

## Form 2

**NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

The land affected by the application is located at:	65 Mathiesons Road EAGLE POINT VIC 3878 CA: 5 Sec: A
The application is for a permit to:	Two Lot Subdivision
<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>
32.03-3 (LDRZ)	Subdivide land.
43.02-3 (DDO)	Subdivide land.
44.01-5 (EMO)	Subdivide land.
The applicant for the permit is:	Hatch Planning Pty Ltd
The application reference number is:	5.2025.312.1

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

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

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

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

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

<b>The Responsible Authority will not decide on the application before:</b>	<b>Subject to the applicant giving notice</b>
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If you object, the Responsible Authority will tell you its decision.

**April McDonald**

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**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Friday, 12 September 2025 5:01 PM  
**To:** Planning Unit Administration  
**Subject:** Planning Permit application  
**Attachments:** P25-066 - Planning Report - 65 Mathiesons Road Eagle Point.pdf; P25-066 - Title Documents - 65 Mathiesons Road Eagle Point.pdf; P25-066 - Proposed Subdivision Plan - 65 Mathiesons Road Eagle Point.pdf; Planning\_Permit\_Application\_2025-09-12T17-00-50\_27687861\_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:

**Applicant name:** Hatch Planning Pty Ltd

**Email address:** admin@hatchplanning.com.au

**Postal address :** PO Box 185, Grantville VIC 3984

**Preferred phone number:**

**Owner's name:**

**Street number:** 65

**Street name:** Mathiesons Road

**Town:** Eagle Point

**Post code:** 3878

**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 :** The land is included by a single dwelling and curtilage

**Description of proposal :** 2 lot subdivision

**Estimated cost of development:** 0

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

**Invoice Payer:** Hatch Planning Pty Ltd

**Address for Invoice:** PO Box 185 GRANTVILLE VIC 3984

**Invoice Email:** admin@hatchplanning.com.au

**Primary Phone Invoice:** 0409577838

**Declaration:** Yes

**Authority Check:** Yes

**Notice Contact Check:** Yes

**Notice check 2:** Yes

**Privacy Statement Acknowledge:** Yes

**Planning report:** [P25-066 - Planning Report - 65 Mathiesons Road Eagle Point.pdf](#)

**Full copy of Title:** [P25-066 - Title Documents - 65 Mathiesons Road Eagle Point.pdf](#)

**Plans:** [P25-066 - Proposed Subdivision Plan - 65 Mathiesons Road Eagle Point.pdf](#)

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

Page 1 of 3

VOLUME 09290 FOLIO 220

Security no : 124128043604X  
Produced 12/09/2025 02:31 PM

### LAND DESCRIPTION

Crown Allotment 5 Section A Parish of Bairnsdale.  
PARENT TITLE Volume 06486 Folio 006  
Created by instrument H062621 05/05/1978

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

### ENCUMBRANCES, CAVEATS AND NOTICES

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

### DIAGRAM LOCATION

SEE TP264499W 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 MATHIESONS ROAD EAGLE POINT VIC 3878

### ADMINISTRATIVE NOTICES

NIL

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Effective from 25/03/2024

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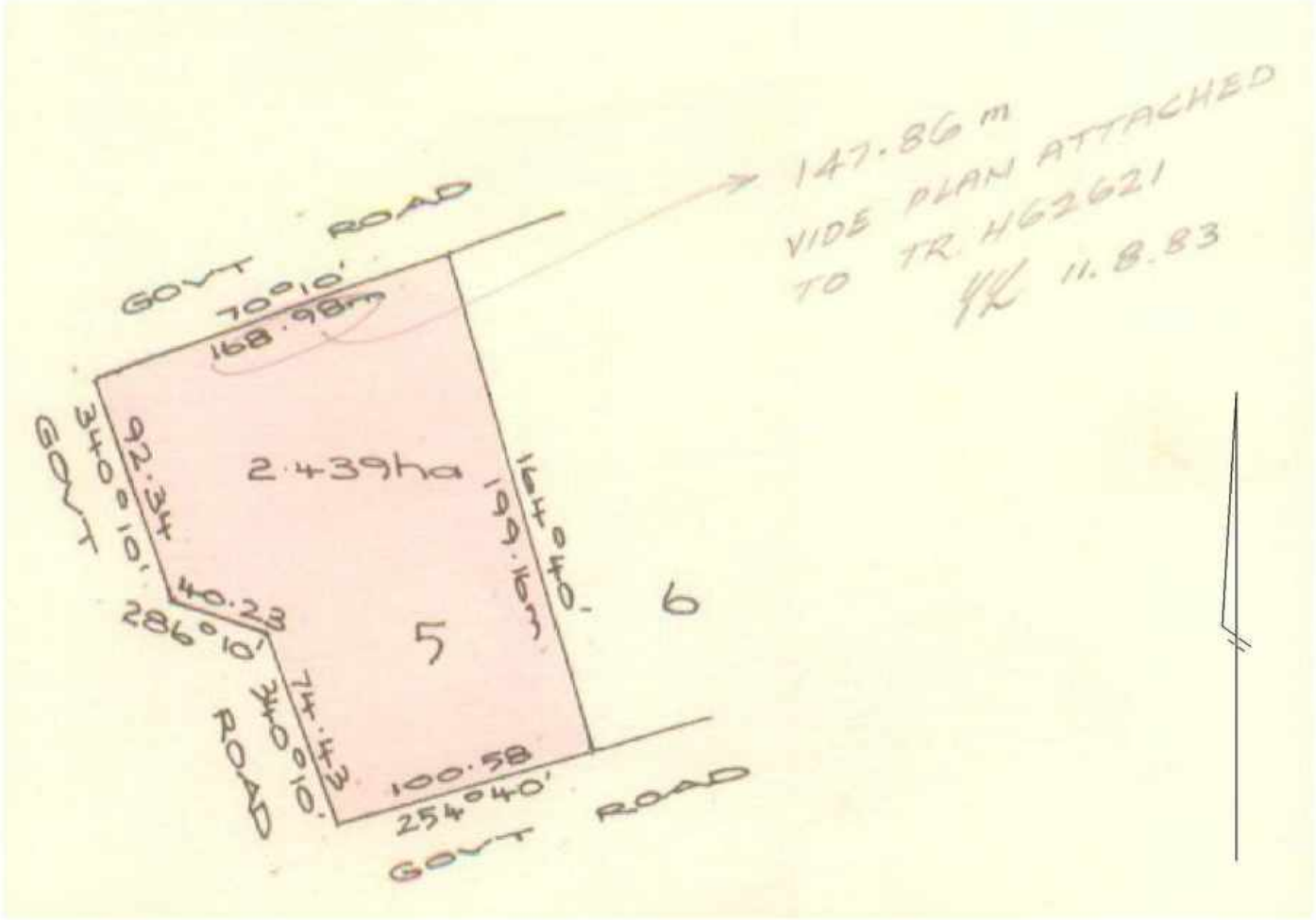
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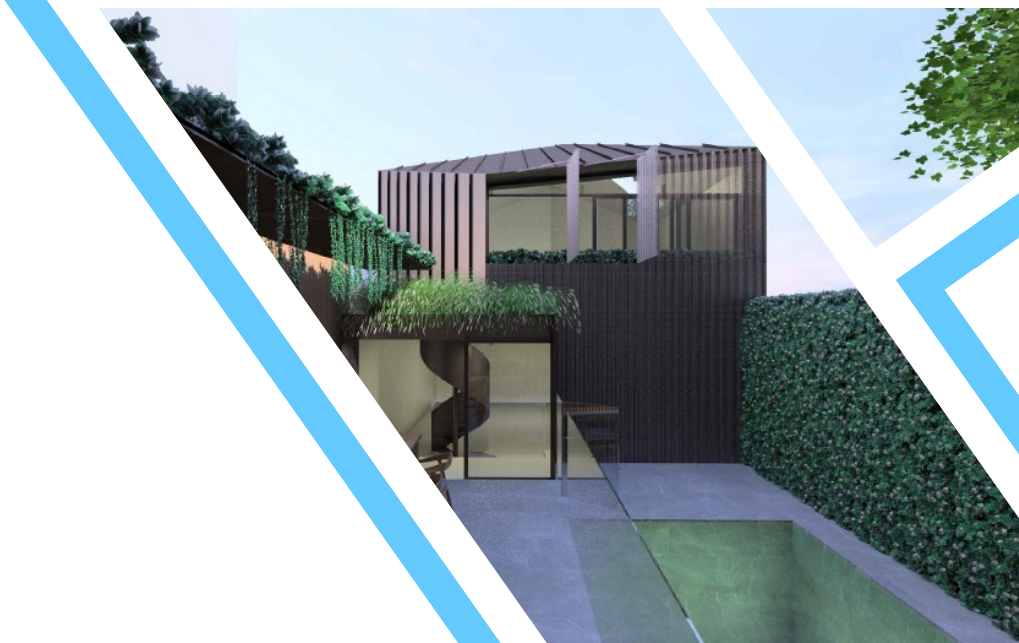
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TITLE PLAN		EDITION 1	TP 264499W
<b>Location of Land</b>  Parish: BAIRNSDALE Township: Section: A Crown Allotment: 5 Crown Portion:  Last Plan Reference: Derived From: VOL 9290 FOL 220 Depth Limitation: NIL		<b>Notations</b>  ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
<b>Description of Land / Easement Information</b>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 11/01/2000 VERIFIED: BH	
			
