuation of the area. Several houses were lost due to this bushfire<sup>1</sup>.

Other bushfires and planned burns likely occurred in this area before 2020, however, spatial bushfire history data provided by DEECA only shows the most recent fires. In the surrounding landscape, including to the east, there have been several bushfires and planned burns.

Based on the historical analysis, the surrounding landscape can support fire and block egress opportunity out of Mallacoota. Fire history, including bushfires and planned burns, is presented in Figure 3.

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<sup>1</sup> <https://news.cfa.vic.gov.au/news/mallacoota-s-road-to-recovery>



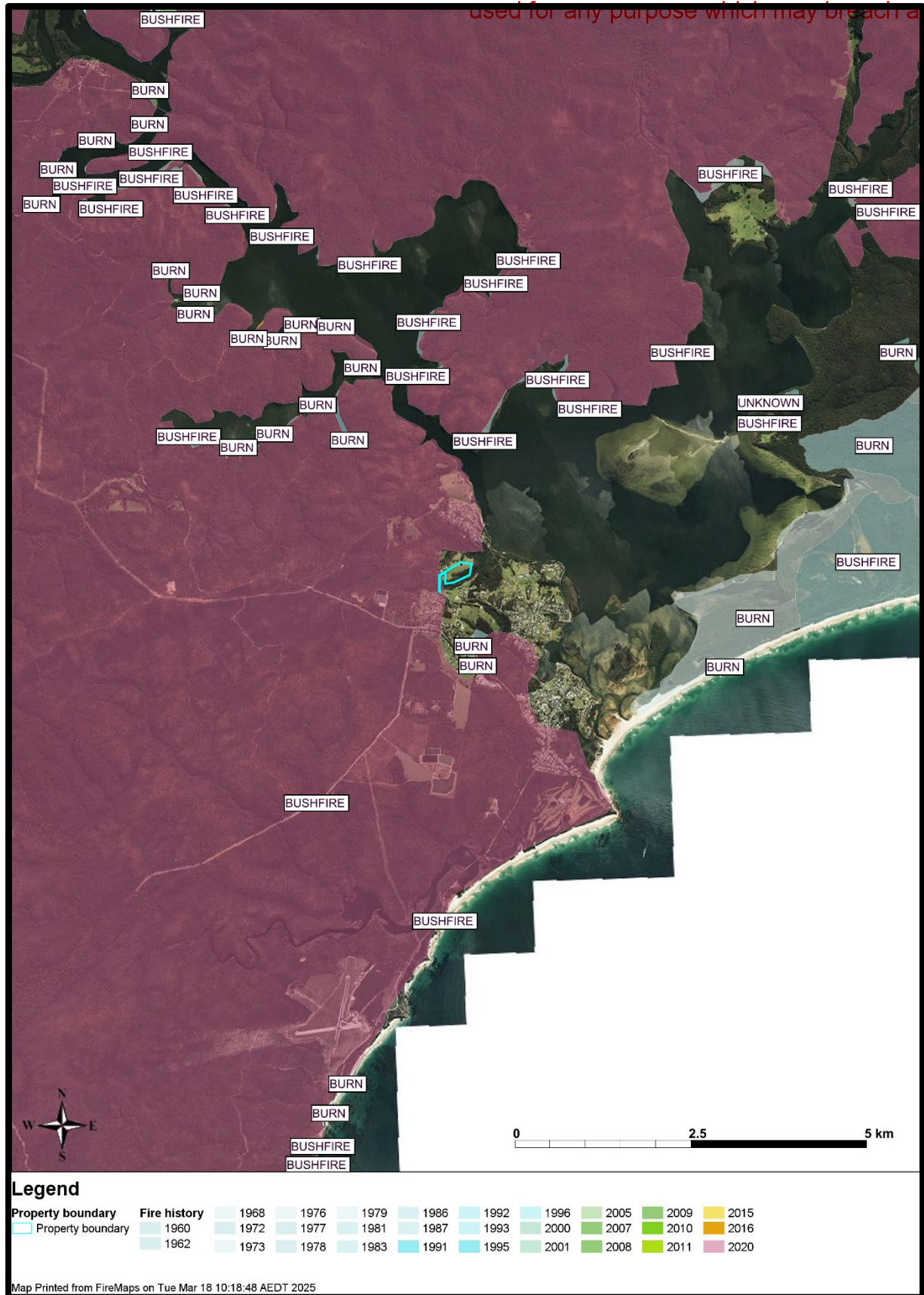


Figure 3 – Most recent fire history, including bushfires and planned burns



### 6.3. LIKELY BUSHFIRE SCENARIOS

The analysis of the surrounding landscape and the development of bushfire scenarios is an important phase of the assessment of bushfire risk to a site. This assessment considers all aspects however history shows us that bushfires are more likely to impact on the property from a north westerly or south westerly direction. The south westerly impact usually occurs after a wind change.

These two fire scenarios cause the greatest amount of damage, including loss of life, in south-eastern Australia during bushfire events.

The following table describes the scenarios that may impact on the building:

**Table 1 - Bushfire scenarios**

Scenario reference	Description
<b>Scenario A</b>	<p>Scenario A relates to a bushfire burning under a north westerly wind influence and travelling towards the site.</p> <p>The local assessment has identified forested areas to the west of the site, that would allow a bushfire approach to the site relatively uninterrupted. However, some local tracks or roads may slow the fire, but are highly unlikely to stop it, particularly on a high fire danger day. Cleared areas on site are likely to provide the most protection to the building from a bushfire approaching from the northwest.</p> <p>The landscape assessment has identified that the broader landscape contains large areas of forested vegetation with undulating slopes. A bushfire burning through this area would have weeks to develop before impacting the local area and is also likely to cut off any evacuation opportunities. There is a high likelihood of large amounts of ember generation that could start fires ahead of the fire front. Landscape features, including highways and other cleared areas are unlikely to stop the fire from progressing.</p>
<b>Scenario B</b>	<p>Scenario B relates to a bushfire burning under a south westerly wind influence and travelling towards the site. A bushfire approaching under a south westerly wind influence usually occurs following a period of north westerly wind conditions. This is the type of day when the fire danger ratings are normally elevated.</p> <p>To the southwest of the site, the local assessment has identified forested vegetation, however, not as dense as what is identified in Scenario A. A bushfire travelling towards the site from the southwest would have to cross Mallacoota Road, and then travel through areas of reduced vegetation density before impacting the site.</p> <p>Similar to Scenario A, a fire starting in the broader landscape would have weeks to develop before impacting the subject site. This would likely result in ember generation that starts fire ahead of the main fire front. Landscape features, including highways and other cleared areas are unlikely to stop the fire from progressing.</p> <p>Further detail is available in Figure 4 and Figure 5.</p>



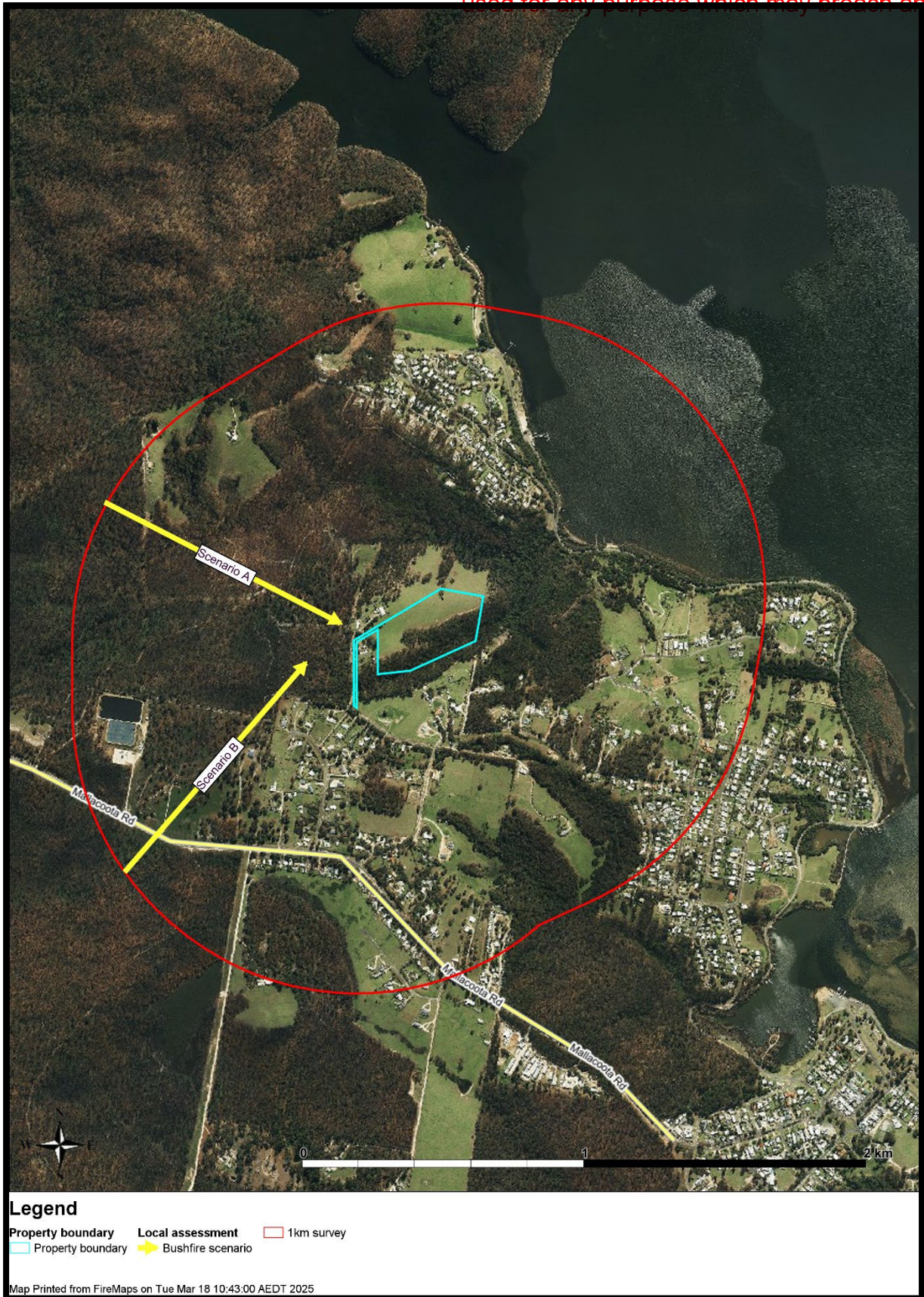


Figure 4 - one kilometre landscape assessment and likely scenarios.



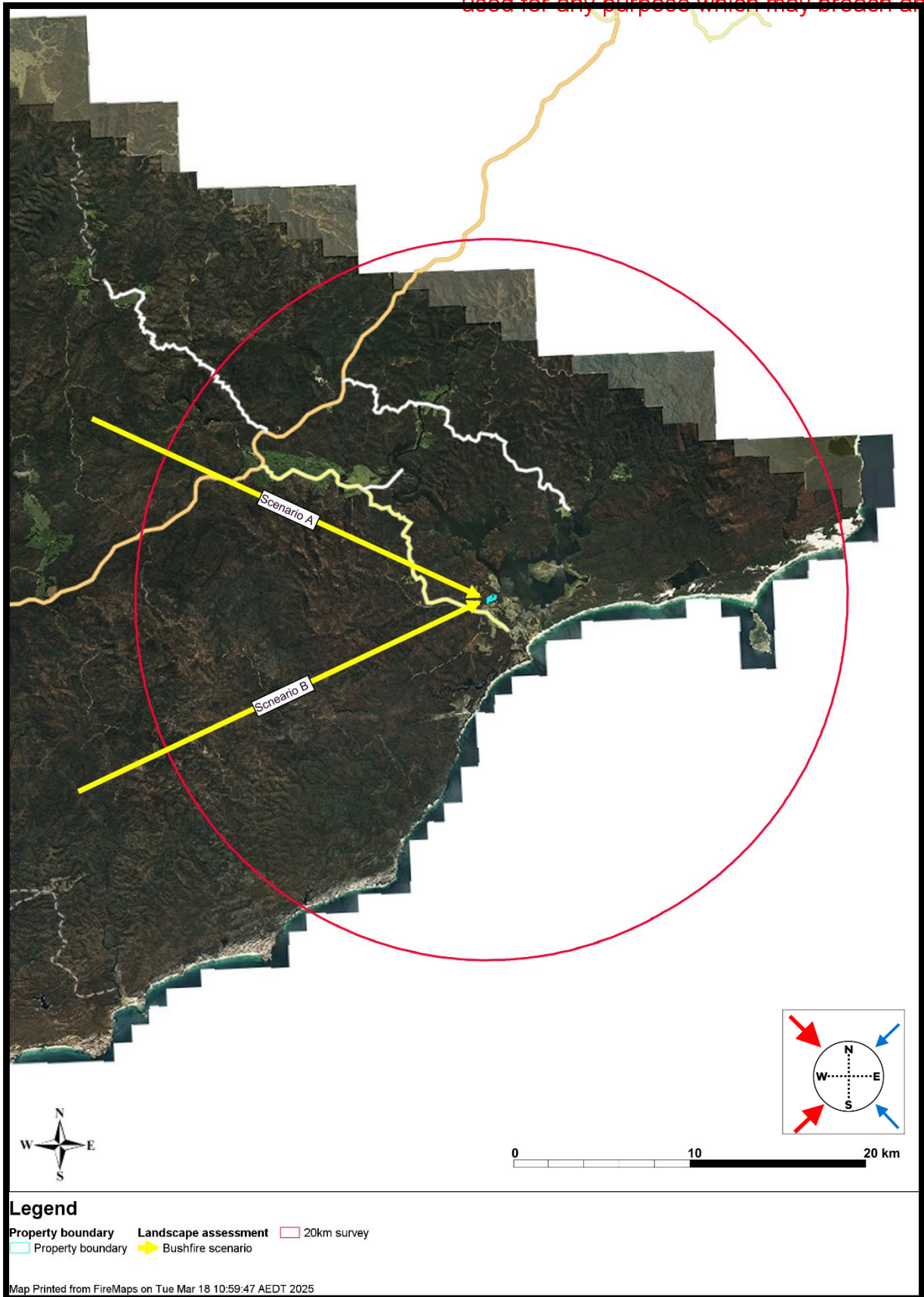


Figure 5 - 20-kilometre landscape assessment and likely scenarios.



In summary, both scenarios are possible, and this has been demonstrated through historical bushfire events in the surrounding landscape.

#### 6.4. LANDSCAPE TYPE ASSESSMENT

The determination of the landscape type enables the consideration of other treatments depending on the level of risk. These treatments may include additional construction requirements, vegetation management or other solutions. Whilst the determination of a landscape risk level is part of this analysis, the determination of the need for additional treatments will be considered as part of further assessments within this Report.

**Table 2 - Landscape type descriptors**

Landscape Type Descriptors	
<b>Type 1</b>	<p>There is little vegetation beyond 150 metres of the site (except grasslands and low threat vegetation).</p> <ul style="list-style-type: none"> <li>• Extreme bushfire behaviour is not possible.</li> <li>• The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property.</li> <li>• Immediate access is available to a place that provides shelter from bushfire.</li> </ul>
<b>Type 2</b>	<p>The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</p> <ul style="list-style-type: none"> <li>• Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition.</li> <li>• Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.</li> </ul>
<b>Type 3</b>	<p>The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</p> <ul style="list-style-type: none"> <li>• Bushfire can approach from more than one aspect.</li> <li>• The site is located in an area that is not managed in a minimum fuel condition.</li> <li>• Access to an appropriate place that provides shelter from bushfire is not certain</li> </ul>
<b>Type 4</b>	<p>The broader landscape presents an extreme risk.</p> <ul style="list-style-type: none"> <li>• Fires have hours or days to grow and develop before impacting.</li> <li>• Evacuation options are limited or not available.</li> </ul>

In accordance with the Technical Guide<sup>2</sup>, the landscape has been determined to be Type 4.

