

## Form 2

**NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

<b>The land affected by the application is located at:</b>	<b>210 Nungurner Road NUNGURNER VIC 3909, 240 Nungurner Road NUNGURNER VIC 3909 Lot: 3 PS: 306924, Lot: 2 PS: 517804</b>
<b>The application is for a permit to:</b>	<b>Two Lot Subdivision (Boundary Realignment)</b>
<b>A permit is required under the following clauses of the planning scheme:</b>	
<b>Planning Scheme Clause</b>	<b>Matter for which a permit is required</b>
35.07-3 (FZ)	Subdivide land.
42.01-2 (ESO)	Subdivide land.
44.01-5 (EMO)	Subdivide land.
44.06-2 (BMO)	Subdivide land.
<b>The applicant for the permit is:</b>	<b>Crowther &amp; Sadler Pty Ltd</b>
<b>The application reference number is:</b>	<b>5.2025.255.1</b>

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

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

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

**An objection must**

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

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

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

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

## **April McDonald**

**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Wednesday, 30 July 2025 12:41 PM  
**To:** Planning Unit Administration  
**Subject:** Planning Permit application  
**Attachments:** 21214 CoT Vol\_10085\_Fol\_716.pdf; 21214 Prop v1.pdf; 21214 Report.pdf; 21214 CoT Vol\_10761\_Fol\_937.pdf; 21214 BHSA V2.pdf; GRA.pdf; Planning\_Permit\_Application\_2025-07-30T12-41-03\_26820514\_0.pdf

### **Planning Permit Application**

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 name:**

**Owner's postal address:**

**Street number:** 210 & 240

**Street name:** Nungurner Road

**Town:** Nungurner

**Post code:** 3909

**Lot number:** 2 & 3

**Plan number:** PS517804B & PS306924S

**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

**Existing conditions :** Existing dwellings & farming land

**Description of proposal :** Two Lot Subdivision (Boundary Realignment)

**Estimated cost of development:** 0

**Has there been a pre-application meeting:** No

**Full copy of Title:** [21214 CoT Vol\\_10085\\_Fol\\_716.pdf](#)

**Plans:** [21214 Prop v1.pdf](#)

**Planning report:** [21214 Report.pdf](#)

**ExtraFile:** 3

**1. Supporting information/reports:** [21214 CoT Vol\\_10761\\_Fol\\_937.pdf](#)

**2. Supporting information/reports:** [21214 BHSA V2.pdf](#)

**3. Supporting information/reports:** [GRA.pdf](#)

**Invoice Payer:** Crowther & Sadler Pty Ltd

**Address for Invoice:** PO Box 722, Bairnsdale VIC 3875

**Invoice Email:** [accounts@crowthersadler.com.au](mailto:accounts@crowthersadler.com.au)

**Primary Phone Invoice:** 0351525011

**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**

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VOLUME 10085 FOLIO 716

Security no : 124125702199D  
Produced 26/06/2025 03:12 PM

## **LAND DESCRIPTION**

Lot 3 on Plan of Subdivision 306924S.

PARENT TITLES :

Volume 08223 Folio 657      Volume 09623 Folio 762

## **REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors

## **ENCUMBRANCES, CAVEATS AND NOTICES**

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

## **DIAGRAM LOCATION**

SEE PS306924S 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: 210 NUNGURNER ROAD NUNGURNER VIC 3909

## **ADMINISTRATIVE NOTICES**

NIL

eCT Control  
Effective from

DOCUMENT END



# PLAN OF SUBDIVISION

STAGE NO.

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EDITION 1

Plan Number

PS 306924 S

## Location of Land

**Parish:** BUMBERRAH

**Township:** —

**Section:** —

**Crown Allotment:** 114A

**Crown Portion:** —

**LTO Base Record:** PARISH SH. 2.

**Title Reference:** VOL 9623 FOL 762, VOL 8223 FOL 657

**Last Plan Reference:** —

**Postal Address:** NUNGURNER ROAD, NUNGURNER  
(at time of subdivision)

**AMG Co-ordinates** E 579 400 Zone: 55  
(of approx. centre of land in plan) N 5810 700

## Vesting of Roads and/or Reserves

Identifier	Council/Body/Person
NIL	NIL

NIL

NIL

**Council Name:** TAMBO

**Ref:** S/0058/306924 S

1. This plan is certified under section 6 of the Subdivision Act 1988.
2. This plan is certified under section 11(7) of the Subdivision Act 1988.  
Date of original certification under section 6 — / — / —
3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.

### OPEN SPACE

- (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made.
- (ii) The requirement has been satisfied.
- (iii) The requirement is to be satisfied in Stage —

Council delegate  
Council seal

Date 3 / 12 / 90

Re-certified under section 11(7) of the Subdivision Act 1988

Council Delegate  
Council Seal

Date — / — / —

## Notations

**Staging** This is/is not a staged subdivision  
Planning Permit No. 5116

**Depth Limitation** 15.24 METRES BELOW THE SURFACE APPLIES TO ALL THE LAND IN THE PLAN

LOTS 1 & 2 ARE THE RESULT OF THIS SURVEY  
LOT 3 IS BY DEDUCTION FROM TITLE

**Survey** This plan is/is not based on survey  
This survey has been connected to permanent marks no(s)  
In Proclaimed Survey Area No.

## Easement Information

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of

## LTO use only

Statement of Compliance/  
Exemption Statement

Received ☒

Date 14 / 9 / 92

## LTO use only

PLAN REGISTERED

TIME 9:00 am

DATE 22 / 9 / 92

John L. Wilson  
Assistant Registrar of Titles

Sheet 1 of 2 Sheets

## CROWTHER & SADLER PTY. LTD.

Licensed Surveyors and Town Planners

152 Macleod Street, P.O. Box 722,  
BAIRNSDALE, 3875. Phone (051) 52 5011

LICENSED SURVEYOR (PRINT) JON MARK BRODZIK

SIGNATURE..... DATE / /

REF 6261

VERSION

DATE / /

COUNCIL DELEGATE SIGNATURE

Printed 8/08/2025

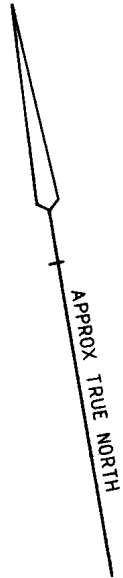
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# PLAN OF SUBDIVISION