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets



## Planning Permit Application

65 Mathiesons Road  
EAGLE POINT 3878

Subdivision of land into  
two (2) lots





Version	Date	Author	Reviewed
1	12 September 2025	TB	NT



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## 1. Introduction

This town planning report has been prepared in support of an application for a Planning Permit for the subdivision of land into two (2) lots at 65 Mathiesons Road, Eagle Point (**Subject Land**).

Figure 1 shows the subject land in relation to the surrounding landscape.



*Figure 1: Subject site and immediate surrounds (7 July 2024). Source: Metromap.*

This report provides details of the site and its environs, the proposal, relevant planning controls and an assessment against the relevant provisions of the East Gippsland Planning Scheme (**Planning Scheme**).

## 2. Subject site and surrounding area

### 2.1 Site and neighbourhood context description

The subject land is located on the traditional lands of the Gunaikurnai People. It comprises a single allotment that is formally identified as Crown Allotment 5A Section A Parish of Bairnsdale, Council Property ID 898 and known commonly as 65 Mathiesons Road, Eagle Point. The site is a large low density lifestyle allotment situated on the northern side of Mathiesons Road, approximately 5.5km from Paynesville and 8km from Bairnsdale.

The subject land is irregular in shape and has a land area of 2.4 hectares. The site has a maximum site width of 168.98 metres and a maximum site depth of approximately 199.16 metres. It is currently improved by an existing dwelling and associated curtilage. It is generally flat from Mathiesons Road to the existing dwelling, with the rear quarter of the site subject to significant fall. The site features a number of scattered trees in the front setback, and across the site more generally. On ground, the site is well manicured and maintained. The subject site appears to have access to reticulated electricity, water and telecommunications, but not sewer.

The subject land is zoned Low Density Residential Zone (**LDRZ**) under the Planning Scheme and is covered by the Design and Development Overlay – Schedule 11 (**DDO11**) and partially covered by the Erosion Management Overlay (**EMO**). It is within a designated Bushfire Prone Area (**BPA**) under the *Building Act 1993*. It is partially within an area of Aboriginal cultural heritage sensitivity under the *Aboriginal Heritage Act 2006*, and is not located within a special water supply catchment area under the *Catchment and Land Protection Act 1994*.

The surrounding area comprises rural lifestyle dwellings on lots of between 6,000-24,000m<sup>2</sup>, generally comprising single storey ranch style dwellings in a reasonably landscaped context. The subject site only has one direct abuttal; being to 83 Mathiesons Road to the east. The subject site is otherwise surrounded by road reserves, with 55 Mathiesons Road to the west, 62 Mathiesons Road to the south, and public land to the north.

Site photographs of the subject land and its surrounds are provided below:





*Figure 2: Road reserve on western boundary of subject site, with site on right and 55 Mathiesons Road on left*





*Figure 3: Subject site viewed from south-western corner on Mathiesons Road*





*Figure 4: 55 Mathiesons Road and Road Reserve viewed from street*





*Figure 5: Existing access to subject site via western road reserve*





*Figure 6: Existing dwelling on subject site*





*Figure 7: Existing dwelling on subject site*





*Figure 8: Driveway leading to existing dwelling, looking west*





*Figure 9: Trees within the front setback to be contained on subdivided lot*





*Figure 10: Trees within the front setback to be contained on subdivided lot. Fenceline delineates existing dwelling domestic curtilage*





*Figure 11: Trees within the front setback to be contained on subdivided lot*

## 2.2 The proposal

The subject land is currently improved by an existing dwelling and associated curtilage. This proposal seeks authorisation to subdivide the land into two (2) lots.

