

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	65 Genoa-Mallacoota Road MALLACOOTA VIC 3892 Lot: 3 LP: 83854
The application is for a permit to:	Multi Lot Subdivision with common property, removal of native vegetation and alteration of access adjacent to the Principal Road Network
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
32.03-3 (LDRZ)	Subdivide land
42.02-2 (VPO)	Subdivide land
43.02-3 (DDO)	Remove, destroy or lop any vegetation
44.06-2 (BMO)	Subdivide land
52.17-1	Remove, destroy or lop native vegetation, including dead native vegetation.
52.29-2	Create or alter access to a road in a Transport Zone 2.
52.29-2	Subdivide land adjacent to a road in a Transport Zone 2.
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2025.214.1

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

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

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

An objection must

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

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

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

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

April McDonald

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Monday, 1 September 2025 4:40 PM
To: Planning Unit Administration
Subject: Amend a Planning Permit Application
Attachments: CoT Vol 8768 Fol 896.pdf; 20881 Report V3.pdf; 20881 EGSC AAPP 2.pdf; 20881 Prop V6.pdf; 20881 BHSA V2.pdf; Amend_a_Planning_Permit_Application_2025-09-01T16-39-19_27484023_0.pdf; attachment_errors.txt; Amendment to Application 5.2025.214.1 (65 Genoa-Mallacoota Road, Mallacoota); 20881 BMP V3.pdf; 20881 Design Response V4.pdf

Amend a Planning Permit Application

A request to "Amend a planning permit application" has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Business trading name: Crowther & Sadler Pty Ltd

Email address: contact@crowthersadler.com.au

Postal address : PO Box 722, Bairnsdale Vic 3875

Preferred phone number: 0351525011

Owner's business trading name (if applicable):

Owner's postal address:

Street number: 65

Street name: Genoa-Mallacoota Road

Town: Mallacoota

Post code: 3892

Lot number: 3

Plan number: PS083854

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?: No

Will the proposal result in a breach of a registered covenant restriction or agreement?: No

Description of proposal : Multi Lot Subdivision with Common Property, Removal of Native Vegetation & Alteration of Access Adjacent to the Principal Road Network

Under which section of the Act is the amendment to the application made?: s50 Amendment by applicant before notice

Revised estimated cost of development: 0

Existing conditions : Existing dwelling

Full copy of Title: [CoT Vol 8768 Fol 896.pdf](#)

Planning report: [20881 Report V3.pdf](#)

ExtraFile: 5

1. Supporting information/reports: [20881 EGSC AAPPA 2.pdf](#)

2. Supporting information/reports: [20881 Prop V6.pdf](#)

4. Supporting information/reports: [20881 BHSA V2.pdf](#)

3. Supporting information/reports: [20881 BMP V3.pdf](#)

5. Supporting information/reports: [20881 Design Response V4.pdf](#)

Invoice Payer: Crowther & Sadler Pty Ltd

Address for Invoice: PO Box 722, Bairnsdale Vic 3875

Invoice Email: contact@crowthersadler.com.au

Primary Phone Invoice: 0352525011

Declaration: Yes

Authority Check: Yes

Notice Contact Check: Yes

Notice check 2: Yes

Privacy Statement Acknowledge: Yes

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

Page 1 of 3

VOLUME 08768 FOLIO 896

Security no : 124116138606N

Produced 26/06/2024 12:26 PM

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 083854.
PARENT TITLE Volume 08141 Folio 589
Created by instrument LP083854 10/04/1969

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE LP083854 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: 65 GENOA-MALLACOOTA ROAD MALLACOOTA VIC 3892

ADMINISTRATIVE NOTICES

NIL

eCT Control
Effective from

DOCUMENT END

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
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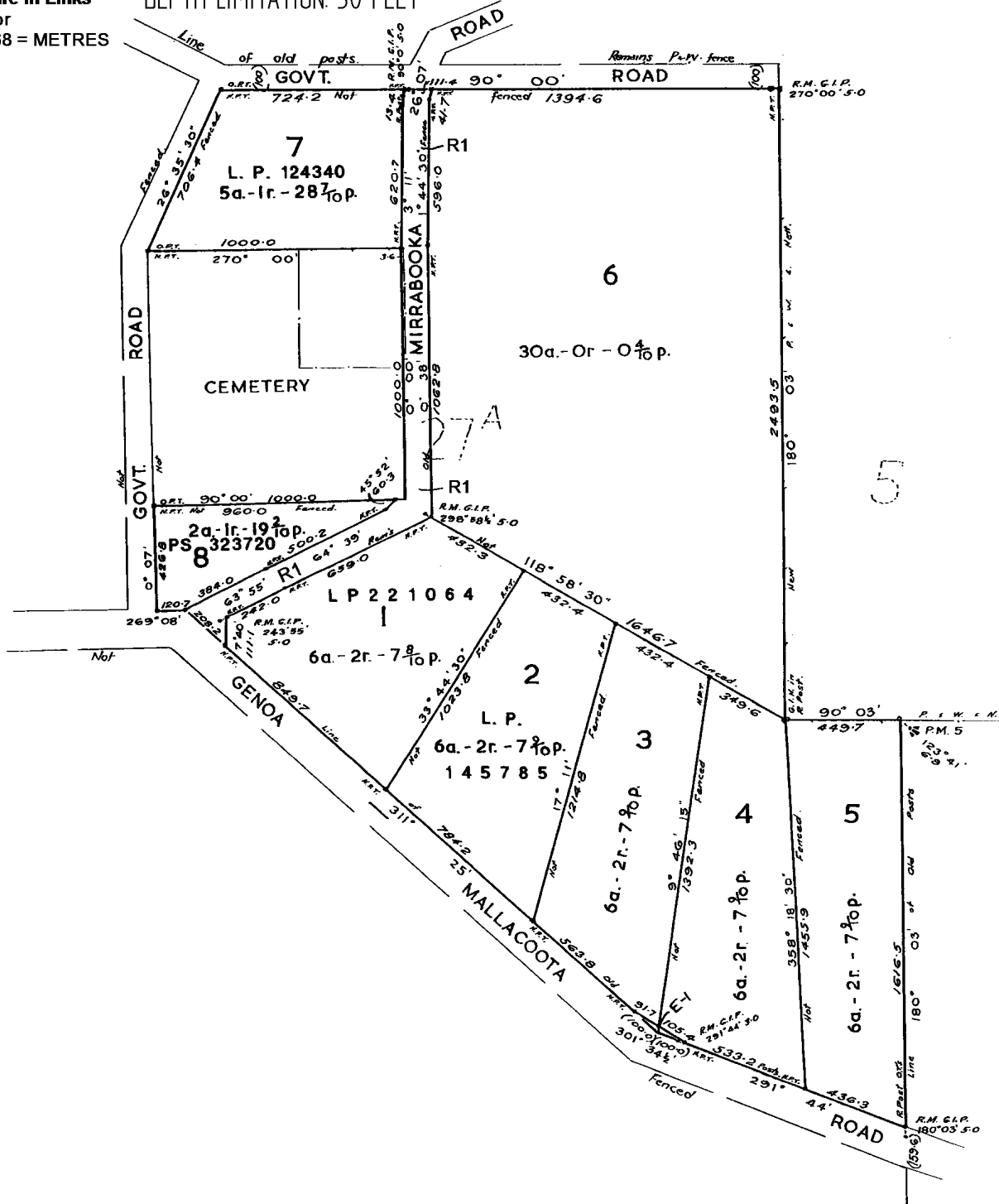
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LP83854
EDITION 1
APPROVED 11/3/69

<p>PLAN OF SUBDIVISION OF: <u>CROWN ALLOTMENT 27A</u></p> <p>PARISH: <u>MALLACOOTA</u> COUNTY: <u>CROAJINGOLONG</u> VOL.8141 FOL.589</p>	<p>APPROPRIATIONS</p> <p>The Land coloured brown is set apart for easements of Way and Drainage.</p> <p>COLOUR CONVERSION R1 = BROWN</p>	<p>ENCUMBRANCES & OTHER NOTATIONS</p>
--	--	---

Measurements are in Links
Conversion Factor
LINKS X 0.201168 = METRES

DEPTH LIMITATION: 50 FEET



Our ref: 20881

1 September 2025

Statutory Planning Officer
East Gippsland Shire Council
Via Planning Portal

Attention: Penny Cross

Dear Penny,

**Re: Response to request for further information
Planning Application 5.2025.3214.1
65 Genoa-Mallacoota Road, Mallacoota**

We refer to Council's request for further information dated 11 July 2025 and provide an Application to Amend a Planning Permit Application in response.

On 4 August 2025 we provided a response to Council which maintained the use of carriageway easements to facilitate access to the proposed allotments, in subsequent discussions however Council have reiterated their preference for Common Property.

To facilitate an outcome for our clients we have made further amendments to the proposed subdivision layout to replace the use of carriageway easements with Common Property.

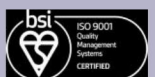
An updated Planning Report (V3) has been provided to reference the use of Common Property along with an amended Plan Set. We also confirm that the 'what the permit allows' box will also need to alter to remove reference to the creation of carriageway easements.

We trust that the enclosed information and documentation will satisfy the Council's request for further information of 11 July 2025. However, please do not hesitate to contact our office should you have any further questions or queries in relation to this matter.

Regards,

RICHARD HOXLEY
Director, Principal Planner

*Encl: Application to Amend a Planning Permit Application Form (Via online portal)
Planning Report (Version 3)
Proposed Subdivision Plan (Version 6)
Design Response Plan (Version 4)
Bushfire Hazard Site Assessment (Version 2)
Bushfire Management Plan (Version 3)*



FS 520900



Report of available native vegetation credits

This report lists native vegetation credits available to purchase through the Native Vegetation Credit Register.

This report is **not evidence** that an offset has been secured. An offset is only secured when the units have been purchased and allocated to a permit or other approval and an allocated credit extract is provided by the Native Vegetation Credit Register.

Date and time: 13/06/2025 01:32

Report ID: 30208

What was searched for?

General offset

General habitat units	Strategic biodiversity value	Large trees	Vicinity (Catchment Management Authority or Municipal district)	
0.02	0.72	1	CMA	East Gippsland

Details of available native vegetation credits on 13 June 2025 01:32

These sites meet your requirements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
BBA-2323	6.019	86	East Gippsland	East Gippsland Shire	Yes	Yes	No	Bio Offsets, Ethos, VegLink
BBA-2843	15.103	903	East Gippsland	East Gippsland Shire	Yes	Yes	No	VegLink
TFN-C1621	1.387	1	East Gippsland	East Gippsland Shire	Yes	Yes	No	TFN
VC_CFL-3720_01	1.876	244	East Gippsland	East Gippsland Shire	Yes	Yes	No	Contact NVOR
VC_CFL-3724_01	0.031	105	East Gippsland	East Gippsland Shire	Yes	Yes	No	Contact NVOR
VC_CFL-3767_01	19.320	1562	East Gippsland	East Gippsland Shire	Yes	Yes	No	Ethos, VegLink

These sites meet your requirements using alternative arrangements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
----------------	-----	----	-----	-----	------------	--------	-------------	-----------

There are no sites listed in the Native Vegetation Credit Register that meet your offset requirements when applying the alternative arrangements as listed in section 11.2 of the Guidelines for the removal, destruction or lopping of native vegetation.

These potential sites are not yet available, land owners may finalise them once a buyer is confirmed.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
VC_CFL-3777_01	14.388	531	East Gippsland	East Gippsland Shire	Yes	Yes	No	Contact NVOR

LT - Large Trees

CMA - Catchment Management Authority

LGA - Municipal District or Local Government Authority

Next steps

If applying for approval to remove native vegetation

Attach this report to an application to remove native vegetation as evidence that your offset requirement is currently available.

If you have approval to remove native vegetation

Below are the contact details for all brokers. Contact the broker(s) listed for the credit site(s) that meet your offset requirements. These are shown in the above tables. If more than one broker or site is listed, you should get more than one quote before deciding which offset to secure.

Broker contact details

Broker Abbreviation	Broker Name	Phone	Email	Website
	Fully traded			
Abezco	Abzeco Pty. Ltd.	(03) 9431 5444	offsets@abzeco.com.au	www.abzeco.com.au
Baw Baw SC	Baw Baw Shire Council	(03) 5624 2411	bawbaw@bawbawshire.vic.gov.au	www.bawbawshire.vic.gov.au
Bio Offsets	Biodiversity Offsets Victoria	0452 161 013	info@offsetsvictoria.com.au	www.offsetsvictoria.com.au
Contact NVOR	Native Vegetation Offset Register	136 186	nativevegetation.offsetregister@deeca.vic.gov.au	www.environment.vic.gov.au/native-vegetation
Ecocentric	Ecocentric Environmental Consulting	0410 564 139	ecocentric@me.com	Not available
Ethos	Ethos NRM Pty Ltd	(03) 5153 0037	offsets@ethosnrm.com.au	www.ethosnrm.com.au
IDES	Indigenous Design Environmental Services Pty Ltd	(03) 9437 0555		www.idecological.com.au
Nillumbik SC	Nillumbik Shire Council	(03) 9433 3316	offsets@nillumbik.vic.gov.au	www.nillumbik.vic.gov.au
TFN	Trust for Nature	8631 5888	offsets@tfn.org.au	www.trustfornature.org.au
VegLink	Vegetation Link Pty Ltd	(03) 8578 4250 or 1300 834 546	offsets@vegetationlink.com.au	www.vegetationlink.com.au
Yarra Ranges SC	Yarra Ranges Shire Council	1300 368 333	biodiversityoffsets@yarraranges.vic.gov.au	www.yarraranges.vic.gov.au

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For more information contact the DEECA Customer Service Centre 136 186 or the Native Vegetation Credit Register at nativevegetation.offsetregister@delwp.vic.gov.au

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Obtaining this publication does not guarantee that the credits shown will be available in the Native Vegetation Credit Register either now or at a later time when a purchase of native vegetation credits is planned.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes

Native Vegetation Removal Report

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

NVRR ID: 319_20250613_53Z

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the [Guidelines for the removal, destruction or lopping of native vegetation](#) (the Guidelines). This report is **not an assessment by DEECA** of the proposed native vegetation removal. Offset requirements have been calculated using modelled condition scores.

Report details

Date created: 13/06/2025

Local Government Area: EAST GIPPSLAND SHIRE

Registered Aboriginal Party:

Coordinates: 149.74046, -37.55292

Address: 65 GENOA-MALLACOOTA ROAD MALLACOOTA 3892

Summary of native vegetation to be removed

Assessment pathway	Intermediate Assessment Pathway		
Location category	Location 1 The native vegetation extent map indicates that this area is not typically characterised as supporting native vegetation. It does not meet the criteria to be classified as Location Category 2 or 3. The removal of less than 0.5 hectares of native vegetation in this area will not require a Species Offset.		
Total extent including past and proposed removal (ha) <i>Includes endangered EVCs (ha): 0</i>	0.07	<i>Extent of past removal (ha)</i>	<i>0</i>
		<i>Extent of proposed removal - Patches (ha)</i>	<i>0.000</i>
		<i>Extent of proposed removal - Scattered Trees (ha)</i>	<i>0.070</i>
No. Large Trees proposed to be removed	1	<i>No. Large Patch Trees</i>	<i>0</i>
		<i>No. Large Scattered Trees</i>	<i>1</i>
No. Small Scattered Trees	0		

Offset requirements if approval is granted

Any approval granted will include a condition to secure an offset, before the removal of native vegetation, that meets the following requirements:

General Offset amount ¹	0.02 General Habitat Units
Minimum strategic biodiversity value score ²	0.72
Large Trees	1
Vicinity	East Gippsland CMA or EAST GIPPSLAND SHIRE LGA

NB: values within tables in this document may not add to the totals shown above due to rounding

The availability of third-party offset credits can be checked using the Native Vegetation Credit Register (NVCR) Search Tool - <https://nvcr.delwp.vic.gov.au>

1. The General Offset amount required is the sum of all General Habitat Units in Appendix 1.

2. Minimum strategic biodiversity value score is 80 per cent of the weighted average score across habitat zones where a General Offset is required.

Application requirements

Applications to remove, destroy or lop native vegetation must include all the below information. If an appropriate response has not been provided the application is not complete.

Application Requirement 1 - Native vegetation removal information

If the native vegetation removal is mapped correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 1.

Application Requirement 2 - Topographical and land information

This statement describes the topographical and land features in the vicinity of the proposed works, including the location and extent of any ridges, hilltops, wetlands and waterways, slopes of more than 20% gradient, low-lying areas, saline discharge areas or areas of erosion.

Application Requirement 3 - Photographs of the native vegetation to be removed

Application Requirement 3 is not addressed in this Native Vegetation Removal Report. All applications must include recent, timestamped photos of each Patch, Large Patch Tree and Scattered Tree which has been mapped in this report.

Application Requirement 4 - Past removal

If past removal has been considered correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 4.

Application Requirement 5 - Avoid and minimise statement

This statement describes what has been done to avoid and minimise impacts on native vegetation and associated biodiversity values.

Application Requirement 6 - Property Vegetation Plan

This requirement only applies if an approved Property Vegetation Plan (PVP) applies to the property
Does a PVP apply to the proposal?

Application Requirement 7 - Defendable space statement

Where the removal of native vegetation is to create defendable space, this statement:

- Describes the bushfire threat; and

- Describes how other bushfire risk mitigation measures were considered to reduce the amount of native vegetation proposed for removal (this can also be part of the avoid and minimise statement).

This statement is not required if, If the proposed defensible space is within the Bushfire Management Overlay (BMO), and in accordance with the 'Exemption to create defensible space for a dwelling under Clause 44.06 of local planning schemes' in Clause 52.12-5.

Application Requirement 8 - Native Vegetation Precinct Plan

This requirement is only applicable if you are removing native vegetation from within an area covered by Native Vegetation Precinct Plan (NVPP), and the proposed removal is not identified as 'to be removed' within the NVPP.

Does an NVPP apply to the proposal?

Application Requirement 9 - Offset statement

This statement demonstrates that an offset is available and describes how the required offset will be secured. The Applicant's Guide provides information relating to this requirement.

Next steps

Applications to remove, destroy or lop native vegetation must address all the application requirements specified in the Guidelines. If you wish to remove the mapped native vegetation you are required to apply for approval from the responsible authority (e.g. local Council). This Native vegetation removal report must be submitted with your application and meets most of the application requirements. The following requirements need to be addressed, as applicable.