<sup>2</sup> [https://www.planning.vic.gov.au/\\_data/assets/pdf\\_file/0029/639506/Technical-Guide-Planning-Permit-Applications-Bushfire-Management-Overlay.pdf](https://www.planning.vic.gov.au/_data/assets/pdf_file/0029/639506/Technical-Guide-Planning-Permit-Applications-Bushfire-Management-Overlay.pdf)



## 7. CLAUSE 13.02 ASSESSMENT

### 7.1. INTRODUCTION

Clause 13.02 of the Planning Scheme states:

*This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:*

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

As the development is located within a designated bushfire prone area and subject to a Bushfire Management Overlay, an assessment against Clause 13.02 is required to be completed. The development will not create a bushfire hazard. Instead, it will reduce the hazard in the local area.

### 7.2. STRATEGY RESPONSE – PROTECTION OF HUMAN LIFE

**Table 3 - Clause 13.02 strategy assessment response**

	Strategy	Response
1	Prioritising the protection of human life over all other policy considerations.	<p>Compliance with the Bushfire Management Overlay has ensured that the prioritisation of human life is achieved. For this development, the following design solution is proposed:</p> <ul style="list-style-type: none"> <li>• The buildings will comply with a minimum of BAL29 of AS3959, however, almost all external elements will be BAL40 compliant. This will include BAL40 Axon Cladding (which will enclose the underside of the subfloor), Colourbond metal roofing, and 6mm double glazed glass. The only part of the building that has been identified by Agilus as utilising BAL29 materials is the deck.</li> <li>• Buildings will be provided with defendable space up to 51m or to the property boundary, whichever is smaller. The shed will be provided with 10m of defendable space within this area.</li> <li>• Existing grassed areas on site will remain as they are and will not be revegetated.</li> <li>• A 10,000 litre static water supply for firefighting purposes will be installed adjacent to the shed.</li> <li>• Access to the property will meet the BMO requirements.</li> </ul>
2	Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be	The development is located within a Type 4 landscape hazard area. The building location and building elements adequately offset the risk to the site.



Strategy	Response
better protected from the effects of bushfire.	
<b>3</b> Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.	This report addresses the Bushfire Management Overlay and has considered the bushfire risk and identified treatments based on this risk.

### 7.3. STRATEGY RESPONSE – BUSHFIRE HAZARD IDENTIFICATION AND ASSESSMENT

**Table 4 - Bushfire Hazard Identification and Assessment response**

Strategy	Response
<b>1</b> Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard	The site has been assessed as per AS3959 as required by Clause 44.06 of the Planning Scheme. The data inputs into the assessment of the bushfire risk are consistent with AS3959. The analysis of bushfire risk will rely on the tables contained within Clause 53.02 and AS3959 to determine the most effective setback distances.
<b>2</b> 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.	The site is within the Bushfire Prone Area and Bushfire Management Overlay. The surrounding properties show evidence of management by the landowners and the proposed building is located as far as reasonably possible from the bushfire hazard.
<b>3</b> Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.	This property is located within the Bushfire Management Overlay and a design solution that meets the requirements has been proposed.
<b>4</b> Considering and assessing the bushfire hazard on the basis of: <ul style="list-style-type: none"> <li>Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;</li> <li>Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;</li> </ul>	<p>The site has been assessed using one and 20 kilometres. There is vegetation in the border landscape that would support a bushfire to approach the site. The surrounding landscape hazard has been classified as Type 4.</p> <p>As such, design solution incorporates the use of BAL40 materials, with the exclusion of the deck. This will include BAL40 Axon Cladding (which will enclose the underside of the subfloor), Colourbond metal roofing, and 6mm double glazed glass. The only part of the building that has been identified by Agilus as utilising BAL29 materials is the deck, which will be constructed using non-combustible materials.</p> <p>All aspects of the building will comply with a minimum of BAL29 construction.</p>



Strategy		Response
	<ul style="list-style-type: none"> <li>Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and</li> <li>The site for the development.</li> </ul>	
5	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>Recommended bushfire protection measures are detailed in later sections of this report, but include:</p> <ul style="list-style-type: none"> <li>The buildings will comply with a minimum of BAL29 requirements in accordance with AS3959 but will mostly adopt BAL40 materials as identified previously.</li> <li>Buildings will be provided with defendable space up to 51m (which equates to BAL29) or to the property boundary, whichever is smaller. The shed will be provided with 10m of defendable space within this area.</li> <li>A 10,000 litre static water supply for firefighting purposes will be installed adjacent to the shed.</li> <li>Access to the property will meet the BMO requirements.</li> </ul>
6	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.	The development has demonstrated how it achieves compliance with the BMO requirements.
7	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.	The design solution for this development demonstrates how the bushfire risk can be mitigated on the property.



#### 7.4. STRATEGY RESPONSE – SETTLEMENT PLANNING

Table 5 - Settlement Planning Strategy response

Strategy	Response
<b>1</b> 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 metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).	<p>The site has been assessed as per AS3959 and determined to be approximately 51 metres from the forest hazard and 31m from the grassland hazard. The BAL Assessment has determined that the development will be exposed to less than 29 kW/m<sup>2</sup>.</p> <p>The proposal will not substantially increase the population growth, and the site will have BAL-LOW areas available within the township of Mallacoota.</p>
<b>2</b> Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.	<p>The site occupants will be able to evacuate to Mallacoota, which has BAL-LOW areas available.</p> <p>Mallacoota Foreshore Holiday Park is a neighbourhood safer place and is available for shelter in an emergency.</p>
<b>3</b> 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.	<p>The provision of defensible space up to 51m or the site boundary will reduce the bushfire risk to existing and future residents.</p>
<b>4</b> 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 reducing bushfire risk overall.	<p>The provision of defensible space up to 51m or to the property boundary will reduce the bushfire risk to existing and future residents.</p>
<b>5</b> 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	<p>The site has been assessed using one and 20 kilometres. There is vegetation in the border landscape that would support a bushfire to approach the site. The landscape hazard has been classified as Type 4 and additional mitigation treatments have been proposed.</p>



Strategy		Response
for neighbourhood-scale destruction.		
<b>6</b>	Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.	<p>The development is situated more than 51 metres from the forest vegetation and 31 metres from the grassland vegetation.</p> <p>The proposed location has been determined to be the most suitable location available for the development.</p>
<b>7</b>	Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).	The development is not a strategic planning document, local planning policy, or planning scheme amendment.

## 8. BUSHFIRE SITE HAZARD ASSESSMENT

The bushfire hazard located within 150 metres of the property boundary is outlined within Figure 6 and Table 6.



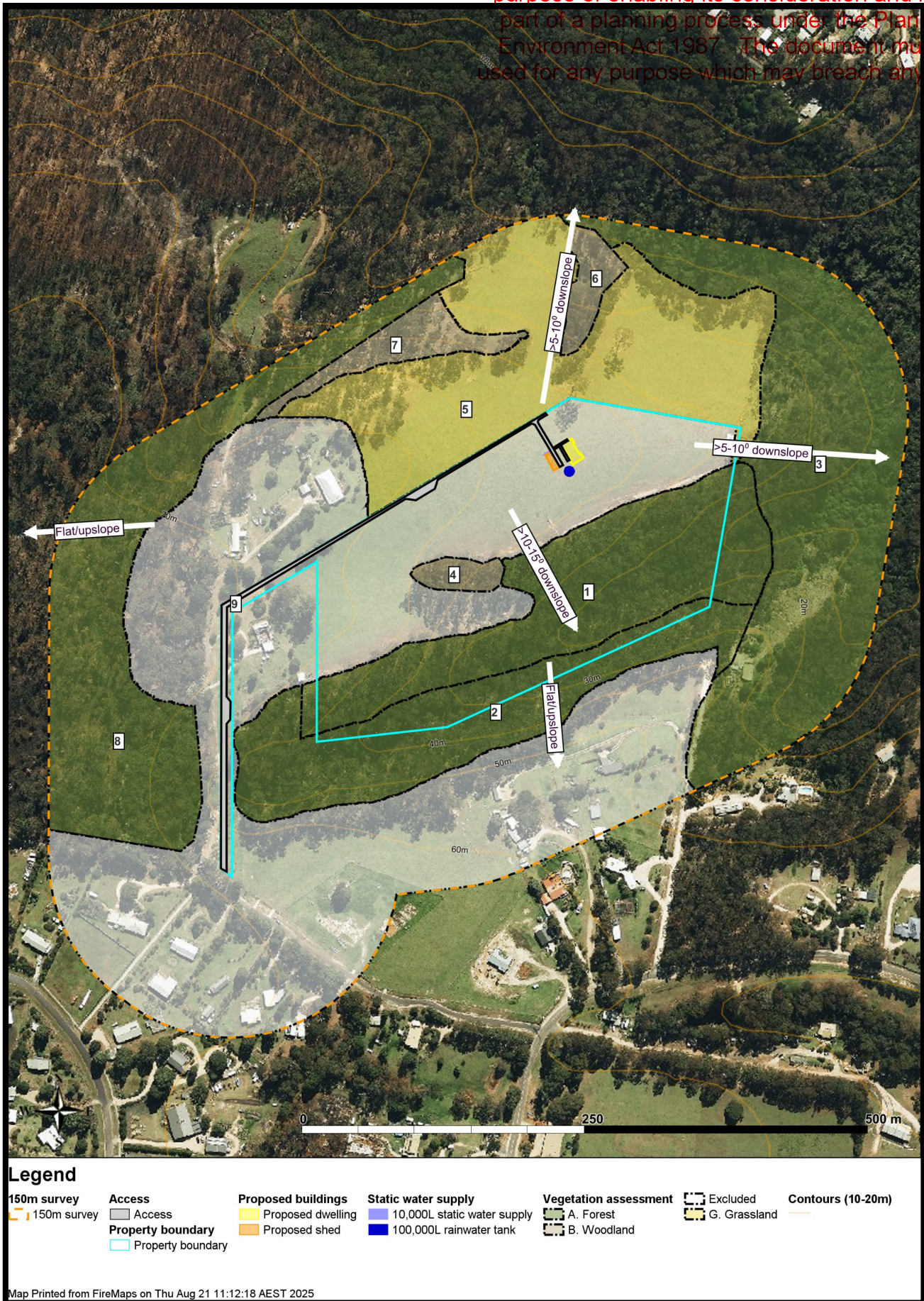


Figure 6 - Bushfire Site Hazard Assessment



**Table 6 - Bushfire Site Hazard Assessment details**

Plot	Vegetation classification	Slope	Separation Distance from the dwelling
1	Class A - Forest	>10-15° downslope	51 metres
2	Class A - Forest	Flat / upslope	151 metres
3	Class A - Forest	>5-10° downslope	135 metres
4	Class B - Woodland	>10-15° downslope	104 metres
5	Class G - Grassland	>5-10° downslope	32 metres
6	Class B - Woodland	>5-10° downslope	73 metres
7	Class B - Woodland	>5-10° downslope	95 metres
8	Class A - Forest	Flat / upslope	168 metres
9	Excluded as per AS3959, Clause 2.2.3.2	N/A	N/A

Note – the above separation distance is from the closest part of the dwelling to the hazard.

## 9. BUSHFIRE MANAGEMENT STATEMENT

### 9.1. 53.02-4.1 LANDSCAPE, SITING AND DESIGN OBJECTIVES

***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.***

**Table 7 - Response to Approved Measure**

Clause 53.02 ref	Approved Measure requirement	Response	Achieved
<b>AM 2.1</b>	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.	<p>The bushfire risk within the surrounding landscape has been assessed as Type 4.</p> <p>The following design solutions have been proposed:</p> <ul style="list-style-type: none"> <li>The buildings will achieve compliance with the BAL29 requirements of AS3959, but will utilise mostly BAL40 materials. This will include BAL40 Axon Cladding (which will enclose the underside of the subfloor), Colourbond metal roofing, and 6mm double glazed glass. The only part of the building that has been identified by Agilus as utilising</li> </ul>	✓



Clause 53.02 ref	Approved Measure requirement	Response	Achieved
		<p>BAL29 materials is the deck (which will be constructed using non-timber materials).</p> <ul style="list-style-type: none"> <li>Defendable space of 51m or to the property boundary in accordance with Table 2 to Clause 53.02-5.</li> <li>Existing grassed areas will remain in their current state and will not be revegetated in the future.</li> <li>10,000 litre static water supply for firefighting purposes.</li> <li>Access to the property will be as per the BMO requirements.</li> </ul>	
<b>AM 2.2</b>	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> <li>The maximum separation distance between the building and the bushfire hazard.</li> <li>The building is in close proximity to a public road.</li> <li>Access can be provided to the building for emergency service vehicles.</li> </ul>	<p>The building is as far as reasonably possible from the bushfire hazard. The dwelling has been located in the only area on site that can be exposed to less than 29 kW/m<sup>2</sup>, and the length of the driveway cannot be shortened without increasing radiant heat exposure.</p> <p>Emergency service vehicles will be able to access the buildings and will have overtaking and turning areas compliant with the BMO.</p> <p>The time to drive from the dwelling to Zachary Road is approximately five minutes if driving at 10km/h. Apart from the area around the gully near Zachary Road, the drive is through managed areas or paddocks.</p>	✓
<b>AM 2.3</b>	<p>A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.</p>	<p>The buildings will utilise almost all external materials using BAL40 materials, despite only being exposed to a radiant heat flux of less than 29 kW/m<sup>2</sup>. Defendable space of 51m will be provided wholly around the building to ensure it is not exposed to more than 29 kW/m<sup>2</sup>.</p>	✓



## 9.2. 53.02-4.2 DEFENDABLE SPACE AND CONSTRUCTION OBJECTIVE

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

**Table 8 - Response to Approved Measure**

Clause 53.02 ref	Approved Measure requirement	Response	Achieved
<b>AM 3.2</b>	<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"> <li>Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</li> <li>If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.</li> </ul> <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>The proposed building will be established with a defendable space exceeding the requirements of Column C of Table 2 to Clause 53.02-5 wholly within the title boundaries.</p> <p>The requirements of Column C indicate the need for:</p> <ul style="list-style-type: none"> <li>49m defendable space to the south, east and west in response to the forest with a 10-15° downslope, and</li> <li>11m to the north in response to the grassland hazard with a 5-10° downslope.</li> </ul> <p>In response to the elevated landscape hazard, the provision of 51m defendable space (or to the property boundary, whichever is smaller) will be provided.</p> <p>With the combination of the use of BAL40 materials (where possible), this is deemed sufficient to offset the landscape hazard.</p>	✓

The outcome of the assessment is that defendable space up to 51m to the east, south and west, and to the property boundary on the north side. This will ensure the building will not be exposed to a radiant heat flux exceeding 29 kW/m<sup>2</sup>. The building will be constructed using almost entirely BAL40 materials, including BAL40 Axon Cladding (which will enclose the underside of the subfloor), Colourbond metal roofing, and 6mm double glazed glass. The only part of the building that has been identified by Agilus as utilising BAL29 materials is the deck (which will still utilise non-combustible materials). This is deemed sufficient to offset the landscape hazard.

