

5 January 2023

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	585 Bullumwaal Road MOUNT TAYLOR Lot 2 PS 840681
The application is for a permit to:	Multi lot subdivision (staged), roadworks, native vegetation removal and creation of access & subdivision adjacent to the principal road network
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	460/2022/P
You may look at the application and any documents that support the application on the website of the responsible authority.	(Intentionally blank)

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

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

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

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

Please note submissions received will be made available for inspection and may be made available to other parties in accordance with the Planning & Environment Act 1987. If you have concerns about this, please contact the East Gippsland Shire Council's Planning Office.

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

VOLUME 12295 FOLIO 340

Security no : 124101216834F
Produced 17/10/2022 12:09 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 840681L.
PARENT TITLES :
Volume 11100 Folio 868 Volume 12148 Folio 379
Created by instrument PS840681L 06/04/2021

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
MARCUS JOHN BATT
LINDLEY ROSE JONES both of 30 CHAPMAN COURT MOUNT TAYLOR VIC 3875
PS840681L 06/04/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU234736W 14/04/2021
MEMBERS EQUITY BANK LTD

COVENANT as to part AS651968P 25/10/2019

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

AGREEMENT as to part Section 173 Planning and Environment Act 1987
AR840006H 15/01/2019

DIAGRAM LOCATION

SEE PS840681L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	NOMINATION TO PAPER INST.	STATUS	DATE
AV892159C (E)		Completed	26/07/2022

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

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

Street Address: 585 BULLUMWAAL ROAD MOUNT TAYLOR VIC 3875

ADMINISTRATIVE NOTICES

AV892159C NOMINATION TO PAPER INST. 26/07/2022
eCT Nominated to Plan of Sub PS 903407K TO East Gippsland Conveyancing

eCT Control 20486E GALILEE SOLICITORS PTY LTD
Effective from 19/04/2021

DOCUMENT END

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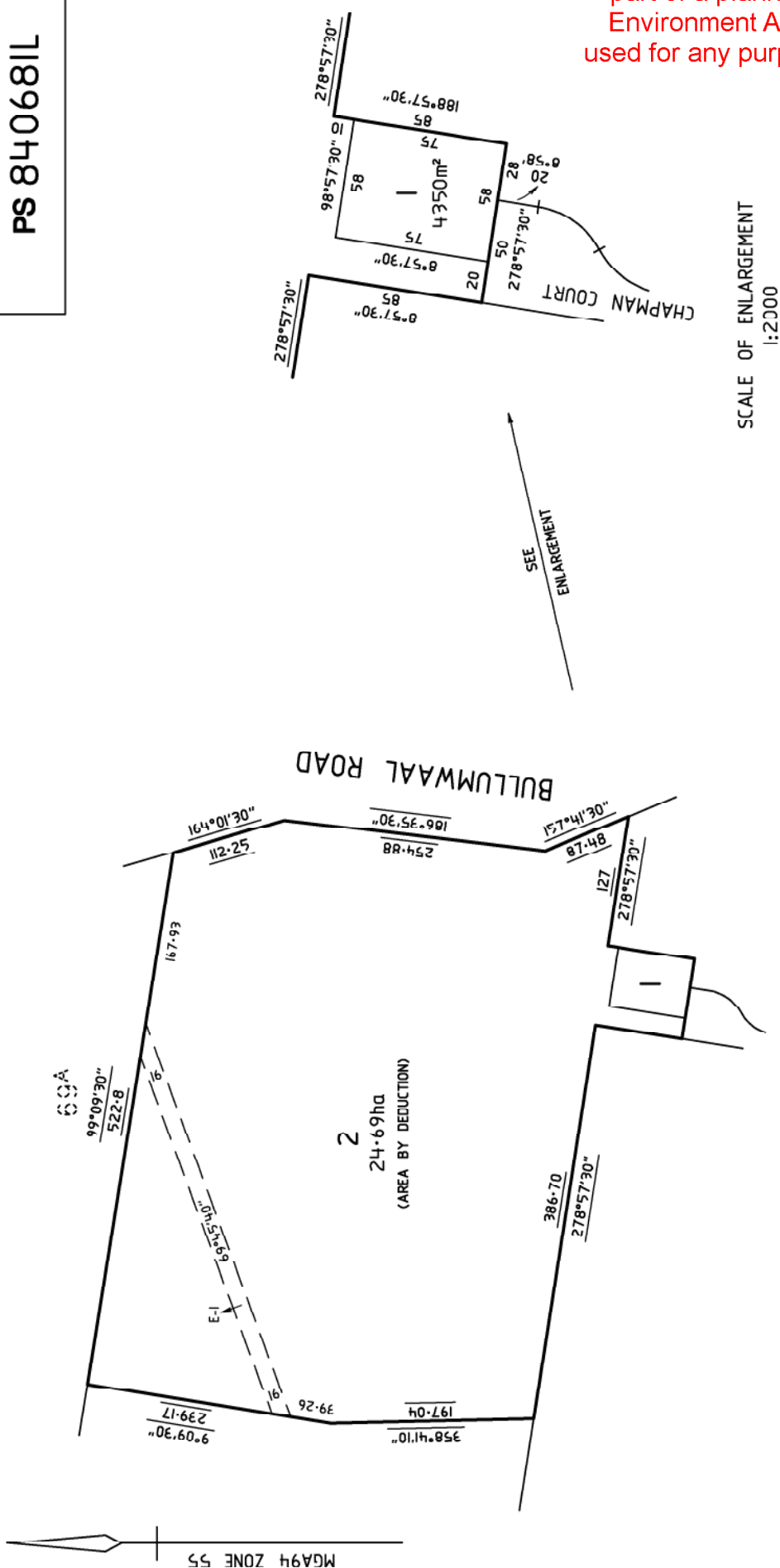
Delivered from the LANDATA System by Dye & Durham Terrain Pty Ltd