Application Requirement 3 - Photographs of the native vegetation to be removed

Recent, dated photographs of the native vegetation to be removed **must be provided** with the application. All photographs must be clear, show whether the vegetation is a Patch of native vegetation, Patch Tree or Scattered Tree, and identify any Large Trees. If the area of native vegetation to be removed is large, provide photos that are indicative of the native vegetation.

Ensure photographs are attached to the application. If appropriate photographs have not been provided the application is not complete.

Application Requirement 6 - Property Vegetation Plan

If a PVP is applicable, it must be provided with the application.

Appendix 1: Description of native vegetation to be removed

General Habitat Units for each zone (Patch, Scattered Tree or Patch Tree) are calculated by the following equation in accordance with the Guidelines

General Habitat Units = extent without overlap x condition score x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)

The General Offset amount required is the sum of all General Habitat Units per zone.

Native vegetation to be removed

Information provided by or on behalf of the applicant			Information calculated by NVR Map							
Zone	Type	DBH (cm)	EVC code (modelled)	Bioregional conservation status	Large Tree(s)	Condition score (modelled)	Polygon extent (ha)	Extent without overlap (ha)	SBV score	General Habitat Units
A	Scattered Tree	119	EGL_0016	Least Concern	1	0.200	0.070	0.070	0.900	0.020

Appendix 2: Images of mapped native vegetation

1. Property in context

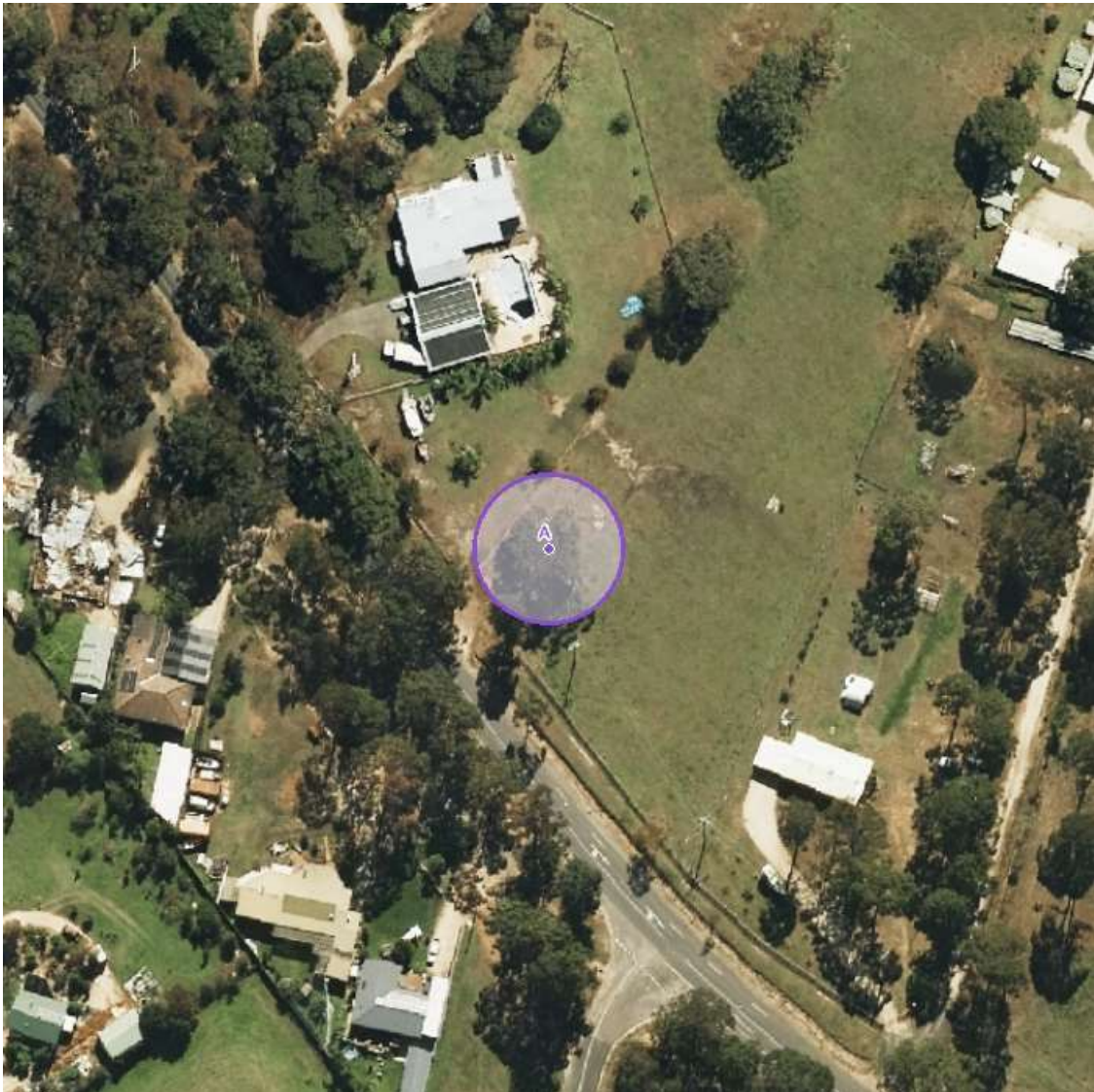


- Proposed Removal
- Property Boundaries

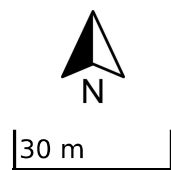


200 m

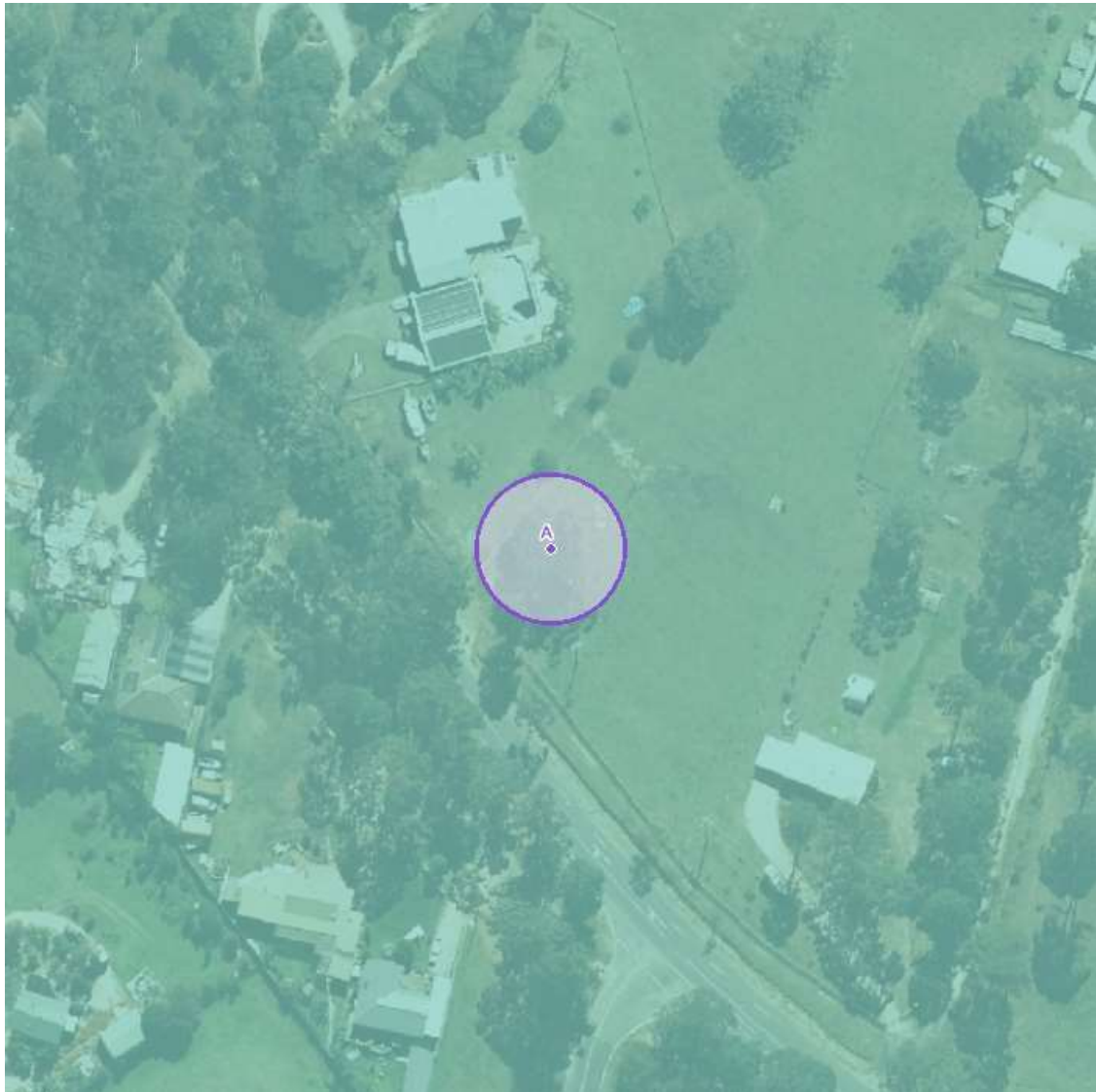
2. Aerial photograph showing mapped native vegetation



Proposed Removal



3. Location Risk Map



Proposed Removal

Location 1

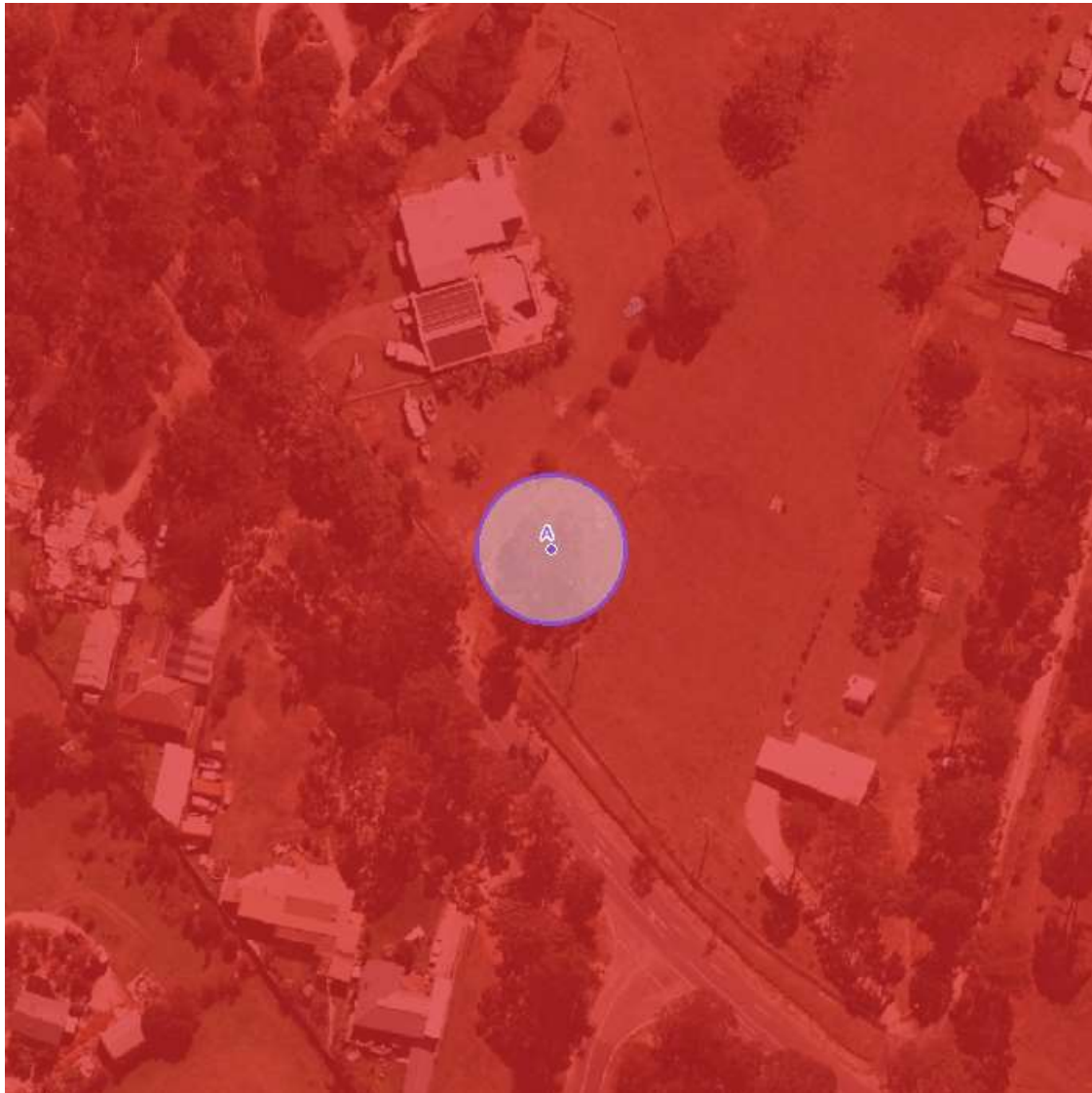
Location 2

Location 3

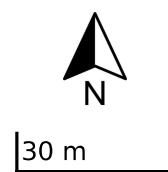
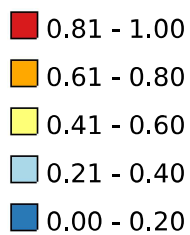


30 m

4. Strategic Biodiversity Value Score Map



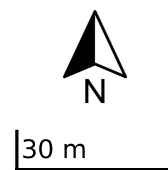
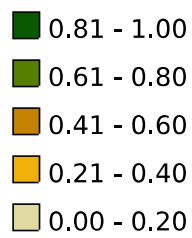
Proposed Removal



5. Condition Score Map



Proposed Removal



6. Endangered EVCs

Not Applicable

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Aboriginal Heritage Act 2006
Section 65

Cultural Heritage Management Plan – Notice of Approval

CHMP Name: Residential Subdivision 65 Genoa-Mallacoota Road, Mallacoota

CHMP Number: 20174

Sponsor:

ABN/ACN:

Heritage Advisor(s): Anita Barker

Author(s): Anita Barker, Anna Kent and Anthony Gowans (Opero Consulting Pty Ltd)

Cover date: 10 April 2025

Pages: i-v + 1-79

TO BE COMPLETED BY THE SECRETARY (OR DELEGATE)	Yes	No
I have considered the Evaluation Report for this CHMP and:		
<i>I am satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of section 53 of the Aboriginal Heritage Act 2006.</i>	✓	
<i>I am satisfied that the CHMP adequately addresses the matters set out in section 61.</i>	✓	
<i>In considering this application, I consulted with and considered the views of Aboriginal persons or bodies I considered relevant to the application.</i>	✓	
<i>I have given proper consideration to any relevant human rights</i>	✓	
<p>I, Harry Webber, Director Heritage Services, First Peoples – State Relations, acting under authority delegated to me by the Secretary, Department of Premier and Cabinet, and pursuant to section 65(2) of the <i>Aboriginal Heritage Act 2006</i> hereby <u>approve / refuse to approve</u> this cultural heritage management plan:</p>		
<p>Signed: _____ HARRY WEBBER</p>		
<p>Dated: 24 April 2025</p>		
<ul style="list-style-type: none"> This notice of approval must be inserted after the title page and bound with the body of the management plan. The conditions in this management plan are now compliance requirements. Officers from the Department of Premier and Cabinet may attend the subject land to monitor compliance with the conditions. 		

OFFICIAL

Planning Report version 3

Multi Lot Subdivision with Common Property,
Removal of Native Vegetation and Alteration of
Access Adjacent to the Principal Road Network

65 Genoa-Mallacoota Road, Mallacoota

Our reference – 20881

1 September 2025



FS 520900



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Superseded Attachments:		Replaced By:
Proposed Subdivision Plan (Version 5)		Proposed Subdivision Plan (Version 6)
Design Response Plan (V3)		Design Response Plan (Version 4)
Bushfire Management Plan (Version 2)		Bushfire Management Plan (Version 3)
Bushfire Hazard Site Assessment (V1)		Bushfire Hazard Site Assessment (V2)
Application Form (via online portal) 4/08/2025		Application Form (via online portal)
Previously lodged Attachments – Remaining Current		
Native Vegetation Removal Report ID: 319_20250710_66A		
Report of Available Native Vegetation Credits ID:30694		
Cultural Heritage Management Plan: 20174 (10 April 2025)		
Copy of Title (Lot 3 on LP83854)		
Version #	Date	Revision Description
1	June 2025	
2	4 August 2025	Report amended to include the assumed loss of Tree #1
3	1 September 2025	Replacement of Carriageway Easement with Common Property

Note: Planning Application fee of \$2,812.90 was paid by EFT 3/07/2025

1. Introduction

This Planning Report is prepared in support of a proposed Multi Lot Subdivision with Common Property, Removal of Native Vegetation (assumed loss of one tree) and Alteration of Access Adjacent to the Principal Road Network at 65 Genoa-Mallacoota Road, Mallacoota.

The Report addresses the provisions of the Low Density Residential Zone, Vegetation Protection Overlay – Schedule 8, Significant Landscape Overlay – Schedule 6, Design and Development Overlay – Schedule 12, Bushfire Management Overlay and Particular Provisions as contained within the *East Gippsland Planning Scheme*.



Aerial image of the subject land and immediate surrounds - Source: Google Earth

2. Subject Land & Surrounding Context

Formally known as Lot 3 on LP83854 or more commonly known as 65 Genoa-Mallacoota Road, Mallacoota the subject land is a large parcel of Low Density Residential zoned land of 2.65 hectares.

The property has a frontage to Genoa-Mallacoota Road of 132 metres, an eastern boundary of 280 metres, a western boundary of 244 metres and a rear or northern boundary of 87 metres.

The subject land has a moderate fall to the rear of the property and is developed with a double storey dwelling and associated outbuilding within the south-western part of the land.