The primary features of the subdivision are detailed below:

	Site area	Width (metres)	Depth (metres)	Frontage	Access via
1	8,570m <sup>2</sup>	106.5	87.1	Mathiesons Road	Mathiesons Road
2	1.56ha	168.98	112.05	Government Road	Government Road (existing)

Lot 1 would contain the existing dwelling and curtilage. Lot 2 would be vacant.

The boundary line between the 2 lots has been struck to avoid any consequential loss of vegetation by way of new fencelines, in particular by following an existing cleared area through the 'front paddock'

No common property or staging is proposed.

### 2.3 Permit triggers

A Planning Permit is triggered under the following clauses of the East Gippsland Planning Scheme:

Planning Scheme Clause No.	Description of what is proposed
Clause 32.03-3 (Low Density Residential Zone)	A permit is required to subdivide land.
Clause 43.02-3 (Design and Development Overlay)	A permit is required to subdivide land.
Clause 44.01-5 (Erosion Management Overlay)	A permit is required to subdivide land.

### 2.4 Title restrictions

Pursuant to Section 61(4) of the *Planning and Environment Act 1987 (Act)*, the Responsible Authority must not issue a permit that breaches a registered restriction.

The subject land is identified on Certificate of Title Volume 9290 Folio 220 as Crown Allotment 5 Section A Parish of Bairnsdale.

Review of the title documents to the subject land do not show any registered restrictions or Section 173 Agreements on title.

### 2.5 Previous Planning Permits

A search of Council's Planning Register identified no planning permit history pertaining to the site.

### 2.6 Cultural Heritage

The subject land is identified as being located in an area of Aboriginal Cultural Heritage Sensitivity under the *Aboriginal Heritage Act 2006*, however the subdivision of land into two (2) lots is not a high impact activity pursuant to Regulation 49 of the *Aboriginal Heritage Regulations 2018*.

As such a Cultural Heritage Management Plan is **not** required for the proposal.



## 2.7 Potentially Contaminated Land

Pursuant to Clause 73.01 of the Planning Scheme, potentially contaminated land is defined as:

*Land:*

- used or known to have been used for industry or mining;*
- used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or*
- where a known past or present activity or event (occurring on or off the land) may have caused contamination of the land.*

Planning Practice Note 30: Potentially Contaminated Land sets out land uses with potential to contaminate land, as follows:

**Table 2: Land uses with potential to contaminate land**

High potential for contamination		Medium potential for contamination
Abattoir	Fuel storage depot	<b>Ancillary use or activities</b>
Abrasive blasting	Gasworks	In some cases, while the land use onsite may be benign, an ancillary land use or even a one-off activity or event has the potential to cause contamination. Examples include:
Airport	Glass manufacture	<ul style="list-style-type: none"> <li>Above ground storage of chemicals or fuels (where such storage is ancillary to the primary site activities but is not minor)</li> </ul>
Asbestos production/disposal	Iron and steel works	<ul style="list-style-type: none"> <li>Waste disposal such as illegal dumping</li> </ul>
Asphalt manufacturing	Landfill sites/waste depots	<ul style="list-style-type: none"> <li>Stockpiles of imported fill</li> </ul>
Automotive repair/engine works	Lime works	<b>Adjacent contaminating activity</b>
Battery manufacturing/recycling	Materials recycling and transfer stations	For the activities listed below, potential for contamination from adjoining land, and, if there is reason to suspect further offsite contamination, other nearby land, should be considered.
Bitumen manufacturing	Mass animal burial on agricultural sites	Automotive repair/engine works
Boat building/maintenance	Metal coating / electroplating	Bitumen Manufacturing
Breweries/distilleries	Metal finishing and treatments	Chemical Manufacturing/storage/blending
Brickworks	Metal smelting/refining/finishing	Council Works Depot
Cement manufacture	Mining and extractive industries <sup>1</sup>	Gasworks
Ceramic works	Oil or gas production/refining	Defence works
Chemical manufacturing/storage/blending	Pest control depots	Dry Cleaning
Chemical treatment / destruction facilities	Printing shops	Electrical/ electrical components manufacturer
Coke works	Pulp or paper works	Electroplating
Compost manufacturing	Railway yards	Landfill
Concrete batching	Scrap metal recovery	
Council works depot	Service stations/fuel storage	
Defence works	Sewage treatment plant	

This list is advisory in nature and is not exhaustive.

**Table 3: Recommended approach to assessing potentially contaminated land**

18

C	PSI to inform need for audit is recommended	PSI to inform need for audit is recommended
D	Planning authority to document consideration of potential for contamination to impact proposal	Responsible authority to document consideration of potential for contamination to impact proposal

The subject site is not known to have been used for any of the above activities, and no development is proposed. As such no further assessment of contamination is required.

## 2.8 Notice and referrals

### 2.8.1 Referrals

Pursuant to Section 55 of the Act and Clause 66 of the East Gippsland Planning Scheme, no referrals are required for this application.

### 2.8.2 Notice

In accordance with Section 52(1)(a) of the Act, notice must be given to the owners and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person or where a valid notice exemption applies under the Scheme.

The Erosion Management Overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. The Design and Development Overlay and Low Density Residential Zones are not exempt.

It is therefore anticipated that the application may be required to be notified, by way of letters to adjoining and nearby owners and occupiers.



### 3. Planning controls

#### 3.1 Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)

The Planning Scheme contains the following State and Local Planning Policies relevant to this proposal:

- Clause 02.03-1 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Regional Victoria
- Clause 11.01-1L East Gippsland Settlements
- Clause 13.04-2S Erosion and landslip
- Clause 13.04-2L Erosion
- Clause 15.01-1S Urban design
- Clause 15.01-1L Urban design - General
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-6S Design for rural areas
- Clause 16.01-1S Housing supply
- Clause 16.01-2S Housing affordability
- Clause 16.01-2L Location of residential development
- Clause 16.01-3S Rural residential development
- Clause 16.01-3L-01 Rural living

**Clause 02.03-1 Settlement** highlights that *Eagle Point is a small consolidated town distinct from Paynesville, with a permanent resident settlement and a holiday recreation destination.*

This clause has the relevant strategic directions:

- *Consolidating development within existing town boundaries, using infill development, before further expansion of the towns.*
- *Providing for further subdivision where the land has capacity to absorb wastes, native vegetation is protected, and minimal impact is made on adjoining public land.*

**Clause 11.01-1S Settlement** has the objective:

- *To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Relevant strategies to achieve this objective include:

- *Plan for the delivery of 2.24 million homes across Victoria by 2051.*
- *Develop sustainable communities through a settlement framework that:*
  - *Offers a range of housing choices.*
  - *Provides convenient access to jobs, services, infrastructure and community facilities.*
  - *Takes into account regional and municipal contexts and frameworks.*
- *Manage the expansion of settlements by:*
  - *Creating and reinforcing settlement boundaries. Where no settlement boundary is identified, limit the expansion of a settlement to the extent of existing urban zoned land.*
  - *Promoting and capitalising on opportunities for urban renewal and infill redevelopment.*
  - *Limiting urban sprawl and directing growth into existing settlements.*
  - *Ensuring land that may be required for future urban expansion is not compromised.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network in accordance with housing targets.*
- *Plan for development and investment opportunities that make best use of existing and planned transport infrastructure.*
- *Coordinate transport, communications and economic linkages between settlements through the identification of servicing priorities.*
- *Strengthen transport links on national networks for the movement of commodities.*
- *Deliver networks of high-quality integrated settlements, suburbs and towns that:*
  - *Are great places with a strong identity and sense of place.*
  - *Are inclusive, prosperous, liveable and sustainable.*
  - *Comprise a form and density that supports healthy, active and sustainable transport.*
  - *Are based around compact existing or planned activity centres to maximise accessibility to facilities and services.*
  - *Concentrate retail, office-based employment, community facilities and services in central locations.*
- *Facilitate environmentally resilient settlements by:*
  - *Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.*
  - *Minimising exposure to natural hazards.*
  - *Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.*
  - *Supporting metropolitan and regional climate change adaption and mitigation measures.*
  - *Supporting cooling and greening measures for urban areas.*

**Clause 11.01-1R Settlement - Regional Victoria** has the relevant strategies



- *Focus regional investment and growth in:*
  - *Major regional cities of Ballarat, Bendigo, Geelong.*
  - *Regional cities of Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.*
- *Support sustainable development of the Regional service centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Torquay/Jan Juc, Warragul/Drouin and Wonthaggi.*
- *Deliver networks of high-quality integrated regional settlements by:*
  - *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
  - *Developing settlements that will support resilient communities and their ability to adapt and change.*
  - *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
  - *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
  - *Encouraging an integrated planning response between settlements in regions and in adjoining regions and states.*
  - *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs.*
  - *Improving transport network connections in and between Major regional cities, Regional cities and Melbourne.*
  - *Maintaining distinctive breaks and open rural landscapes between settlements.*
  - *Planning for increased seasonal demand on services and infrastructure in towns with significant visitor accommodation and high holiday home ownership or periodic influxes of workers.*

**Clause 11.01-1L East Gippsland settlements** has the relevant strategies

- *Encourage infill or incremental development of existing towns in preference to dispersed development.*
- *Encourage the consolidation of existing township areas through the development and subdivision of existing lots.*
- *Allow limited infill development in townships where lots are capable of retaining wastewater.*
- *Design new subdivision within or adjacent to unsewered towns to have lot sizes appropriate for on-site treatment and disposal of wastewater.*
- *Support residential infill development within existing residential zones.*
- *Protect areas for future urban growth, particularly avoiding the fragmentation of rural residential land on the urban fringe.*



- *Support medium density development for tourist and residential use in residential zones.*
- *Preserve intervening areas of rural or natural landscapes to protect the separation between settlements.*
- *Provide any new lot created in the Township Zone or Low Density Residential Zone with urban infrastructure.*
- *Encourage development of township centres through consolidation of retail and commercial areas.*
- *Encourage retail and commercial uses requiring larger sites to locate adjacent to the central commercial areas, rather than in free-standing sites on the outskirts of towns.*

**Clause 13.04-2S Erosion and landslip** has the objective:

- *To protect areas prone to erosion, landslip or other land degradation processes.*

Relevant strategies to achieve this objective include:

- *Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.*
- *Prevent inappropriate development in unstable areas or areas prone to erosion.*
- *Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.*

**Clause 13.04-2L Erosion** has the relevant strategies:

- *To protect areas prone to erosion, landslip or other land degradation processes.*

Relevant strategies to achieve this objective include:

- *Direct use and development to locations that minimise its vulnerability to the threat of erosion.*
- *Minimise the impact of development in areas subject to high erosion hazard.*
- *Design channels in a subdivision in accordance with channel stability and the potential for erosion.*
- *Prevent soil erosion in the design and construction of roads in subdivisions.*

**Clause 15.01-1S Urban Design** has the objective:

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*

Relevant strategies to achieve this objective include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*

**Clause 15.01-1L Urban Design - General** has the relevant strategies:

- *Encourage high standards of design in urban areas, coastal and lakeside areas, areas of high landscape quality, and land adjacent to parks and reserves.*
- *Design development to be in keeping with landscape and town character.*
- *Protect and enhance the visual quality of road corridors, especially between towns.*

**Clause 15.01-3S Subdivision Design** has the objective:

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

Relevant strategies to achieve this objective include:

- *In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:*
  - *Creating compact neighbourhoods that have walkable distances between activities.*
  - *Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
  - *Creating neighbourhood centres that include services to meet day to day needs.*
  - *Creating urban places with a strong sense of place that are functional, safe and attractive.*
  - *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
  - *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*
  - *Protecting and enhancing native habitat.*
  - *Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.*
  - *Reduce car dependency by allowing for:*

- *Convenient and safe public transport.*
- *Safe and attractive spaces and networks for walking and cycling.*
- *Subdivision layouts that allow easy movement within and between neighbourhoods.*
- *A convenient and safe road network.*
- *Being accessible to people with disabilities.*
- *Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.*

**Clause 15.01-5S Neighbourhood Character** has the objective:

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place*

Relevant strategies to achieve this objective include:

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
  - *Pattern of local urban structure and subdivision.*
  - *Underlying natural landscape character and significant vegetation.*
  - *Neighbourhood character values and built form that reflect community identity*

**Clause 15.01-6S Design for rural areas** has the objective:

- *To ensure development respects valued areas of rural character.*

Relevant strategies to achieve this objective include:

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*

**Clause 16.01-1S Housing Supply** has the objective:

- *To facilitate well-located, integrated and diverse housing that meets community needs.*

Relevant strategies to achieve this objective include:

- *Plan to accommodate housing targets specified in this clause by ensuring zones and overlays deliver sufficient realisable development capacity.*
  - *East Gippsland – 11,000 homes*
- *Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*
- *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*
- *Encourage the development of well-designed housing that:*
  - *Provides a high level of internal and external amenity.*
  - *Incorporates universal design and adaptable internal dwelling design.*
- *Support opportunities for a range of income groups to choose housing in well-serviced locations.*
- *Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