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PLAN OF SUBDIVISION				EDITION 1 PS 840681L	
LOCATION OF LAND PARISH: WY-YUNG TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 69B & 69C (PARTS) CROWN PORTION: _____ TITLE REFERENCE: VOL 11100 FOL 868 VOL 12148 FOL 379 LAST PLAN REFERENCE: LOT 3 - PS613292R LOT 12 - PS814893S POSTAL ADDRESS: 30 CHAPMAN COURT & (at time of subdivision) 585 BULLUMWAAL ROAD, MOUNT TAYLOR, 3875 MGA2020 CO-ORDINATES: E: 552 340 ZONE: 55 (of approx centre of land N: 5819 260 in plan)				Council Name: East Gippsland Shire Council Council Reference Number: PS840681L Planning Permit Reference: 198/2020/P SPEAR Reference Number: S166707M Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Robert Pringle for East Gippsland Shire Council on 09/12/2020	
VESTING OF ROADS AND/OR RESERVES				NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON			DIMENSIONS SHOWN UNDERLINED ARE NOT THE RESULT OF THIS SURVEY. THE AREA OF LOT 2 IS BY DEDUCTION FROM TITLE.	
NIL	NIL				
NOTATIONS					
DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE					
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. _____ This survey has been connected to permanent marks No(s). _____ In Proclaimed Survey Area No. NIL					
EASEMENT INFORMATION					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	POWERLINE	16	PS613292R - SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD	
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 6162 6011 E. contact@crowthersadler.com.au			SURVEYORS FILE REF: 19105 Digitally signed by: Michael J Sadler, Licensed Surveyor, Surveyor's Plan Version (1), 11/11/2020, SPEAR Ref: S166707M		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2 SHEETS PLAN REGISTERED TIME: 12.57pm DATE: 06/04/2021 Assistant Registrar of Titles Denise Satt

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PS 840681L



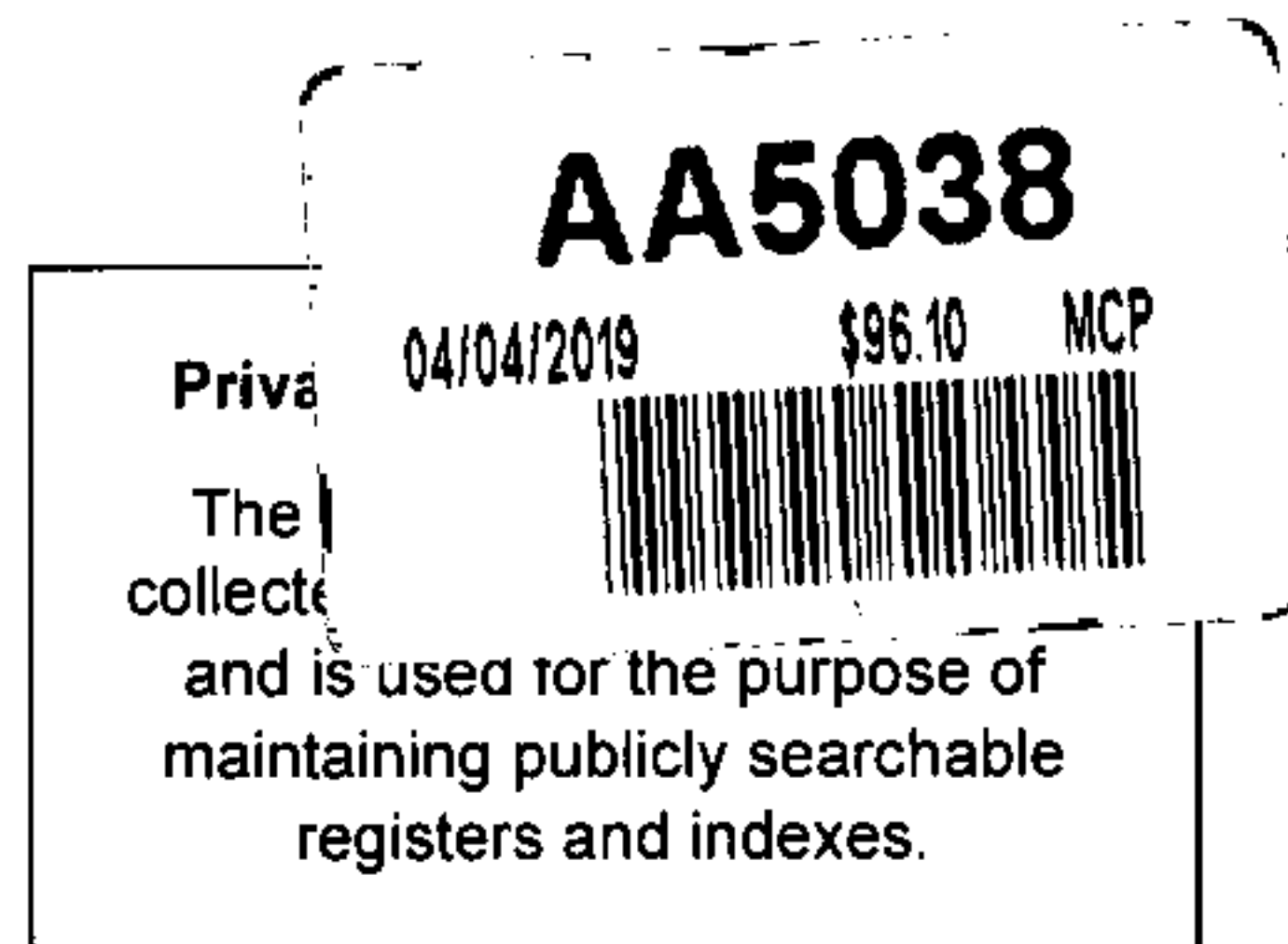
SURVEYORS REF 19105	SCALE 1:4000	<p>0 40 80 120 160 LENGTHS ARE IN METRES</p>	ORIGINAL SHEET SIZE: A3
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Crowther & Sadler Pty Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
 162 MACLEOD STREET, BAIRNSDALE, VIC., 3676
 P. (03) 5192 6011 E. contact@crowthersadler.com.au