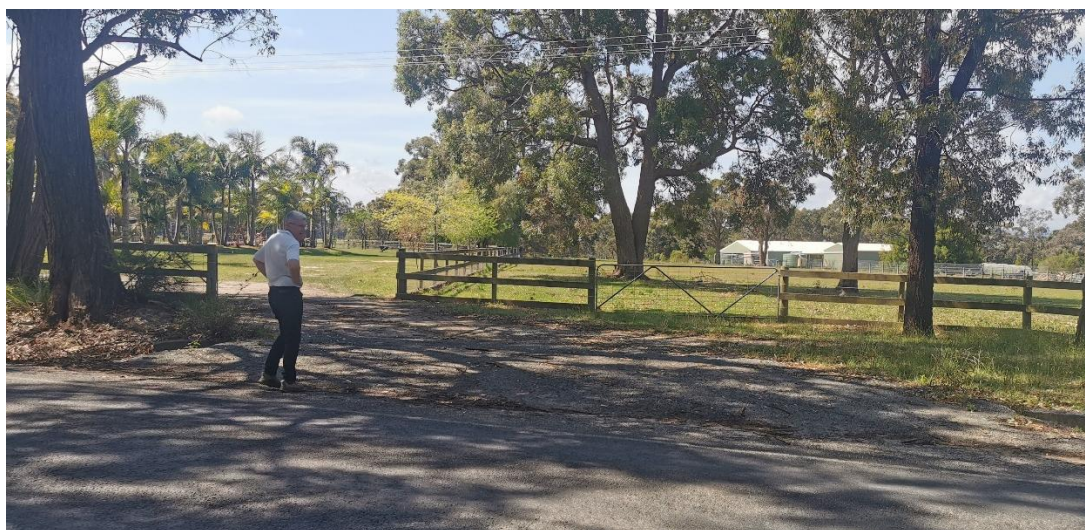


Existing Dwelling

Two points of vehicle access are established to the subject land from Genoa-Mallacoota Road. Genoa-Mallacoota Road is a sealed Transport Zone 2 road which facilitates vehicle access into and out of the township area of Mallacoota.

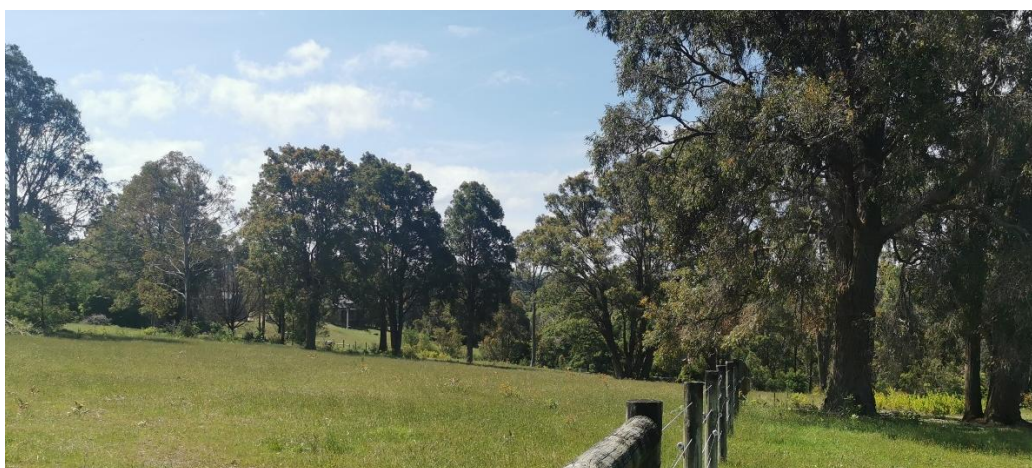


Existing point of access from Genoa-Mallacoota Road (to existing dwelling)



Secondary point of access to the subject land from Genoa-Mallacoota Road

There are several native trees scattered throughout the property and some ornamental plantings within the curtilage of the existing dwelling. The understorey is heavily dominated by pastoral grasses which is reflective of grazing activities which have been occurring.



View north towards established trees on north-west portion of the property



Planted vegetation near existing dwelling

North of the subject land is a large Rural Living Zoned land parcel developed with a dwelling and contains a significant area of remnant native vegetation located within a gully.

To the east of the subject land are two lots, with each lot developed with a dwelling and outbuildings. To the west is a property developed with a dwelling in vegetated surrounds.

South of the subject land across Genoa-Mallacoota Road are a number of General Residential allotments which are developed with dwellings and associated outbuildings.

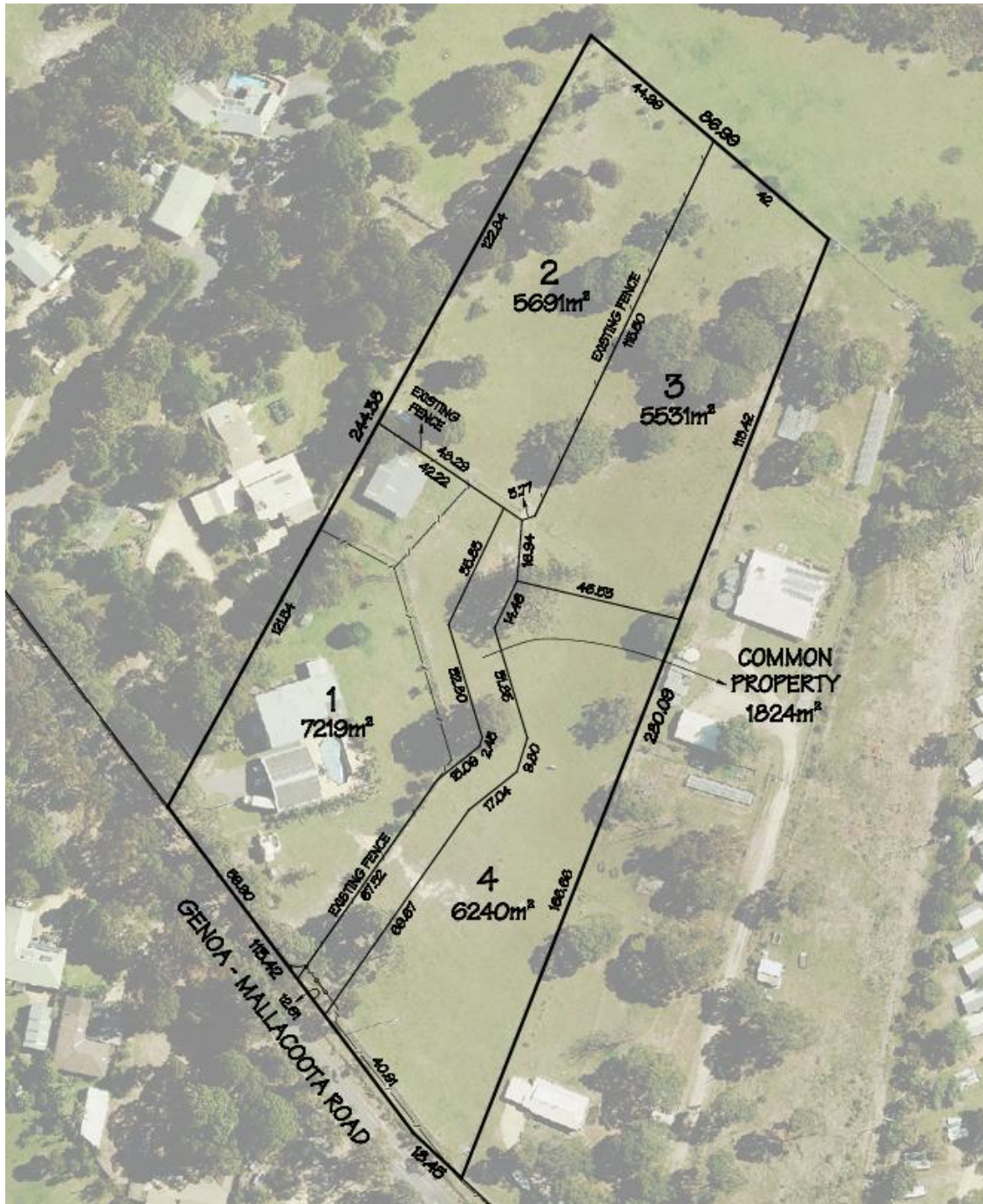
The subject land is located at the entry to the Mallacoota township and is approximately 1.8km from the commercial centre of town which provides for common goods and services.



Locality Plan – Source: VicPlan

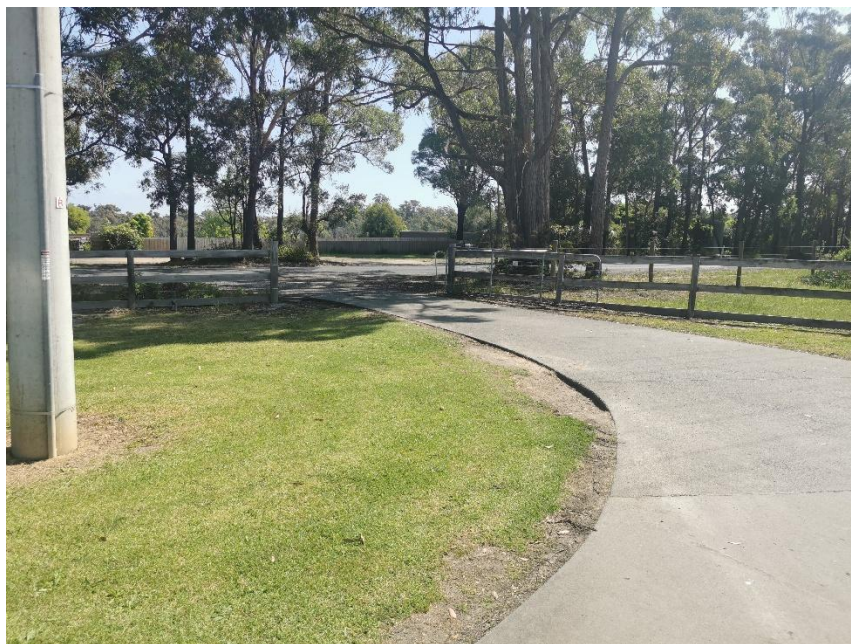
3. The Application & Proposal

The Application seeks approval to subdivide the land into four allotments as shown on the accompanying Proposed Subdivision Plan resulting in the creation of Lot 1 for the existing dwelling and Lots 2, 3 & 4 for future residential purposes.



Proposed Plan of subdivision (Version 6)

The existing dwelling on Lot 1 will continue to be serviced by existing access established direct from Genoa-Mallacoota Road while the secondary point of access, further to the east, will be upgraded consistent with SD 255 to service the vacant allotments and to provide secondary access to Lot 1.



Existing driveway access to dwelling on Lot 1 from Genoa-Mallacoota Road



Existing access from Genoa-Mallacoota Road (to be upgraded)

The proposal includes the nomination of Common Property approximately 1824m² in area ensuring the number of vehicle crossings from Genoa-Mallacoota Road is minimised whilst ensuring sufficient and logical vehicle access can be facilitated to each proposed allotment.

Whilst mathematically under the Low Density Residential Zone the land has the potential to accommodate up to six allotments, the proposed subdivision has sought to strike a good planning balance having regard to native vegetation, bushfire controls and safe vehicle access.

Vegetation Removal

The proposal has been specifically designed having regard to the presence of established trees and has sought to avoid and minimise impacts on the environmental values of the land.

This has been achieved by adopting boundaries, access, defensible space and Building Envelopes which all respond to the specific site conditions, and which carefully balance the expected residential outcome with relevant planning controls.

Building Envelopes have been nominated within existing cleared areas and boundaries have been aligned to avoid any direct impact and consequential loss and to reduce assumed loss to two trees only (Tree #1 and Tree #4).

The accompanying Design Response Plan (Version 4) demonstrates the ability to achieve an internal accessway within the Common Property which avoids the assumed loss of a number of existing trees.

However, upgrade to the vehicle crossing and alignment of the future accessway will result in the TPZ's of Tree #1 and Tree #4 being impacted by more than 10% resulting in assumed loss under the native vegetation controls prescribed at Clause 52.17.

Tree #	DBH (cm)	TPZ (m)	% TPZ Impacted
1	52.84	6.34	30.9%
4	119.37	14.32	15.99%



*Proposed shared access from Genoa-Mallacoota Road towards Tree #1 and Tree #4
(both assumed lost)*



View proposed shared access from Genoa-Mallacoota Road towards Tree #4 (assumed lost)



View of existing gateway and future access into Lots 2, 3 & 4

As destruction of native vegetation (assumed loss) forms part of the Application, a Native Vegetation Removal Report ID: 319_20250710_66A has been provided. This report confirms that the Application follows an Intermediate Assessment Pathway and sets out the criteria for suitable vegetation offsets to accommodate the loss.

It is anticipated that the standard permit conditions prescribed by the Assessor's *handbook Applications to remove, destroy or lop native vegetation* (DELWP, Dec 2017) relating to vegetation offsets will be imposed on Permit.

Whilst Tree #1 and Tree #4 will be assumed lost and otherwise offset as part of the proposal, the Application does not seek approval for their removal, and they will otherwise continue to be retained and protected under the provisions of the Vegetation Protection Overlay.

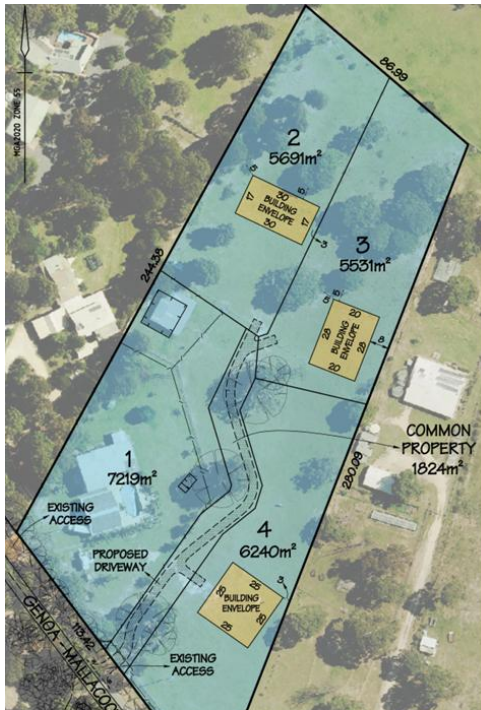
The proposed upgrade to the existing vehicle crossing is unlikely to result in adverse impacts to Tree #1, as evidenced by the presence of trees of similar size and species within the road reserve that are subject to greater levels of TPZ encroachment yet remain in good condition.

Given Tree #4 has generally good health, its TPZ will only have a moderate encroachment (10-20%) and no excavation work is required within its Structural Root Zone it is reasonable to expect that the internal accessway can be established without significant detriment to the tree despite its assumed loss.

Bushfire

As the subject land is affected by the provisions of the Bushfire Management Overlay it is expected that the mandatory Condition prescribed at Clause 44.06-5 will be imposed on Permit. The Condition will require the need for a Section 173 Agreement to be entered into which will negate the need for landowners of Lots 2, 3 & 4 to obtain planning approval for a dwelling under the provisions of the Bushfire Management Overlay, provided it is located within the nominated Building Envelope.

The Application is supported by a Bushfire Management Plan which includes Building Envelopes and prescribes bushfire mitigation measures which are expected to be referenced within the aforementioned Section 173 Agreement.



MANAGEMENT OF VEGETATION WITHIN
THE AREA OF DEFENDABLE SPACE - SHOWN
Extract from Bushfire Management Plan
(Version 3)

Whilst defendable space nominated within the Bushfire Management Plan has been designed to achieve separation distances consistent with Column A to Table 2 of Clause 53.02-5 it otherwise specifies a minimum BAL-29 construction standard to enhance resilience.

The Bushfire Management Plan also nominates the retention of the established trees to reduce impacts on native vegetation whilst otherwise responding appropriately to the surrounding bushfire risk. The Building Envelopes have been designed to ensure future dwellings will be setback appropriately from tree canopies and a level of assurance will be provided that the fuel loads within the site will not increase overtime.

Planning approval is required pursuant to the following Clauses of the *East Gippsland Planning Scheme*:

Planning Scheme Clause	Matter for which a Permit is required
32.03-3 (LDRZ)	Subdivide land
43.02-3 (DDO)	Subdivide land
44.06-2 (BMO)*	Subdivide land
52.17-1 (NV)	Removal of Native Vegetation
52.29-2*	Alter access to a road in a Transport Zone 2
52.29-2*	Subdivide Land Adjacent to a Road in a Transport Zone 2

Notice & Review Exemptions

- Always exempt matters are marked with an asterisk (*).
- Conditionally exempt matters are marked with a plus (+).

The application is required to be referred pursuant to Section 55 of the *Planning & Environment Act 1987* to the following:

- East Gippsland Water (Determining Authority) as the subdivision will result in the creation of more than two lots.
- AusNet Services (Determining Authority) as the subdivision will result in the creation of more than two lots.
- Country Fire Authority (Recommending Authority) for an application to subdivide land within the Bushfire Management Overlay.
- Transport for Victoria (Determining Authority) to alter access and subdivide land adjacent to a road owned by the Head, Transport for Victoria.

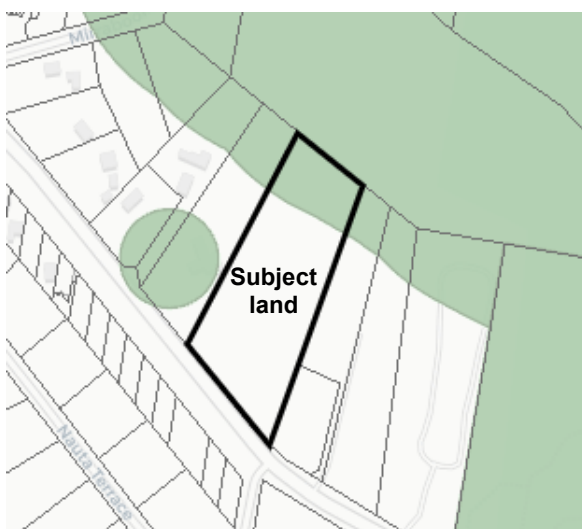
It is noted that DEECA are not a recommending referral Authority under the native vegetation provisions (Clause 52.17) as the application does not follow a detailed assessment pathway.

It is also anticipated that the mandatory Conditions prescribed at Clause 66.01-1 *Mandatory Conditions for subdivision permits* pertaining to telecommunications will be imposed on Planning Permit.

4. Cultural Heritage

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

- all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- all or part of the activity is a high impact activity.*



Cultural Heritage Sensitivity Mapping
Source: VicPlan

The preparation of a CHMP is a mandatory requirement as the proposed Four Lot Subdivision is a high impact activity and the activity area is within an area of cultural heritage sensitivity.

Opero Consulting prepared CHMP 20174 which was approved by GKLaWAC, on 24 April 2025. A copy of the approved CHMP has been lodged with the Application.

Initially a Desktop Assessment was undertaken that determined that it is reasonably possible that Aboriginal cultural heritage material in the form of stone artefacts is present in the activity area due to the geomorphology, proximity to Shady Creek and existence of VAHR 8822-0065 to the west.

A Standard Assessment was therefore subsequently undertaken however it did not identify any Aboriginal cultural heritage in the activity area, which could have been due to limited ground surface visibility.