## DEFENDABLE SPACE REQUIREMENTS



Table 6 of Clause 53.02 requires the following vegetation management requirements to be implemented:

Defendable space is provided and is 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 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

### 9.3. 53.02-4.3 WATER SUPPLY AND ACCESS OBJECTIVES

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

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

**Table 9 - Response to Approved Measure**

Clause 53.02 ref	Approved Measure requirement	Response	Achieved
<b>AM 4.1</b>	<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"> <li>• A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.</li> <li>• Vehicle access that is designed and constructed as</li> </ul>	<p>A 10,000 litre static water supply will be provided for the site in accordance with Table 4 to Clause 53.02-5.</p> <p>Vehicle access will be constructed in accordance with Table 5 to Clause 53.02-5.</p>	✓



specified in Table 5 to Clause 53.02-5.

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

## TABLE 4 WATER SUPPLY REQUIREMENTS

**Table 10 - Water supply requirements**

Lot sizes (m <sup>2</sup> )	Hydrant available	Capacity (litres)	Fire authority fittings and access required	Required
<b>Less than 500</b>	Not applicable	2,500	No	
<b>500 – 1,000</b>	Yes	5,000	No	
<b>500 – 1,000</b>	No	10,000	Yes	
<b>1001 and above</b>	Not applicable	10,000	Yes	✓

### Static water supply requirements – fire authority requirements

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

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

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

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

## TABLE 5 VEHICLE ACCESS DESIGN AND CONSTRUCTION



Table 11 - Access design requirements

Column A	Column B	Required
<b>Length of access is less than 30 metres</b>	There are no design and construction requirements if fire authority access to the water supply is not required under AM4.1.	
<b>Length of access is less than 30 metres</b>	Where fire authority access to the water supply is required under AM4.1 fire authority vehicles should be able to get within 4 metres of the water supply outlet.	✓
<b>Length of access is greater than 30 metres</b>	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> <li>• All-weather construction.</li> <li>• A load limit of at least 15 tonnes.</li> <li>• Provide a minimum trafficable width of 3.5 metres.</li> <li>• Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.</li> <li>• Curves must have a minimum inner radius of 10 metres.</li> <li>• 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.</li> <li>• Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.</li> </ul>	✓
<b>Length of access is greater than 100 metres</b>	<p>A turning area for fire fighting vehicles must be provided close to the building by one of the following:</p> <ul style="list-style-type: none"> <li>• A turning circle with a minimum radius of eight metres.</li> <li>• A driveway encircling the dwelling.</li> <li>• The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.</li> </ul>	✓
<b>Length of access is greater than 200 metres</b>	<ul style="list-style-type: none"> <li>• Passing bays must be provided at least every 200 metres.</li> <li>• Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.</li> </ul>	✓



## 10. CONCLUSION

The development of this property can occur in accordance with the requirements of the Planning Scheme including clauses 13.02, 44.06 and 53.02. The assessment has identified a Type 4 landscape risk. The development location will be exposed to a radiant heat flux of up to 29 kW/m<sup>2</sup> and will be provided with a defensible space in accordance with BAL29 requirements.

Except for the deck, the building will utilise BAL40-compliant materials, including but not limited to:

- Axon Cladding, which will be extended to enclose the underside of the subfloor,
- Colourbond metal roofing,
- 6mm double-glazed glass.

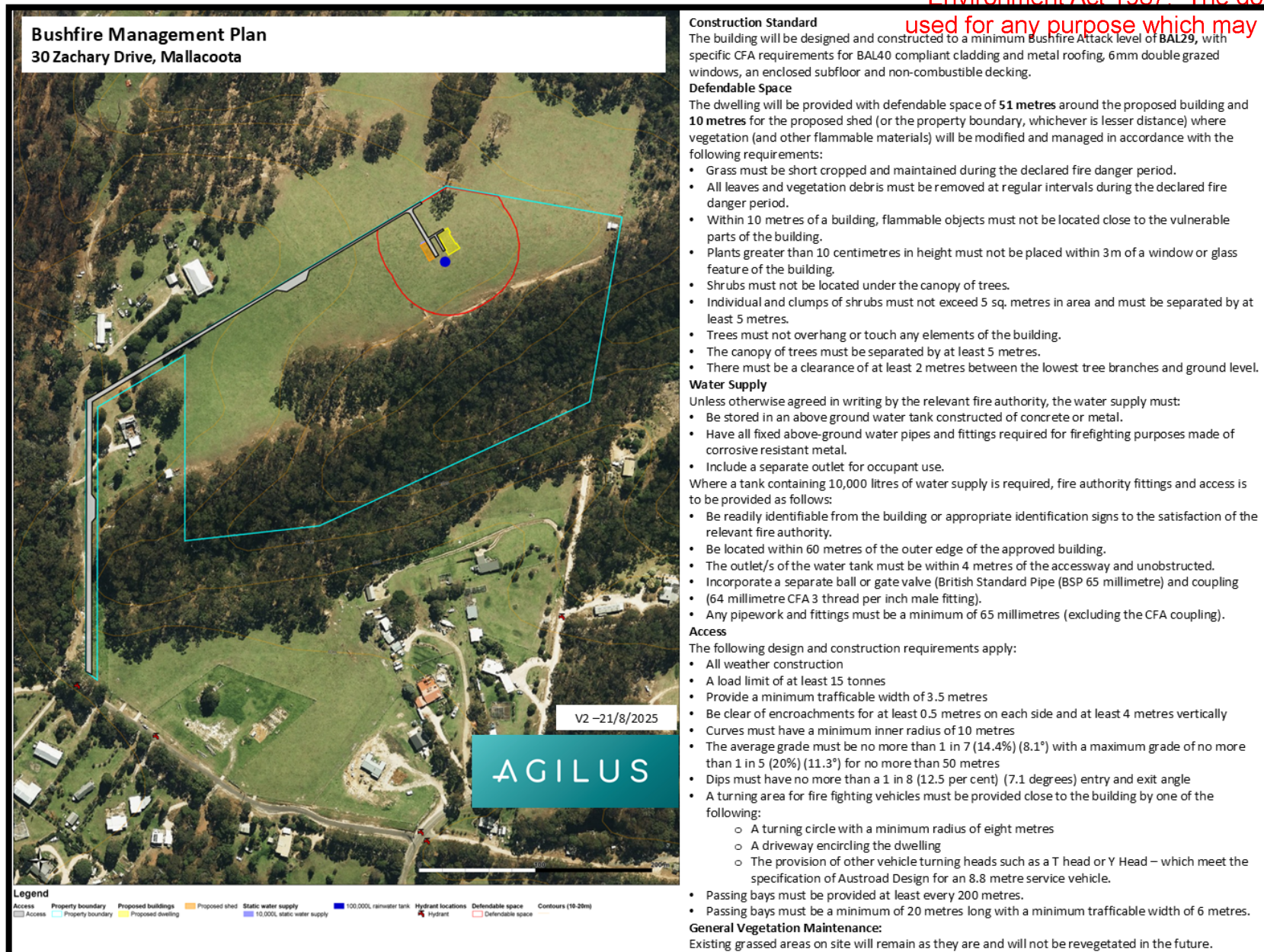
The proposed design solution will ensure the level of risk is managed and will provide the site occupants with a range of options including leaving early, staying and defending or taking refuge as a last resort option. The design solution includes:

- The development will achieve compliance with BAL29 requirements, but utilise mostly BAL40 compliant materials, as detailed previously.
- Defendable space to the property boundary or to 51 metres. The shed will be provided with 10m of defendable space within this area.
- Existing grassed areas will not be revegetated in the future.
- 10,000 litre static water supply for firefighting purposes.
- Access to the property will be as per the BMO requirements.

The design solution, including water supply, emergency vehicle access, construction level and defendable space, will ensure this design achieves the requirements of the Bushfire Management Overlay and Clause 13.02 of the Planning Scheme.

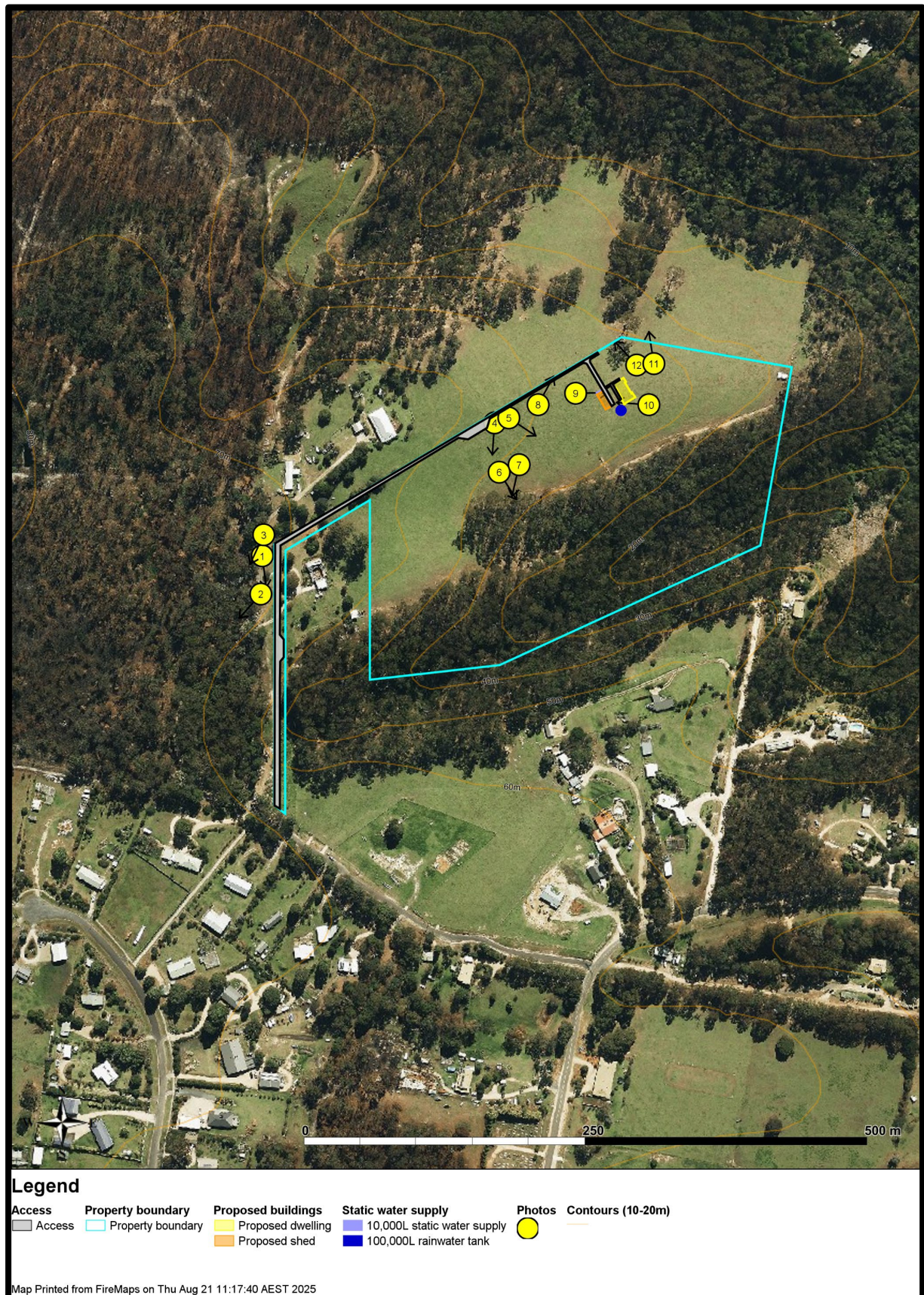


## 11. APPENDIX A – BUSHFIRE MANAGEMENT PLAN



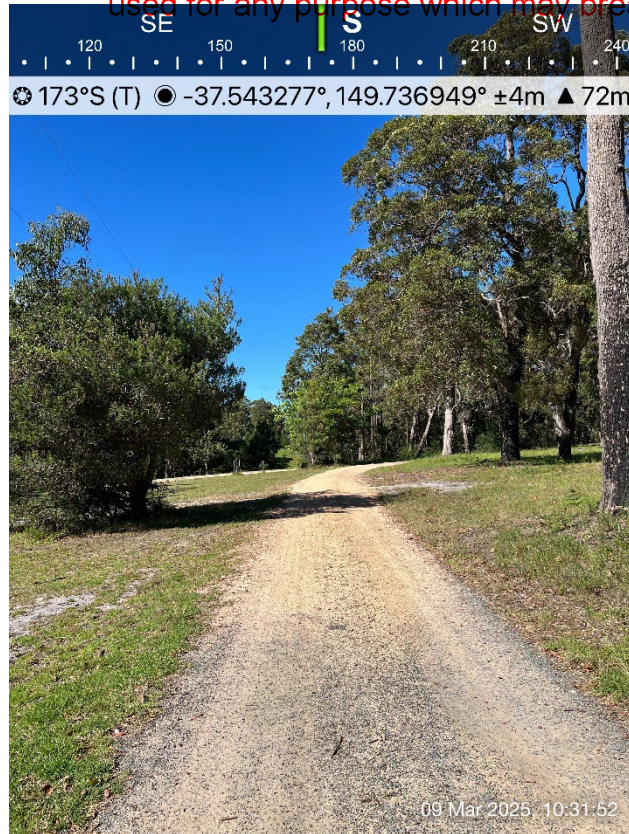


## 12. APPENDIX B – PHOTOS





1. Looking south along existing access track.



2. Looking southwest at forest located to the west of the site.

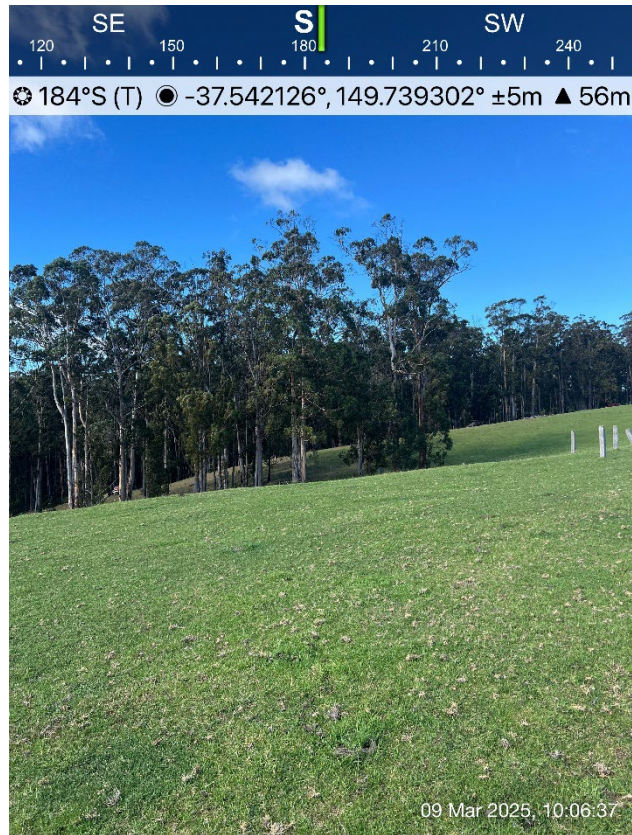




3. Looking southwest at the forest vegetation and managed areas to the west of the site.



4. Looking south from the proposed accessway at woodland and forest vegetation.





5. Looking southeast at the forest vegetation south of the proposed dwelling.



6. Woodland vegetation southwest of the proposed dwelling.





7. Woodland vegetation to the southwest of the proposed dwelling.



8. Looking north at the neighbouring site and grassland.





9. Looking east towards the proposed location of the dwelling.



10. Typical managed grassland on site.





11. Looking north at neighbouring site.



12. Looking northwest at neighbouring site and vegetation.





### 13. APPENDIX C – CFA PRELIMINARY ADVICE

#### Mitch Baade

**From:** Sacco, Mark <Mark.Sacco@frv.vic.gov.au>  
**Sent:** Thursday, 10 April 2025 3:19 PM  
**To:** Mitch Baade; Mark Potter  
**Cc:** Mark Holland  
**Subject:** RE: Preliminary CFA Assessment for 30 Zachary Drive, Mallacoota

Hi Mitch and Mark,

Mark Holland and myself have reviewed the information provided and offer the following comments on the proposal.