**Clause 16.01-2S Housing affordability** has the objective:

- *To deliver affordable housing in areas with good access to opportunities and services.*

Relevant strategies to achieve this objective include:

- *Improve housing affordability by:*
  - *Ensuring housing supply continues to be sufficient to meet demand.*
  - *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
  - *Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.*
  - *Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.*
- *Increase the supply of well-located affordable housing by:*
  - *Facilitating a mix of private, affordable and social housing in suburbs, growth areas, activity centres and urban renewal precincts.*
  - *Ensuring the redevelopment and renewal of public housing stock better meets community needs.*

**Clause 16.01-2L Location of residential development** has the relevant strategies:

- *Facilitate development in residential areas near the Mitchell River and the Mitchell River Backwater that complement the environmental and landscape characteristics of the active floodplain.*
- *Encourage residential development in locations that minimises negative impacts on the Shire's urban waterways.*

**Clause 16.01-3S Rural residential development** has the objective:

- *To identify land suitable for rural residential development.*

Relevant strategies to achieve this objective include:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*
- *Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:*
  - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
  - *Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
  - *Minimising or avoiding property servicing costs carried by local and state governments.*
  - *Maintaining an adequate buffer distance between rural residential development and animal production.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*
- *Encourage consolidation of existing isolated small lots in rural zones.*

**Clause 16.01-3L-01 Rural living** applies to all land within the Low Density Residential Zone and the Rural Living Zone, and has the following relevant strategies:

- *Provide for primarily residential uses in a non-urban environment on land zoned Low Density Residential or Rural Living.*
- *Allow subdivision for small (hobby) farm lots only where land degradation, environmental, and management problems will not be created.*

- *Locate low density (rural residential) house lots only around fully serviced townships and on land suitable for septic tanks or other on-site wastewater treatment systems.*

Relevant policy guidelines include:

- *Providing for lots consistent with the above strategies, as follows:*
  - *Residential lots in a non-urban environment on land zoned Low Density Residential at lot sizes from 4000 square metres to 2 hectares.*
  - *Rural living lots of 2 to 8 hectares.*
  - *Small (hobby) farm lots up to 40 hectares.*
  - *Low density (rural residential) house lots of 0.4 to 2 hectares.*

## Discussion

The proposed amendment is generally in accordance with the relevant Strategic Directions in the Municipal Planning Strategy (**MPS**) and the policy contained in the Planning Policy Framework (**PPF**), for the following reasons:

- The proposed subdivision provides for infill development within the township boundary that is of a form and density that could be reasonably anticipated under the LDRZ. This responds to the usual preference of policy at Clause 11.01 to provide sustainable growth within an existing settlement area.
- The proposed subdivision maintains the prevailing and intended character of the area, whilst maximising the site's developability for rural lifestyle purposes without impacting vegetation and character. This is consistent with the strategic direction at Clauses 15.01-1S, 15.01-3S, 15.01-5S, 15.01-6S, Clause 16.01-3S and Clause 16.01-3L-01.
- The proposed subdivision would not adversely impact amenity as it would result in a net increase of only one lot; with both lots having an area in accordance with the parameters set out in Clause 16.01-3L-01.
- The layout, large scale and spacious appearance of the new lots in the subdivision is such that the rural flavour of the area is unaffected by it, consistent with the strategies at Clause 15.01-6S, which call for the protection of rural character with sympathetic development.
- The provision of an additional low density lot (for a future dwelling) would see a measured increase in housing stock in the area and contribute to addressing the ongoing housing affordability crisis. Planning policy for housing has a significant spotlight upon it at the State level. It seeks to facilitate well-located, integrated, diverse and suitable housing. The Victorian State government has a housing target for East Gippsland of upwards of 11,000 additional homes by 2051, which is part of a scheme to ensure an additional 2.24 million homes can be built around the State so that all Victorians have the choice of an affordable home that meets their needs. The proposal provides the opportunity for good quality,



affordable and diverse housing by virtue of the site's location, zoning and the subdivision's design. This is consistent with the objectives of Clauses 16.01-1 and 16.01-2S, which seek to *facilitate well-located, integrated and diverse housing that meets community needs* and that is adaptive and *flexible for different age groups and abilities*.

- The proposal provides for rural residential development in a form and location where it avoids adverse economic, social and environmental impacts. The location of the subject land, provides accessibility to infrastructure and services, being within 5km of Paynesville and 8km of Bairnsdale, and imparts minimal risk of land use conflict arising, given the predisposed nature of any future use and development on either lot. Specifically:
  - It is located away from any land in the Farming Zone or that which is productively farmed. As such, there would be no impact to or from agriculture.
  - It is not located within a special water supply catchment area under the *Catchment and Land Protection Act 1994*.
  - The new lot avoids areas of erosion risk, per Clause 13.04-2S and Clause 13.04-2L.
  - The new boundary avoids vegetation impacts.

This is consistent with the State-led strategies at Clause 16.01-3S and the local strategies at Clause 16.01-3L-01.

- The proposed lots are of sufficient size to manage wastewater and stormwater on site.

For the above reasons, the proposal is considered to represent an appropriate outcome for the site and surrounding area when considered against relevant policy.

### 3.2 Zoning and overlay controls

#### 3.2.1 Zoning

##### Clause 32.03 Low Density Residential Zone

The subject land is located within the Low Density Residential Zone (LDRZ) under the East Gippsland Planning Scheme. An extract of the relevant zoning map is provided below:

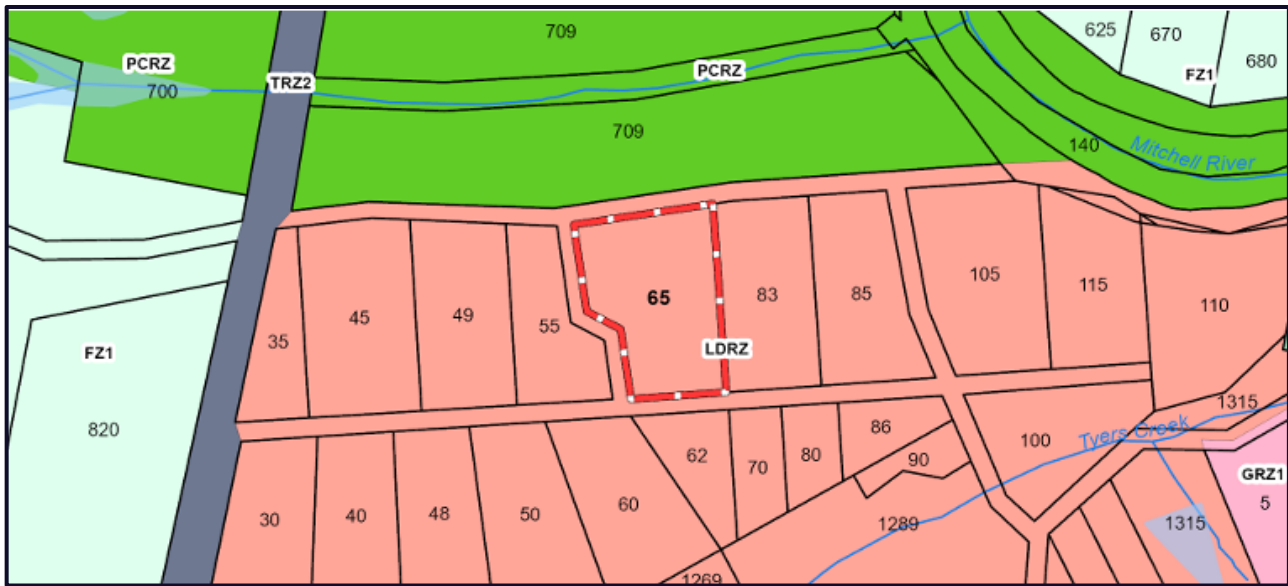


Figure 12: Zoning map of subject site and immediate surrounds. Source: VicPlan

The purpose of the Low Density Residential Zone, as stated at Clause 32.03 of the East Gippsland Planning Scheme is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Pursuant to the provisions of Clause 32.03-3, a permit is required to subdivide land. As the land is not connected to reticulated sewer, the minimum lot size is 0.4ha (4,000m<sup>2</sup>). The proposal complies with this requirement.

In accordance with Clause 32.03-5, this report and application plans consider how the proposal responds to the characteristics of the site and surrounding area. The subdivision plan does not contain a building envelope for the vacant lot, as it is our view that it is readily apparent that the land can be developed in accordance with the requirements of the Scheme, and would likely be subject to future planning permission in any event under the DDO11.

An assessment against the decision guidelines of Clause 32.03-6 is provided in Section 4 of this report.

### 3.2.2 Overlays

The subject land is covered by the Design and Development Overlay – Schedule 11 (DDO11), and partially by the Erosion Management Overlay (EMO). An extract of the relevant overlay maps is provided below:



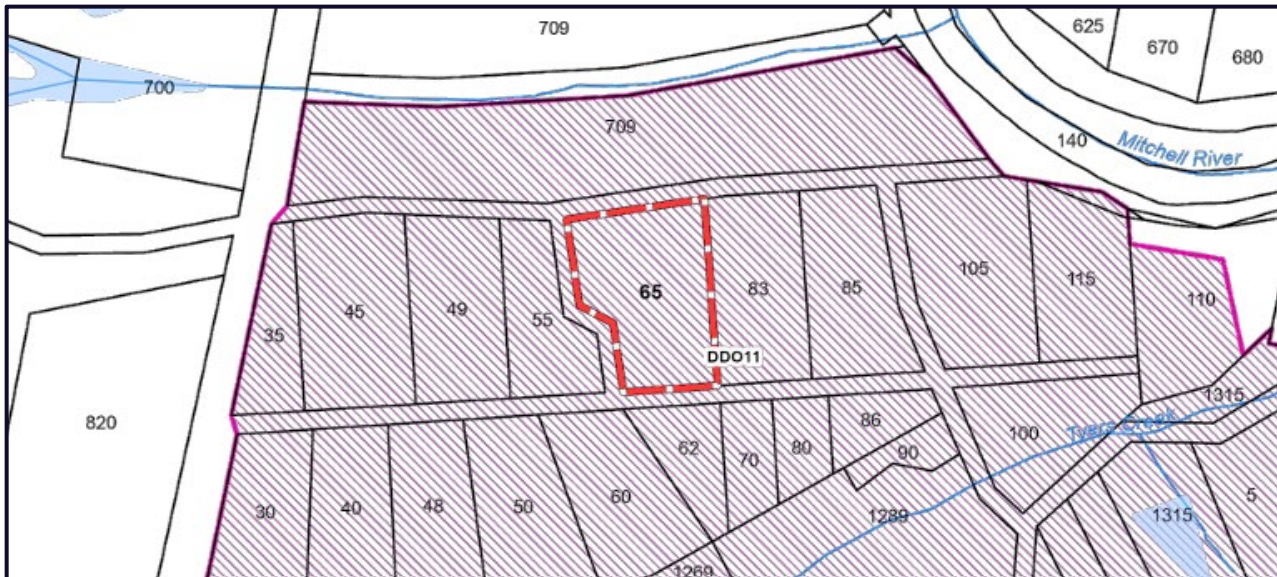
**Clause 43.02 – Design and Development Overlay – Schedule 11 (DDO11)**

Figure 13: DDO map of subject site and immediate surrounds. Source: VicPlan

The purpose of the DDO, as stated at Clause 43.02 of the East Gippsland Planning Scheme is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

DDO11 relates to residential development in coastal settlements.

The Design and Development Overlay has the following design objectives:

- To protect and manage the township character of coastal settlements.
- To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.
- To ensure that new development is designed to minimise visual impacts on the natural landscape.
- To ensure that new development is visually and physically integrated with the site and surrounding landscape.
- To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.
- To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.
- To ensure that the scale and character of existing development in areas fronting Marine Parade in Marlo and on the lake frontage at Newlands Arm is preserved and that any new

*development should be consistent with the prevailing development form and height to retain the existing character and view corridors.*

- *To ensure that the subdivision of land within the Newlands Arm Estate is consistent with the Newlands Arm Estate Restructure Plan, Version 7, (March 2017)*

There are no specific application requirements for subdivision specified in the control.

An assessment against the relevant decision guidelines is provided in Section 4 of this report.

#### Clause 44.01 – Erosion Management Overlay (EMO)



Figure 14: EMO map of subject site and immediate surrounds. Source: VicPlan

The purpose of the EMO, as stated at Clause 44.01 of the East Gippsland Planning Scheme is:

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

It is noted that the EMO schedule allows the Responsible Authority to vary or waive any requirements of the EMO if they are not relevant to the assessment.

As the proposal includes no buildings and works, and the vacant lot is excluded from the EMO (save for a small sliver at the rear), there is no erosion risk that the subdivision creates that warrants provision of geotechnical assessments.