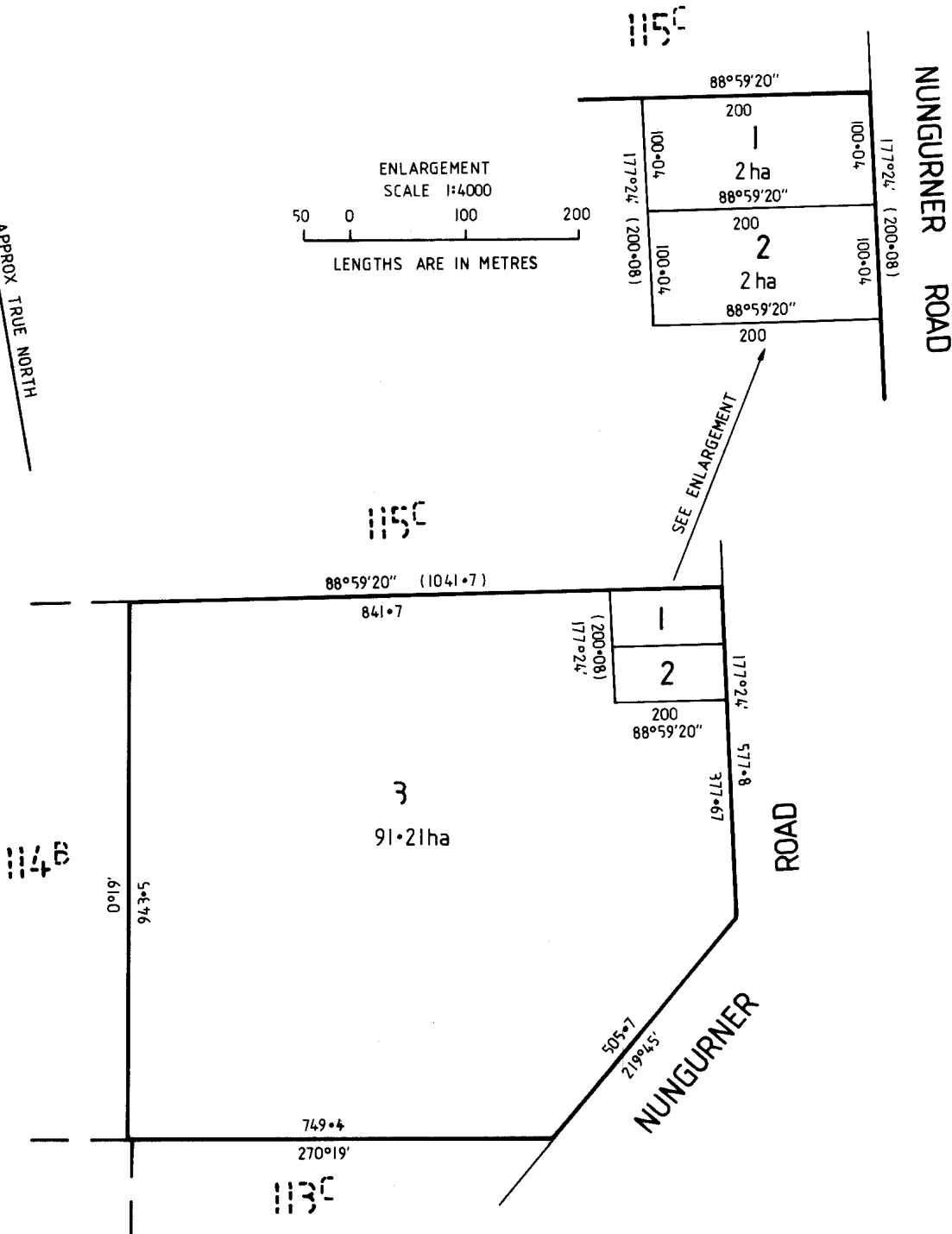
Stage No.

Plan Number

PS 306924 S



ENLARGEMENT  
SCALE 1:4000  
50 0 100 200  
LENGTHS ARE IN METRES



## CROWTHER & SADLER PTY. LTD.

Licensed Surveyors and Town Planners

152 Macleod Street, P.O. Box 722,  
BAIRNSDALE, 3875. Phone (051) 52 5011

ORIGINAL

SCALE

SCALE SHEET  
SIZE  
1:8000 A3

80 0 200 400  
LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) JON MARK BRODZIK

SIGNATURE..... DATE / /

REF 6261

VERSION

Sheet 2 of 2 sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

Printed 8/08/2025

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

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VOLUME 10761 FOLIO 937

Security no : 124125702659D  
Produced 26/06/2025 03:17 PM

### LAND DESCRIPTION

Lot 2 on Plan of Subdivision 517804B.  
PARENT TITLE Volume 07901 Folio 066  
Created by instrument PS517804B 05/11/2003

### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors

### ENCUMBRANCES, CAVEATS AND NOTICES

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

### DIAGRAM LOCATION

SEE PS517804B 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: 240 NUNGURNER ROAD NUNGURNER VIC 3909

### ADMINISTRATIVE NOTICES

NIL

eCT Control  
Effective from

DOCUMENT END

# PLAN OF SUBDIVISION

STAGE No. 1 TO USE ONLY  
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**EDITION PS 517804B**  
**COUNCIL CERTIFICATION AND ENDORSEMENT**

## LOCATION OF LAND

PARISH: BUMBERRAH  
 TOWNSHIP: —  
 SECTION: —  
 CROWN ALLOTMENT: 113C  
 CROWN PORTION: —

TITLE REFERENCES: VOL 7901 FOL 066

POSTAL ADDRESS: 240 NUNGURNER ROAD,  
 (At time of subdivision) NUNGURNER, 3909

AMG CO-ORDINATES: E 579 100  
 (Of approx. centre of land in plan) N 5810 050 ZONE: 55

COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL REF: 83/2003/CRT

1. This plan is certified under Section 6 of the Subdivision Act 1988.
- ~~2. This plan is certified under Section 11(7) of the Subdivision Act 1988.~~  
~~Date of original certification under Section 6 / /~~
3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.

## OPEN SPACE

- (i) A requirement for public open space under Section 18 Subdivision Act 1988 ~~has~~ / has not been made.
- (ii) ~~The requirement has been satisfied.~~
- (iii) ~~The requirement is to be satisfied in stage~~  
 Council Delegate  
 Council seal  
 Date 26/8/03  
~~Re-certified under Section 11(7) of the Subdivision Act 1988~~  
~~Council Delegate~~  
~~Council seal~~  
~~Date / /~~

## VESTING OF ROADS AND/OR RESERVES

IDENTIFIER

COUNCIL/BODY/PERSON

NIL

NIL

## NOTATIONS

STAGING This is / is not a staged subdivision  
 Planning Permit No 03/00027/DS

DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE

SURVEY: THIS PLAN IS / IS NOT BASED ON SURVEY

THIS SURVEY IS CONNECTED TO PERMANENT MARK No(s)

## EASEMENT INFORMATION

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of

## LTO USE ONLY

STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT

RECEIVED



DATE 20/10/03

## LTO USE ONLY

PLAN REGISTERED

TIME 6.28pm

DATE 5/11/03

St BH  
 Assistant Registrar of Titles

SHEET 1 OF 2 SHEETS

**Crowther & Sadler Pty. Ltd.**  
 LICENSED SURVEYORS & TOWN PLANNERS  
 162 MACLEOD STREET, BAIRNSDALE, VIC., 3876  
 TELEPHONE (03) 5162 6011

LICENSED SURVEYOR MICHAEL JOSEPH SADLER  
 SIGNATURE DATE 23/5/2003  
 REF 10386 VERSION 1

DATE 26/08/03  
 COUNCIL DELEGATE SIGNATURE

Printed 8/08/2025

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PLAN OF SUBDIVISION

STAGE No. /

PLAN NUMBER PS 517804B

APPROX. TRUE NORTH

114 A

90°19'50" (746.5)

557.7

188.75

275.94

2.106ha

137.42

0°14'20"

170°14'

77.12

85.67

194°39'

57.14

18.38ha

502.9

270°19'

113 A

0°19'

335.05

219°41'40"

(361.61)

NUNGURNER ROAD

1:2500

SCALE

25 0 25 50 75 100 125

LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE A3

LICENSED SURVEYOR SIGNATURE REF 10386

MICHAEL JOSEPH SADLER

DATE 23/5/03

VERSION 1

SHEET 2 OF 2 SHEETS

DATE 26/8/03

COUNCIL DELEGATED SIGNATURE

Crowther & Sadler Pty. Ltd.  
LICENSED SURVEYORS & TOWN PLANNERS  
182 MACLEOD STREET, BAYSWATER, VIC., 3875  
TELEPHONE (03) 6182 6011

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# CHRIS O'BRIEN & COMPANY PTY LTD

## CONSULTING CIVIL & STRUCTURAL ENGINEERS

Reference No: B25248

**Project No: 110725**

18/07/2025

Crowther & Sadler Pty Ltd  
P.O Box 722  
BAIRNSDALE Vic 3875

Attn: Aaron Hollow

Dear Aaron,

**RE: Proposed 2 Lot Subdivision  
210 & 240 Nungurner Road, Nungurner.**

Chris O'Brien & Company Pty Ltd have been engaged by Aaron Hollow of Crowther & Sadler Pty Ltd to determine whether or not a full Geotechnical risk assessment report is required for a proposed 2 lot subdivision at 210 & 240 Nungurner Road, Nungurner. An erosion management overlay exists over the property.