Although CFA is of the opinion that siting options closer toward the front of the property are available, CFA will accept the proposed siting subject to a vegetation management plan specifying that the existing grassland portion of the site be managed to ensure that it remains as grassland into the future and that revegetation does not occur. This will also provide enhancement of protection measures given the extreme Type 4 landscape.

In relation to proposed BAL and defensible space, CFA will accept the proposed BAL 29 and 51m or property boundary defensible space, subject to amended architectural/building drawings that detail all proposed construction and materials as specified within the Bushfire Management Statement (BMS) such as 6mm double glazed windows, subfloor enclosed with BAL 40 compliant cladding and metal roofing. In addition the drawings are to detail non-combustible decking and not allow the use of BAL 29 compliant timber.

Alternatively the Bushfire Management Plan could be amended to specify BAL 40 construction to the entire building.

Hope this provides adequate guidance, please don't hesitate to contact me if you wish to discuss further.

Regards  
 Mark

**Mark Sacco**  
 Fire Safety Officer  
 Regional Fire Safety Unit

Fire Rescue Victoria  
 Community Safety Directorate

M. 0438 743 126  
 E. [Mark.Sacco@frv.vic.gov.au](mailto:Mark.Sacco@frv.vic.gov.au)  
[frv.vic.gov.au](http://frv.vic.gov.au)

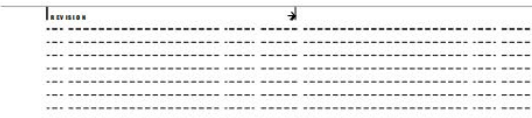


We acknowledge Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the land, and pay our respects to their cultures and their Elders past, present and emerging.



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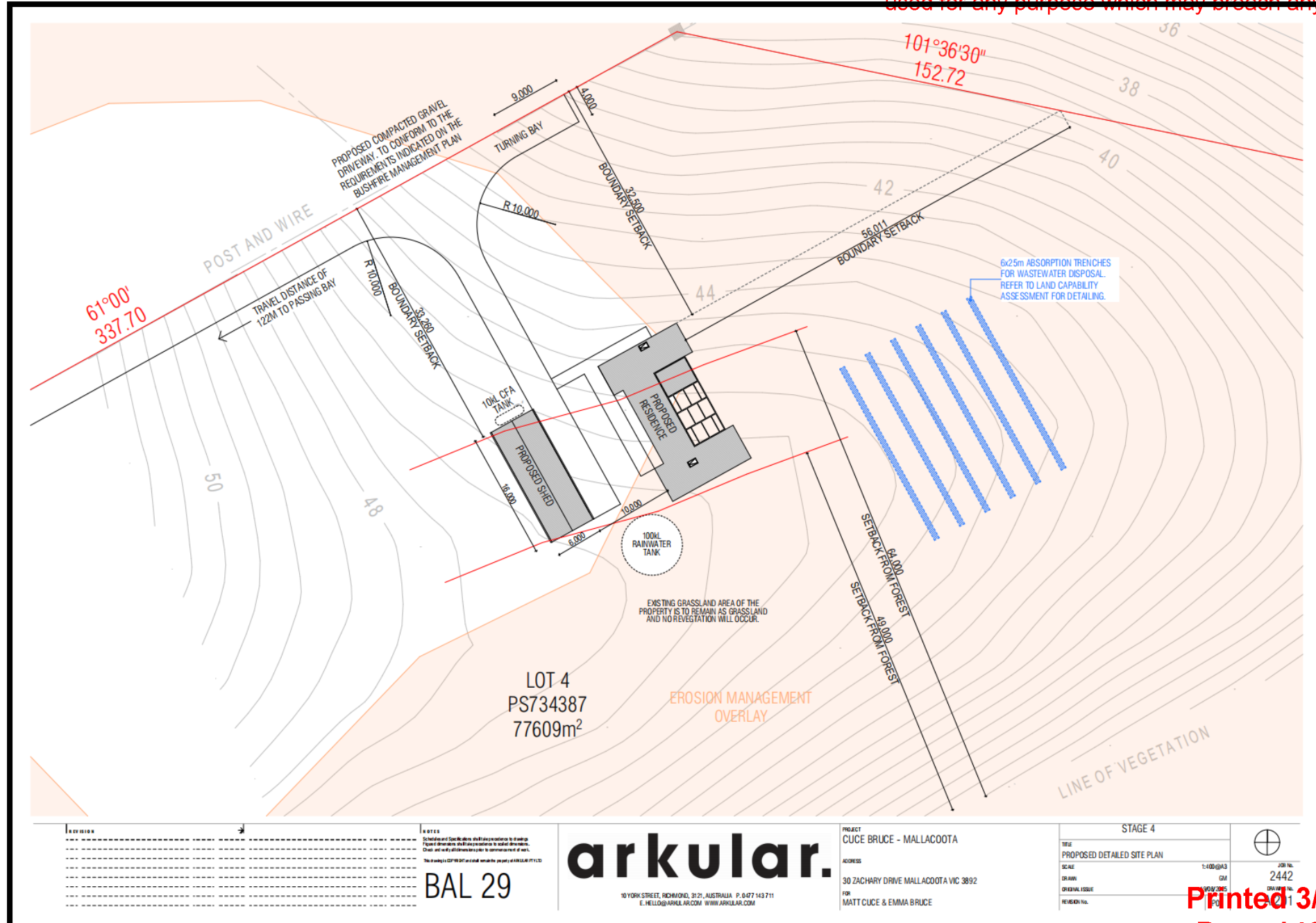
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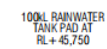




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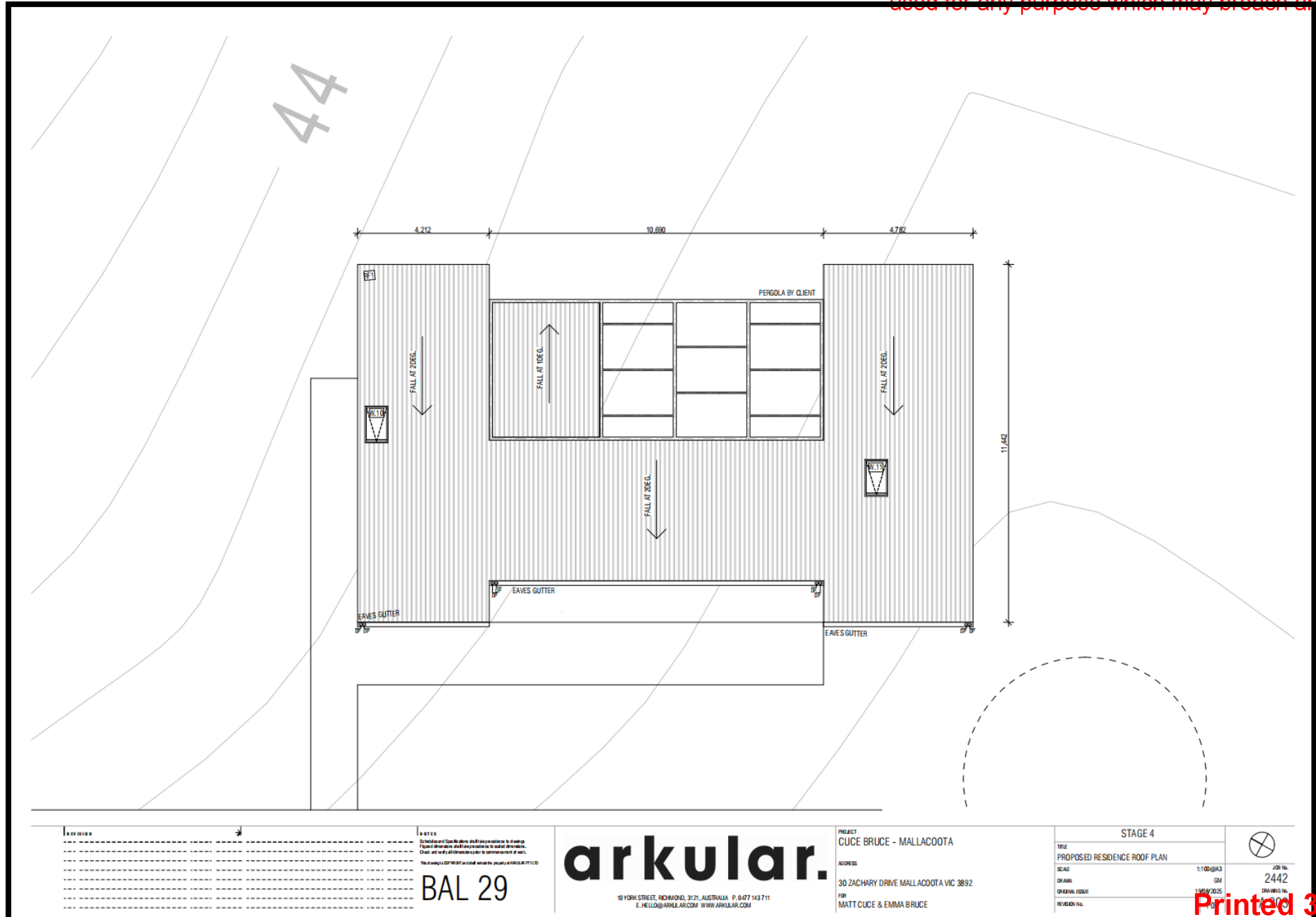
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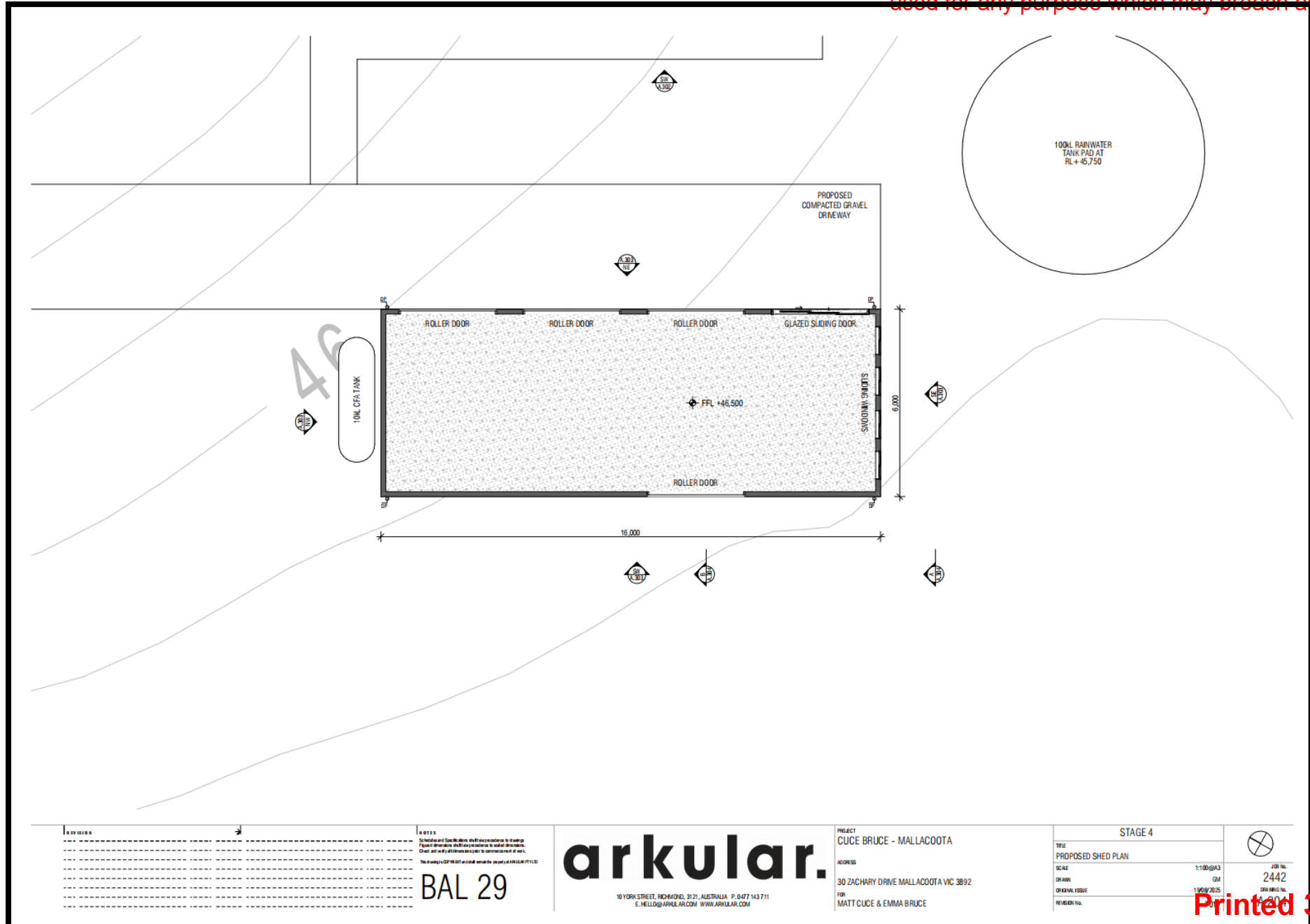


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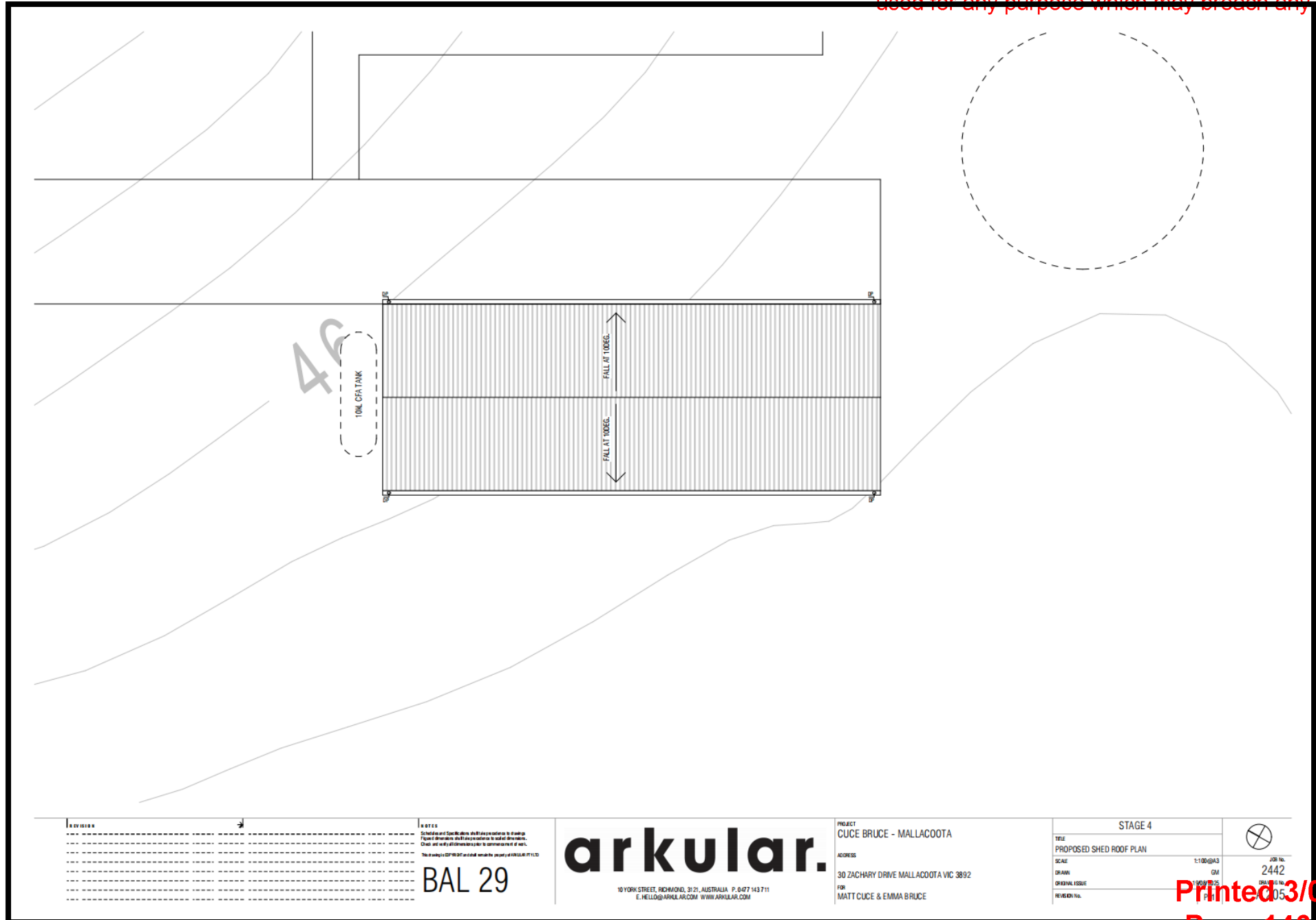