An assessment against the relevant decision guidelines is provided in Section 4 of this report.

### 3.3 Particular provisions

**Clause 53.03 Residential Reticulated Gas Service Connection** is relevant to this application.

The purpose of Clause 53.03 is:

- *To prohibit residential reticulated gas connections to new dwellings, new apartment developments and new residential subdivisions.*

#### Discussion

No reticulated gas connections are proposed to the new lots. Accordingly, it is anticipated that Council will include the requisite mandatory condition of this clause on any permit issued.

### 3.4 General provisions

The provisions of Clause 65 – Decision Guidelines are relevant to this proposal and are discussed at Section 4 of this report.

## 4. Planning Assessment

### 4.1 The decision guidelines of the Low Density Residential Zone

The decision guidelines of the LDRZ set out the matters that the Responsible Authority must consider (as appropriate):

#### General

- *The Municipal Planning Strategy and the Planning Policy Framework.*

#### Subdivision

- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage:*
  - *The capability and suitability of the lot to treat and retain all wastewater as determined by 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 Environment Protection Act 2017.*
  - *The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

#### Discussion

The interaction of this proposal with the relevant clauses of the Municipal Planning Strategy and Planning Policy Framework is contained in Section 3 of this report. The East Gippsland Planning Scheme does not identify a preferred neighbourhood character outcome for the subject land and its surrounds; such that any proposal for subdivision must respect the existing neighbourhood character. The area is generally characterised by single dwellings on lots generally between 6,000m<sup>2</sup> -24,000m<sup>2</sup> lots, with a generally treed character and street setbacks of development being approximately 20-25m from the road frontage in most cases.

The proposed subdivision is consistent with this character, and has been carefully designed so as to avoid impacts on the natural environment and character of the area. No vegetation removal is

required for the subdivision, and no consequential loss results, noting that the subdivision follows existing boundaries in 3 of the 4 sides of the new lot.

The vacant lot would be 8,500m<sup>2</sup> in area, flat and largely outside of the EMO. In this context, there is no doubt as to the capability of the land to treat wastewater, or contain future development (which would also be governed by the Scheme, and in particular the DDO11).

All reticulated services, save for sewer, are provided to the site, and will be required to be connected to the land.

In relation to the specific provisions of Clause 56 specified in Clause 32.03-6, these are assessed below.

INTEGRATED WATER MANAGEMENT				
56.07-1 Drinking Water Supply	Met?	Standard C22	Met?	Comments
<i>To reduce the use of drinking water</i>	Yes	<i>The supply of drinking water must be:</i> <ul style="list-style-type: none"> <li><i>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</i></li> <li><i>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority</i></li> </ul>	Yes	Will comply with the requirements of the relevant water authority
<i>To provide adequate, cost-effective supply of drinking water</i>	Yes			
56.07-2 Reused and Recycled Water	Met?	Standard C23	Met?	Comments
<i>To provide for the substitution of drinking water for non-drinking water purposes with reused and recycled water,</i>	Yes	<i>Reused and recycled water supply systems must be:</i> <ul style="list-style-type: none"> <li><i>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.</i></li> <li><i>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i></li> </ul>	Yes	As above.
56.07-3 Waste Water Management	Met?	Standard C24	Met?	Comments





<i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</i>	Yes	<p><i>Waste water systems must be:</i></p> <ul style="list-style-type: none"> <li><i>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environmental Protection Authority.</i></li> <li><i>Consistent with any relevant approved domestic waste water management plan.</i></li> </ul>	Yes	A wastewater system would be installed to any future development in accordance with Council requirements.
		<i>Reticulated waste water must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i>	Yes	As above.
<b>56.07-4 Urban Run-Off Management</b>	<b>Met?</b>	<b>Standard C25</b>	<b>Met?</b>	<b>Comments</b>
<i>To minimise damage to properties and inconvenience to residents from urban run-off.</i>	Yes	<p><i>The urban stormwater management system must be:</i></p> <ul style="list-style-type: none"> <li><i>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</i></li> <li><i>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</i></li> <li><i>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</i></li> <li><i>Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage</i></li> </ul>	Yes	Will comply with Council requirements. It is anticipated that permit conditions will require submission of detailed drainage designs and for these designs to be implemented prior to the issue of a Statement of Compliance.

		<i>authority and there are no detrimental downstream impacts.</i>		
<i>To ensure that the street operates adequately during major storm events and provides for public safety.</i>	Yes	<i>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</i>	Yes	As above.
<i>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</i>	Yes	<i>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</i> <ul style="list-style-type: none"> <li><i>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</i></li> <li><i>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</i></li> </ul>	Yes	As above (noting the site is not in an SBO or other like overlay).
		<i>For storm events greater than 20% AEP and up to and including 1% AEP standard:</i> <ul style="list-style-type: none"> <li><i>Provision must be made for the safe and effective passage of stormwater flows.</i></li> <li><i>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</i></li> <li><i>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria <math>d_a V_{ave} &lt; 0.35\text{m}^2/\text{s}</math> (where, <math>d_a</math> = average depth in metres and <math>V_{ave}</math> = average velocity in metres per second).</i></li> </ul>	Yes	As above.
		<i>The design of the local drainage network should:</i> <ul style="list-style-type: none"> <li><i>Ensure run-off is retarded to a standard required by the responsible drainage authority.</i></li> </ul>	Yes	As above.

		<ul style="list-style-type: none"> <li>• <i>Ensure that every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Where possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</i></li> <li>• <i>Ensure that inlet and outlet structures take account of the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overload flow in a safe and predetermined manner.</i></li> <li>• <i>Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</i></li> </ul>		
		<i>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</i>	N/A	As above.

#### 4.2 The decision guidelines of the Design and Development Overlay – Schedule 11

The decision guidelines of the DDO11 set out the matters that the Responsible Authority must consider (as appropriate):

- *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.*
- *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.*

- *Whether the proposed subdivision layout provides for the protection of existing natural vegetation, drainage lines, wetland areas and sites of cultural or heritage significance.*
- *Whether the potential for wildlife corridors through the area has been retained or created by limiting fencing and maintaining indigenous and native vegetation.*
- *The provision for water sensitive urban design.*
- *Provision in the design for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas.*
- *Whether the allotment frontage width is consistent with the typical width of existing allotments in the locality.*
- *Whether the proposed subdivision layout relates sympathetically to the topography of the site and the surrounding land uses.*

## Discussion

As discussed through this report, the proposal is considered to have no impact on environmental and landscape values, as it has been sited and designed to avoid vegetation impacts. The subject land is elevated and not subject to impact from coastal processes, and the layout and frontage is sympathetic with the existing streetscape, topography and servicing of the land. Other matters covered in these decision guidelines are discussed elsewhere in this report and are not repeated here.