The purpose of this letter is to determine if the works to be carried out on this site will be a risk to the surrounding environment and is to be used in the planning application process only. This letter is not a soil classification report and shall not be used for this purpose.

Information contained in this letter is from a visual inspection of the site and based on information supplied to Chris O'Brien & Company Pty Ltd on the work to be completed on the site.

The site was inspected by Andrew Powell on the 18<sup>th</sup> July 2025.

210 & 240 Nungurner Road are located on the western side of Nungurner Road approximately 2km south of the Princes Highway at Nungurner. The land itself is a series of rolling hills with natural water courses and dams, with the land either being well grassed or covered with trees. Viewing the land showed no signs of any erosion occurring naturally on-site. An access to both 210 & 240 from Nungurner Road exists and would not need any upgrades to bring to an acceptable standard. Existing dwellings, sheds and outbuildings exist at both addresses with a country house retreat existing at 240 Nungurner Road. the land is currently used for farm use such as grazing mostly for cattle and sheep as well as a short stay retreat which is located on 240 Nungurner Road. The existing buildings are all serviced with all available utilities with sewer by onsite wastewater management system and stormwater directed to water tanks with overflows draining to existing natural water courses and dams. Photos of our findings are attached to this report.

**Crowther & Sadler Pty Ltd**

Proposed 2 Lot Subdivision at 210 &amp; 240 Nungurner Road, Nungurner

Project No. 110725

Page 2 of 8

For the creation of the proposed subdivision no earthworks or any vegetation removal will be required with the proposal mainly to have both existing dwellings on separate titles with no environmental risks involved.

Storm water created from the proposed subdivision is already being adequately treated however there is the potential for further buildings to be constructed on both of the allotments. Stormwater from any proposed buildings will need to be directed to the legal point of discharge via on-site detention system such as a water tank. Outlets to any water tank or any surface outlets must be treated with approved rock beaching. Provided this is done, no environmental risks are expected from this source.

We therefore suggest that a full geotechnical risk assessment report is not required for this development. As long as proper treatment of storm water overflow is done, we anticipate no environmental risks on this site with the work to be undertaken.

Should you need to clarify anything, please contact the Andrew Powell

Yours faithfully,

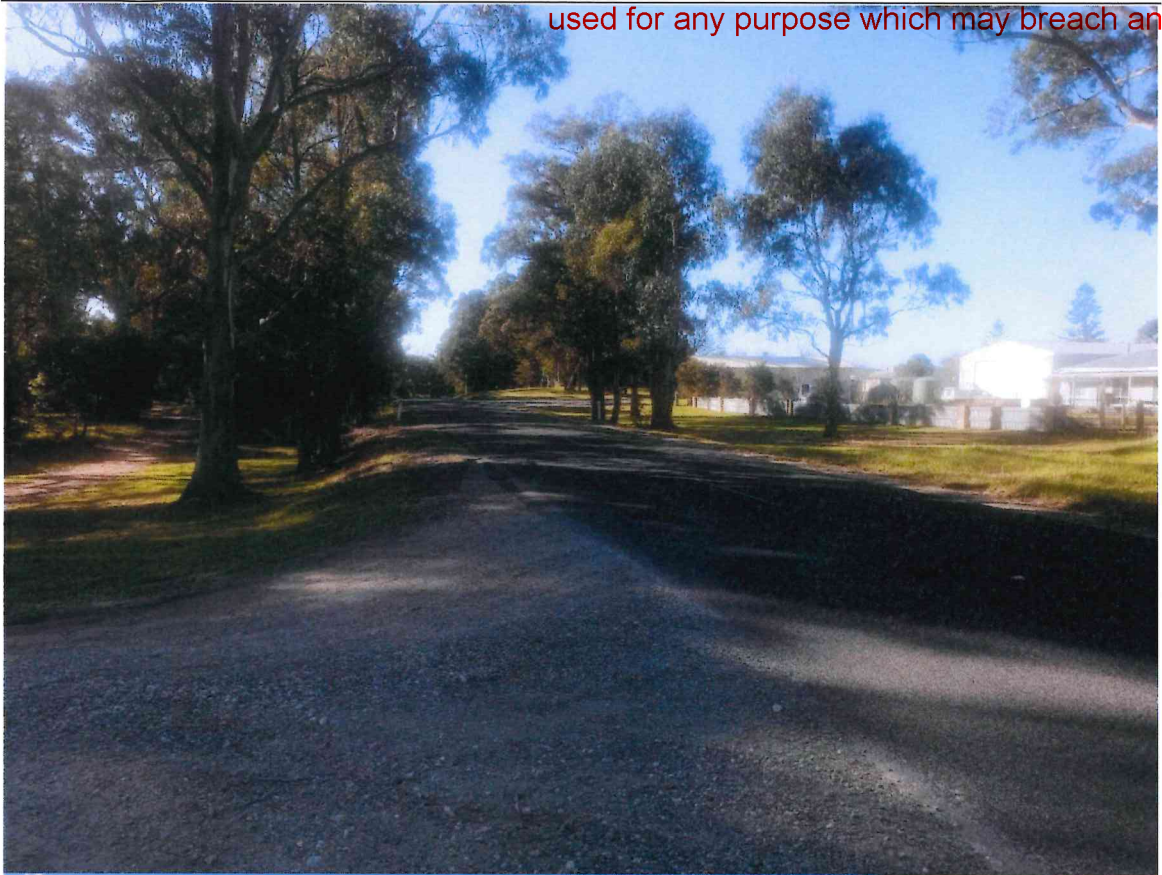
**Andrew Powell Assoc.Dip (Civil)**  
**for CHRIS O'BRIEN & COMPANY PTY LTD**



Photos below show existing access into 210 Nungurner Road.