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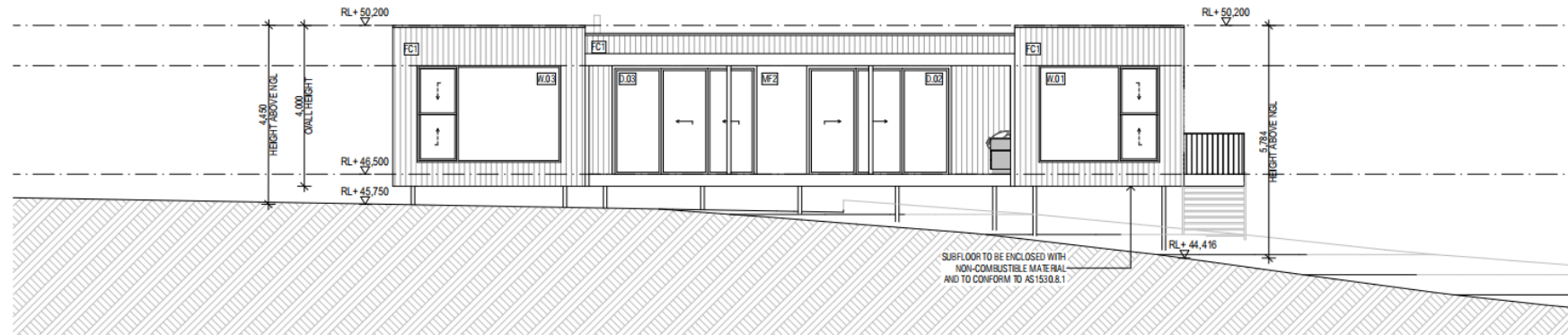
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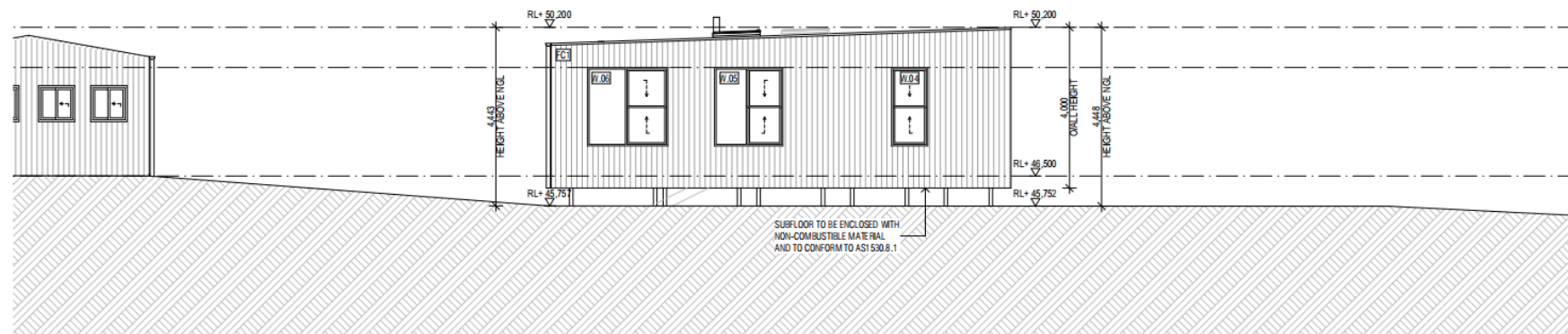


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1:100



SE  
SOUTH-EAST RESIDENCE ELEVATION  
1:100

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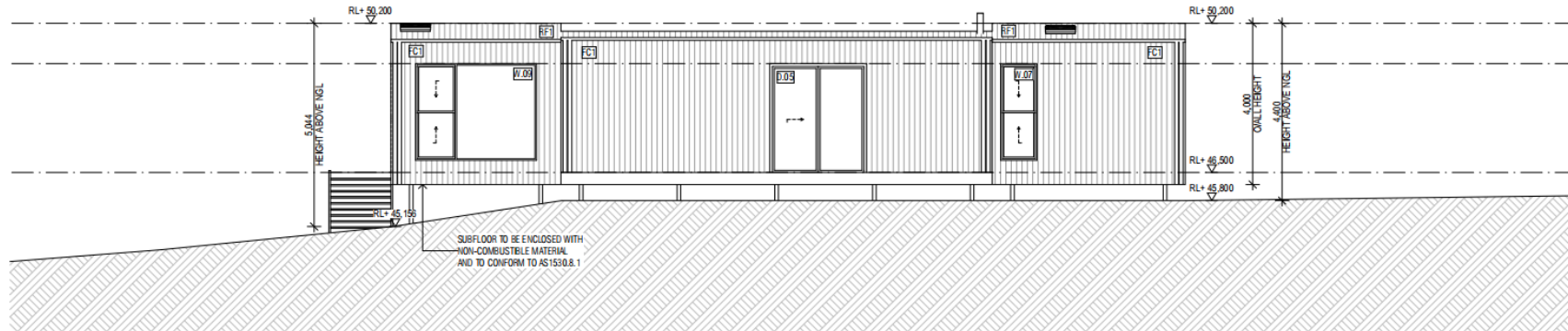
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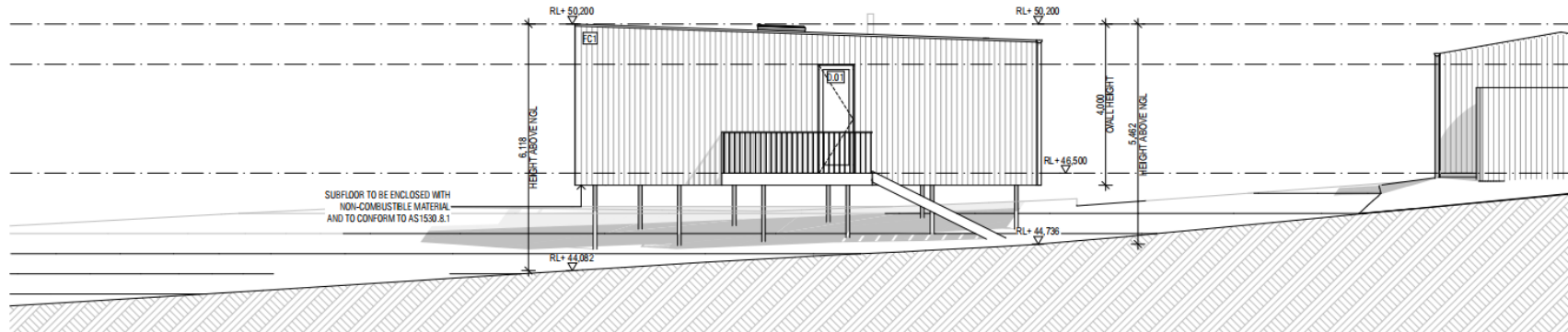


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1:100



NW NORTH-WEST RESIDENCE ELEVATION  
1:100

REVISION	DATE	DESCRIPTION
1	15/08/2025	Issue for construction
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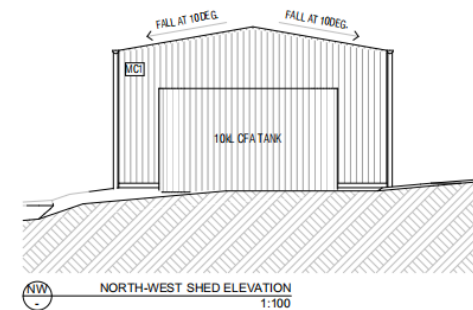
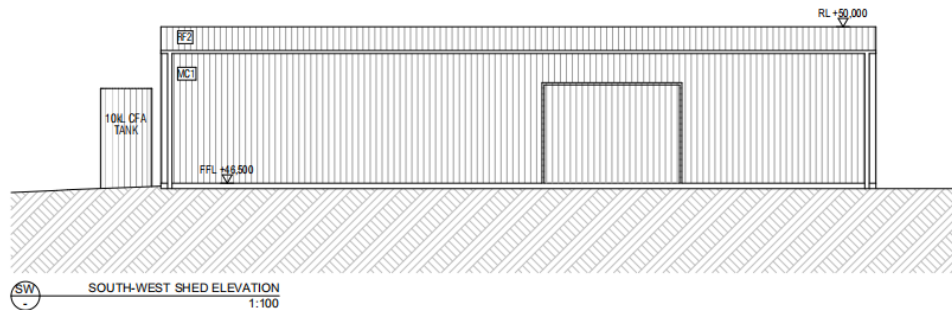
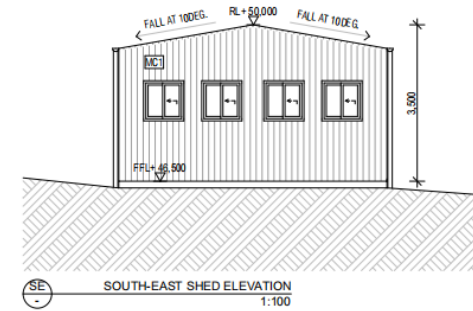
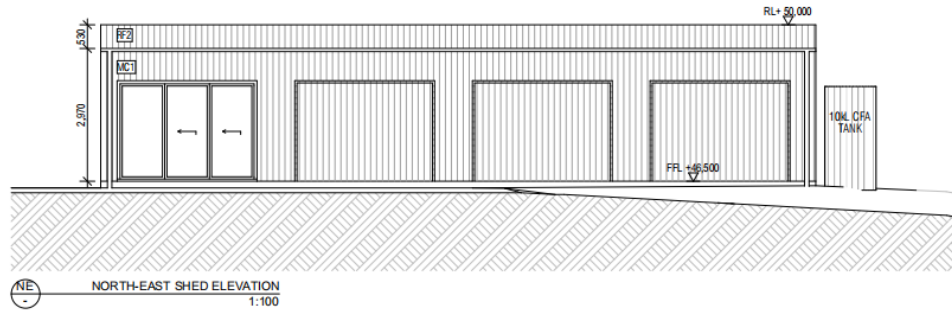
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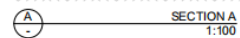
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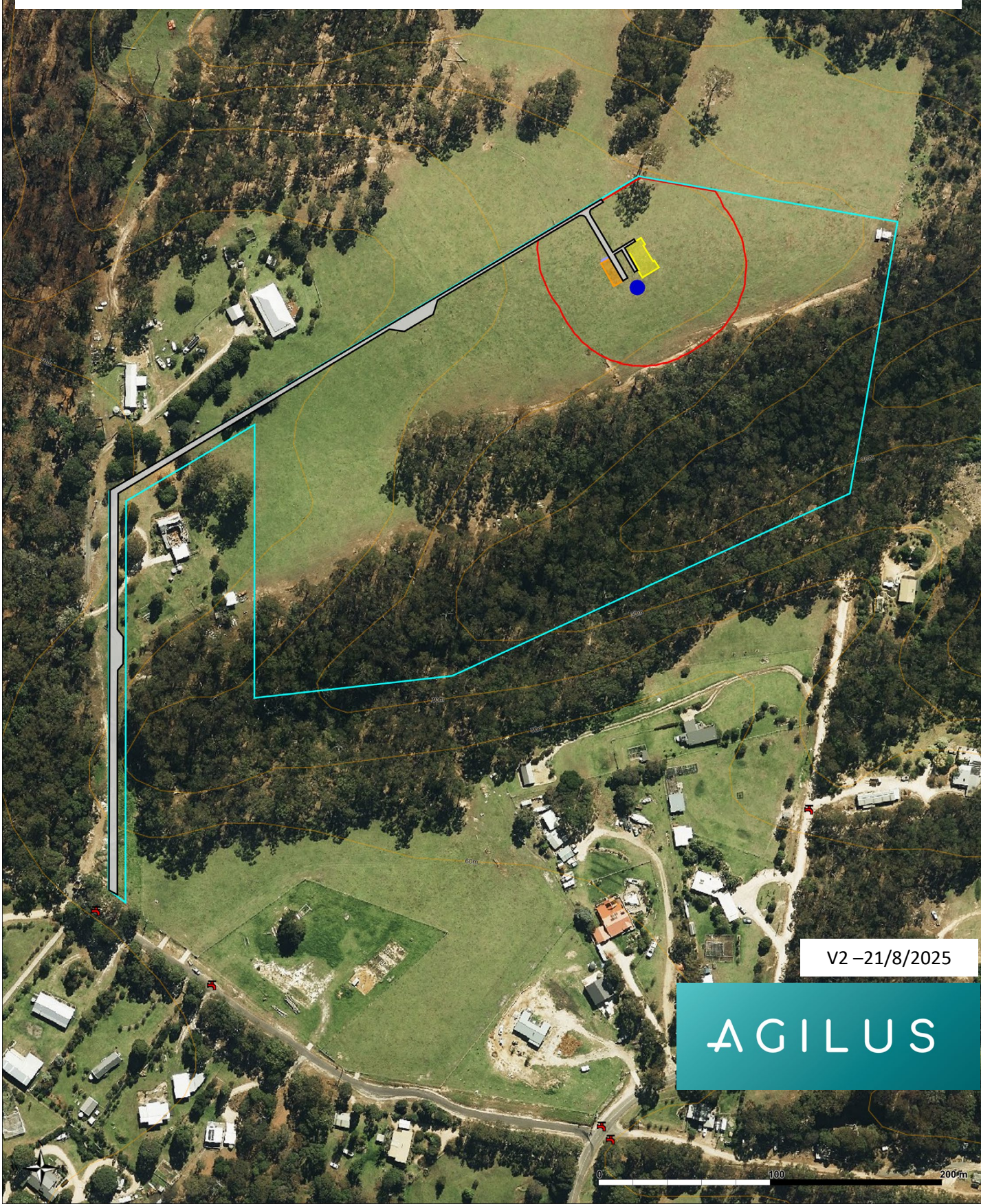
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FOR  
MATT CUCE & EMMA BRUCE

Printed



**Bushfire Management Plan**  
**30 Zachary Drive, Mallacoota**



# Legend

Access	Property boundary	Proposed buildings	Proposed shed	Static water supply	100,000L rainwater tank	Hydrant locations	Defendable space	Contours (10-20m)
 Access	 Property boundary	 Proposed dwelling		 10,000L static water supply		 Hydrant	 Defendable space	

**Construction Standard**

The building will be designed and constructed to a minimum Bushfire Attack Level of BAL29, with specific CFA requirements for BAL40 compliant cladding and metal roofing, 6mm double glazed windows, an enclosed subfloor and non-combustible decking.