A Complex Assessment later included the excavation of a 1X1m test pit and a further eleven 50X50cm shovel pits across the activity area however no artefacts were found.

It was determined that it is possible that more attractive locations for Aboriginal occupation are present elsewhere in the geographic region closer to Mallacoota Inlet as opposed within the activity area.

Whilst no Aboriginal artefacts were found, the CHMP nominates management conditions, being proactive measures that must be followed to appropriately manage Aboriginal cultural heritage and to aid in the identification of unexpected Aboriginal cultural heritage within the activity area should it be encountered during construction.

5. Planning Policy

5.1 Planning Policy Framework

The proposed subdivision of this large, underutilised property within the Mallacoota settlement is supported by Clause 11.01-1S *Settlement*. It will provide for population growth, assists to limit urban sprawl, and allows for infill development.

Clause 11.01-1L-01 *East Gippsland settlements* is supportive of the proposed subdivision as it encourages infill development, will be serviced with reticulated sewerage and the lots will be provided with urban infrastructure.

Being located on an elevated property and well setback from the coast, the lots to be created are unlikely to be impacted by future climate change processes as sought within Clause 11.03-4S *Coastal settlement*.

The proposed subdivision of this Low Density Residential property is consistent with the Mallacoota Framework Plan contained within Clause 11.03-4L-10 *Mallacoota*.

Clause 11.03-4L *Mallacoota* applies to all land within the Mallacoota Framework Plan inclusive of the subject land. The proposal responds to associated strategies as the size and configuration of the lots can accommodate future development that can be designed and sited in a manner which respects the coastal character of the area.

The proposal is consistent with the objective to Clause 12.01-2S *Native vegetation management* which seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The proposal has followed the three-step approach to avoid, minimise and offset vegetation losses.

This has been achieved through a well-considered and balanced subdivision design which has regard to the presence of existing trees and their associated TPZ's. The alignment of the subdivision adopts existing internal fencing where possible and ensures the ability to achieve an internal accessway which avoids and minimises impacts to vegetation. The proposal also puts forward an alternative approach to vegetation management under the bushfire controls to further minimise impacts to trees and ensures Building Envelopes are clear of overhanging canopies.

The proposal has considered Clause 13.02-1S *Bushfire Planning* as the whole of the subject land is contained within a Designated Bushfire Prone area and the Bushfire Management Overlay.

The proposal has prioritised human life through ensuring appropriate separation distances are established from classifiable vegetation and ensuring future development is constructed to minimum BAL-29.

Clause 15.01-3S relating to *Subdivision Design* seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision adheres to this objective as the accompanying Design Response Plans demonstrate that the proposed allotments can easily accommodate future residential development that respects the vegetated landscape.

The subdivision will increase the proportion of allotments in an established urban area reducing the share of dwellings in greenfield areas as encouraged within Clause 16.01-1S *Housing supply*.

Creating four lots in excess of 4,000 square metres is consistent with the strategies and policy guidelines of Clause 16.01-3L-01 *Rural living*.

The proposal will see the upgrade of an accessway for three lots to Genoa-Mallacoota Road. The accessway will utilise an existing vehicle crossover to the property avoiding direct vegetation impacts within the road reserve. Sight lines at the intersection with Genoa-Mallacoota Road are good avoiding detrimental impacts to the main road.

5.2 Municipal Planning Strategy

Clause 02.03-1 *Settlement and housing* recognises Mallacoota as being a Coastal Settlement which is a popular holiday location and a retirement area, a base for eco-tourism and the centre of the abalone industry in Victoria. Council's strategic directions include the minor expansion of existing areas in Mallacoota and the proposal is considered to respond positively given its zoning and access to servicing.

Clause 02.03-2 *Environmental & Landscape Values* identifies that Council's strategic vision is to restore and maintain biodiversity, protect areas of value, balance development with wildlife corridors and areas of rural or natural landscape and to protect sites of significance by encouraging sensitive development.

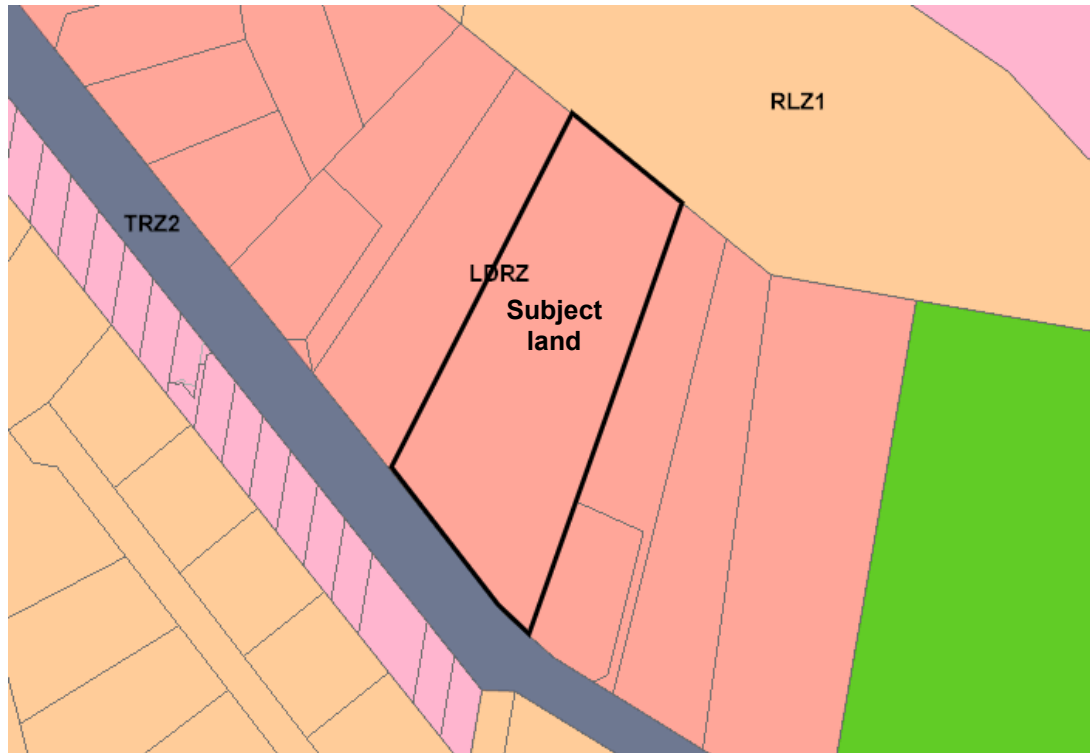
The proposal responds well as it seeks to balance the anticipated residential use of the land with the environmental values. This has been achieved by limiting the proposal to a Four Lot Subdivision and nominating Building Envelopes that can accommodate suitable defensible space.

Clause 02.03-3 *Environmental risks and amenity* outlines that Council's plays an important role in managing and mitigating environmental risks associated with erosion, bushfire and salinity. Whilst the site is not affected by an Erosion Management Overlay or Salinity Management Overlay it is affected by the provisions of the Bushfire Management Overlay. The broader context does provide a significant bushfire threat despite being on the edge of an existing residential precinct and as a consequence the subdivision nominates a minimum construction level of BAL-29 for future dwellings while enhancing defensible space to be consistent with Column A to Table 2 to Clause 53.02.

6. Planning Elements

6.1 Low Density Residential Zone

The proposed subdivision is considered to respond positively to the purpose of the Low Density Residential Zone as it will result in the creation of allotments which can accommodate lower density residential living with connection to reticulated sewer.



Planning scheme zone mapping (Source: VicPlan)

The Application triggers planning approval at Clause 32.03-3 for subdivision of the land in accordance with the Low Density Residential Zone provisions. Whilst the allotments will be connected to reticulated sewer allowing for a minimum allotment size of 2,000m² in area, each allotment has been retained over 4,000m² in area as a response to the constraints and features of the site.

Application Requirements Clause 32.03-5

<p>An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:</p>	
<p>In the absence of reticulated sewerage, include a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the <i>Environment Protection Act 2017</i>.</p>	<p>Reticulated sewer is available to the area and will be connected to each of the proposed allotments.</p>
<p>Show for each lot:</p> <ul style="list-style-type: none"> • A building envelope and driveway to the envelope. • Existing vegetation. • In the absence of reticulated sewerage, an effluent disposal area. 	<p>Accompanying the Application is a Design Response Plan which demonstrates the ability to accommodate future residential development on the proposed vacant allotments having regard for the site's constraints and characteristics.</p> <p>Building Envelopes have been designed having regard for the surrounding bushfire risk and can accommodate defensible space wholly within the site boundaries without detrimental impact to existing trees.</p>
<p>Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.</p>	<p>The subject land and adjoining properties immediately to the east and west are contained within the Low Density Residential Zone and are already developed for residential purposes.</p> <p>Land immediately to the north is contained within the Rural Living Zone – Schedule 1 and also contains an existing dwelling.</p> <p>The surrounding conditions are unlikely to change into the future having regard to the established residential use and zoning of land.</p>
<p>If a staged subdivision, show how the balance of the land may be subdivided.</p>	<p>Staging is not proposed.</p>

Decision Guidelines

The subdivision layout has been specifically designed having regard for the site features and environmental values of the land:

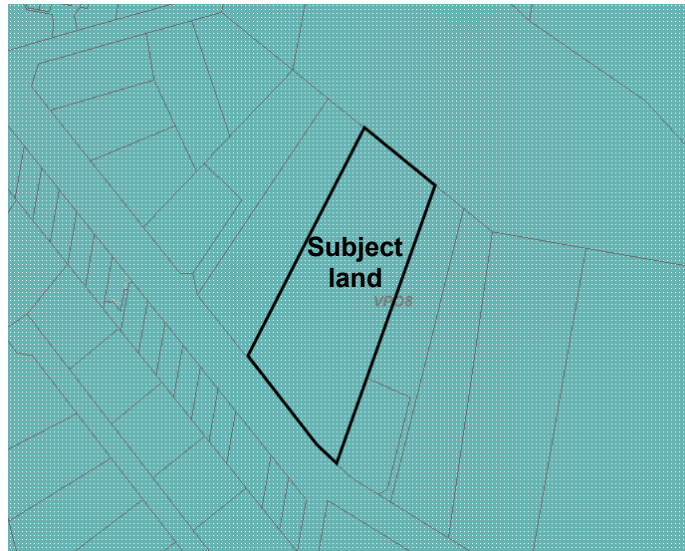
- The subdivision has been designed to provide allotments with sufficient area to accommodate future residential development that enjoys the vegetated context. This has been achieved by nominating Building Envelopes in clear sections of the site and through use of a well-considered subdivision design which has regard to TPZ's.
- The subdivision has the capacity to connect to existing infrastructure, including sewer resulting in good use of serviced land.
- Nomination of the allotments greater than 4000m² in area provides a good level of assurance that native vegetation retained within the property boundaries will not be compromised due to the subdivision. Further planning approval would be triggered for the removal of any native vegetation given the allotments will be greater than 4000m² in area in addition to the fact the area is affected by the Vegetation Protection Overlay.
- Power, water, sewer and telecommunications are already provided within the precinct and will be connected to each of the proposed allotments as part of the subdivision project.

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

- Reticulated water is already provided within the precinct which as the ability to service the proposed allotments.
- Overhead powerlines are provided on the northern side of Genoa-Mallacoota Road which can service the proposed allotments.
- Use of reused and recycled water options will be dependent upon residents of the site.
- The land is serviced with reticulated sewer and is not reliant upon onsite wastewater disposal methods.
- The land will be drained to the satisfaction of the Responsible Authority.

6.2 Vegetation Protection Overlay

Whilst the subject land is affected by the provisions of the Vegetation Protection Overlay – Schedule 8 “Mallacoota Vegetation Protection Area”, it does not trigger any planning approval as no vegetation removal is being sought.



Planning scheme overlay mapping (Source: VicPlan)

All existing trees will be retained on site and will continue to be protected by the provisions of the Vegetation Protection Overlay – Schedule 8. Should future owners ever have a desire to remove a tree (greater than 2.0 metres in height) further planning approval would be triggered under the Overlay.

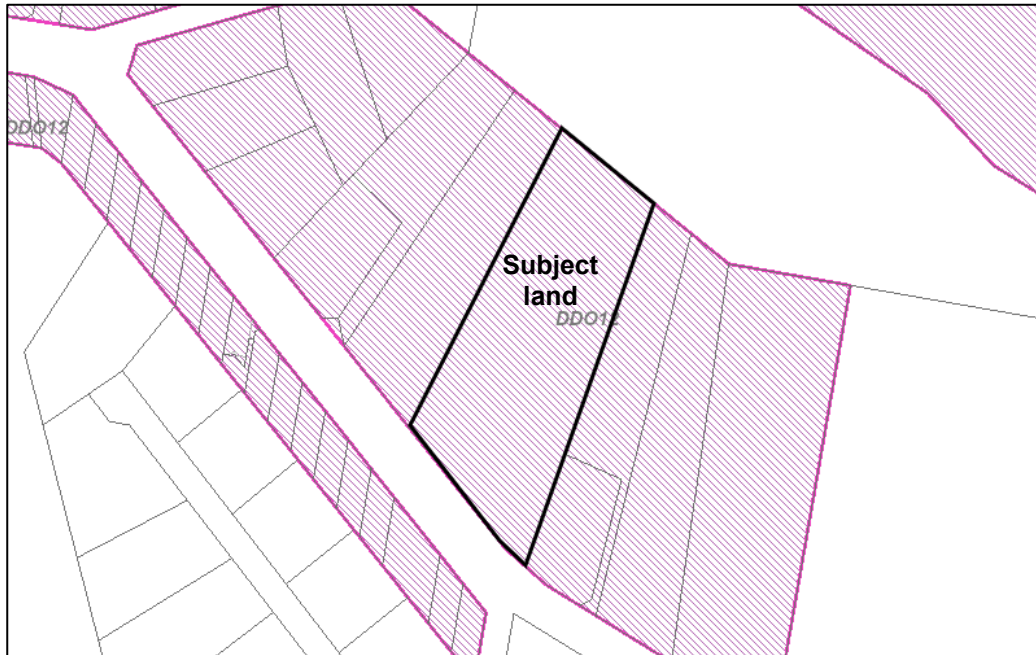
The Application does address the provisions of Clause 52.17 relating to Native Vegetation given that Tree #1 and Tree #4 will be assumed lost due to TPZ's being impacted by more than 10% however there is no provision under the Vegetation Protection Overlay which relates to assumed vegetation loss and the proposal otherwise seeks to retain both trees.

The accompanying Design Response Plan demonstrates the ability to establish an internal accessway which has only a moderate impact on Tree #4's TPZ (15.99%). The tree itself is clearly in good health and there will be no excavation works required within its Structural Root Zone to establish the accessway.

Tree #1 is also expected to be physically retained similarly to other trees within the road reserve, which have not declined despite TPZ's being substantially more impacted.

6.3 Design and Development Overlay

The whole of the subject land is affected by Schedule 12 of the Design & Development Overlay, relating to *Residential Development in Coastal Settlements: Mallacoota* which triggers planning approval at Clause 43.02-3 for subdivision of land.

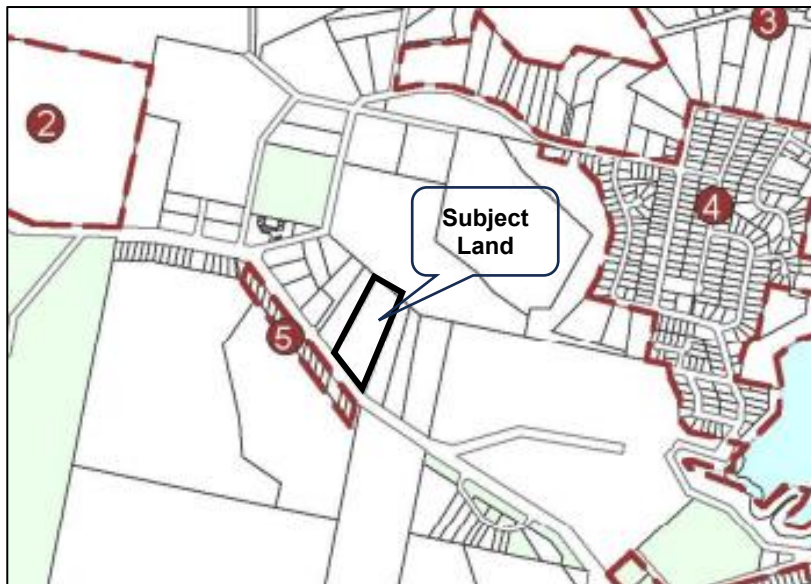


Design & Development Overlay Mapping - Source: VicPlan

Design Objectives – All Areas	Response
To protect and manage the township character of coastal settlements.	The subdivision will result in the creation of generous sized residential allotments which have the capacity to provide for future development that is sympathetic to the coastal surrounds.
To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.	Future residential development will need further consideration against the provisions of the Design & Development Overlay.
To ensure that new development is designed to minimise visual impacts on the natural landscape.	There is no development proposed however the design of the subdivision ensures there is ample opportunity for future dwellings to integrate with the natural landscape.
To ensure that new development is visually and physically integrated with the site and surrounding landscape.	As the proposal will result in generous sized residential allotments there is good opportunity for future development to be integrated into the landscape. Building Envelopes have been generously setback from Genoa-Mallacoota Road and existing trees will be retained.

To ensure that new development is sited and designed to be visually unobtrusive through and above the surroundings tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.	As the landform is relatively flat there is good opportunity for future dwellings to be established without being dominant when viewed from Genoa-Mallacoota Road. Any future building above 7.5 metres above natural ground level or development where the total building area is greater than 300m ² in area will incur further planning consideration and approval under the Design & Development Overlay.
To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.	The subdivision has sought to protect the vegetated character of the area by providing Building Envelopes for proposed allotments on clear sections of the land. Boundaries have been aligned to respect site vegetation and enable its retention by ensuring sufficient area is available for fencing and access.
To conserve and enhance views to the Inlet from public places in the town centre character area.	Given the site is setback from Mallacoota Inlet and is surrounded by developed land, the site is not identifiable from key public places other than from along Genoa-Mallacoota Road.

The subject land is not within a specific character area referenced within the Design & Development Overlay which have otherwise been derived from the Character Zones contained within the *Mallacoota Urban Design Framework* (Meinhardt Infrastructure and Environment, March 2007).