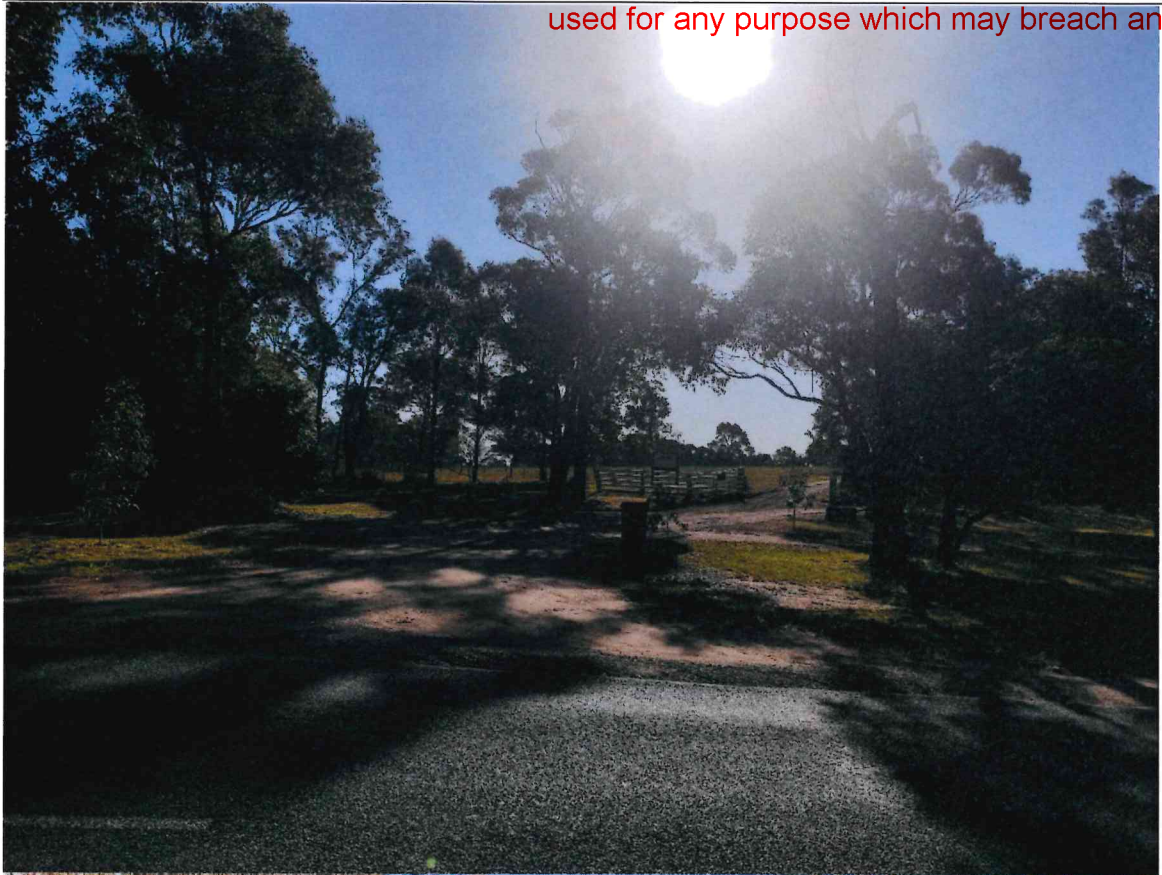




Photos below show existing access to 240 Nungurner Road.









Photos below show typical land formation.







## Planning Report

---

Two Lot Subdivision (Boundary Realignment)  
210 & 240 Nungurner Road, Nungurner

Our reference – 21214

July 2025



FS 520900



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	Application Form	
	Proposed Subdivision Plan (Version 1)	
	Bushfire Hazard Site Assessment (Version 1)	
	Geotechnical Risk Assessment Waiver	
	Copy of Title (Lot 3 on PS306924 and Lot 2 on PS517804)	

*Note: Applicable Planning Application fee is \$1,496.10*



## 1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision (boundary realignment) between 210 and 240 Nungurner Road, Nungurner. The Report addresses the provisions of the Farming Zone 1, Erosion Management Overlay and Bushfire Management Overlay 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

The subject land is comprised of two properties formally known as Lot 3 on PS306924 or more commonly known as 210 Nungurner Road, Nungurner and Lot 2 on PS517804 or more commonly known as 240 Nungurner Road, Nungurner.

The property at 210 Nungurner Road, Nungurner is a larger property within the context of the immediate Nungurner area having an area of 91.21ha, is used for livestock grazing and is developed with a dwelling and agricultural outbuildings and infrastructure. The property is substantially clear of native vegetation and characterised by undulating grazing land with a series planted windrows that offer shelter for livestock. The property also contains a number of ephemeral waterways. Stock Creek is a feature in the north-west of the property traversing the northern and western boundaries.



Aerial image 210 Nungurner Road, Nungurner (Source: LASSI SPEAR)

The property located at 240 Nungurner Road, Nungurner is a smaller property with an area 18.38ha. The property contains an established dwelling and outbuilding on the north side. The eastern side of the property contains numerous scattered native trees with a patch of trees surrounding a dam in the south-east corner. The western side of the property is characterised by a dense cover of native vegetation.



*Aerial image of 240 Nungurner Road, Nungurner (Source: LASSI SPEAR)*

Nungurner Road is a sealed road which contains significant native vegetation within the road reserves on either side of the road.

A short distance to the south of the subject land is the townships of Metung and Nungurner adjoining the Gippsland Lakes and to the north is the Colquhoun Regional Park.



### 3. The Application & Proposal

The application seeks approval for a subdivision that re-subdivides two existing lots, each containing an established dwelling.

The two properties are in the same ownership. The purpose of the subdivision is to add further land into the farming property. The resultant proposed lots will see proposed Lot 1 at 106.92 hectares and proposed Lot 2 at 2.66 hectares.

The boundaries of proposed Lot 2 have been selected to align with existing fencing and to ensure native vegetation is maintained.

The two properties each take access from Nungurner Road. The existing access is retained with each proposed lot.



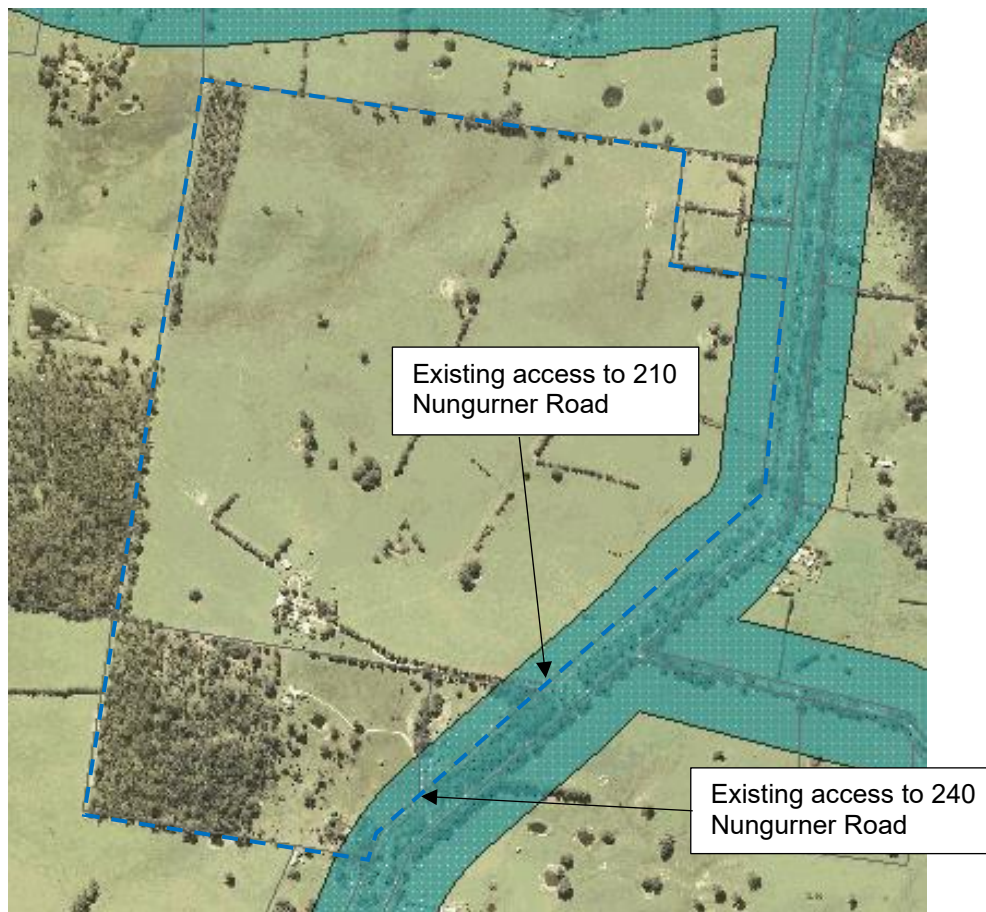
Proposed plan of subdivision

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
35.07-3 Farming Zone 1	Subdivide land
44.01-5 Erosion Management Overlay	Subdivide land
44.06-2 Bushfire Management Overlay	Subdivide land

The application is required to be referred to the relevant fire authority in accordance with Section 55 of the *Planning and Environment Act 1987*.

The Nungurner Road frontage of the subject land is contained within the Environmental Significance Overlay 1 – 53 and Vegetation Protection Overlay 1. The proposed subdivision does not rely on the removal of any native vegetation nor is any vegetation removal sought. Each lot will retain the use of existing points of access from Nungurner Road.