**Defendable Space**

The dwelling will be provided with defendable space of 51 metres around the proposed building and 10 metres for the proposed shed (or the property boundary, whichever is lesser distance) where vegetation (and other flammable materials) 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 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

**Water Supply**

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

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

Where a tank containing 10,000 litres of water supply is required, fire authority fittings and access is to be provided as follows:

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

**Access**

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
- A turning area for fire fighting vehicles must be provided close to the building by one of the following:
  - A turning circle with a minimum radius of eight metres
  - A driveway encircling the dwelling
  - The provision of other vehicle turning heads such as a T head or Y Head – which meet the specification of Austroad Design for an 8.8 metre service vehicle.
- Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

**General Vegetation Maintenance:**

Existing grassed areas on site will remain as they are and will not be revegetated in the future.



CUCE BRUCE - MALLACOOTA

30 ZACHARY DRIVE MALLACOOTA VIC 3892

TOWN PLANNING - S 0 4     19/08/2025

Sheet Index	
LAYOUT No.	LAYOUT NAME:
A.000	COVER PAGE
A.100	EXISTING SITE PLAN
A.200	PROPOSED SITE PLAN
A.201	PROPOSED DETAILED SITE PLAN
A.202	PROPOSED RESIDENCE PLAN
A.203	PROPOSED RESIDENCE ROOF PLAN
A.204	PROPOSED SHED PLAN
A.205	PROPOSED SHED ROOF PLAN
A.300	PROPOSED MATERIALS
A.301	PROPOSED RESIDENCE ELEVATIONS
A.302	PROPOSED RESIDENCE ELEVATIONS
A.303	PROPOSED SHED ELEVATIONS
A.304	PROPOSED SECTIONS



DEVELOPMENT SUMMARY	
SITE	77790m <sup>2</sup>
PROPOSED RESIDENCE	151m <sup>2</sup>
PROPOSED SHED	+96m <sup>2</sup>
PERMEABLE DECKING	+73m <sup>2</sup>
TOTAL BUILT FORM	314m <sup>2</sup>

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PROJECT	CUCE BRUCE - MALLACOOTA
ADDRESS	30 ZACHARY DRIVE MALLACOOTA VIC 3892
FOR	MATT CUCE & EMMA BRUCE

STAGE 4	
TITLE	COVER PAGE
SCALE	1:1@A3
DRAWN	19/08/2025
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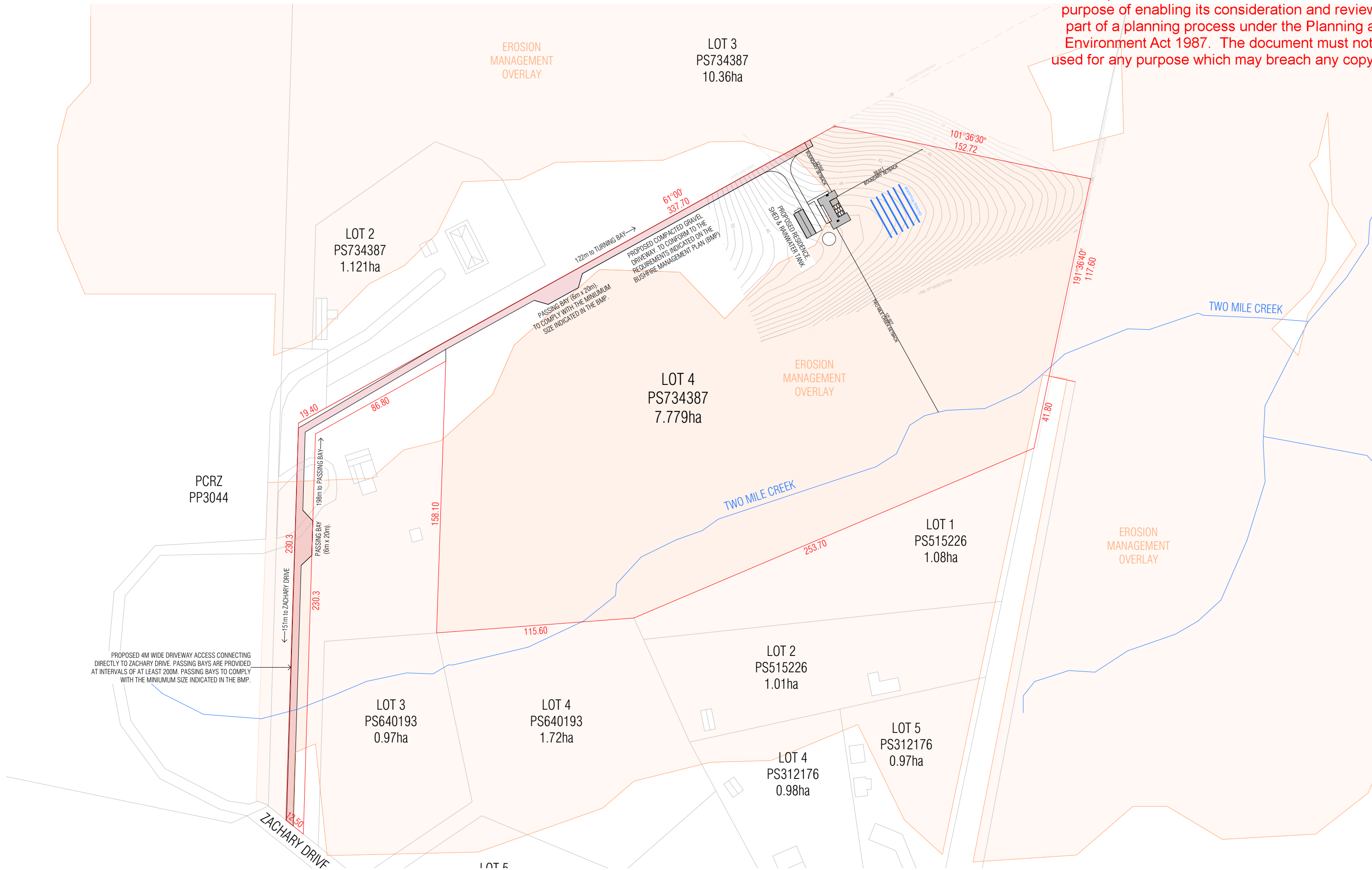
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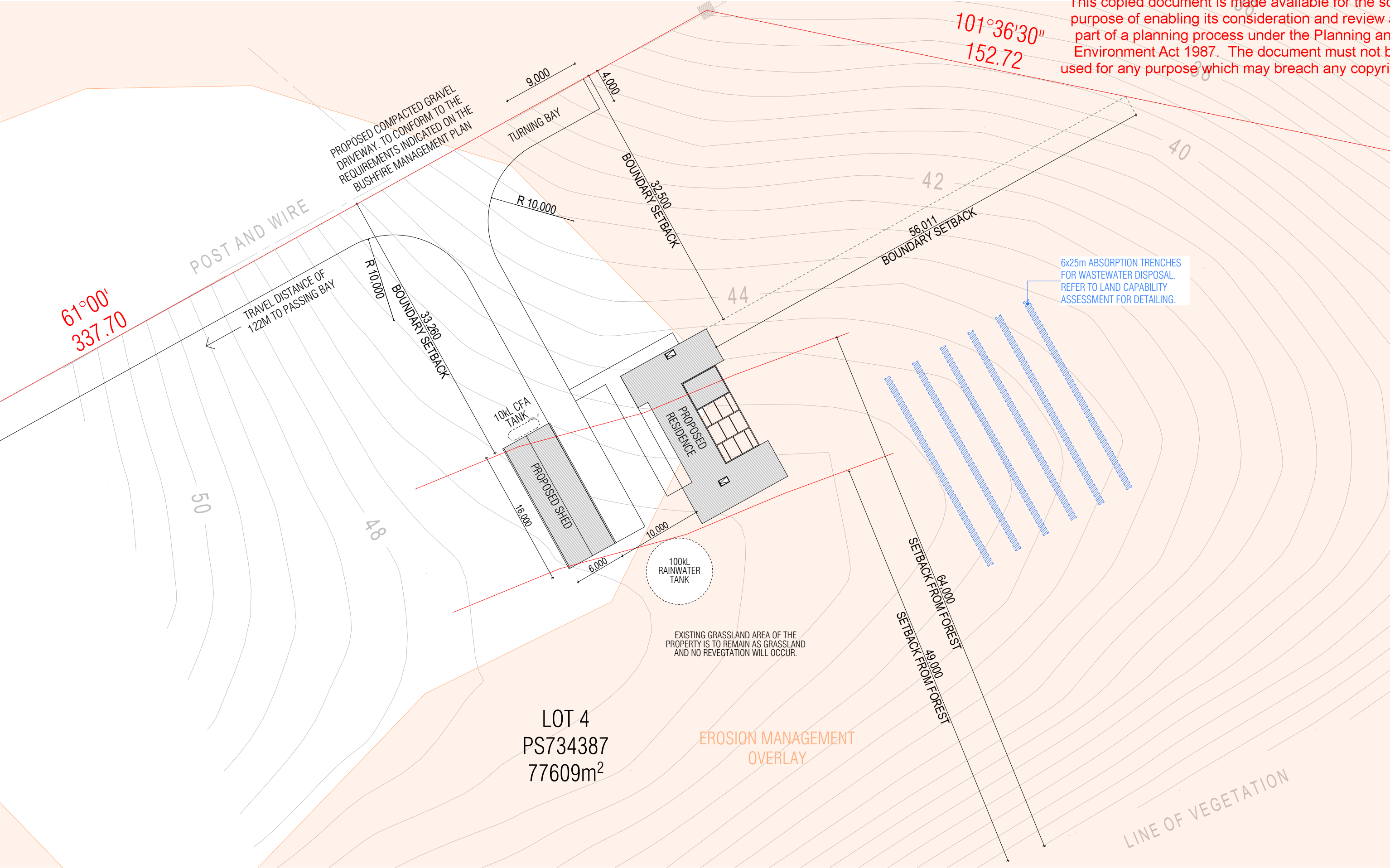
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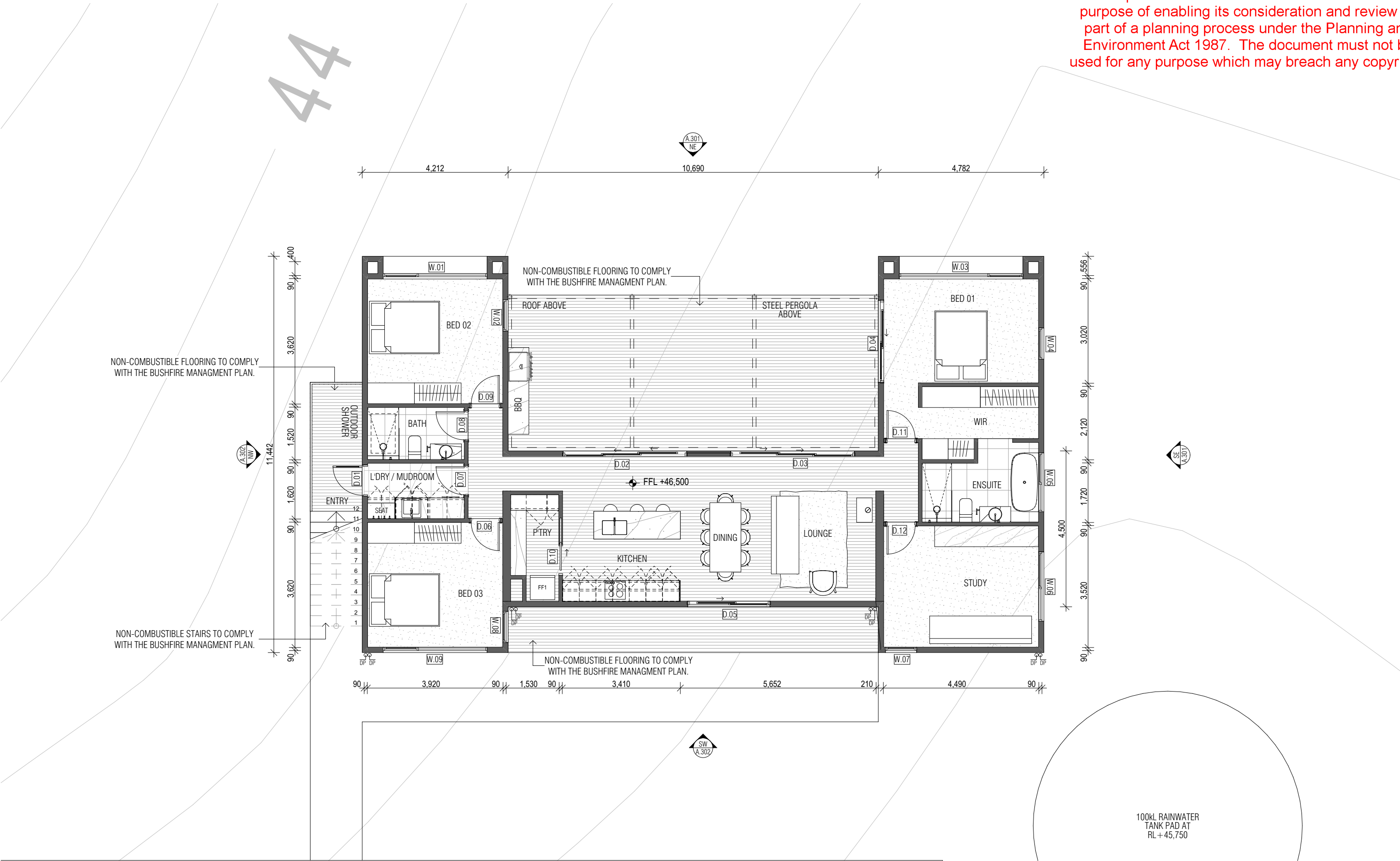
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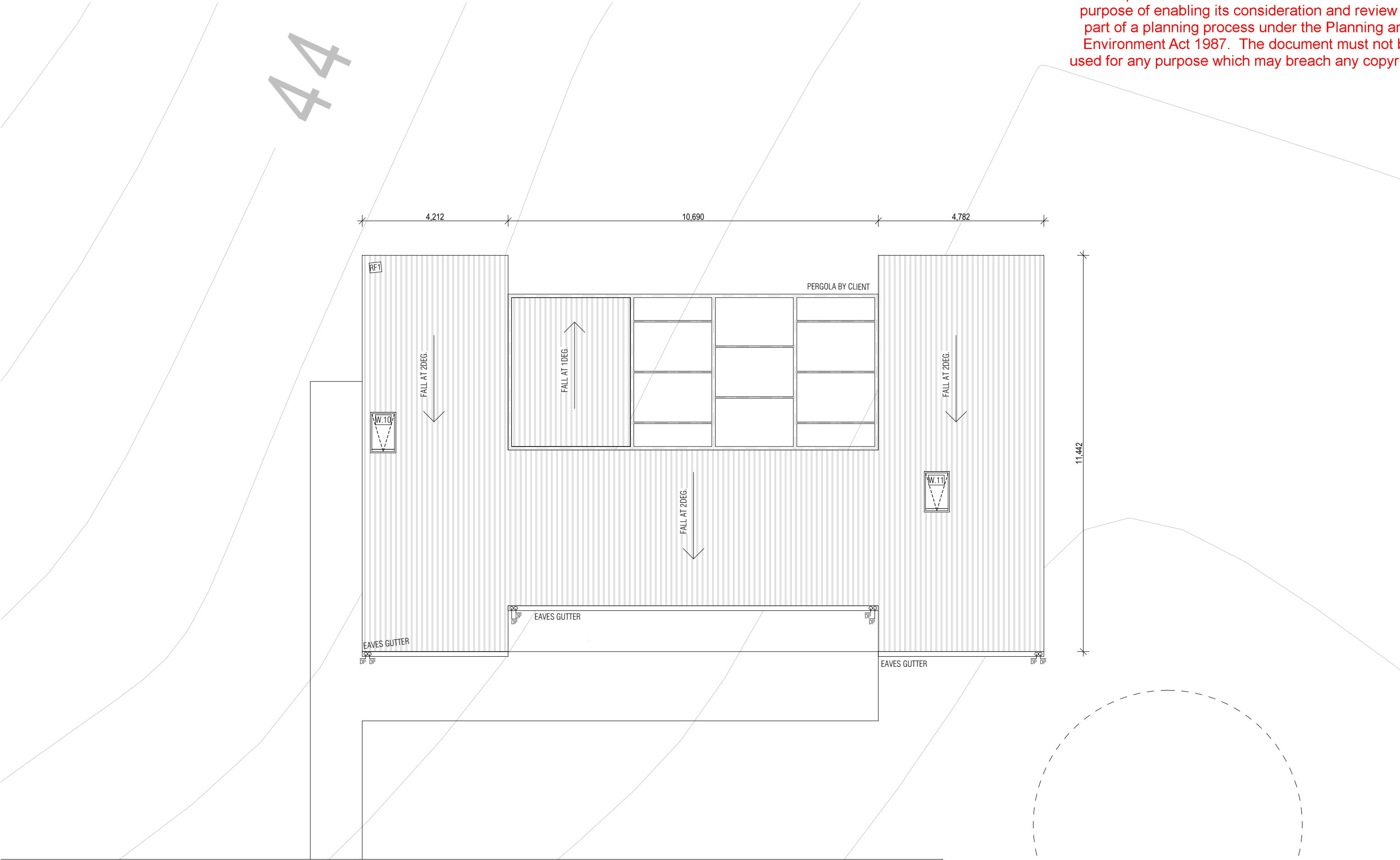
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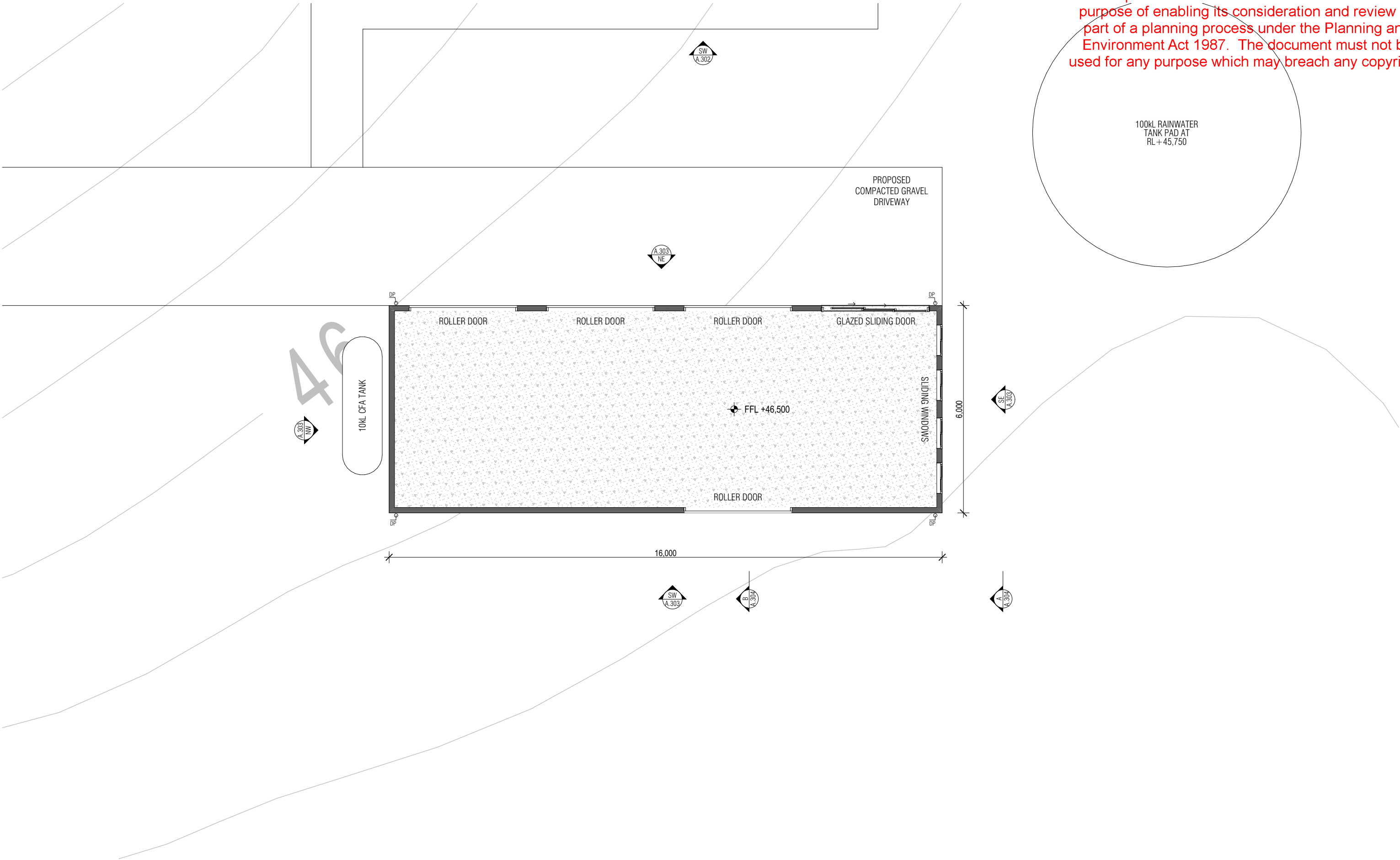