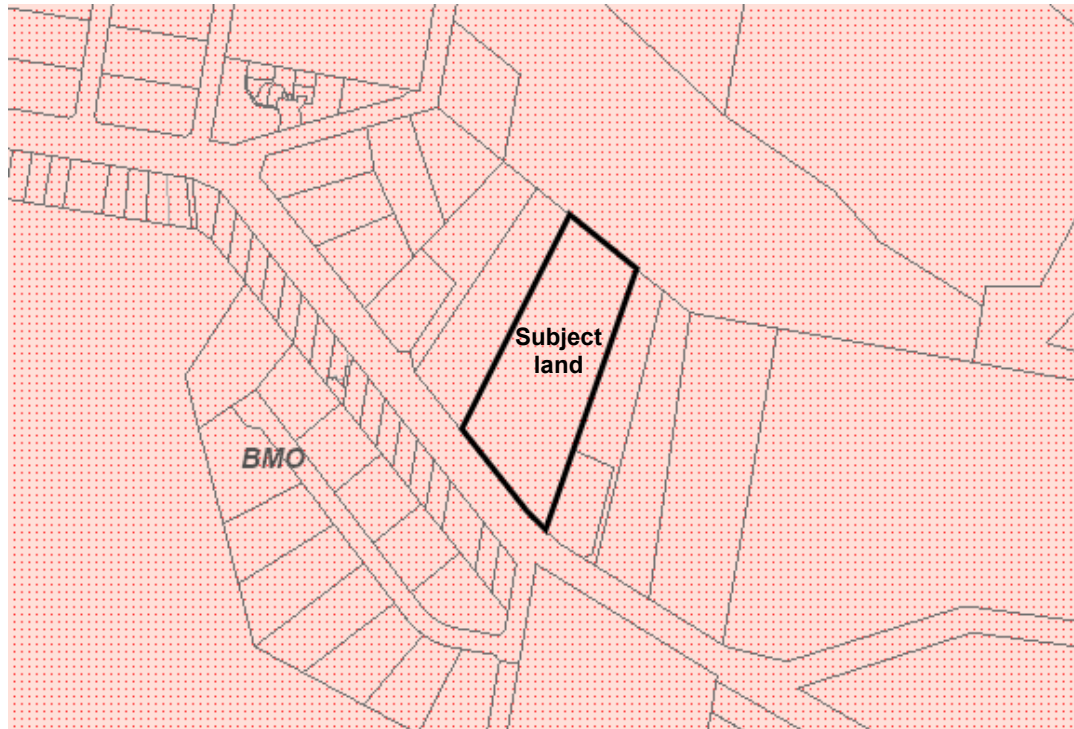


Extract from Mallacoota Design Guidelines – Source: Mallacoota Urban Design Framework

Decision Guidelines	Response
In relation to a proposed subdivision:	
The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area, including the effect on streamlines, foreshores, wetlands, areas of remnant vegetation or areas prone to erosion.	<p>The subdivision has been carefully designed having regard for the environmental values of the land. Whilst mathematically the land has the capacity under the Low Density Residential Zone to yield more allotments, the subdivision has been designed within the principals of the three-step approach of <i>Avoid, Minimise, Offset</i>.</p> <p>The limitation of the subdivision to the creation of four allotments only has invoked the assumed loss of only two trees under the native vegetation controls however the expectation is that they be physically retained.</p> <p>The site is relatively flat and is not contained within the Erosion Management Overlay. There are also no waterways contained on the land.</p>
The need to contribute, where practicable, to the development of pedestrian walkways, to link residential areas and to provide access to community focal points, public land and activity areas such as commercial or community precincts, recreation areas or foreshore areas.	There are no established pedestrian pathways within Genoa-Mallacoota Road within proximity to the subject land.
Whether the proposed subdivision layout provides for the protection of existing natural vegetation, drainage lines, wetland areas and sites of cultural or heritage significance.	<p>The subdivision has been designed to balance the protection of existing native vegetation with the need to mitigate the bushfire risk.</p> <p>A Cultural Heritage Management Plan also supports the application however it does not identify any Aboriginal cultural heritage on the land.</p>
Whether the potential for wildlife corridors through the area has been retained or created by limiting fencing and maintaining indigenous and native vegetation.	The proposal doesn't have any impact on wildlife corridors as the expectation is that all existing trees will be retained on site.
The provision for water sensitive urban design.	There is the opportunity for the principals of water sensitive urban design to be adopted.
Provision in the design for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas.	The subject land is setback from the coastline on elevated land and is excluded from the Erosion Management Overlay, Land Subject to Inundation Overlay and Floodway Overlay.
Whether the allotment frontage width is consistent with the typical width of existing allotments in the locality.	The road frontage of allotments within Genoa-Mallacoota Road varies having regard to the applicable zone. Whilst the majority of residential allotments within the area have generous road frontages there are also a number of battle-axe configured allotments present too.
Whether the proposed subdivision layout relates sympathetically to the topography of the site and the surrounding land uses.	The subject land is has a moderate slope at the rear and adjoining land is developed for residential purposes.

6.4 Bushfire Management Overlay

The subject land is contained within the Bushfire Management Overlay which triggers approval at Clause 44.06-2 for subdivision of land.



Bushfire Management Overlay Mapping - Source: VicPlan

The purpose of the Bushfire Management Overlay is 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 and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The Application is considered to satisfy the purpose of the Bushfire Management Overlay with the risk to life and property able to be reduced to an acceptable level through implementation of mitigation measures prescribed in Clause 53.02.

This has been achieved by nominating Building Envelopes which achieve onsite separation distances consistent with Column A to Table 2 of Clause 53.02-5 and by nominating a minimum BAL-29 construction standard.

Application Requirements Clause 44.06-3	
Bushfire Hazard Site Assessment	A Bushfire Hazard Site Assessment Plan has been prepared in support of the Application which provides detail of the site and immediate surrounds. The landform and vegetation classifications within the surrounding 150 metre assessment area has been considered in the calculations for separation distances and associated Bushfire Attack Level (BAL-29).
Bushfire Hazard Landscape Assessment	<p>A Bushfire Hazard Landscape Assessment describing the bushfire hazard in the wider landscape (>150 metres from the site) has been provided in support of the application.</p> <p>The Bushfire Hazard Landscape Assessment determined the site has a Broader Landscape Type: Type 3.</p>
Bushfire Management Statement	A Bushfire Management Statement is included within this Report which includes a detailed response to each of the Approved Measures at Clause 53.02-4 <i>Bushfire Protection Objectives</i> .

Mandatory Condition (Clause 44.06-5)

As the proposal seeks approval for subdivision a permit must include the mandatory Condition prescribed at Clause 44.06-5 of the Bushfire Management Overlay.

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the East Gippsland Planning Scheme.*
- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

The mandatory Condition will invoke the need for a Section 173 Agreement to be entered into which will refer to a plan prepared in response to Clause 53.02-4.4 and exempt a future dwelling from requiring a planning permit under the provisions of the Bushfire Management Overlay.

The Application is supported by a Bushfire Management Plan prepared in response to Clause 53.02-4.4 Subdivision objectives. The Bushfire Management Plan is expected to be endorsed as part of Permit and prescribes a minimum construction standard of BAL-29, defendable space, water supply and access requirements.

Retaining site trees reduces impacts on the environmental values of the land whilst otherwise responding appropriately to the surrounding bushfire risk. The Building Envelopes have each been provided with suitable separation from existing trees and their canopies as demonstrated by accompanying plans.

The presence of established residential properties between the subject land and forested bushfire threat from the southeast diminishes the vegetative connection and interrupts the continuity of fuel loads justifying the retention of the site trees.

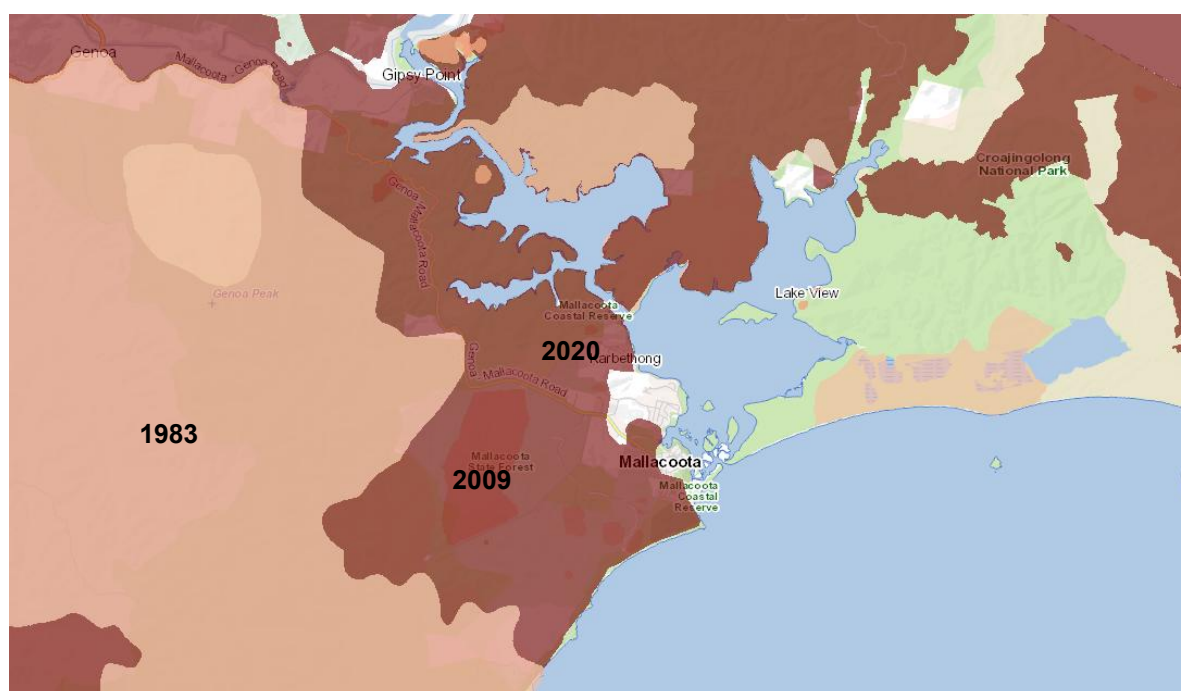
Importantly the Bushfire Management Plan prescribes management requirements which prevent any significant increase in fuel loads across the vacant allotments. The introduction of such requirements will only improve upon the current conditions and provide for mitigation which will benefit both the proposed allotments and neighbouring properties.

If in the event future dwellings were to be established outside of the Building Envelopes nominated on the Bushfire Management Plan or were to be constructed to a lower standard of construction than BAL-29, there would be requirement for further planning approvals to be obtained under the provisions of the Bushfire Management Overlay.

Bushfire Hazard Landscape Assessment



*Bushfire Hazard Landscape Assessment at 20 kilometres
(Source: Google Earth)*



Bushfire history of the subject land (Source: Mapshare)

7. Particular Provisions

7.1 Native Vegetation (Clause 52.17)

Planning approval is triggered at Clause 52.17-1 for the destruction of native vegetation associated with the assumed loss of two trees.



Tree #1 (assumed lost)
Date of photography 20/10/2022



Tree #4 (assumed lost)
Date of photography 20/10/2022

Application Requirements

Information including plans and photos accompanying the application satisfy the Application Requirements specified within the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation, December 2017* ('the Guidelines').

Accompanying the Application is a Native Vegetation Removal Report (NVRID: 319_20250710_66A) which confirms the assessment pathway (Intermediate Assessment Pathway), details of the vegetation to be removed, mapping and offset requirements, along with other details required by Table 4 of the Guidelines.

The extent of vegetation removal being considered under the provisions of Clause 52.17 includes one large tree and one small tree as shown on NVRID:319_20250710_66A. The vegetation has been assessed as scattered trees as there is less than 25% perennial native understory present.

Summary of native vegetation to be removed

Assessment pathway	Intermediate Assessment Pathway		
Location category	Location 1 The native vegetation extent map indicates that this area is not typically characterised as supporting native vegetation. It does not meet the criteria to be classified as Location Category 2 or 3. The removal of less than 0.5 hectares of native vegetation in this area will not require a Species Offset.		
Total extent including past and proposed removal (ha) <i>Includes endangered EVCs (ha): 0</i>	0.087	Extent of past removal (ha)	0
		Extent of proposed removal - Patches (ha)	0.000
		Extent of proposed removal - Scattered Trees (ha)	0.087
No. Large Trees proposed to be removed	1	No. Large Patch Trees	0
		No. Large Scattered Trees	1
No. Small Scattered Trees	1		

Extract from NVRR ID: 319_20250710_66A

Whilst considerable effort has gone into avoiding and minimising the extent of impact to native vegetation the proposal results in the assumed loss of Tree # 1 (Zone B) and Tree #4 (Zone A) as their TPZ's will ultimately be impacted by more than 10% to accommodate upgrade the vehicle crossing and internal access.



Tree #4 (Zone A)
Date of photography 2/05/2025



*Tree #1 (Zone B)
Date of photography 2/05/2025*

To compensate for the consequential loss of vegetation, a third-party offset will be secured to ensure no net loss of biodiversity, in accordance with the requirements of Clause 52.17-5. Search results from the Native Vegetation Credit Register have been provided with the Application which confirm the availability of the required offsets on the current market with all necessary attributes (Report ID: 30694).

In response to the application requirements specified at Table 4 of the Guidelines we offer the following comments.

	Application Requirement	Response/Comment
1.	Vegetation to be removed	<p>The accompanying Native Vegetation Removal Report includes adequate information to address this Application Requirement.</p> <p>The total extent of vegetation removal is one large and one small tree (0.087ha) which triggers an Intermediate Assessment Pathway.</p> <p>A total offset amount of 0.025 general habitat units with a minimum strategic biodiversity value of 0.72 and 1 large tree within the East Gippsland Catchment Management Authority or East Gippsland Shire Council will be required.</p>
2.	Topographic and land information	<p>The landform within proximity to the proposed vegetation removal is flat.</p> <p>There are no drainage lines or water courses located within proximity to Tree #1 and Tree #4.</p>
3.	Photographs	Photographs of the existing vegetation included within this report have been dated and recent photographs of Tree #1 and Tree #4 provided.
4.	Past Removal	There are no records on Council's planning register of any removal of native vegetation from the subject land within the past 5 years.
5.	Avoid and minimise statement	An avoid and minimise statement has been included later within this report.
6.	Property Vegetation Plan	Not applicable.
7.	Defendable space statement	<p>The subject land is contained within the Bushfire Management Overlay which has the impact of requiring defendable space to be established as part of the proposal.</p> <p>The proposal has sought to deviate from the standard vegetation management requirements prescribed under Table 6 to Clause 53.02-5 relating to Bushfire Planning specifically to enable the retention of the established trees on site.</p>
8.	Native Vegetation Precinct Plan	The Application is not being made under the provisions of Clause 52.16.
9.	Offset statement	<p>As a Permit is required to remove (assume loss) native vegetation the biodiversity impacts from the removal must be offset in accordance with the Guidelines. It is anticipated that the standard Conditions will be imposed on Permit which specify the offset requirement and the timing to secure the offset.</p> <p>There is no ability to provide a first party offset in this instance given that the subject land forms part of an existing residential precinct. It is therefore necessary that vegetation offsets be achieved through third party arrangements.</p> <p>A Report of Available Native Vegetation Credits ID: 30694 has been provided in support of the proposal which confirms suitable offsets are available to compensate for the proposed vegetation removal.</p>

	Decision Guidelines	Response/Comment
1.	Efforts to avoid and minimise vegetation removal to be commensurate with the biodiversity and other values.	<p>Efforts to avoid and minimise impacts to native vegetation are considered commensurate to the biodiversity values of the area as detailed in the below avoid and minimise statement.</p> <p>The extent of vegetation impacted is quite limited (Intermediate Assessment Pathway), and the allotment yield and subdivision design has sought to avoid and minimise impacts to native vegetation.</p> <p>The impacted vegetation has not been identified as being of significance as it is mapped as being within Location 1 and is not contained within an endangered EVC.</p>
2.	Water courses, land degradation and groundwater.	The vegetation impacted (Tree #1 and Tree #4) is considered to play a minimal role in protecting water quality and preventing land degradation given the landform and generous offset from existing watercourses.
3.	Identified landscape values.	<p>The subject land is affected by the Vegetation Protection Overlay – Schedule 8 Mallacoota Vegetation Protection Area. The values of the Overlay have been recognised by the proposal through adoption of a scheme which enables the physical retention of all trees, albeit Tree #1 and Tree #4 are otherwise assumed lost and will be offset.</p> <p>There are no Environmental Significance or Character Overlays applying to the site or immediate surrounds.</p> <p>The native vegetation is not in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area.</p>
4.	Aboriginal Heritage Act 2006.	The vegetation assumed lost is not identified as being protected under the <i>Aboriginal Heritage Act 2006</i> .
5.	Defendable space.	Considerable effort has been given to retaining the environmental values of the land with defendable space having been designed to enable the retention of existing trees. Whilst typically there is a need to provide for 5 metres tree canopy separation to meet vegetation management requirements prescribed at table 6 to Clause 53.02-5, the accompanying Bushfire Management Plan nominates the retention of all trees.
6.	Property Management Plan.	There is no Property Management Plan applying to the subject land.
7.	Offsets	There is the ability to obtain and secure vegetation offsets which meet the offset requirements in accordance with the Guidelines. This has been demonstrated through the inclusion of a Report of Available Native Vegetation Credits ID: 30694
8.	Clause 52.16	<p>N/A</p> <p>The Application is not being made under the provisions of Clause 52.16.</p>
9.	Impacts on biodiversity	<p>As outlined on the accompanying Native Vegetation Removal Report the removal of less than 0.5ha of native vegetation in Location Category 1 will not require a Species Offset.</p> <p>The area to which the vegetation removal applies has not been modelled as being an endangered EVC (Page 12, NVR report).</p>

Avoid & Minimise Statement

The subject land is located within the Low Density Residential Zone which anticipates residential occupation of the land. It is also affected by the provisions of the Bushfire Management Overlay, Design & Development Overlay – Schedule 12 and Vegetation Protection Overlay – Schedule 8 of the *East Gippsland Planning Scheme*.

The proposal is consistent with strategic documentation which identifies the subject land as being within the Mallacoota settlement boundary and for low density residential purposes. The surrounding context and presence of existing servicing further enhances this expectation.

Whilst mathematically the subject land can achieve a significantly higher allotment yield having regard to the minimum Lot size of 2000m² under the Low Density Residential Zone, the presence of site vegetation and inclusion within the Bushfire Management Overlay impact the subdivision potential.

For subdivisions within the Bushfire Management Overlay it is necessary to demonstrate the ability for future dwellings to achieve appropriate defensible space to reduce the bushfire risk to life and property.