Printed 5/01/2023

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Memorandum of common provisions Section 91A Transfer of Land Act 1958



Lodged by	
Name:	McKay Law Pty Ltd
Phone:	03 9670 9366
Address:	Level 7 620 Bourke Street, Melbourne, Victoria, 3000
Reference:	SPM:180219
Customer code:	12711V

This memorandum contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

Provisions:

The Transferee with the intent that the benefit of this Covenant shall be attached to and run at law and in equity with the whole of the land comprised in Plan of Subdivision No 814893S (other than the land hereby transferred) and each and every part thereof and that the burden of this Covenant shall be annexed to and run at law and in equity with the land hereby transferred and each and every part thereof and that the same shall be noted and appear on every Certificate of Title for the said land and every part thereof as an encumbrance affecting the same DOES HEREBY COVENANT with the Transferor and other registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision (other than the land hereby transferred) that the Transferee will not:

1. Erect, place, permit, licence or authorise on the land any buildings other than a single dwelling (together with usual outbuildings) such dwelling to contain a floor area of not less than 160m² within the outer walls thereof calculated by excluding the area of any carport, garage, terrace, pergola, porch or veranda;
2. Erect, place, permit, licence or authorise on the land any building or outbuilding other than a building or outbuilding which is externally constructed of new materials save for second hand bricks.
3. Erect, place, permit, licence or authorise on the land any building which is relocatable, or relocated from any other property.
4. Erect, place, permit, licence or authorise on the land any boundary fence other than a post and wire or wire netting fence.
5. Extract or remove or permit the extraction or removal of any soil, gravel or earth or other materials from the said land except for the purpose of excavating for the foundations of a building or of a swimming pool or tennis court or for gardening, landscaping or driveway within the said land.
6. Permit the land or any part thereof to be used for the riding or driving of off road motorcycles or any other off road vehicles for recreation purposes.
7. Permit the land or any part thereof to be used for the purpose of commercial breeding or boarding of or training kennels for cats or dogs or for the purpose of keeping roosters thereon.
8. Permit the land to be used for the parking, garaging or servicing of any motor vehicle in excess of 5 tonnes gross vehicle mass (GVM) except for the purpose of loading or unloading of goods unless the vehicle is a vehicle engaged in construction works on the said land.
9. Use or permit the use of the said land for any offensive or noxious purpose.
10. Further subdivide the land in any way so as to create an additional Lot.

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V3

1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.

91ATLA

Page 1 of 1

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Produced 27/10/2022 12:45:00 PM

Status	Registered	Dealing Number	AS651968P
Date and Time Lodged	25/10/2019 02:24:26 PM		

Lodger Details

Lodger Code	22692Q
Name	EASTCOAST CONVEYANCING
Address	
Lodger Box	
Phone	
Email	
Reference	

TRANSFER

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Land Title Reference

12148/379

Transferor(s)

Name	LOOKOUT RIDGE PTY LTD
ACN	611079102

Estate and/or Interest being transferred

Fee Simple

Consideration

\$AUD 160000.00

Transferee(s)

Tenancy (inc. share)	Joint Tenants
Given Name(s)	MARCUS JOHN
Family Name	BATT
Address	
Street Number	30
Street Name	CHAPMAN



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Electronic Instrument Statement

Street Type	COURT
Locality	MOUNT TAYLOR
State	VIC
Postcode	3875

Given Name(s)	LINDLEY ROSE
Family Name	JONES
Address	
Street Number	30
Street Name	CHAPMAN
Street Type	COURT
Locality	MOUNT TAYLOR
State	VIC
Postcode	3875

Covenants

The registered proprietors of the burdened land covenant with the registered proprietors of the benefited land as set out in the restrictive covenant with the intent that the burden of the restrictive covenant runs with and binds the burdened land and the benefit of the restrictive covenant is annexed to and runs with the benefited land.