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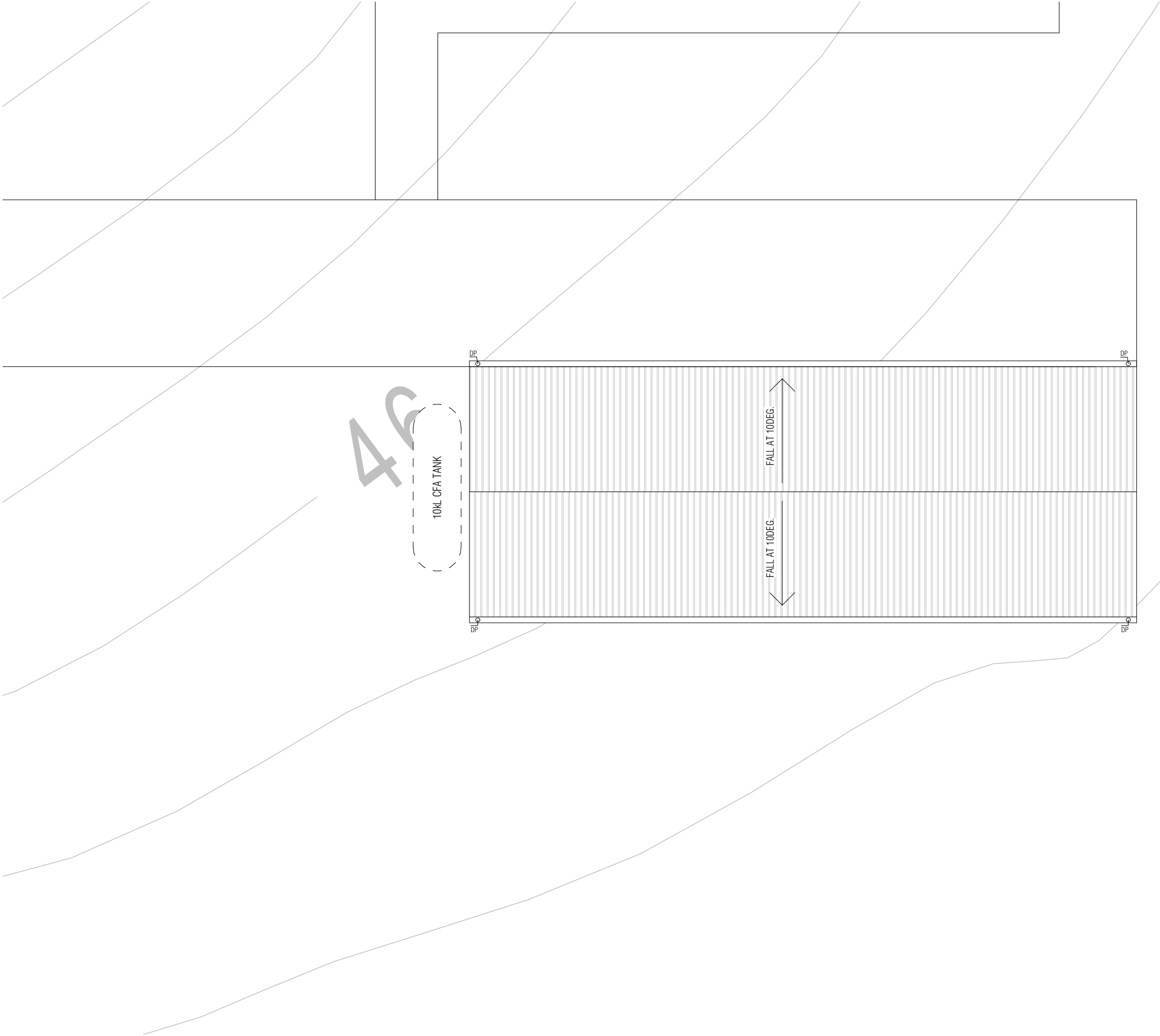
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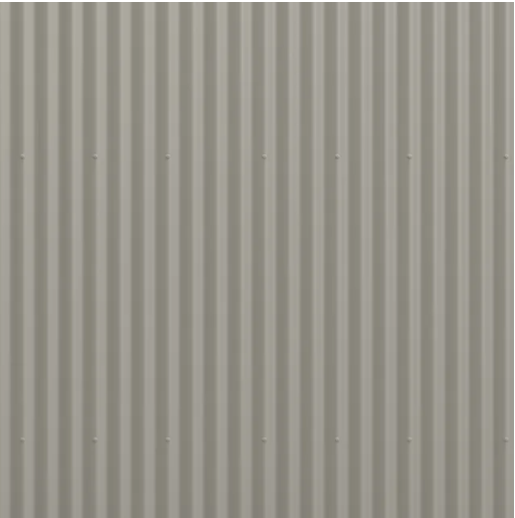




PROPOSED EXTERNAL FINISHES



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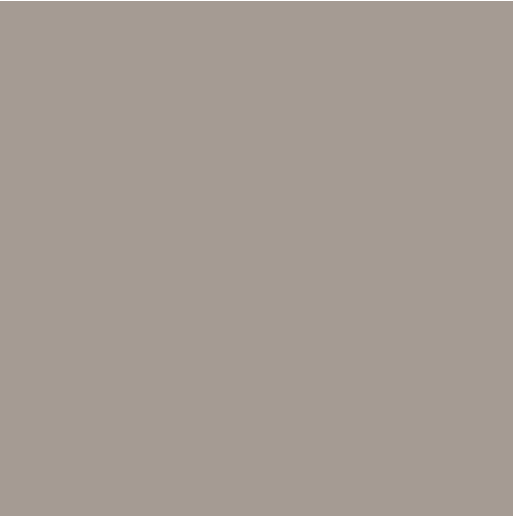
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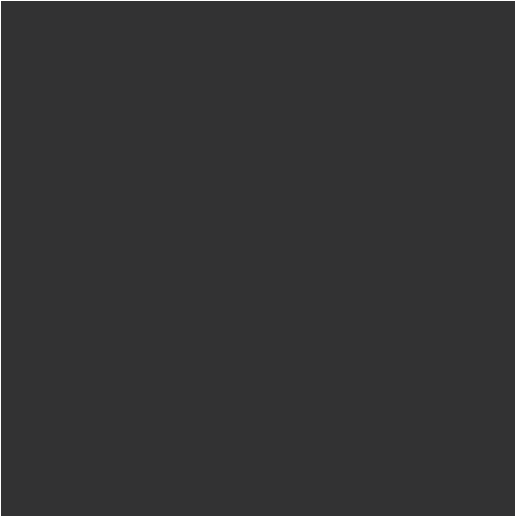
MC1 - COLORBOND WALLABY METAL CLADDING



RF2 - COLORBOND WALLABY METAL ROOFING



MF1 - COLORBOND DUNE METAL FINISH

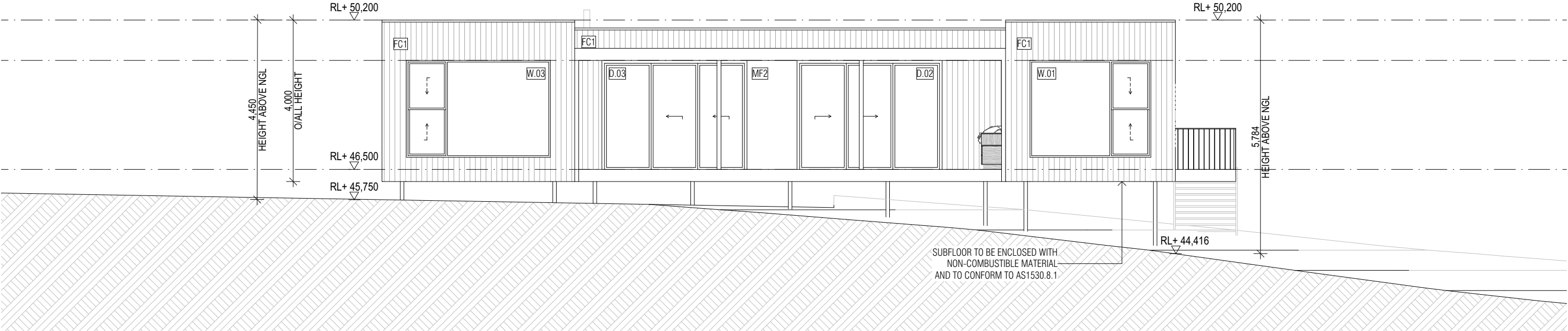


MF2 - COLORBOND MONUMENT METAL FINISH

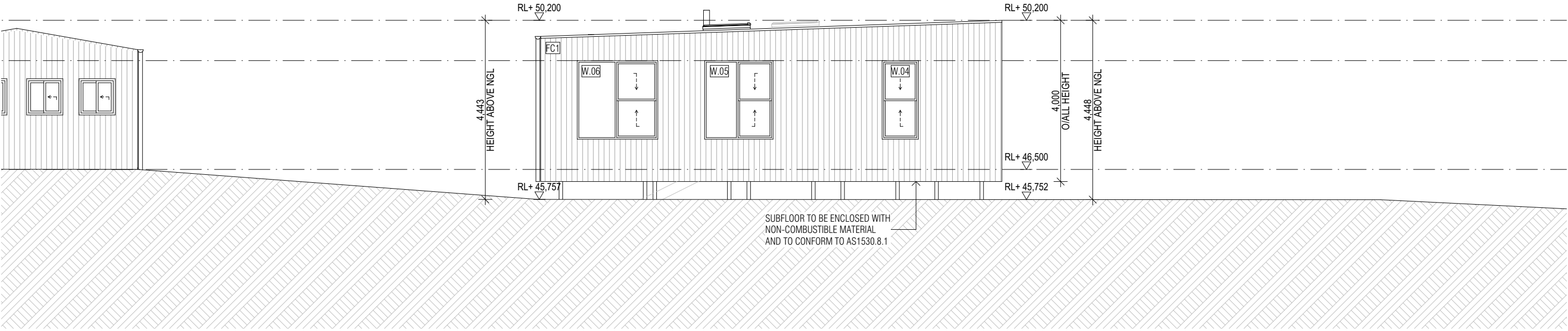


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NE NORTH-EAST RESIDENCE ELEVATION  
1:100