To limit the impacts on existing site vegetation and to also respond appropriately to the controls of the Bushfire Management Overlay, the subdivision has been restricted to the creation of four allotments only.

Nomination of allotments which are all greater than 4000m² in area avoids any consequential vegetation losses under the site area exemption prescribed at Clause 52.17-7. Should anyone have a desire to remove any further native vegetation further planning approval would be required.

The Building Envelopes on vacant lots 2, 3 & 4 have been nominated in clear sections of the site to avoid any direct impact to existing trees. Whilst some consideration was given to maximising the size of the Building Envelopes early within the design phase, they were ultimately reduced in in area balancing the need to accommodate future residential development which respects site vegetation.

From the outset it was considered logical to adopt the existing fencing between Lots 2 & 3 as the common boundary as it ensures that no existing vegetation will be compromised or consequentially lost.



Existing fencing to be adopted for the common boundary between Lots 2 & 3

The proposal has avoided impacts to existing vegetation within the adjoining road reserve by making use of established points of access from Genoa-Mallacoota Road. The more western point of access will continue to service the existing dwelling on Lot 1 whilst the more easterly access point will provide access to Lots 2, 3 & 4.



View north towards existing access to be upgraded

For road safety purposes it is expected that this access will be upgraded consistent with SD255. Whilst these upgrades assume the loss of Tree #1, the tree is expected to be physically retained, similarly to other trees within the road reserve near accessways.

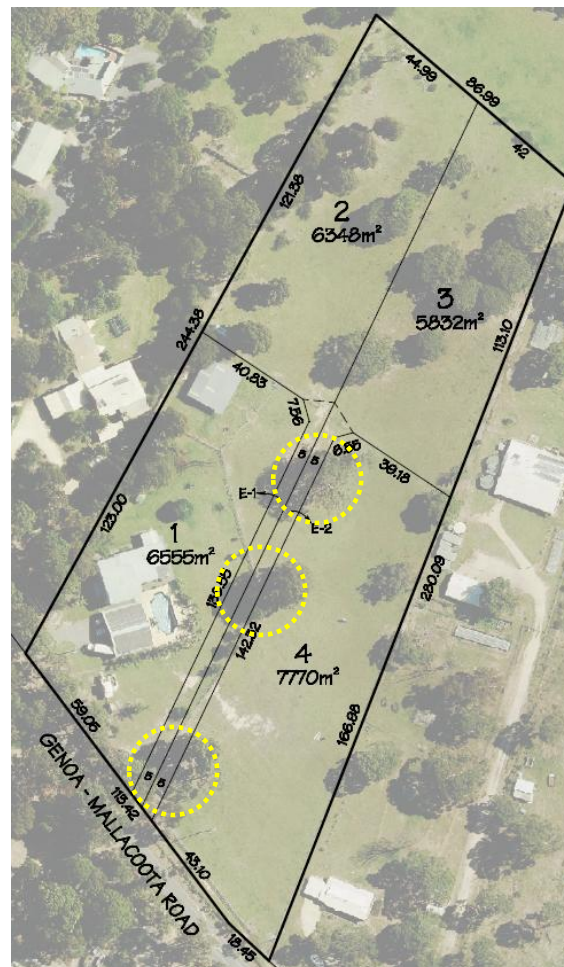
The proposal has deviated from the standard vegetation management requirement for canopy trees to be separated by at least 5 metres prescribed at Table 6 to Clause 53.02-5. To further limit impacts to native vegetation the Bushfire Management Plan nominates the retention of all established trees while otherwise restricting fuel loads to increase on the property.

If the more standard approach were taken to remove trees to accommodate 5.0 metres canopy separation the proposal would incur considerably more vegetation removal as numerous trees would have required removal.

It is considered the proposal has found the optimum balance between the need to protect life and property from bushfire while avoiding and minimising impacts to native vegetation.

Subdivision Layout V1

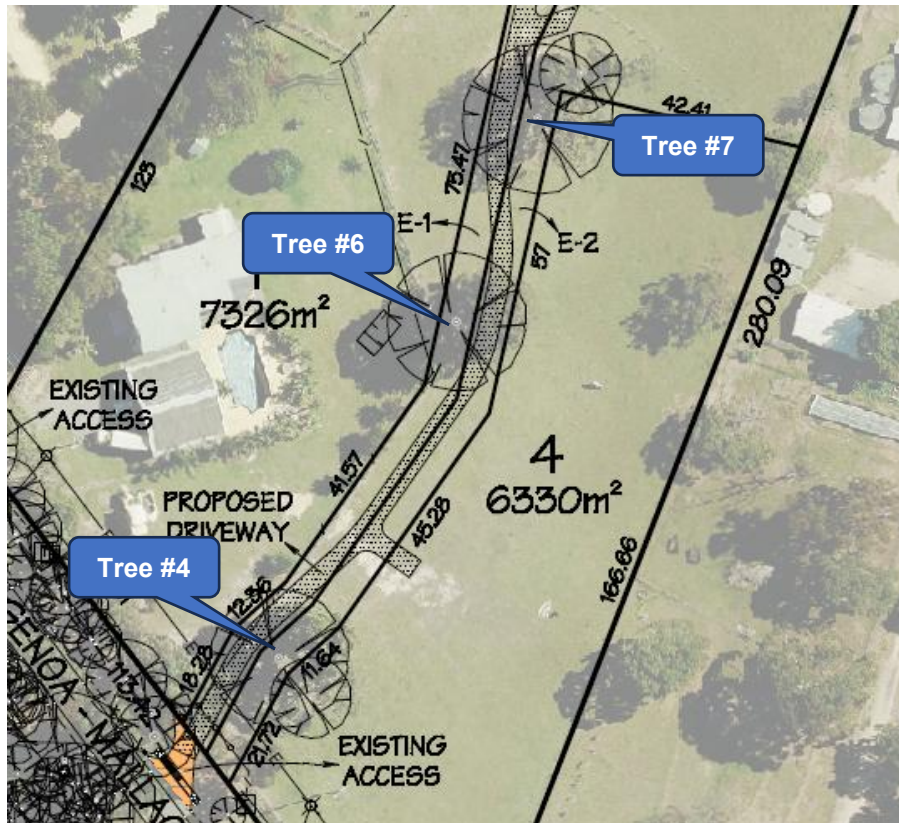
The initial scheme of subdivision (V1) nominated access in a straight line into proposed Lots 2 & 3 which would have triggered the loss and assumed loss of several trees. These trees would have required consideration under Clause 52.17 having regard for the combination of the fence line exemption at Clause 52.17-7 and the need to physically construct an internal accessway.



Superseded Subdivision Layout (Version 1)

Subdivision Layout V3

Proposed Plan (Version 3) recognised the ability to retain more trees by meandering the alignment of internal access into Lots 2, 3 & 4. Despite the intent to the design to enable the retention of more vegetation, the TPZ's of Tree #4, #6 & #7 were still impacted by more than 10%.

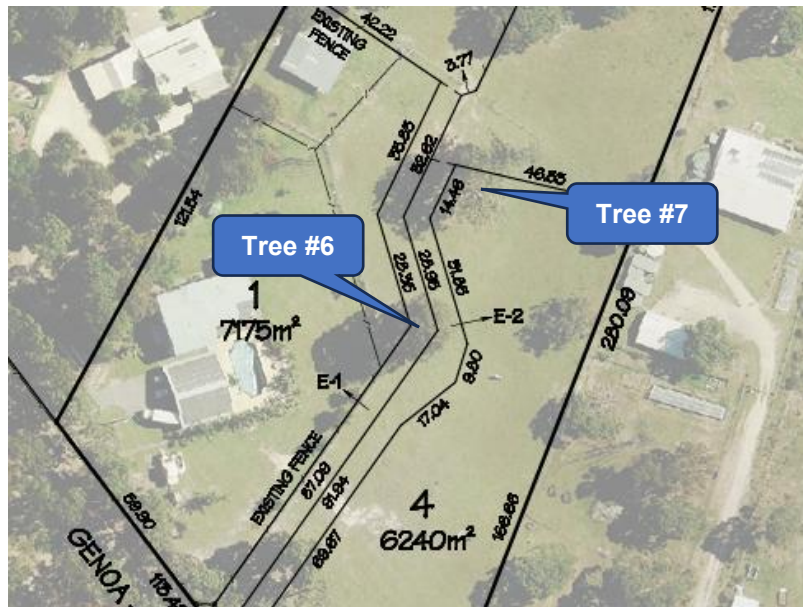


Superseded Subdivision Layout (Version 3)

TPZ Calculations				
Proposed Subdivision Layout V3				
Tree # Based off Field Data	Circumference (in cm) at Breast Height (1.3m above ground level)	DBH (cm)	TPZ (m)	% TPZ Impacted
4.	375	119.37	14.32	15.99%
6.	181, 215 & 250	120	14.4	15.1%
7.	239 & 183	96	11.52	16.5%

Subdivision Layout V3 - Revised

The scheme was then further revised to facilitate the ability for internal access to be established whilst encroaching on the TPZ's of Tree #6 & #7 by less than 10%.



Superseded Subdivision Layout (Version 3 Revised)

TPZ Calculations					
Proposed Subdivision Layout V3 Revised					
Tree # Based off Field Data	Circumference (in cm) at Breast Height (1.3m above ground level)	NVR ID 319_20250613_53Z	DBH (cm)	TPZ (m)	% TPZ Impacted
4.	375	A	119.37	14.32	15.99%
6.	181, 215 & 250		120	14.4	9.2%
7.	239 & 183		96	11.52	9.6%

Consideration was also given to options for revising the subdivision to avoid the assumed loss of Tree #4 however it was determined that there was no ability to do so.

- From a road safety point of view, it is not desirable or appropriate to create a new point of access from Genoa-Mallacoota Road which has the impact of limiting access to Lots 2, 3 & 4 from the existing vehicle crossing.
- There is no ability to meander the internal accessway to the right of Tree #4 & Tree #5 whilst impacting TPZ's by less than 10% given the inner radius needs to be 10 metres consistent with Table 5 to Clause 53.02-5.
- It is illogical to shift the alignment of the established fencing which forms the common boundary between Lots 1 & 2 and secondary vehicle access is still required to facilitate access into the rear of Lot 1 as it can't be established from the main driveway.

Whilst Tree #1 and Tree #4 are being considered against the provisions of Clause 52.17 and will be offset as part of the proposal it is intended that the trees will be retained. Tree #4 may require some minor pruning (less than 1/3 of canopy) to achieve sufficient clearance for emergency vehicles consistent with Table 5 to Clause 53.02-5.

To reduce impacts on Tree #4, the alignment of the internal accessway has been nominated as close to the existing fencing as possible, the accessway is expected to comprise an impervious surface and Tree Protection Fencing will be used during the construction phase.

In reviewing the revised subdivision layout, it was determined that Tree #6 was only 1.56 meters off the proposed boundary and would therefore be consequently lost having regard to the fence line exemption at Clause 52.17-7.

Proposed Subdivision Layout V4	
Tree #	Distance to Proposed Boundary
5	2.94m
6	1.56m
7	2.59m
8	3.81m

Subdivision Layout V4

Proposed Subdivision Plan (Version 4) was then prepared to avoid the consequential loss of Tree #6 by altering the common boundary between Lots 1 & 2 to adopt existing fencing.



Superseded Proposed Subdivision Layout (Version 4)

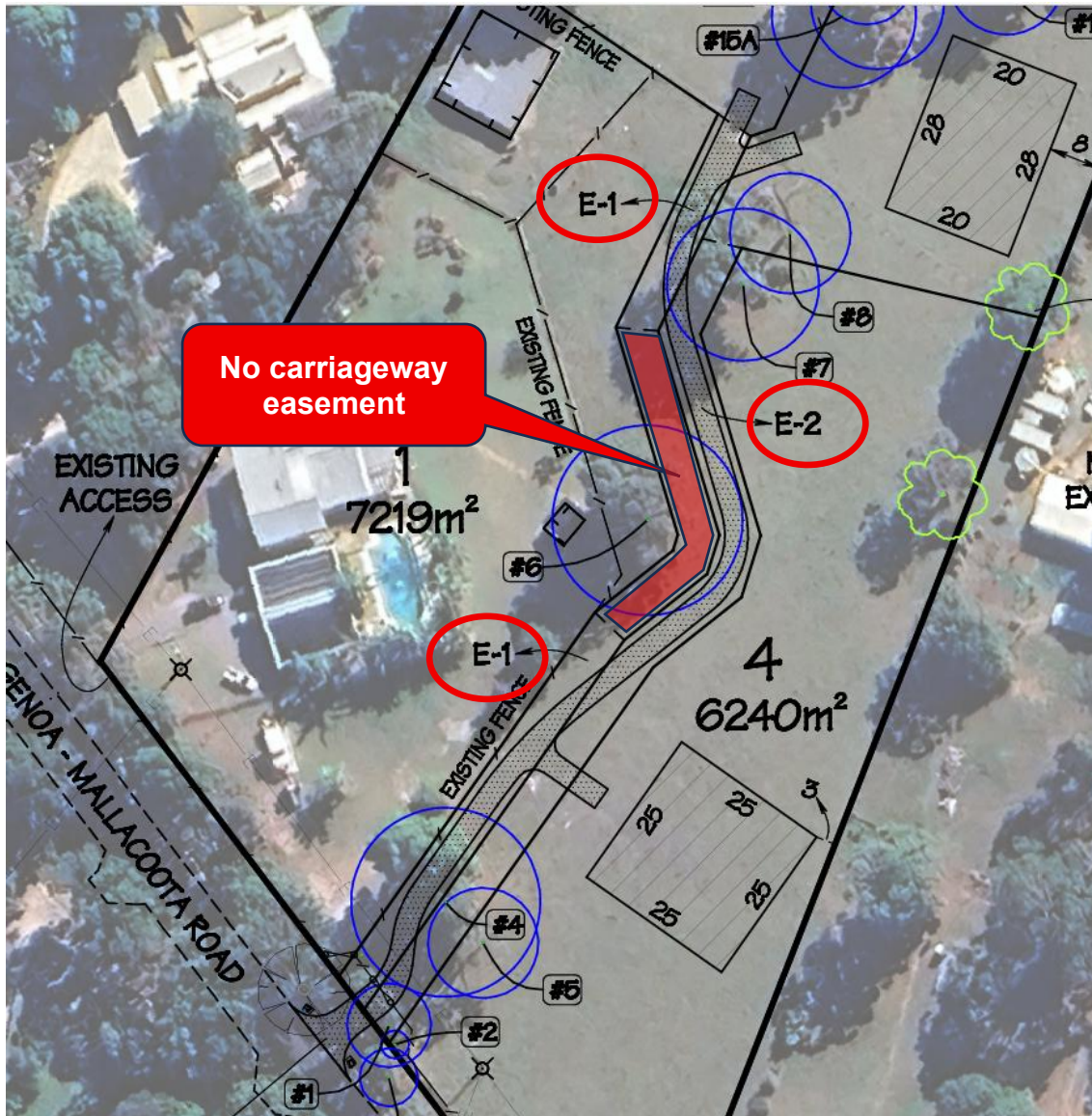
Subdivision Layout V5

Council raised some concern over the extent of land encumbered by carriageway easements whilst not servicing an actual carriageway function and the subdivision layout was therefore adjusted again.

Proposed Subdivision Plan (Version 5) amended the common boundary between Lots 1 and 2 in the vicinity of Tree #6 to increase the area associated with the existing dwelling on Lot 1. This reduced the extent of land within the throat of Lot 2 not comprising driveway payment.

The boundary maintained a minimum setback of 3.78 metres from Tree #6 ensuring it was not consequently lost having regard to the fence line exemption prescribed at Clause 52.17-7.

This design also nominated two sections of E-1 over Lot 2 which further ensured the alignment of internal access did not result in any adverse impacts to Tree #6 as it forced the alignment of the access to make use of E-2.



Superseded Design Response Plan (Version 3)

Subdivision Layout V6 – Current

The current scheme of subdivision simply nominates the use of Common Property in replace of the series of carriageway easements as shown on previously submitted versions.

The layout still assumes the loss of Tree #1 & Tree #4 as their TPZ's will be impacted by more than 10% however maintains the ability for all other trees to be retained.

Proposed Subdivision Layout V6	
Tree #	Distance to Proposed Boundary
5	2.94m
6	3.78m
7	2.59m
8	3.81m

7.2 Bushfire Planning (Clause 53.02)

The following Bushfire Management Statement has been provided to demonstrate compliance with Clause 53.02 *Bushfire Planning*.

CLAUSE 53.02-4.1 LANDSCAPE, SITING & DESIGN OBJECTIVES

Objective

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

Development is sited to minimise the risk from bushfire.

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

Building design minimises vulnerability to bushfire attack.

Approved Measures

AM 2.1

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

Response:

The subject land is located within the identified settlement area of Mallacoota, contained within the Low Density Residential Zone and surrounded by established residential development.

Despite the residential context and expectation of residential development vegetation is a characteristic of the area and there are extensive forested areas within the wider landscape which presents a bushfire risk. The main threat from bushfire is provided from the west with the broader landscape being representative of Landscape Type 3.

It is recognised that a number of dwellings within the township area of Mallacoota were lost to bushfire during the catastrophic bushfire events of 2019/2020.

The site has frontage and takes access from Genoa-Mallacoota Road to the south which facilitates entry and exit to the town. The built-up area of Mallacoota is only a short distance to Mallacoota Inlet and is likely to provide some shelter from a bushfire.

AM 2.2

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

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

Response:

The main bushfire threat is from the forested areas to the southeast however the property is fragmented from it by cleared land managed to a low threat condition which is contained within the General Residential Zone and Rural Living Zone.



View towards existing residential development on southern side of Genoa-Mallacoota Road (Source: Google Earth)

The adjoining property immediately to the north contains vegetation with a forest classification which is established along the gully system of Shady Creek and provides connection into the nearby Mallacoota Bushfire Reserve to the east. There is however some grassland established between the forested vegetation to the north and the subject land.