Burdened land	the Land
Benefited land	MCP: AA5038
Restrictive covenant	MCP: AA5038
Expiry Date	

Duty Transaction ID

4684873

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	LOOKOUT RIDGE PTY LTD
Signer Name	TIMOTHY BERNARD CRIMMINS
Signer Organisation	MCKAY LAW PTY LTD
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	25 OCTOBER 2019



Department of Environment, Land, Water & Planning

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Electronic Instrument Statement

Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	MARCUS JOHN BATT LINDLEY ROSE JONES
Signer Name	ALECIA JANE BASSETT
Signer Organisation	EASTCOAST CONVEYANCING
Signer Role	LICENSED CONVEYANCER
Execution Date	25 OCTOBER 2019

File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

Application by a responsible authority for the making of a recording of an agreement
Section 181 Planning and Environment Act 1987



Lodged by:

Name: MADDOCKS
Phone: 03 9258 3555
Address: COLLINS SQUARE, TOWER TWO, LEVEL 25, 727 COLLINS STREET MELBOURNE
VIC 3008
Ref: MYM:7607968
Customer Code: 1167E

The responsible authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land: (volume and folio)

Lp. VOLUME and FOLIO 11879/347

Responsible authority: (full name and address, including postcode)

EAST GIPPSLAND SHIRE COUNCIL OF 273 MAIN STREET, BAIRNSDALE, VICTORIA

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

A copy of the agreement is attached to this application

Signing:

35271702A

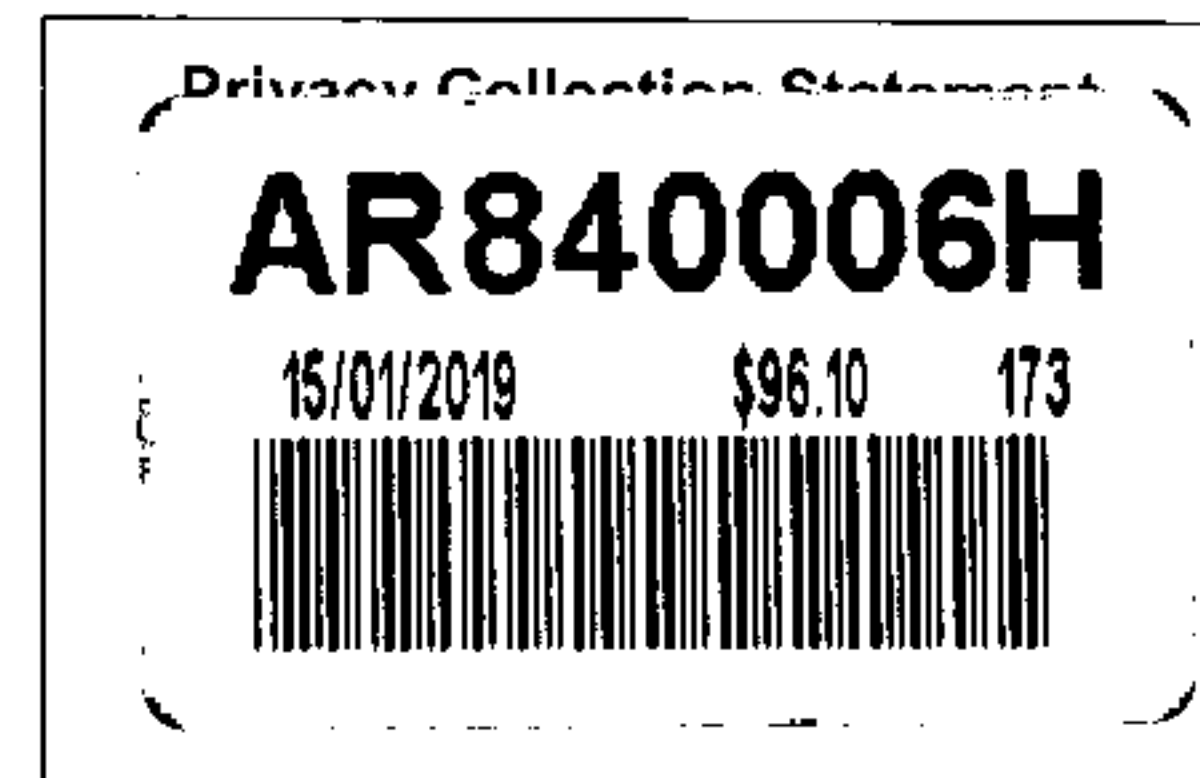
181PEA

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[7607968: 23126833_1]

Application by a responsible authority for the making of a recording of an agreement
Section 181 Planning and Environment Act 1987



Certifications

1. The Certifier has taken reasonable steps to verify the identity of the applicant.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of: EAST GIPPSLAND SHIRE COUNCIL

Signer Name: Roland McCall

Signer Organisation: MADDOCKS

Signer Role: AUSTRALIAN LEGAL PRACTITIONER

Signature: [Handwritten Signature]

Execution Date: 15 January 2019

35271702A

181PEA

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[7607968: 23126833_1]



1

PLANNING AND ENVIRONMENT ACT 1987

SECTION 173 AGREEMENT

BETWEEN

EAST GIPPSLAND SHIRE COUNCIL

– and –

LOOKOUT RIDGE PTY LTD (A.C.N. 611 079 102)

in relation to

land at:

90 MOUNT LOOKOUT ROAD, MOUNT TAYLOR, VICTORIA

AR840006H

15/01/2019

\$96.10

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THIS AGREEMENT is made the day of 20

19 December 2018

PARTIES

1. **EAST GIPPSLAND SHIRE COUNCIL** of 273 Main Street, Bairnsdale, Victoria, 3875 ("Council").
2. **LOOKOUT RIDGE PTY LTD (A.C.N. 611 079 102)** of 25 Gillies Street, Mitcham, Victoria, 3132 ("Owner")

RECITALS

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

The parties agree:

1. Definitions and Interpretation

In this Agreement unless expressed or implied to the contrary:

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

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

"**Approved**" means approved by the Council.