SE SOUTH-EAST RESIDENCE ELEVATION  
1:100

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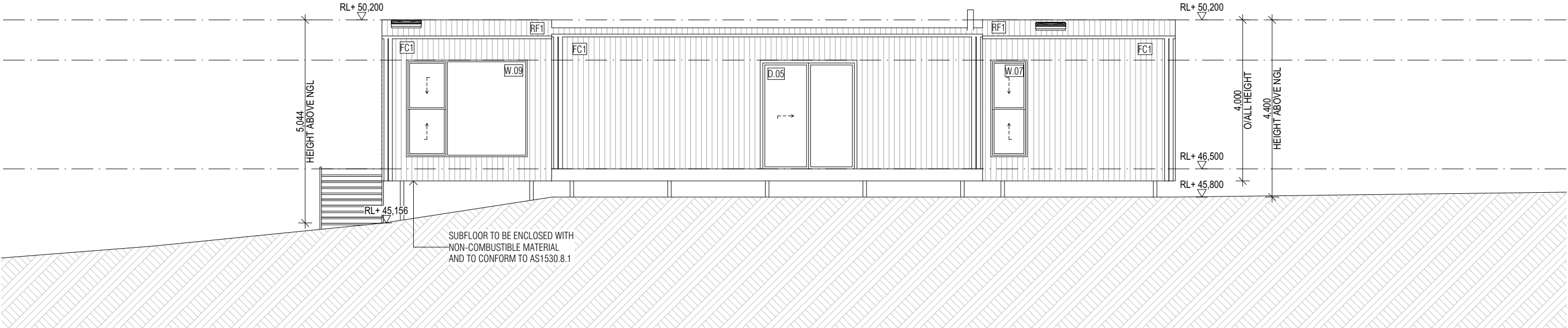
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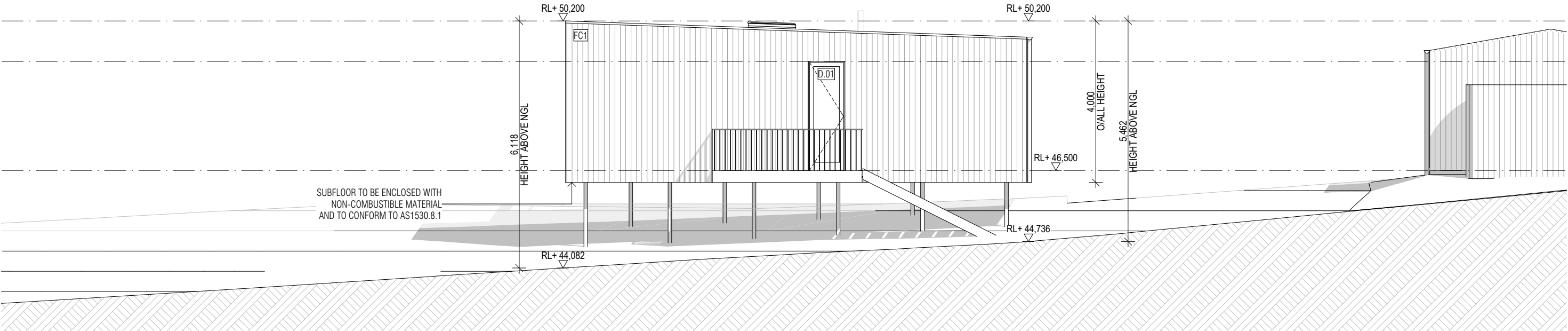
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SW SOUTH-WEST RESIDENCE ELEVATION  
1:100



NW NORTH-WEST RESIDENCE ELEVATION  
1:100

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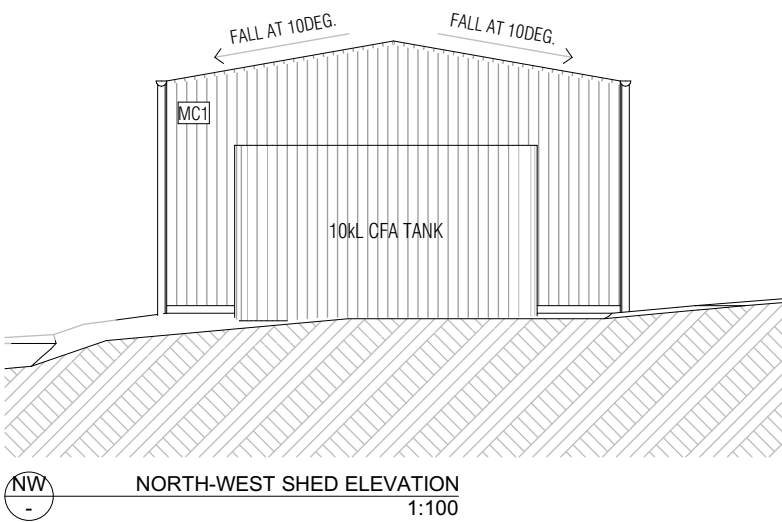
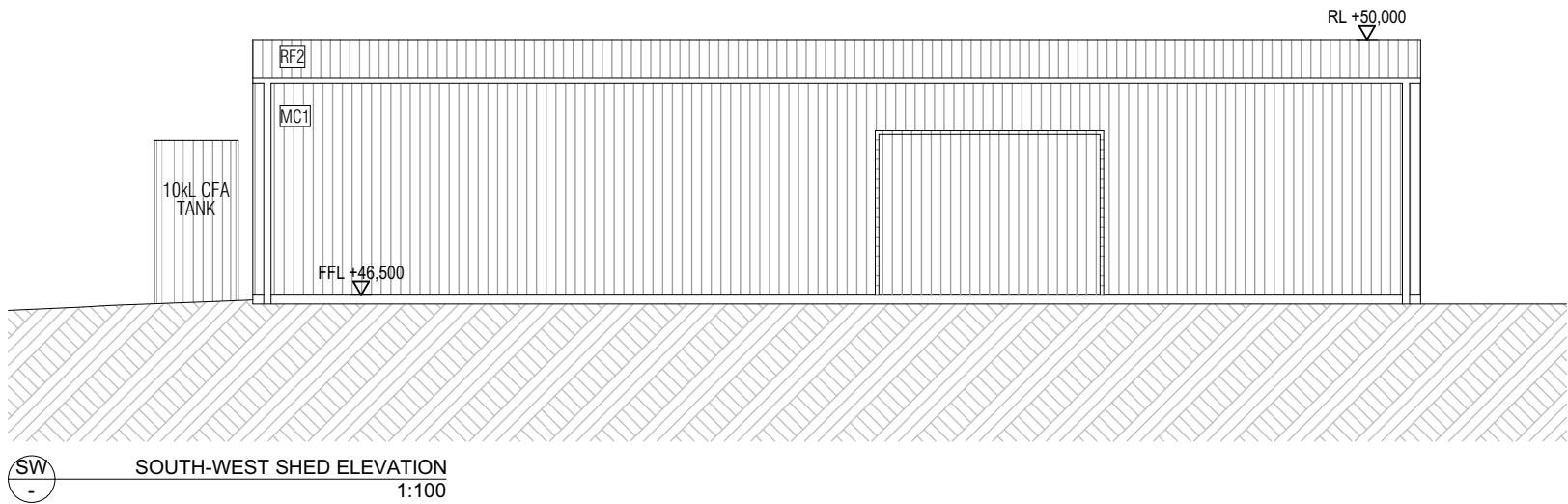
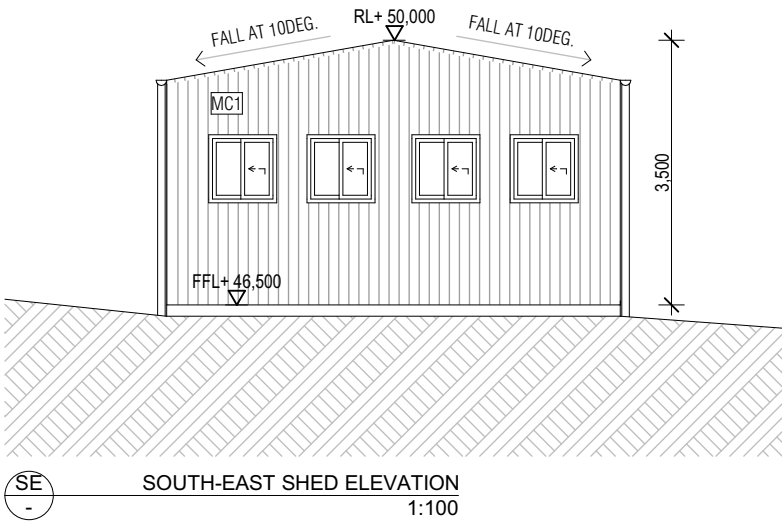
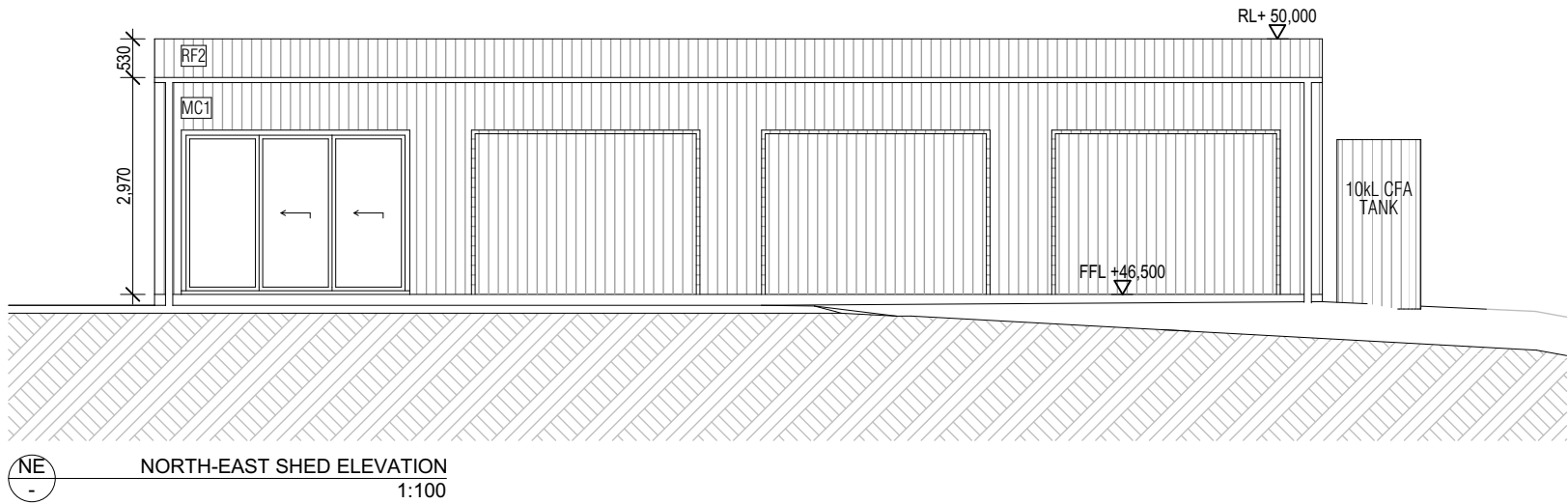
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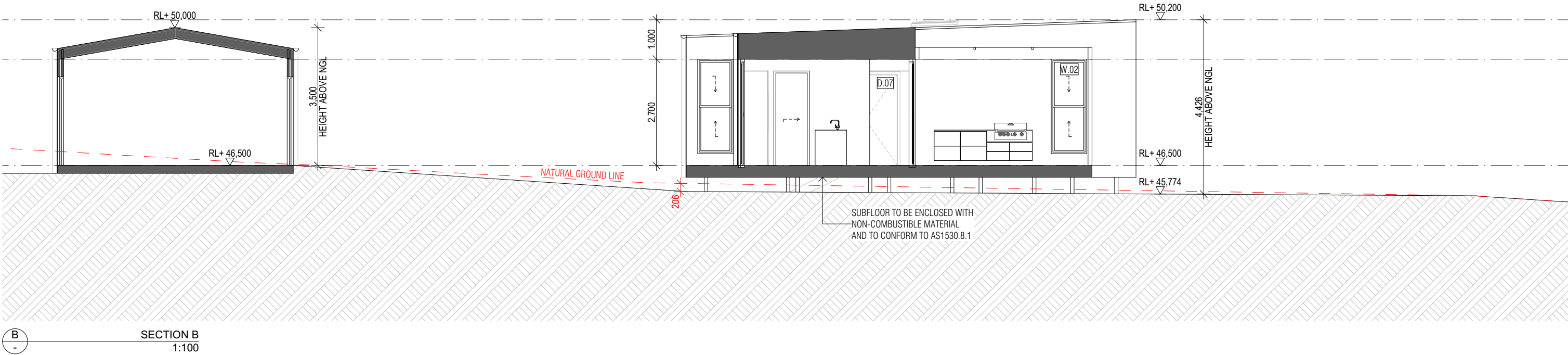
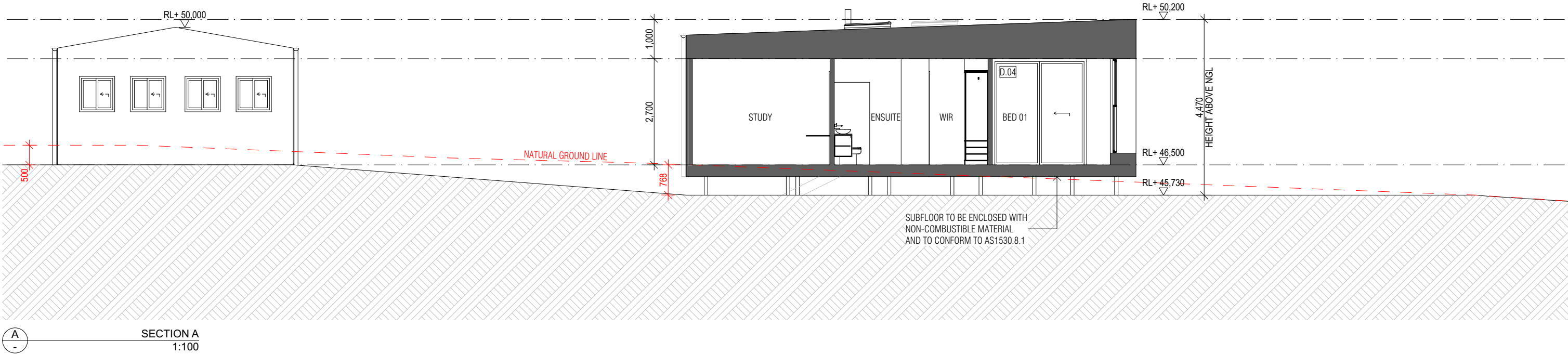
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