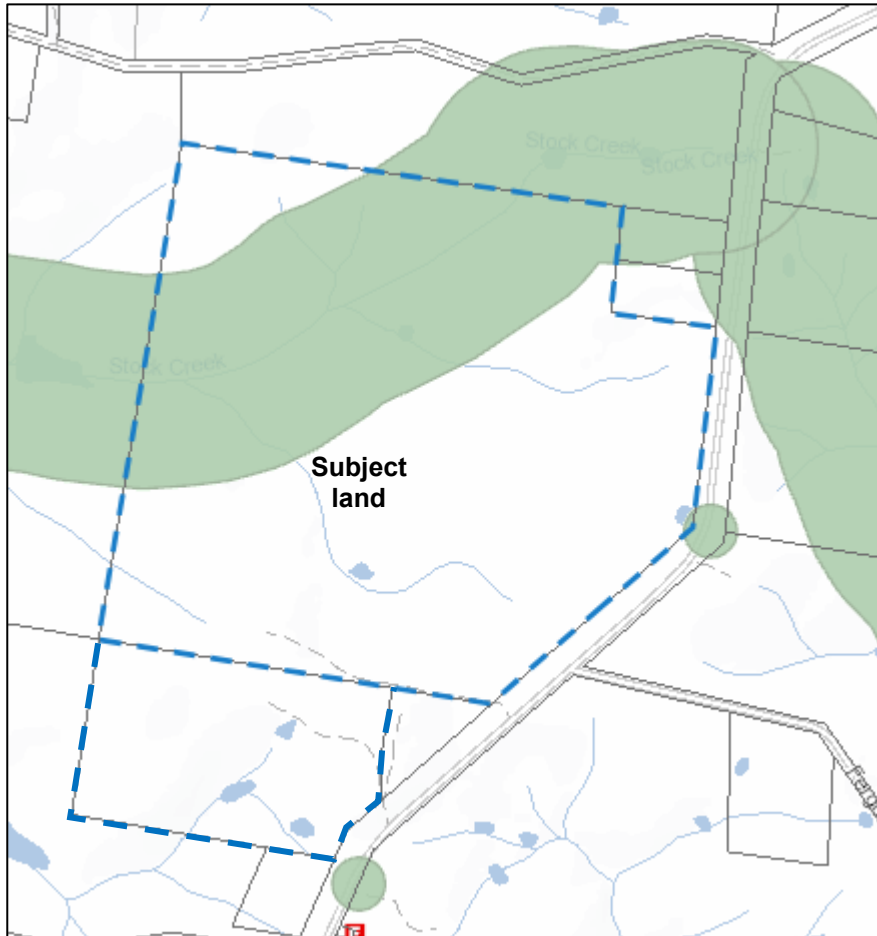


Planning scheme overlay mapping VPO1(Source: VicPlan)

#### 4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

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



*Extract from Cultural Heritage Sensitivity mapping, showing culturally sensitivity areas in dark green (Source: VicPlan)*

An area of cultural heritage sensitivity extends through the north-west corner of the subject land, being land within 200m of Stock Creek. However, a two lot subdivision in the Farming Zone is not a high impact activity and as such, there is no requirement for a CHMP.

## 5. Planning Policy

### 5.1 Planning Policy Framework

Clause 12.01-2S Native vegetation management has been respected by the proposed subdivision with the new boundary adopting existing fences around the dwelling at 240 Nungurner Road avoiding the need to remove native vegetation.

Due to the presence of classifiable native vegetation on the subject land and adjoining the property parts of the subject land are within the Bushfire Management Overlay. The proposed subdivision does not increase the risk associated with a bushfire hazard. Should a replacement dwelling be required on Lot 2 there is the ability for a new dwelling to be sited in an alternative location that can reduce the risk from the bushfire hazard.

Consistent with Clauses 13.04-2S and 13.04-2L Erosion the proposed subdivision poses little risk of creating an erosion issue as access and services to proposed lot 2 are already installed and the subdivision boundary will require no fencing works.

The proposed subdivision achieves the objective and strategies of Clause 14.01-1S Protection of agricultural land:

- Additional land will be incorporated into the farming enterprise.
- The current title structure sees 240 Nungurner Road not supporting an agricultural activity.
- Within the local context of the area which sees minimal commercial farming taking place providing further land carrying capacity to the commercial farm will add to agricultural production.

Subdivision of the subject land meets the strategies of Clause 14.01-1L-04 as it will facilitate a more effective use of land for agricultural purposes and strengthen the commercial farming enterprise.

Both proposed lots have existing vehicle access from Nungurner Road that will not require alteration as a result of the subdivision and will not impact on the efficiency of Nungurner Road as sought within Clauses 18.02-4S and 18.02-4L-01 Roads.



## 5.2 Municipal Planning Strategy

Utilising existing paddock fencing for the subdivision boundary will maintain native vegetation contained on the subject land and ensures a wildlife corridor is maintained as sought within Clause 02.03-2 Environmental and landscape values.

Erosion and bushfire are noted as environmental risks within Clause 02.03-3. The proposed subdivision will not result in erosion risk as access and services are connected to each dwelling and using existing fences for the new lot boundaries avoids physical works needing to be undertaken. The proposed subdivision does not increase risk to people and property which otherwise exists and the lot layout for lot 2 should a replacement dwelling be required can accommodate a dwelling that can mitigate against bushfire risk.

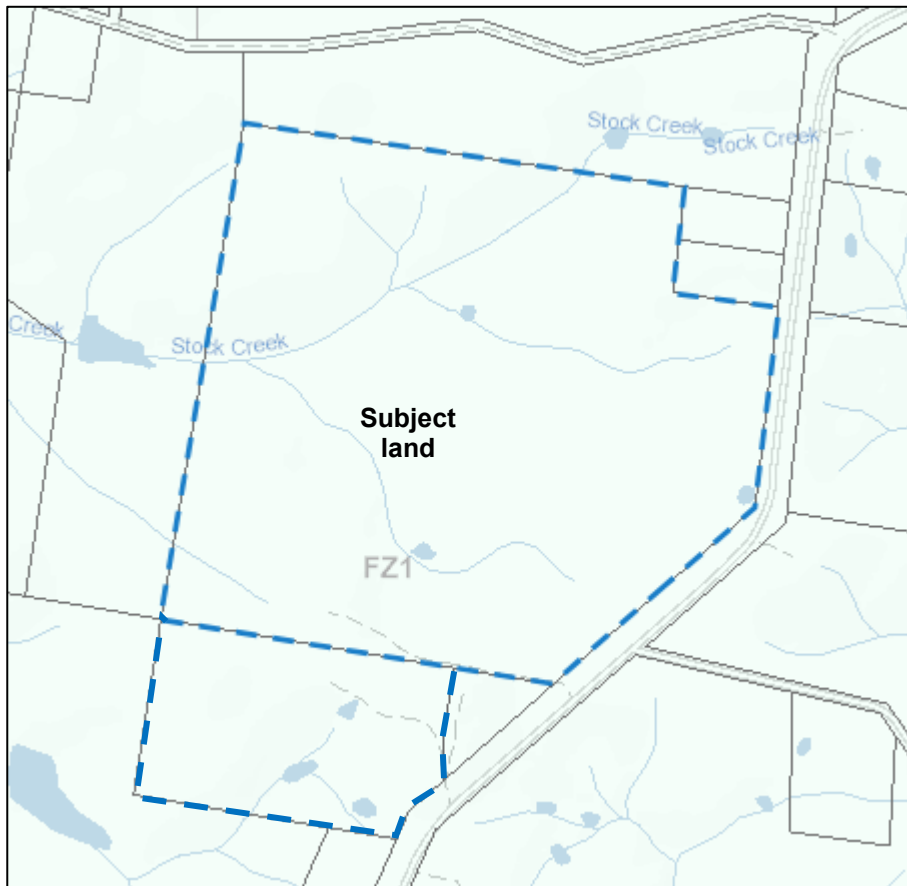
Clause 02.03-4 outlines Council's strategic directions for natural resource management. The proposal will advance relevant directions by providing additional land to an agricultural activity, further secures water resources for the agricultural enterprise and water quality of the area will remain unchanged.

Clause 02.03-6 Economic development identifies that one of the major traditional industries within the region as agriculture. The proposal will allow for an agricultural enterprise to increase agricultural productivity adding to the local economy.