"**Bushfire Management Plan**" means the Bushfire Management Plan prepared by Crowther & Sadler Pty Ltd, endorsed by Council from time to time prepared in accordance with clause 53.02-2.4 which forms part of the Planning Permit and is annexed to this Agreement as Attachment 1.

"**Council**" means the Council for the municipal district of the East Gippsland Shire Council.

"**Land Capability Assessment**" means the Land Capability Assessment prepared by Land Capability Assessments Gippsland dated September 2016, endorsed by Council from time to time.

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

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15/01/2019

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“Lot 1” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 1' or '1' or the like.

“Lot 2” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 2' or '2' or the like.

“Lot 3” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 3' or '3' or the like.

“Lot 5” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 5' or '5' or the like.

“Lot 9” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 9' or '9' or the like.

“Lot 10” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 10' or '10' or the like.

“Lot 11” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 11' or '11' or the like.

“Lot 12” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 12' or '12' or the like.

“Lot 13” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 13' or '13' or the like.

“Lot 14” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 14' or '14' or the like.

“Lot 15” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 15' or '15' or the like.

“Lot 16” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 16' or '16' or the like.

“Lot 17” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 17' or '17' or the like.

“Lot 18” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 18' or '18' or the like.

“Lot 19” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 19' or '19' or the like.

“Lot 21” means that part of the Subject Land which is identified and delineated on the Endorsed Plan as 'Lot 21' or '21' or the like.

“Mortgagee” means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

“Owner” means the person or persons from time to time registered or entitled to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple in the Land or any part of it and includes a Mortgagee in possession.



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

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

"Planning Permit" means Planning Permit 22/2017/P, as amended from time to time, issued on 12 September 2017, authorising the development and subdivision of the Subject Land in accordance with plans endorsed by Council.

"Planning Scheme" means the East Gippsland Planning Scheme.

"Subject Land" means the land situated at 90 Mount Lookout Road, Mount Taylor, Victoria, 3875, being the land referred to in certificate of title volume 11879 folio 847 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

"Tribunal" means the Victorian Civil and Administrative Tribunal.

2. Interpretation

In the interpretation of this Agreement unless inconsistent with the context or subject matter:

- 2.1 The singular includes the plural and the plural includes the singular;
- 2.2 A reference to a gender includes a reference to all other genders;
- 2.3 Words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and vice versa;
- 2.4 A reference to a person includes a reference to a firm, corporation, association or other entity and their successors in law;
- 2.5 A reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute;
- 2.6 The Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals;
- 2.7 References to the parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be;
- 2.8 Reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time; and
- 2.9 Where a word or phrase is given a definite meaning in this Agreement, a part of speech or other grammatical form for that word or phrase has a corresponding meaning.

3. Purposes of Agreement

AR840006H

15/01/2019

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

- 3.1 give effect to the Planning Permit and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. Reasons for Agreement

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

- 4.1 Council would not have issued the Planning Permit without the condition requiring this Agreement;
- 4.2 the agreement has been prepared for the purpose of an exemption from planning permit pursuant to Clause 44.06-1 of the Scheme; and
- 4.3 the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

5. Owner's specific obligations

5.1 Water Collection and Usage

The Owner covenants and agrees that:

- 5.1.1 waste water must be treated to a secondary treatment standard on Lots 1, 2, 3, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 21;
- 5.1.2 the waste water must be disposed on each Lot via subsurface irrigation to:
 - (a) a minimum area of 200 square metres; and
 - (b) in accordance with the Land Capability Assessment,
- 5.1.3 any dwelling on any lot must include a rainwater tank that:
 - (a) has a minimum storage capacity of 1000 litres;
 - (b) collects the rain water runoff from the roof of the dwelling; and
 - (c) is used as the primary water source for flushing of toilets, laundry fixtures, and also include an external tap for garden irrigation,

to the satisfaction of Council.

AR840006H

15/01/2019 \$96.10 173
[Barcode]

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5.2 Bushfire Management Plan

The owner Covenant and agrees that if a dwelling is constructed on a Lot on the Subject Land, without the need for a planning permit, the Owner must:

- 5.2.2 only construct the dwelling in accordance with the Bushfire Management Plan; and
- 5.2.3 maintain the dwelling and Lot in accordance with the Bushfire Management Plan,

to the satisfaction of Council.

6. Owner's further obligations

6.1 Notice

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

6.2 Compliance

The Owner covenants to:

- 6.2.1 comply with the requirements of all statutory authorities in relation to the development of the Land;
- 6.2.2 comply with all statutes, regulations, local laws and planning controls in relation to the Land; and
- 6.2.3 take all necessary steps to comply with the obligations of each clause in this Agreement.