### 4.3 The decision guidelines of the Erosion Management Overlay

The decision guidelines of the EMO set out the matters that the Responsible Authority must consider (as appropriate):

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Regional Catchment Strategy (Catchment and Land Protection Act 1994).*
- *Civil Construction, Building and Demolition Guide (Publication 1834, Environment Protection Authority, November 2020).*
- *Control of Erosion on Construction Sites (Michael Ransom and Soil Conservation Authority, 1984).*
- *Your Dam: an Asset or a Liability (Department of Conservation and Natural Resources and Rural Water Corporation Victoria, 1993).*
- *Any proposed measures to manage concentrated runoff and site drainage.*
- *Any proposed measures to minimise the extent of soil disturbance.*
- *Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslide or other land degradation processes, and whether such removal is consistent with sustainable land management.*



- *The need to stabilise disturbed areas by engineering works or revegetation.*
- *Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.*
- *Whether buildings or works are likely to cause erosion or landslip.*
- *Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.*
- *Land Capability Report (if prepared) as developed by the Department of Energy, Environment and Climate Action.*
- *The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.*
- *Any technical information or reports required to be provided by a schedule to this overlay.*
- *Any other matters specified in a schedule to this overlay.*
  - *The risk to life, property and community infrastructure from geotechnical hazard.*
  - *The recommendations of any geotechnical risk assessment and application documentation.*
  - *The recommendations of any independent review of the geotechnical risk assessment and application documentation.*
  - *The need for any ongoing geotechnical risk management measures.*

## Discussion

The interaction of this proposal with the relevant clauses of the Municipal Planning Strategy and Planning Policy Framework is contained in Section 3 of this report. As noted earlier, the subdivided lot is largely located outside of the EMO, save for a small section along the proposed northern boundary. Future development and wastewater systems, as well as access and services, can be provided to the land from Mathiesons Road outside of the overlay and in a manner that does not exacerbate erosion risk. In this context, it is considered that the EMO is appropriately addressed in this proposal.

### 4.4 The decision guidelines of Clause 65

The decision guidelines contained in Clause 65 of the East Gippsland Planning Scheme set out the matters that the Responsible Authority must consider (as appropriate):

#### Clause 65.01 Approval of an application or plan

- *The matters set out in section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*

- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

#### **Clause 65.02 Approval of an application to subdivide land**

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

## Discussion

The proposal accords with the relevant matters enunciated in this Clause, for the following reasons:

- There would be no adverse social, economic or environmental impacts associated with a proposal of this nature and in this context – being a simple two lot subdivision in the LDRZ.
- The subject site is not considered to be at risk of potential land contamination that could otherwise affect the proposed development.
- As explored through this report, it is considered that the proposal accords with the relevant provisions of the PPF and the LPPF, and is an example of orderly planning.
- The proposal provides for a logical and efficient pattern of subdivision, which is representative of orderly planning.
- The extent of subdivision proposed is consistent with policy guidance, the parameters of the LDRZ and the general expectations for use and development on the site and surrounds. It is consistent with the purpose of the LDRZ. It proposes two generous lots, consistent with the prevailing character, which meet the minimum subdivision area specified in the Schedule and comprises a lot layout which is orderly and conducive to a low density lifestyle area such as this.
- As discussed in this report, no new residential reticulated gas connections are proposed, in accordance with the requirements of Clause 53.03, and it is anticipated that the mandatory conditions of Clause 53.03 will be included on any permit issued.
- The subdivision has been designed to respond to land management overlays and the preservation of specific environmental and/or landscape values.
- It is unlikely that a net increase of one lot in this setting would impact the current and future operation of the transport system however, as explored by VCAT in *Suddards v South Gippsland SC [2023] VCAT 891*, Member Nelthorpe found that the existing construction (and by extension; capacity) of a road is not sufficient grounds for refusal in any case.
- The proposed lots are of sufficient size to manage static water supply, wastewater and stormwater on site. The subdivision is of a low intensity and, therefore, it will not cause or contribute to land degradation or reduce water quality as no buildings or works (including earthworks) are proposed and any stormwater and wastewater associated with a future development could be practically managed in accordance with Council and Scheme requirements. Likewise, it is unlikely to impact on the use or development of other land which has a common means of drainage as the lots will be large and have sufficient space to managed post development flows onsite or to the LPOD.



- No native vegetation removal, destruction or lopping is proposed. We note that the proposed lot boundaries are clear of vegetation and/or match existing fencelines and as such, there is no consequential loss associated with this proposal.
- No public open space or community facilities are proposed.
- The subdivision would not be staged and no common property is proposed.

For the reasons discussed in this report, it is considered that the proposal accords with the relevant provisions of the Planning Scheme.

## 5. Conclusion

This report demonstrates that the proposal is consistent with the relevant provisions of the East Gippsland Planning Scheme, including the Planning Policy Framework, Municipal Planning Strategy and the relevant objectives and decision guidelines of the Low Density Residential Zone, Design and Development Overlay, Erosion Management Overlay, Particular Provisions and Clause 65.

The proposed subdivision is appropriate for the site as it:

- Is supported by relevant State and Local Planning Policy relating to infill development with good access to jobs, transport and services;
- Is of a scale commensurate with the surrounding neighbourhood, existing approved development in the area, preferred neighbourhood character and provides for the considered intensification of development in the area;
- Satisfies the relevant objectives and decision guidelines of the Low Density Residential Zone;
- Satisfies the relevant objectives and decision guidelines of the Design and Development Overlay – Schedule 11;
- Satisfies the relevant objectives and decision guidelines of the Erosion Management Overlay;
- Can satisfy the requirements of Clause 53.03; and
- Is consistent with the decision guidelines of Clause 65 of the East Gippsland Planning Scheme.

It is therefore considered that the proposal is worthy of support, and it is therefore respectfully requested that the East Gippsland Shire Council issue a Planning Permit to allow the subdivision as described in this report at 65 Mathiesons Road, Eagle Point.





Proposed Subdivision Plan | 1:750@ A3

Note  
All measurements are indicative only & are subject to a detailed site survey being completed

REVISIONS  
Rev 1 - Dwg provided for feedback 12 September 2025



Project | 65 Mathiesons Road Eagle Point  
Client |  
Drawing | Proposed Subdivision Plan



Scale | 1:750@ A3

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Date 12/09/2025