## 6. Planning Elements

### 6.1 Farming Zone 1

The subject land is contained within the Farming Zone under the East Gippsland Planning Scheme.



*Planning scheme zone mapping (Source: VicPlan)*

The purposes of the zone are positively forwarded by the proposed subdivision as it will increase the area of land to be used for agriculture.

Clause 35.07-3 Subdivision specifies that each lot must be 40 hectares unless the subdivision is the re-subdivision of existing lots and the number of lots is not increased.

#### Decision Guidelines

An assessment of the proposed subdivision against the relevant decision guidelines has been undertaken and the following commentary is offered:

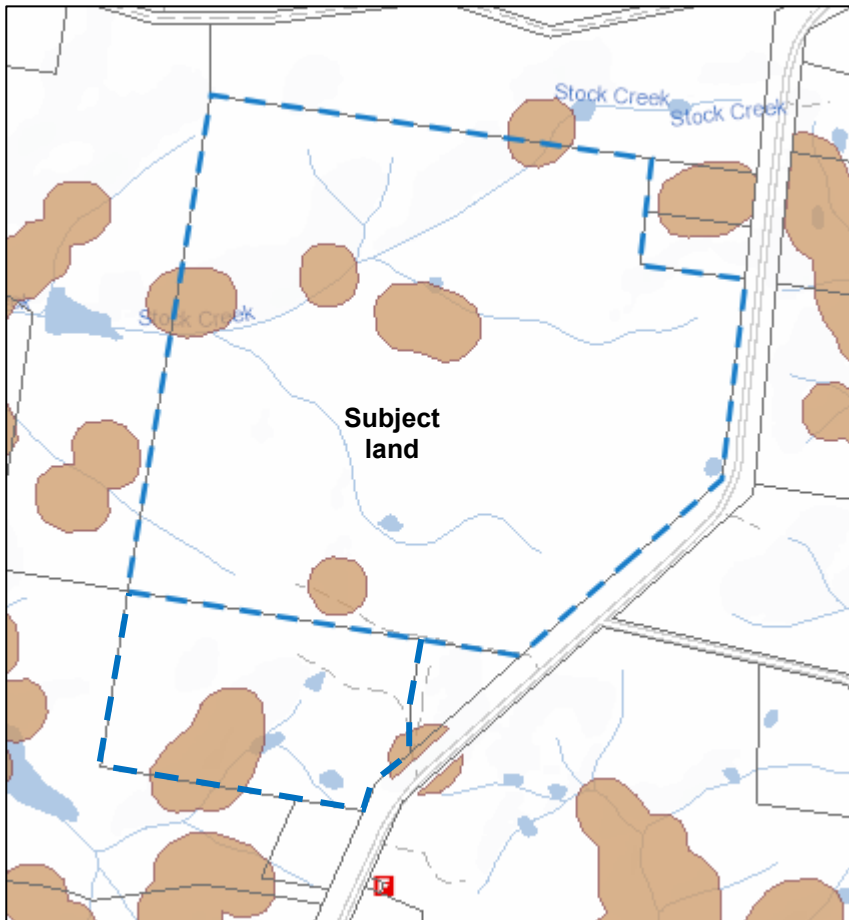
- Support for the proposal is contained within the Planning Policy Framework and Municipal Planning Strategy.
- The area of Lot 2 maintains the capability of the land to accommodate the disposal of effluent.



- Sustainable land management will be maintained by the boundary realignment providing for additional land for livestock production.
- The lot layout is compatible with adjoining land uses providing an appropriate area for Lot 2. Agricultural activities are limited in the locality and are primarily dryland grazing.
- Existing farm infrastructure will be kept with proposed lot 1 and additional water resources will be added to lot 1.
- Additional land to be provided to the farming enterprise will support and enhance agricultural production.
- The proposed subdivision will not limit the operation of existing agricultural activities and expands an existing agricultural activity..
- Water quality of the area will remain unaffected and the risk of erosion from the proposal is negligible.
- Flora on the subject land will be maintained as the subdivision will adopt existing fencing

## 6.2 Erosion Management Overlay

Parts of the subject land are contained within the Erosion Management Overlay.



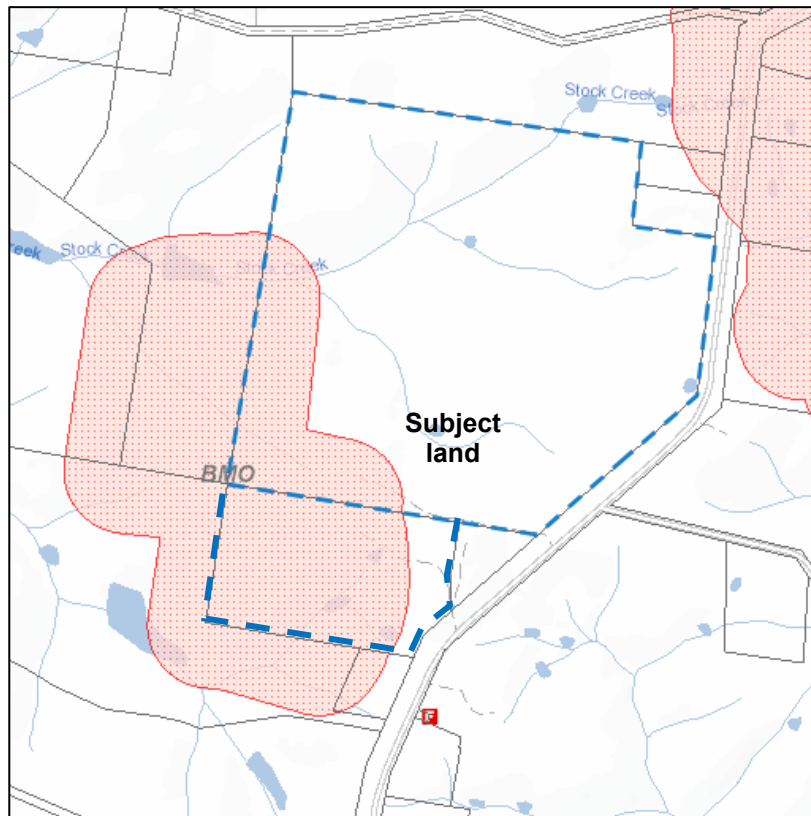
Planning scheme overlay mapping, EMO (Source: VicPlan)

The schedule of the Overlay is Management of Geotechnical Hazard. At sub-clause 4.0 an application is required to be accompanied by a geotechnical risk assessment unless if a suitably qualified and experienced geotechnical practitioner demonstrates that a geotechnical risk assessment is not relevant to the assessment of an application.

The application is accompanied by a geotechnical risk assessment waiver that advises the proposed subdivision does not warrant a full geotechnical risk assessment and no environmental risks will arise from the subdivision.

### 6.3 Bushfire Management Overlay

The south west portion of the subject land is contained within the Bushfire Management Overlay.