6.3 Council's Costs to be Paid

The Owner covenants to pay immediately on demand to the Council the Council's reasonable costs and expenses (including legal expenses) incidental to the drawing and engrossment, registration, enforcement and release, of this Agreement including:

- 6.3.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 6.3.2 preparing, drafting, finalising and recording any amendment to this Agreement; and
- 6.3.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

6.4 Indemnity

The Owner covenants to indemnify and keep indemnified the Council, its officers, employees, agents, workmen and contractors from and against all costs, expenses, losses or damages which they or any of them may sustain incur or suffer or be or



become liable for or in respect of any suit action proceeding judgment or claim brought by any person arising from or referable to this Agreement or any non-compliance with this Agreement.

6.5 Council Access

The Owner covenants to allow the Council and its officers, employees, contractors or agents or any of them, to enter the Land (at any reasonable time with notice) to assess compliance with this Agreement.

6.6 Registration of Agreement

The Owner agrees to do all things necessary register this Agreement with the Registrar of Titles in accordance with Section 181 of the Act including the signing of any further agreement, acknowledgment or other document and to do so at the Owner's own expense and to provide all required proofs to the Council of the due registration thereof.

7. Effect of Agreement

7.1 Agreement under s 173 of the Act

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement that this Agreement is made as a deed pursuant to s 173 of the Act.

7.2 Agreement runs with the Land

This Agreement will come into force and effect as from the date of this Agreement and the benefit and burden of this Agreement will run with and be annexed to the Land and bind the Owner, its successors in title, assignees and transferees and the registered proprietor for the time being of the Land.

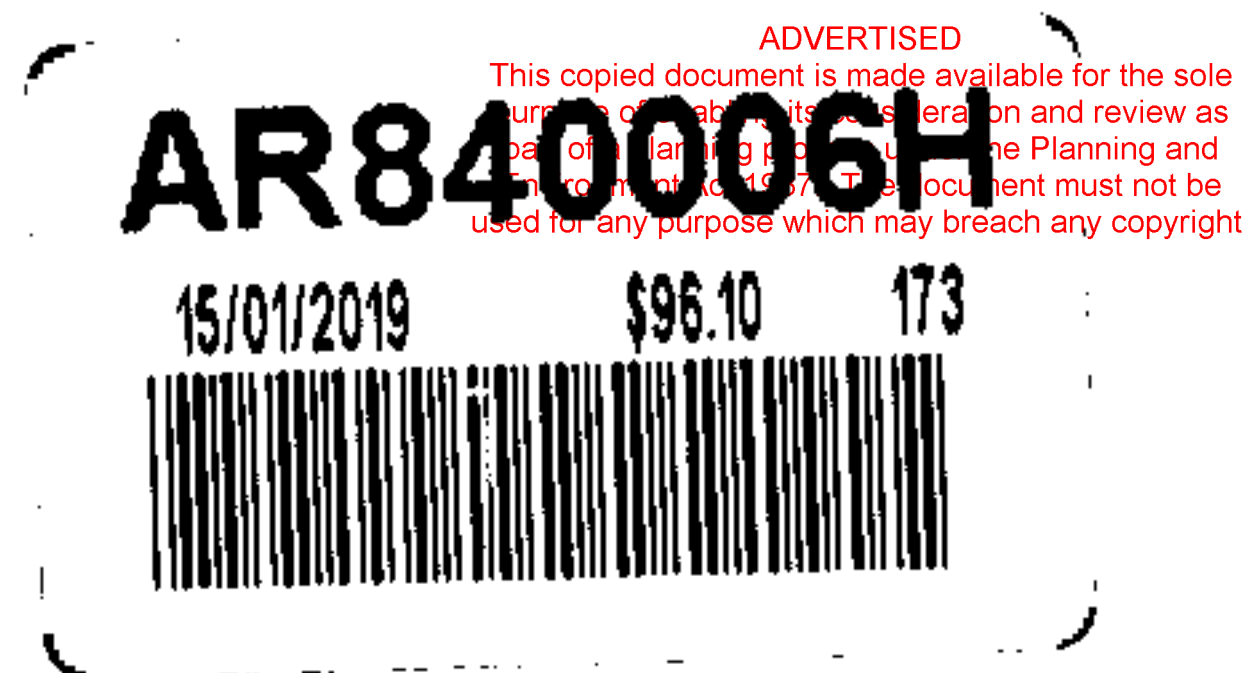
8. Owner's warranties

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Land which may be affected by this Agreement.

9. Successors in title

Without limiting the operation or effect which this Agreement has, the Owner must ensure that, until such time as this Agreement is registered on the title to the Land, successors in title shall be required to:

- 9.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 9.2 execute into a deed agreeing to be bound by the terms of this Agreement.



10. Notices

Any notice or other communication required or permitted to be served on any other Party must be in writing and may be served :

- 10.1 personally on the other Party;
- 10.2 by leaving it at the other Party's Current Address;
- 10.3 by posting it by priority prepaid post addressed to the other Party at the other Party's Current Address; or
- 10.4 by email to the other Party's Current Email.

11. Further assurances

Each of the parties to this Agreement will sign and execute all further documents and deeds and do all acts and things as will reasonably be required to effect the terms and conditions contained in this Agreement.

12. No waiver

Any time or other indulgence granted by either Party to this Agreement to the other Party or any variation of the terms and conditions of this Agreement or any judgment or order obtained by either Party against the other Party will not in any way amount to a waiver of any of the rights or remedies of that Party in relation to the terms of this Agreement.

13. Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it will be severed and the other provisions of this Agreement will remain operative.

14. Governing Law

This Agreement is governed by and will be construed in accordance with the laws from time to time in force in the State of Victoria.