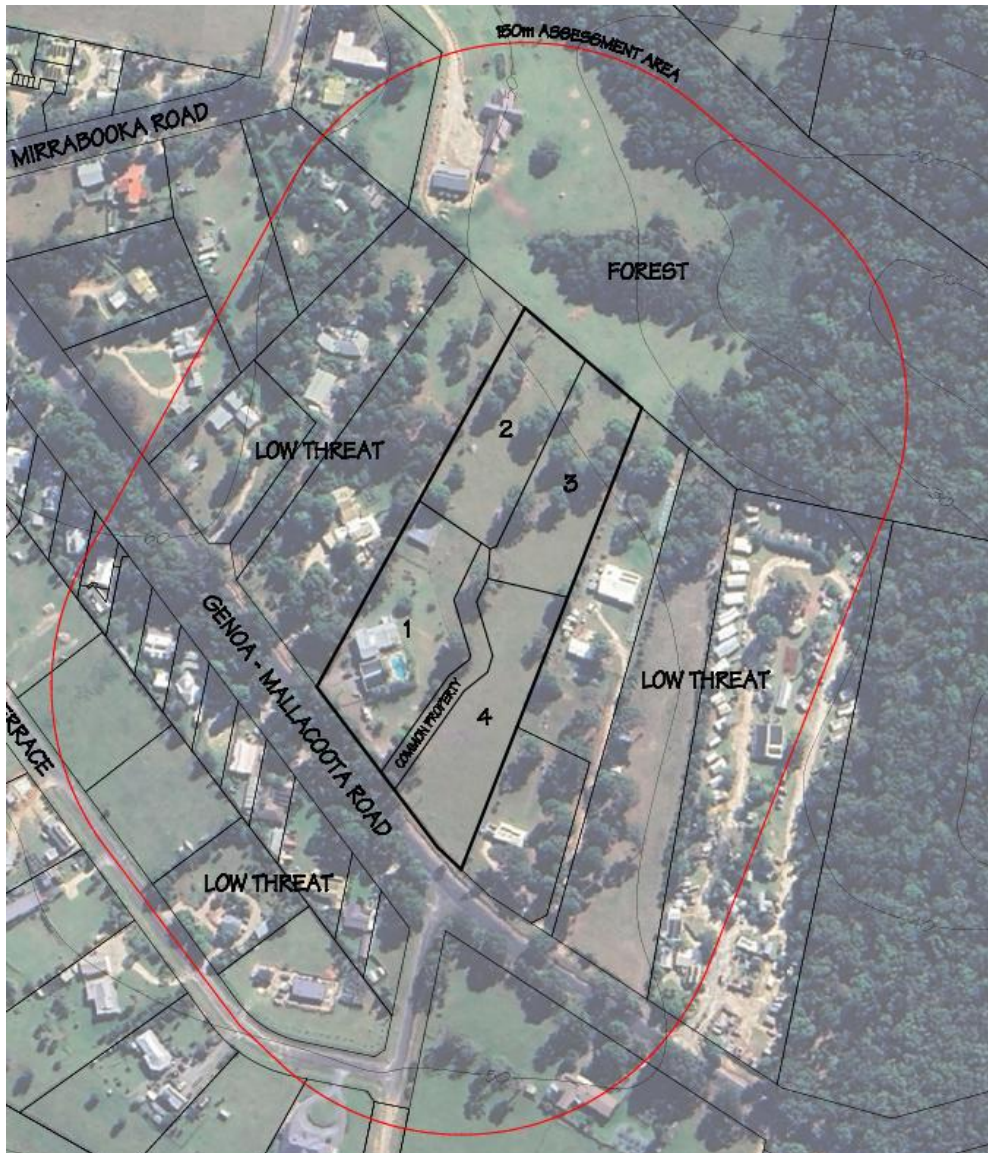
Land to the east and west of the subject land is also contained with the Low Density Residential Zone and is developed for residential purposes providing a low threat environment.



View west from subject land with neighbouring residential property in background



View from subject land towards neighbouring dwelling to the east



Bushfire Hazard Site Assessment (Version 2)

The Building Envelopes have all been appropriately sited having regard for the need to establish defensible space wholly within the property boundaries which meets the separation distances prescribed at Table 2 Column C to Clause 53.02-5.

LOTS 1-4	NORTH	EAST	SOUTH	WEST
SLOPE	DOWNSLOPE >0-5°	DOWNSLOPE >0-5°	DOWNSLOPE >0-5°	UPSLOPE
VEG TYPE	FOREST	LOW THREAT	LOW THREAT	LOW THREAT
SEPARATION DISTANCES*	57m	50m/PB	50m/PB	50m/PB

*SEPARATION DISTANCES DERIVED FROM
TABLE 2 COLUMN A CLAUSE 53.02-5

Extract from Bushfire Hazard Site Assessment

The defensible space has been established to the property boundaries for vacant Lots 2, 3 & 4 and Building Envelopes have been setback generously from the northern boundary being well in excess of 57 metres.

Access to Lots 2, 3 & 4 will be facilitated from Genoa-Mallacoota Road via Common Property to ensure adequate access. The access is logical as it negates the need to establish any new points of access along Genoa-Mallacoota Road whilst otherwise providing sufficient dimensions and clearance to accommodate emergency vehicles.

Careful consideration was given to designing the subdivision layout so as to provide for internal access which aims to avoid assumed vegetation losses whilst ensure access can be established with a minimum radius of 10 metres.

CLAUSE 53.02-4.3 WATER SUPPLY & ACCESS OBJECTIVES

Clause 53.02-4.3 Objective

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

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

Approved Measures

AM 4.1

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

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

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

Response:

The proposed bushfire mitigation measures prescribed within the Bushfire Management Plans include provision of a static water supply for firefighting purposes in accordance with the requirements of Table 4 to Clause 53.02-5.

As allotments are greater than 1,001m² in area a static water supply of 10,000 litres with Fire Authority fittings and access is required for each proposed vacant allotment (Lots 2, 3 & 4).

The Bushfire Management Plan also includes the standard access requirements for a driveway greater than 100 metres in length consistent with Table 5 to Clause 53.02-5. This is necessary as driveway access to Lot 2 will be approximately 190 metres.

The accompanying Design Response Plan demonstrates the ability to achieve an internal driveway alignment within Common Property which has a trafficable width of 3.5 metres, with an additional 0.5 metres clearance either side, whilst meandering around existing trees whilst maintaining a minimum inner radius of 10 metres.

AM 4.2

A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:

- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
- An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.

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.

Response:

N/A The proposed development complies with the Approved Measure AM 4.1.

CLAUSE 53.02-4.4 SUBDIVISION OBJECTIVES

Clause 53.02-4.4 Objective

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

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

Approved Measures

AM 5.1

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

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

Response:

N/A. AM 5.2 applies as the subject land is affected by the provisions of the Low Density Residential Zone.

AM 5.2

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

- Each lot satisfies the approved measure in **AM2.1**
- A building envelope for a single dwelling on each lot that complies with **AM 2.2** and provides defendable space in accordance with:
 - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or
 - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.

The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.

- Defendable space wholly contained within the boundaries of the proposed subdivision.
- Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.
- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.
- Water supply and vehicle access that complies with **AM 4.1**.

Response:

A Response has been provided to AM 2.1.

A response has been provided to AM 2.2 which confirms that the Building Envelopes nominated on vacant Lots 2, 3 & 4 achieve defendable space consistent with Column A Table 2 to Clause 53.02-5.

The defendable space has been contained entirely within allotment boundaries which ensures the ongoing ability to continue management and maintenance. The allotments within the subdivision will also have the added benefit of each other's defendable space.

The vegetation management requirements at Table 6 to Clause 53.02-5 have been included within the Bushfire Management Plan albeit the standard words *“the canopy of trees must be separated by at least 5 metres”* has been replaced with *“any future trees planted by the owner must have canopy separation of at least 5 metres at maturity”*. An additional note has also been added stipulating *“all existing trees to be retained”*.

Retaining the established site trees reduces impacts on the environmental values of the land whilst otherwise responding appropriately to the surrounding bushfire risk.

Suitable distances have been established between the trees and Building Envelopes thereby ensuring branches will not overhang future development as demonstrated on the accompanying plans. The retention of site trees is acceptable in this instance, given the most likely direction of bushfire approach is from the south-west, where vegetation coverage diminishes in close proximity to the subject land due to properties managed to low fuel load conditions.

The retention of the site trees is considered to have limited impact on bushfire risk and otherwise provides a good environmental outcome. The vegetation management requirements prescribed on the Bushfire Management Plan will otherwise prevent any enhancement of fuel loads across the site and provides a good level of assurance that the property will continue to be managed and maintained appropriately into the future.

The requirement to establish future dwellings to BAL-29 whilst otherwise enhancing the extent of defendable space to be consistent with Column A Table 2 to Clause 53.02-5 further aids in enhancing protection to life and property.

Standard water supply and access requirements have also been included on the Bushfire Management Plan consistent with AM 4.1. The need for static water supply consistent with Table 4 to Clause 53.02-5 and vehicle access consistent with that specified in Table 5 to Clause 53.02-5 are included on the plan.

AM 5.3

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

Response:

N/A

The proposal includes subdivision of the land into four allotments.

AM 5.4

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

Response:

The subject land and surrounding areas have been identified by strategic documentation for residential purposes.

Whilst land immediately to the east and to the west is also contained within the Low Density Residential Zone and is developed for residential purposes, land immediately to the north is a larger parcel and is contained within the Rural Living Zone.

The parcel of land immediately to the north does contain some existing vegetation which corresponds with a gully line however is also developed for residential purposes. Given the residential occupation of the adjoining land and history of the area it is reasonable to expect that the land will continue to be managed and maintained similarly to that occurring now.

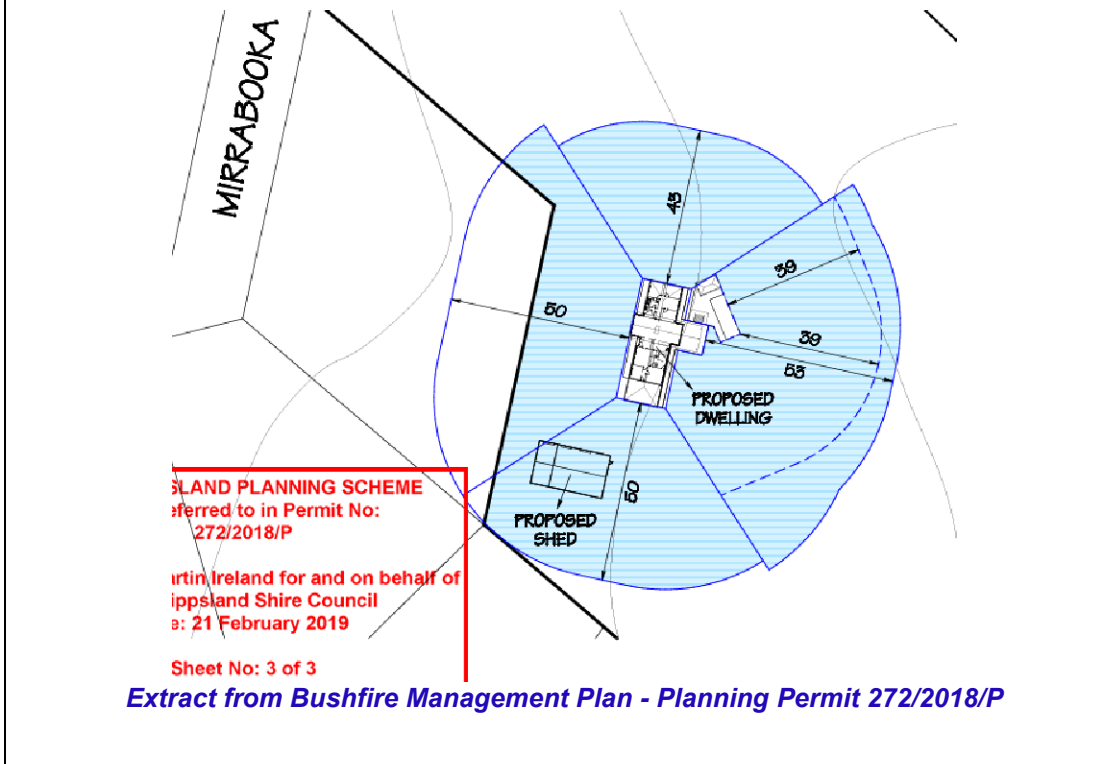


Aerial photography – Source: Google Earth 30/03/2024



Historic aerial photography – Source: Google Earth 11/10/2013

It is also acknowledged that the dwelling to the north as approved by Planning Permit 272/2018/P is subject of a Bushfire Management Plan which includes vegetation management requirements. The extent of vegetation management does not extend quite as far as the rear boundary of the subject land however it does provide a level of assurance that fuel loads on the land to the north will continue to be managed.



7.3 Land Adjacent to the Principal Road Network

Given that Genoa-Mallacoota Road is Transport Zone 2 consideration has been given to the Clause 52.29, *Land Adjacent to the Principal Road Network*.

Whilst there are no additional points of vehicle access proposed from Genoa-Mallacoota Road, planning approval is required to alter access and to subdivide land adjacent to a road in a Transport Zone 2.

The existing access servicing proposed Lot 1 will not be altered however it is expected that the more easterly point of access will be upgraded consistent with SD255 to cater for vehicle movements to and from proposed Lots 2, 3 & 4.

The upgrade to the crossing constitutes works (roadworks) which is exempt pursuant to Clause 62.02-2 however the upgrade of the crossing has the effect of altering access to the land at the front boundary thereby triggering approval at Clause 52.29-2.



Existing access to be upgraded

Decision Guidelines

The proposed subdivision has been designed to ensure no new additional points of access are required from Genoa-Mallacoota Road and the upgrade of the existing access will provide safe and convenient access for proposed allotments.

There is good sight distances provided from the existing point of access and there is ample area provided to facilitate the upgrade consistent with SD255 as demonstrated on the Design Response Plan.

The nomination of Common Property will facilitate access to access to proposed vacant Lots 2, 3 & 4 whilst ensuring they are also provided with frontage to Genoa-Mallacoota Road.



Looking east and west along Genoa-Mallacoota Road

8. Conclusion

The proposed Multi Lot Subdivision within Common Property, Removal of Native Vegetation (assumed loss of two trees) and Alteration of Access Adjacent to the Principal Road Network at 65 Genoa–Mallacoota Road, Mallacoota is considered to accord with all relevant provisions of the Low Density Residential Zone, Vegetation Protection Overlay 8, Significant Overlay 6, Design and Development Overlay 12, Bushfire Management Overlay and Clause 52.17 Native Vegetation of the *East Gippsland Planning Scheme*.

The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy and has been designed to provide for a safe infill residential outcome.

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

Crowther & Sadler Pty Ltd
1 September 2025

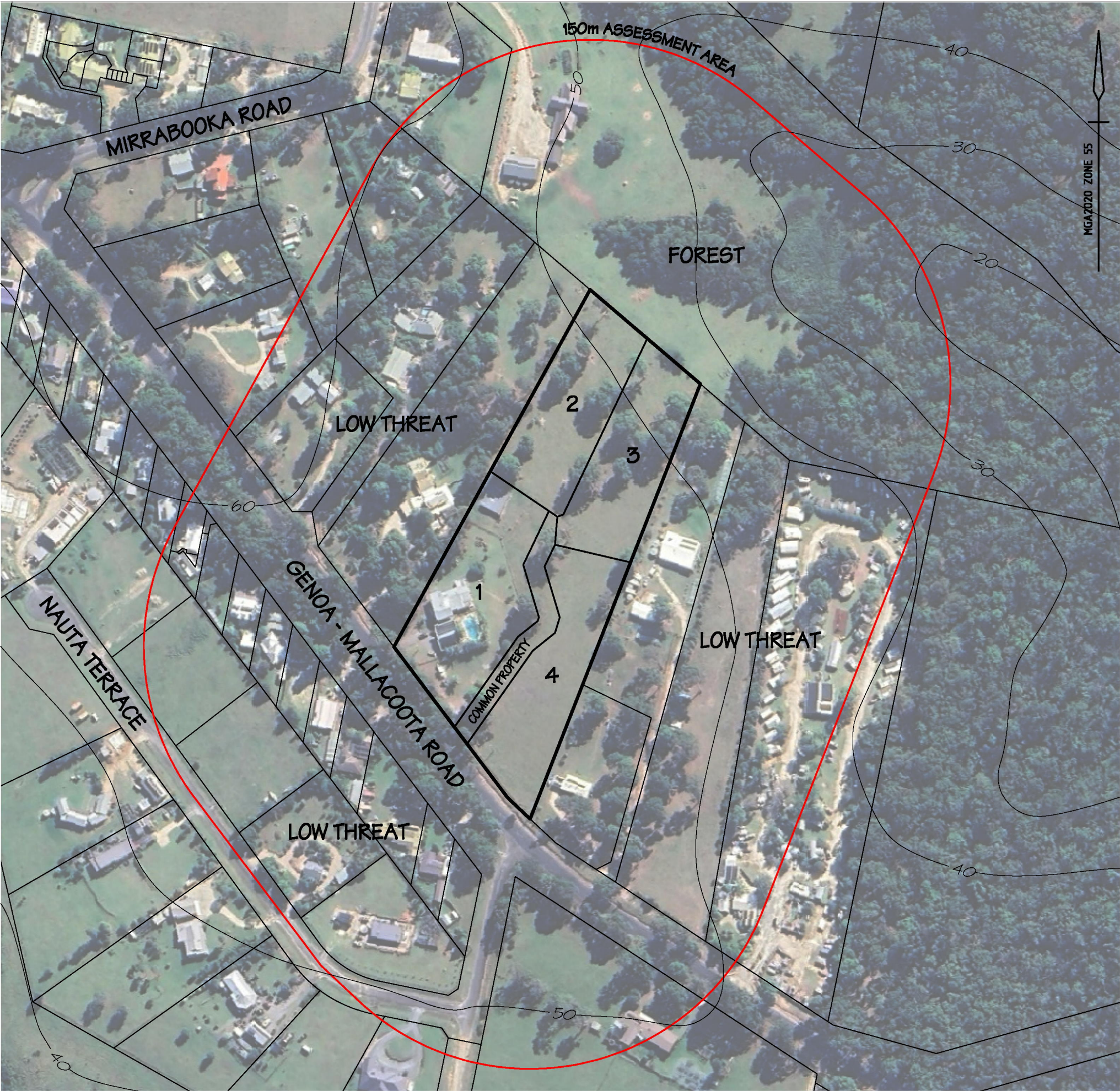
BUSHFIRE HAZARD
SITE ASSESSMENT

PARISH OF MALLACOOTA
CROWN ALLOTMENT 27A (PART)

LOT 3 ON LP83854

LOTS 1-4	NORTH	EAST	SOUTH	WEST
SLOPE	DOWNSLOPE >0-5°	DOWNSLOPE >0-5°	DOWNSLOPE >0-5°	UPSLOPE
VEG TYPE	FOREST	LOW THREAT	LOW THREAT	LOW THREAT
SEPARATION DISTANCES*	57m	50m/PB	50m/PB	50m/PB

*SEPARATION DISTANCES DERIVED FROM
TABLE 2 COLUMN A CLAUSE 53.02-5



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FILENAME: Y:\20000-20999\20800-20899\20881 Strauss\20881 BHSA V2.pro

65 GENOA - MALLACOOTA ROAD, MALLACOOTA

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 2500

20881

VERSION 2 - DRAWN 26/08/2025

BUSHFIRE MANAGEMENT PLAN

PARISH OF MALLACOOTA
CROWN ALLOTMENT 27A (PART)

LOT 3 ON LP83854

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MANAGEMENT OF VEGETATION WITHIN THE AREA OF DEFENDABLE SPACE - SHOWN

DEFENDABLE SPACE TO THE PROPERTY BOUNDARY MUST BE PROVIDED 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 10m OF A BUILDING, FLAMMABLE OBJECTS MUST NOT BE LOCATED CLOSE TO THE VULNERABLE PARTS OF THE BUILDING.
- PLANTS GREATER THAN 10cm IN HEIGHT MUST NOT BE PLACED WITHIN 3m OF A WINDOW OR GLASS FEATURE OF THE BUILDING.
- SHRUBS MUST NOT BE LOCATED UNDER THE CANOPY OF TREES.
- INDIVIDUAL AND CLUMPS OF SHRUBS MUST NOT EXCEED 5m² IN AREA AND MUST BE SEPARATED BY AT LEAST 5m.
- TREES MUST NOT OVERHANG OR TOUCH ANY ELEMENTS OF THE BUILDING.
- ALL EXISTING TREES TO BE RETAINED.
- ANY FUTURE TREES PLANTED BY THE OWNER MUST HAVE CANOPY SEPARATION OF AT LEAST 5m AT MATURITY.
- THERE MUST BE A CLEARANCE OF AT LEAST 2m BETWEEN THE LOWEST TREE BRANCHES AND GROUND LEVEL.