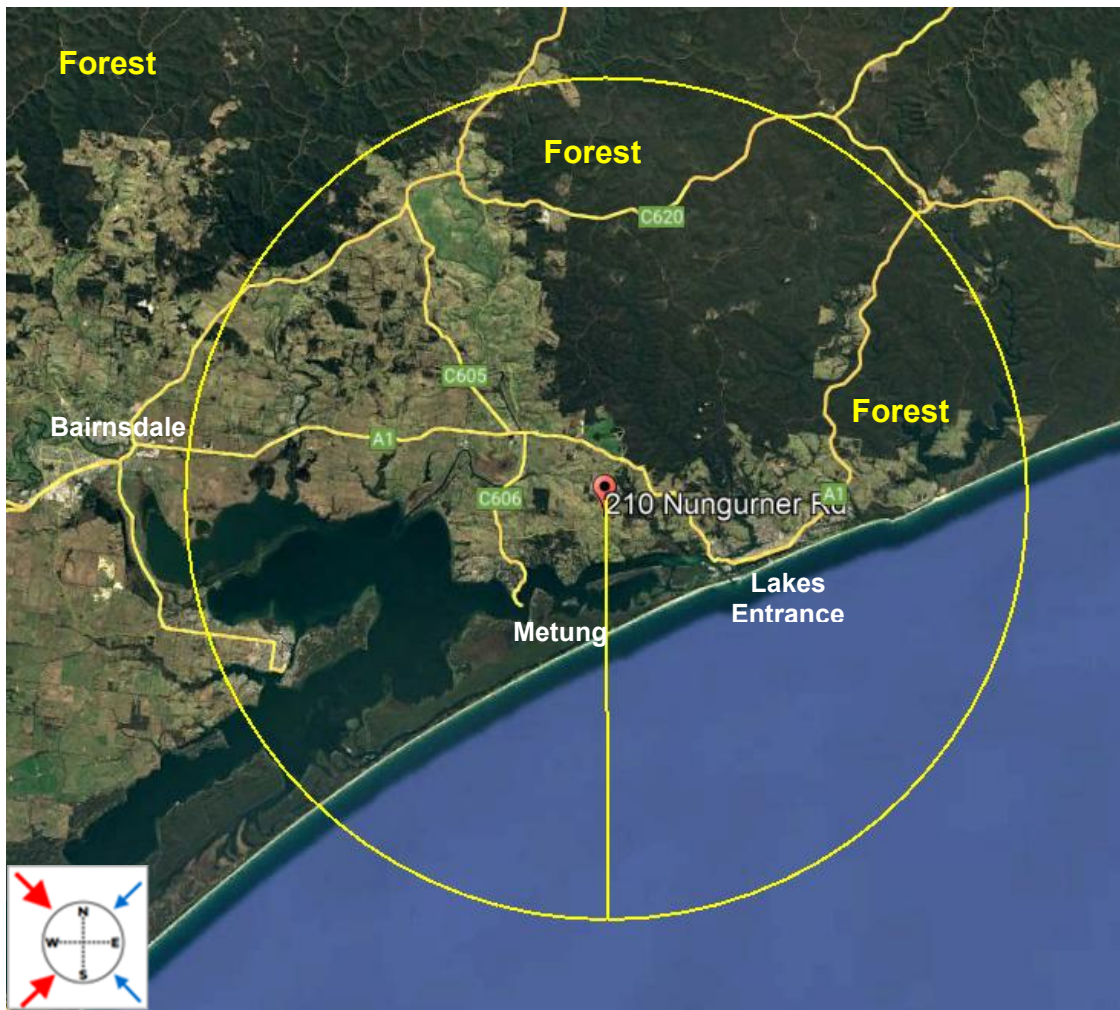
Planning scheme overlay mapping (Source: VicPlan)

In accordance with Clause 44.06-3 Application requirements, a bushfire hazard site assessment, a bushfire hazard landscape assessment and bushfire management statement accompany the application.

#### Bushfire Hazard Landscape Assessment

The Bushfire Hazard Landscape Assessment reveals that the subject land is located in undulating terrain, has no recent fire history, is surrounded by generally grassland vegetation closer to the subject land and Forest vegetation to the north and north-east further distant from the subject land. The subject land is considered to be within a Broader Landscape Type 3 as a bushfire could approach the subject land from two directions although, it is considered more likely that the potential fire impacts would be from a more localised fire within the Nungurner area and would not be exposed to the effects of long uninterrupted forest fires extending from Crown land.

The subject land is well located to enable occupants of both lots to seek a safe place of refuge. The land is located approximately 5.0 kilometres north of Metung, 4.3 kilometres south-east of Swan Reach and 7.5 kilometres north-west of Lakes Entrance.



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

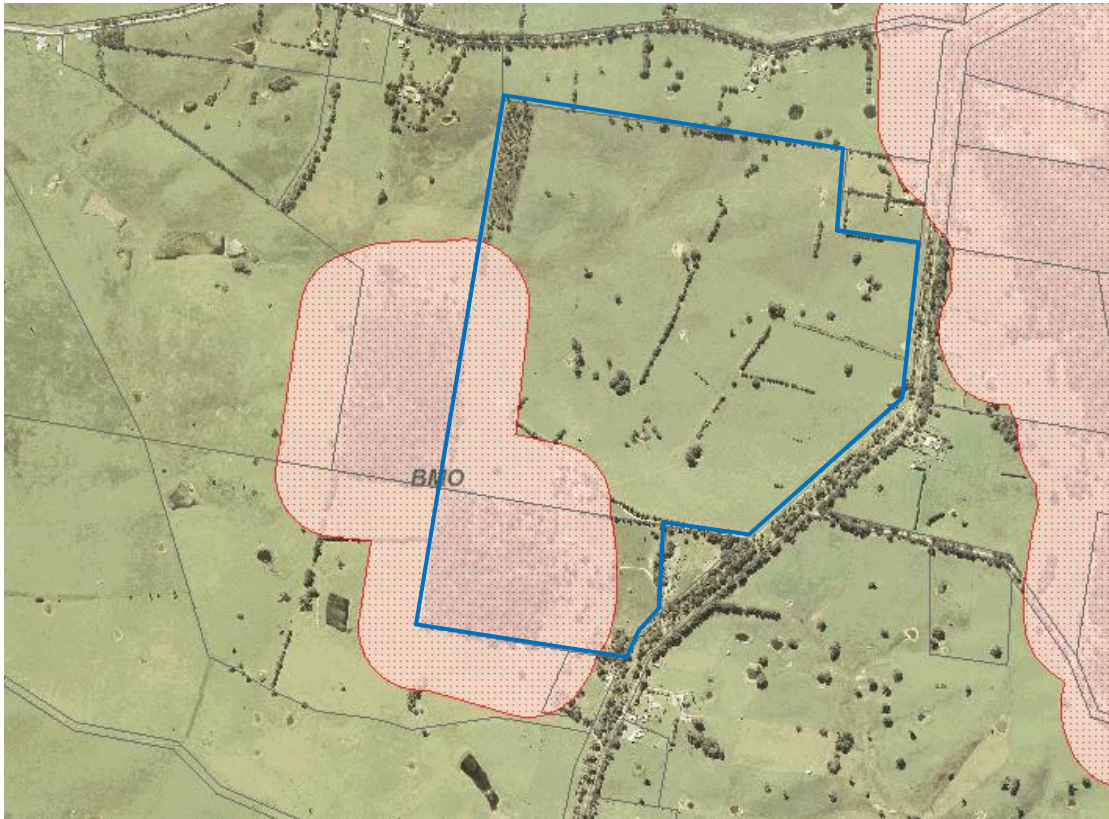


*Surrounding Landscape 1 kilometre from existing dwellings (Source: Google Earth)*



### Bushfire Management Statement

It is sought to waive the requirements of preparing a bushfire hazard site assessment for proposed Lot 1. Should a replacement dwelling be required to be constructed on lot 1 it is considered that an appropriate response to the bushfire risk is to site the replacement dwelling outside of the Bushfire Management Overlay. The size of proposed Lot 1 provides ample opportunity for numerous alternative dwelling locations.



#### 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:**

The surrounding environment varies to the north, east and south is Woodland vegetation. The northern aspect is flat and the western and southern aspects are downslope >0-5 degrees. To the west is Forest vegetation with an upslope.

The predominant bushfire risk is from the north-west and west, however it is limited given the inability for long fire runs. Similarly to the east is a larger area of Forest vegetation that could result in ember attack although intervening managed grassland and predominant weather conditions mitigates the risk.

In this case the boundary realignment will not alter the manner the existing subject land is used and developed. Given Lot 1 is capable of accommodating a replacement dwelling outside of the Bushfire Management Overlay it is considered that this would be an appropriate response if required.