15. Inspection of Documents

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

15. No fettering of Responsible Authority's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of the Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification or



any plans of subdivision applicable to the Land or relating to any use or development of the Subject Land.



EXECUTED AS A DEED PURSUANT TO SECTION 174(1) OF THE ACT

SIGNED SEALED AND DELIVERED by
the Chief Executive Officer on behalf of the
EAST GIPPSLAND SHIRE COUNCIL
pursuant to the power delegated to that
person by an Instrument of Delegation in
the presence of:

Witness

Colleen Smith
Print Name

**EXECUTED BY LOOKOUT RIDGE PTY
LTD (A.C.N. 611 079 102)** by being
signed by those persons who are
authorised to sign for the Company:

Director

NICHOLAS MCKAY
Name (print)

19.12.18



Director / Company Secretary

Shawn McKay
Name (print)




11

Mortgagee's Consent

McKay Law Pty Ltd as Mortgagee under instrument of mortgage no. AR746729P consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

Executed by McKay Law Pty Ltd ACN 118)
626 627 in accordance with s 127(1) of the
Corporations Act 2001:)

.....


Signature of Sole Director and Sole
Company Secretary

.....
Shaun McKay

Print full name

ATTACHMENT 1 – BUSHFIRE MANAGEMENT PLAN

BUSHFIRE MANAGEMENT PLAN

PARISH OF MY TUNG
CROWN ALLOTMENT 69C
LOT 3 ON P58027201

CONSTRUCTION

THE CONSTRUCTION OF A DWELLING ON ANY LOT MUST BE PERMITTED & CONSTRUCTED TO A MINIMUM RESISTANCE ATTACK LEVEL AS INDICATED IN THE TABLE SHOWN AND IN ACCORDANCE WITH AS 5600-5008.

A BOUNDARY FENCE CONSTRUCTED WITHIN 10m OF ANY UNDESIRABLE PART OF THE DWELLING (EXTERNAL DOORS, WINDOWS ETC) MUST EITHER BE A FOST & WIRE FENCE OR CONSTRUCTED TO A MINIMUM RESISTANCE ATTACK LEVEL AS INDICATED IN THE TABLE SHOWN.

LOT #	BAL.	LOT #	BAL.
1	BAL 29	12	BAL 29
2	BAL 29	13	BAL 125
3	BAL 29	14	BAL 125
4	BAL 125	15	BAL 125
5	BAL 29	16	BAL 125
6	BAL 125	17	BAL 29
7	BAL 125	18	BAL 29
8	BAL 125	19	BAL 125
9	BAL 125	20	BAL 125
10	BAL 29	21	BAL 29
11	BAL 29	22	BAL 125

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

**E-1 - PROPOSED CARRIAGEWAY EASEMENT
IN FAVOUR OF LOT 21**

E-2 - PROPOSED CARRIAGEWAY EASEMENT
IN FAVOUR OF LOT 20

**E-3 - PROPOSED CARRIAGEWAY EASEMENT
IN FAVOUR OF LOTS 5 & 17**

LOCALS (MINUT 0000 12)	STATIONS REP.
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1 : 2500	17236
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LIBRARY - 5000