VEHICLE ACCESS

ACCESS FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS:

- ACCESS MUST HAVE A LOAD LIMIT OF AT LEAST 15 TONNES.
- CURVES MUST HAVE A MINIMUM INNER RADIUS OF 10m.
- THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.4%) (8.1°) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20%) (11.3°) FOR NO MORE THAN 50m.
- HAVE A MINIMUM TRAFFICABLE WIDTH OF 3.5m OF ALL-WEATHER CONSTRUCTION.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST 0.5m ON EACH SIDE AND 4m ABOVE THE ACCESSWAY.
- DIPS MUST HAVE NO MORE THAN 1 IN 8 (12.5%) (7.1°) ENTRY AND EXIT ANGLE.
- INCORPORATE A TURNING AREA FOR THE FIRE FIGHTING VEHICLES CLOSE TO THE BUILDING BY ONE OF THE FOLLOWING:
 - A TURNING CIRCLE WITH A MINIMUM RADIUS OF 8m.
 - A DRIVEWAY ENCIRCLING THE DWELLING.
 - THE PROVISION OF OTHER VEHICLE TURNING HEADS - SUCH AS A T OR Y HEAD - WHICH MEETS THE SPECIFICATION OF AUSTRROADS DESIGN FOR AN 8.8m SERVICE VEHICLE.

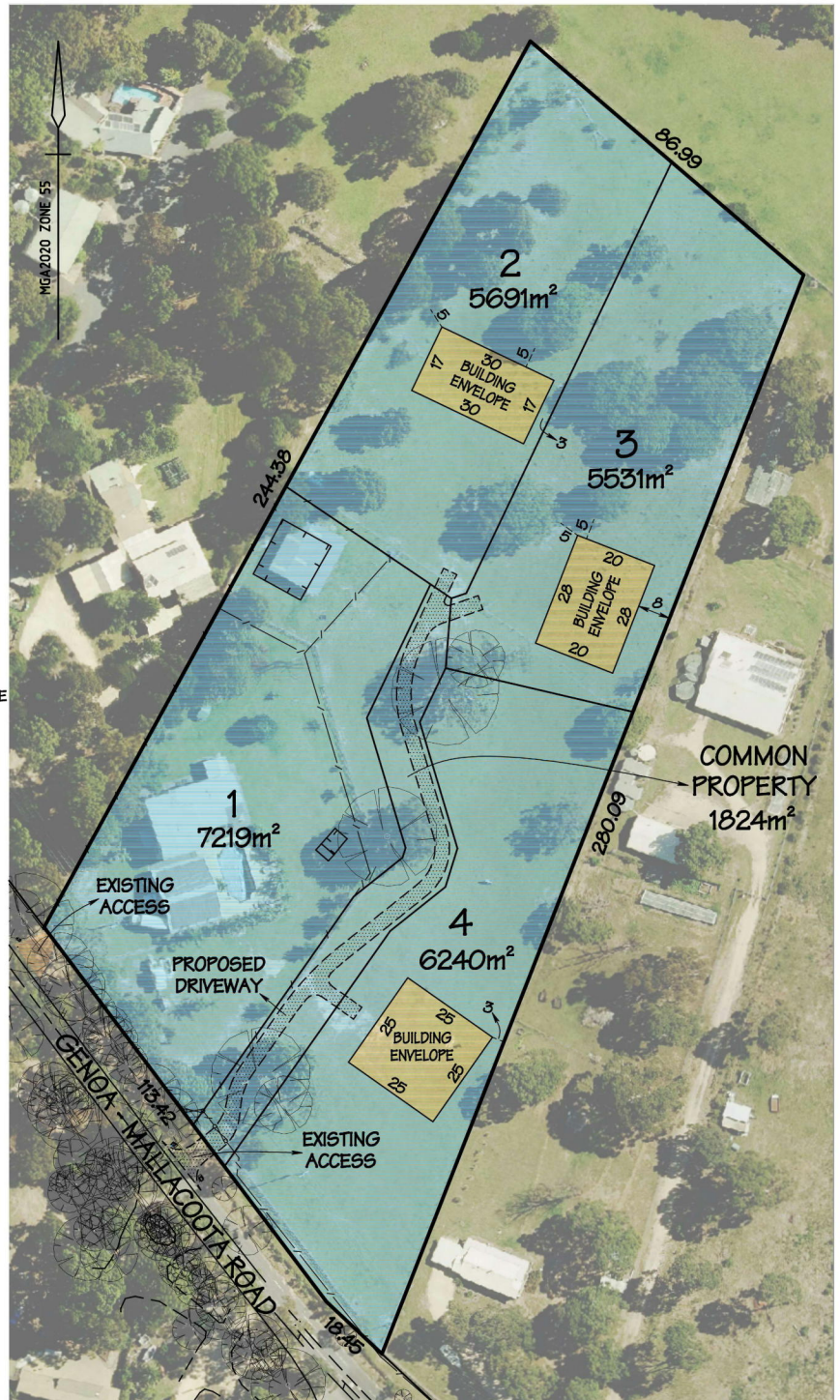
WATER SUPPLY

10,000L OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS:

- IS STORED IN AN ABOVE GROUND WATER TANK CONSTRUCTED OF CONCRETE OR METAL.
- ALL FIXED ABOVE-GROUND WATER PIPES AND FITTINGS REQUIRED FOR FIRE FIGHTING PURPOSES MUST BE MADE OF CORROSIVE RESISTANT METAL.
- INCLUDE A SEPARATE OUTLET FOR OCCUPANT USE.
- INCORPORATE A BALL OR GATE VALVE (BRITISH STANDARD PIPE (BSP) 65mm) AND COUPLING (64mm CFA 3 THREAD PER INCH MALE FITTING).
- BE LOCATED WITHIN 60m OF THE OUTER EDGE OF THE APPROVED BUILDING.
- THE OUTLET/S OF THE WATER TANK MUST BE WITHIN 4m OF THE ACCESSWAY AND BE UNOBSTRUCTED.
- BE READILY IDENTIFIABLE FROM THE BUILDING OR APPROPRIATE IDENTIFICATION SIGNAGE TO THE SATISFACTION OF CFA MUST BE PROVIDED.
- ANY PIPEWORK AND FITTINGS MUST BE A MINIMUM OF 65mm (EXCLUDING THE CFA COUPLING).

CONSTRUCTION

THE BUILDING MUST COMPLY TO A MINIMUM BUSHFIRE ATTACK LEVEL OF 29 (BAL-29).



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FILENAME: Y:\20000-20999\20800-20899\20881 Strauss\20881 BMP V3.pro

65 GENOA - MALLACOOTA ROAD, MALLACOOTA

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 1250

20881-BMP

VERSION 3 - 01/11/2025

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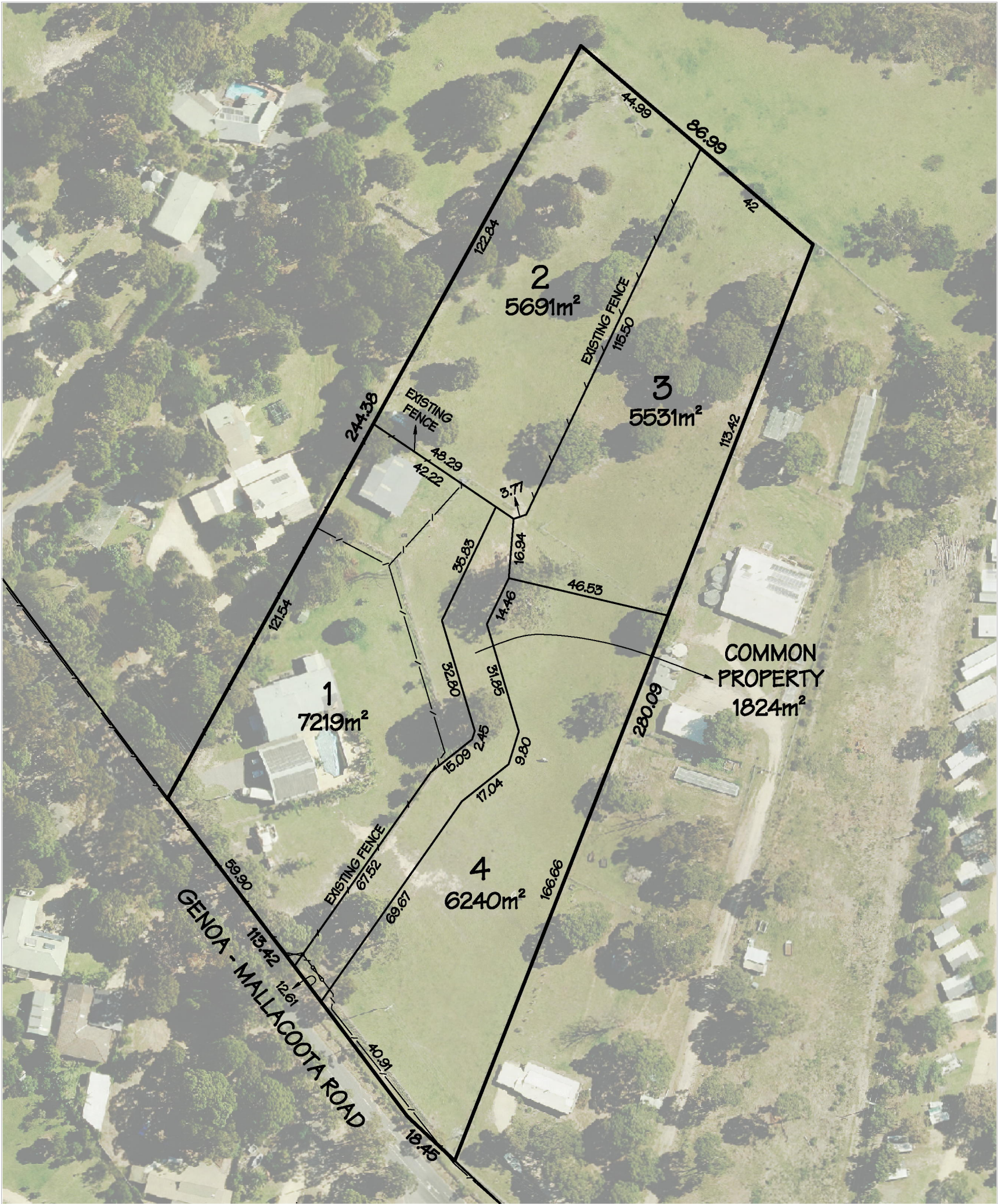
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PROPOSED SUBDIVISION

PARISH OF MALLACOOTA
CROWN ALLOTMENT 27A (PART)

LOT 3 ON LP83854

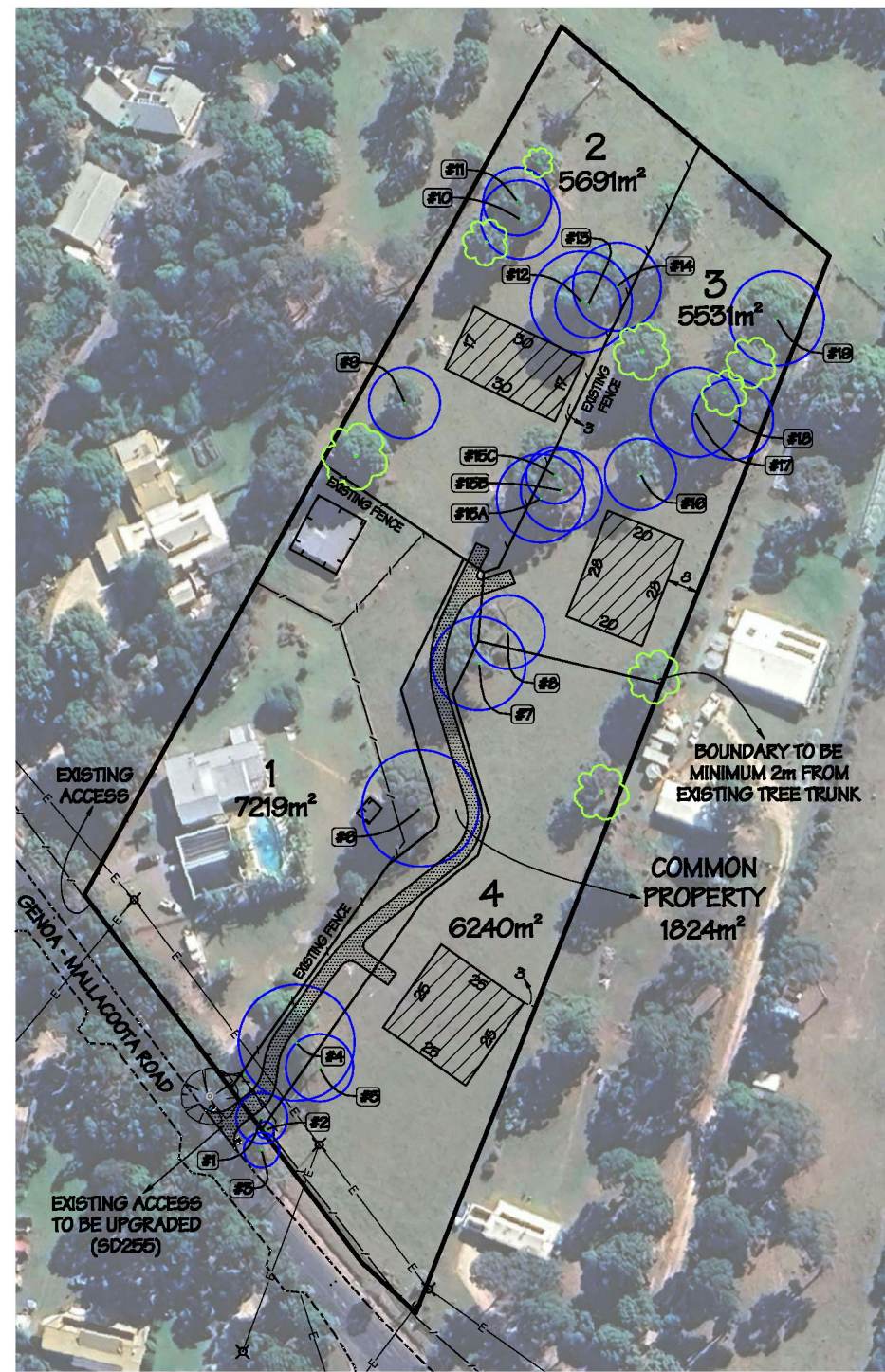
MGA2020 ZONE 55



65 GENOA - MALLACOOTA ROAD, MALLACOOTA		NOTATIONS	
<div>Crowtner & Sadler Pty. Ltd.</div> <div>LICENSED SURVEYORS & TOWN PLANNERS</div> <div>152 MACLEOD STREET, BAIRNSDALE, VIC., 3875</div> <div>P. (03) 5162 5011 E. contact@crowthersadler.com.au</div>		AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY	
		SCALE (SHEET SIZE A3)	SURVEYORS REF.
		1 : 1250	20881 VERSION 6 - DRAWN 26/08/2025

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MGA2020 ZONE 55



Tree #	Circumference (in cm) at Breast Height (1.3m above ground level)	NVR ID	DBH (m)	T1/2 (m)	% TPZ Impacted
1.	166	B	52.84	6.34	30.9%
2.	55		17.51	2.19	Clear
3.	115		36.61	4.39	Clear
4.	375	A	119.37	14.32	15.99%
5.	218		69.39	8.33	Clear
6.	181, 215 & 250		120	14.4	9.2%
7.	239 & 183		96	11.52	9.6%
8.	162 & 176		76	9.12	1.9%
9.	230		73.21	8.79	Clear
10.	255		81.17	9.74	Clear
11.	220		70.03	8.40	Clear
12.	92,189,160 & 193		104	12.48	Clear
13.	213		67.80	8.14	Clear
14.	285		90.72	10.89	Clear
15 (A).	286		91.04	10.92	Clear
15 (B).	215, 95 & 121		84	10.08	Clear
15 (C).	184		58.57	7.03	Clear
16.	231		73.53	8.82	Clear
17.	290		92.31	11.08	Clear
18.	216		83.08	9.97	Clear
19.	305		97.08	11.65	Clear

LEGEND

- DENOTES BUILDING ENVELOPE
- DENOTES PROPOSED DRIVEWAY
- DENOTES TREE PROTECTION ZONE
- DENOTES EXISTING TREE

DESIGN RESPONSE PLAN

PARISH OF MALLACOOTA
CROWN ALLOTMENT 27A (PART)
LOT 3 ON LP83854

SCALE (SHEET SIZE A3)	SURVEYORS REF.
1 : 1250	20881 VERSION 4 - DRAWN 26/08/2025

65 GENOA - MALLACOOTA ROAD, MALLACOOTA

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