Proposed Lot 2 contains an existing dwelling within the western part of the subject land. Should a replacement dwelling be required on proposed Lot 2 a dwelling site has been identified to the east of the property, within a cleared area and further separated from the larger area of Forest vegetation to the west.



*View west across the front of Lot 2*

The replacement dwelling location can easily incorporate defensible space around a replacement dwelling of in accordance with the distances prescribed under Column A in Table 2 (41m Woodland east and south, 33m Woodland North and 48m Forest west)

Vegetation management requirements in Table 6 would need to be implemented to maintain the defensible space.

A static water supply of 10,000 litres on lot 2 will need to be provided. The length of access is greater than 100m, requiring a turning circle at the end of the driveway or a driveway encircling the dwelling.

**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 defensible 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 defensible space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.

- Defensible 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:**

**N/A - The subject land is zoned Farming Zone and AM 5.1 applies.**

**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 – Only two lots are proposed.**

**AM 5.4**

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

**Response:**

**No public open space or communal areas will be developed.**

Should a replacement dwelling on Lot 2 be required the bushfire hazard site assessment demonstrates that the bushfire risk can be appropriately mitigated.



## 6.4 Native Vegetation

The proposed boundaries of Lot 2 adopt existing fences. The northern and southern boundary adopt long established internal fences while the eastern boundary is an existing title boundary that is also fenced.

The owner has recently constructed a post and wire fence approximately 15m from the rear of the dwelling. The new fence has been adopted for the rear boundary of Lot 2.



*View north of new fence to be adopted as rear (western) boundary of Lot 2.*

The native vegetation provisions at Clause 52.17-7 Table of exemptions advises:

*Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable:*

- *The operation and maintenance of an existing fence; or*
- *The construction of a boundary fence between properties in different ownership.*

*The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where the land has already been cleared along the other side of the fence.*



The adoption of fences as the subdivision boundary avoids the need to remove native vegetation however, should there be the need to remove native vegetation into the future the minimum extent of native vegetation can be removed for the operation and maintenance of an existing fence.

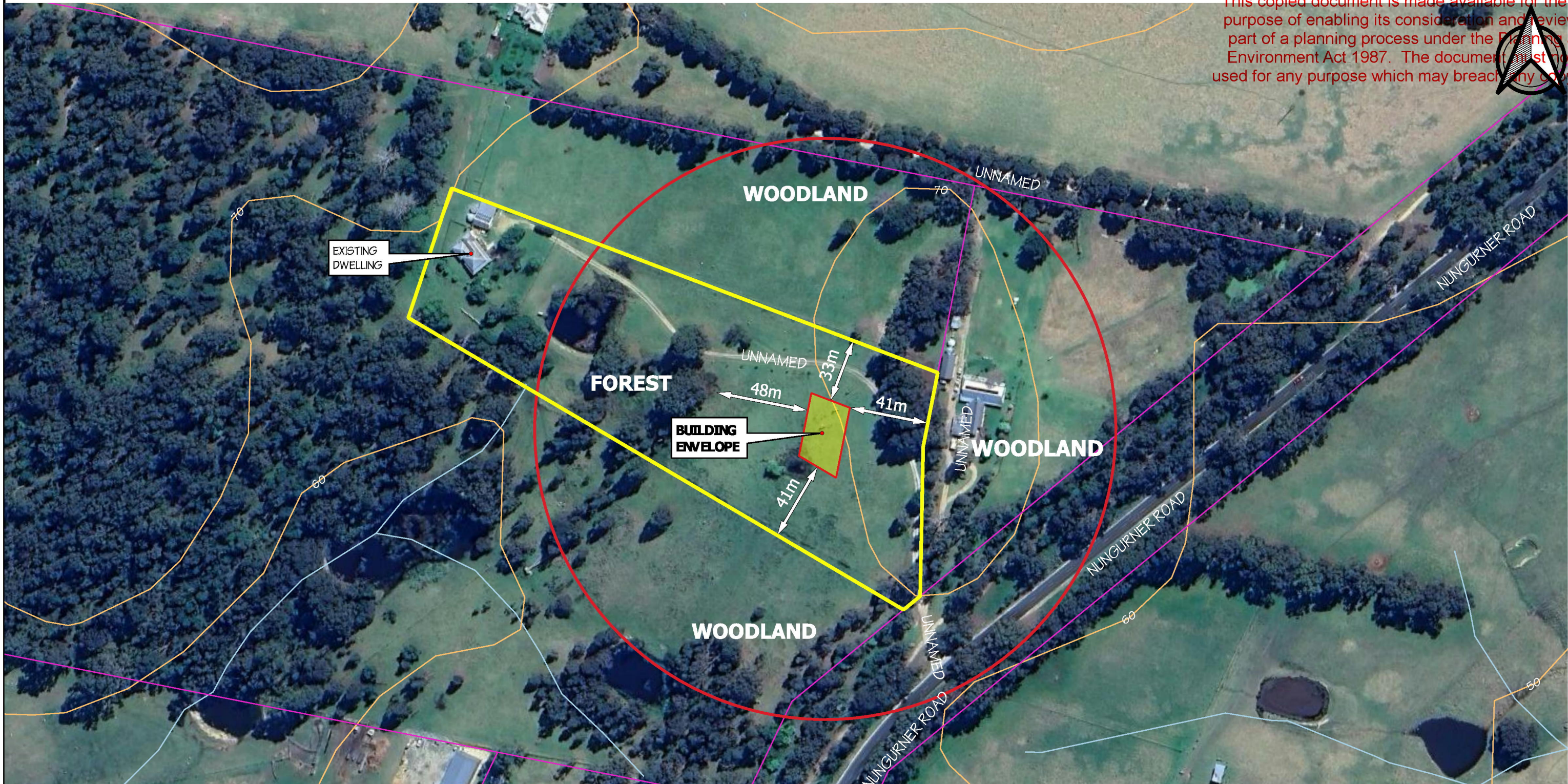
There is no need to apply to remove native vegetation as part of the subdivision.

## 7. Conclusion

The proposed two lot subdivision (boundary realignment) at 210 & 240 Nungurner Road, Nungurner is considered to accord with all relevant provisions of the Farming Zone 1, Erosion Management Overlay and Bushfire Management Overlay of the East Gippsland Planning Scheme. The proposal is consistent with the Planning Policy Framework and Municipal Planning Strategy and results in a positive farming outcome.

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





210 & 240 NUNGURNER ROAD, NUNGURNER

**Crowther & Sadler** Pty, Ltd.  
LICENSED SURVEYORS & TOWN PLANNERS

152 MACLEOD STREET, BAIRNSDALE, VIC., 3875  
P. (03) 5152 5011 E. [contact@crowthersadler.com.au](mailto:contact@crowthersadler.com.au)

	North	East	South	West
Slope	Flat/Upslope	Downslope >0°-5°	Downslope >0°-5°	Upslope
Veg Type	Woodland	Woodland	Woodland	Forest
Separation Distances	33m	41m	41m	48m

\*SEPARATION DISTANCES DERIVED FROM TABLE 1, COLUMN A, BAL-29

SCALE (SHEET SIZE A3)	SURVEYORS REF.
1:2000	21214 VERSION 2 - DRAWN 29/07/2025

BUSHFIRE HAZARD SITE ASSESSMENT

PARISH OF BUMBERRAH  
CROWN ALLOTMENT 114A & 113C (PARTS)

LOT 2 ON PS517804B  
LOT 3 ON PS306924S



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PROPOSED SUBDIVISION	NOTATIONS	
	AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY	

PARISH OF BUMBERRAH  
CROWN ALLOTMENT 114A & 113C (PARTS)  
LOT 2 - PS517804B  
LOT 3 - PS306924S



Crowthier & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5162 5011 E. contact@crowthersadler.com.au	210 & 240 NUNGURNER ROAD, NUNGURNER	
	SCALE (SHEET SIZE A3)	SURVEYORS REF.
	1 : 5000	21214 VERSION 1 - DRAWN 18/6/2025