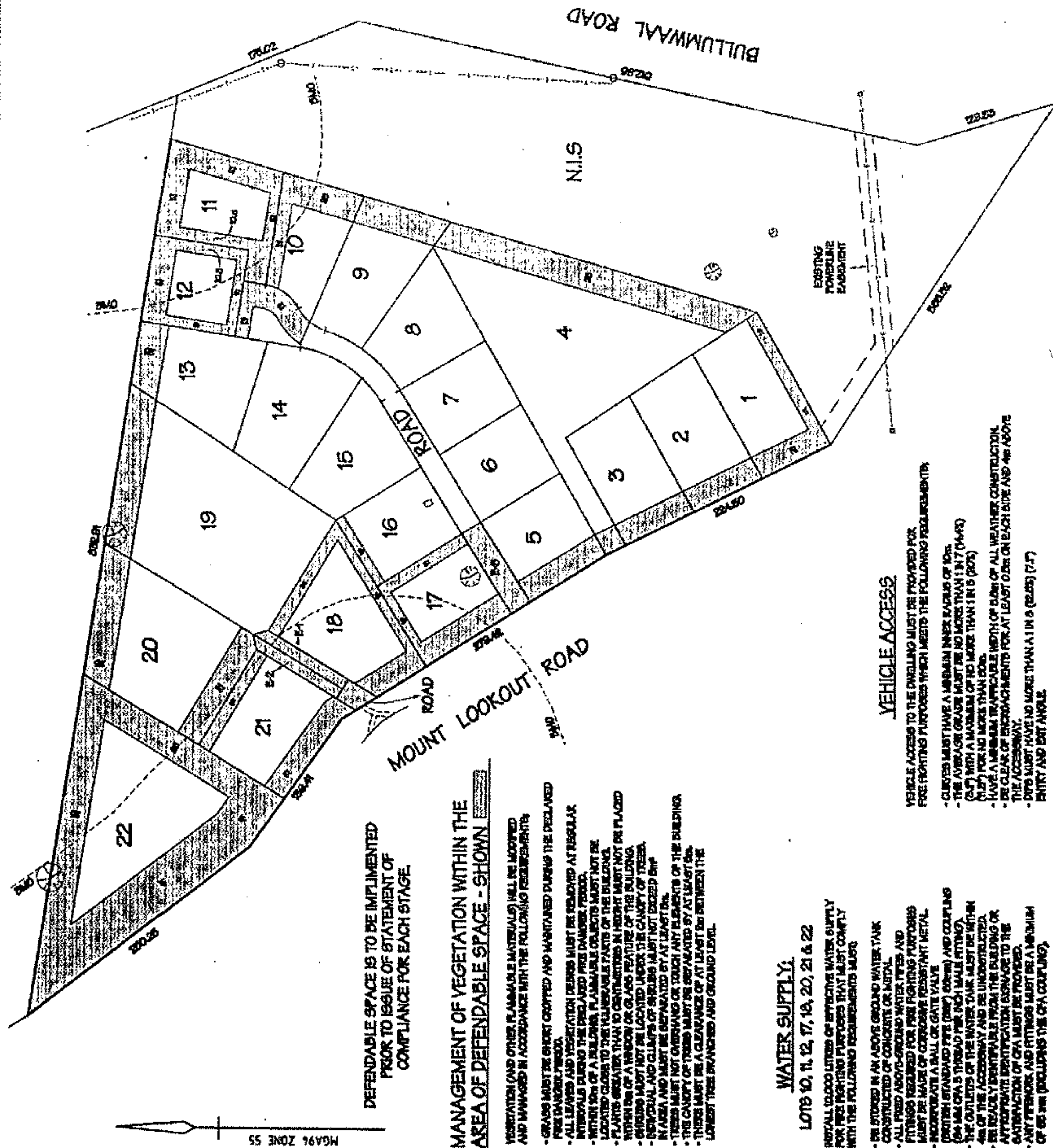
LOOKOUT RIDGE P/L

515 BULLINGHALL ROAD, NY YUNG

Crowtifier & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
WE HANDLE SURVEY, MAPS, ETC.
P.O. BOX 6711 | CORTLANDT COUNTY, NY

9439446-12-1204 17035-1 77999 17500-17599 17236 Lockwood Road 17236 047-070

MANAGEMENT OF VEGETATION WITHIN THE
AREA OF DEFENDABLE SPACE - SHOWN

VEGETATION (AND OTHER PLANTABLE MATERIALS) WILL BE MOVED AND MANAGED IN ACCORDANCE WITH THE FOLLOWING RECOMMENDATIONS:

- GRASS MUST BE GROWN CROPPED AND MAINTAINED DURING THE DECLARED FREE DANCING PERIOD.
- ALL LEAVES AND VESSEMENT DEBRIS MUST BE REMOVED AT REGULAR INTERVALS DURING THE DECLARED FREE DANCING PERIOD.
- WITHIN 50m OF A BUILDING, PLANTABLE OBJECTS MUST NOT BE LOCATED CLOSER TO THE VULNERABLE PARTS OF THE BUILDING.
- PLANTS GREATER THAN 10 CENTIMETERS IN HEIGHT MUST NOT BE PLACED WITHIN 5m OF A WINDOW OR GLASS FEATURE OF THE BUILDING.
- GRASS MUST NOT BE LOCATED UNDER THE CANOPY OF TREES.
- INDIVIDUAL AND CLUMPS OF GRASS MUST NOT EXCEED 50cm IN AREA AND MUST BE SEPARATED BY AT LEAST 10m.
- TREES MUST NOT OVERHANG OR TOUCH ANY ELEMENTS OF THE BUILDING.
- THE CANOPY OF TREES MUST BE SEPARATED BY AT LEAST 10m.
- TREES MUST BE A CLEARANCE OF AT LEAST 2m BETWEEN THE LOWEST TREE BRANCHES AND SECOND FLOOR.

WATER SUPPLY:

LONG 10, 11, 12, 17, 18, 20, 21 & 22

PROTALL 10,000 LITERS OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES THAT MUST COMPLY WITH THE FOLLOWING REQUIREMENTS MUST

- BE STORED IN AN ABOVE GROUND WATER TANK
CONSTRUCTED OF CONCRETE OR METAL.
ALL PIPED ABOVE-GROUND WATER PIPES AND
FITTINGS REQUIRED FOR FIRE FIGHTING PURPOSES
MUST BE MADE OF CORROSION RESISTANT METAL.
- SECURE WITH A BALL OR GATE VALVE
(BOTH STANDARD PIPE (2" OR MORE) AND COUPLING
(3/4" MAX) IS THREAD PIPE (NOT BALL FITTING).
THE OUTLETS OF THE WATER TANK MUST BE WITHIN
4" OF THE ACCESSWAY AND BE UNOBTURATED.
BE EASILY IDENTIFIABLE FROM THE BUILDING OR
APPROPRIATE IDENTIFICATION SIGNAGE TO THE
SATISFACTION OF CFA MUST BE PROVIDED.
ANY TRENCH AND FITTINGS MUST BE A MINIMUM
OF 60 CM INCLUDING THE CFA COUPLING.

VEHICLE ACCESS

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

- CLUSTERS MUST HAVE A MINIMUM WATER EASING OF 100%.
- THE AVERAGE OR GREATER MUST BE NO MORE THAN 1 IN 17 (60%) (CLUST WITH A MAXIMUM OF NO MORE THAN 1 IN 6 (20%)) (CLUST FOR NO MORE THAN 200).
- HAVE A MINIMUM TREATABLE WIDTH OF 20% OF ALL WEATHER CONSTRUCTION.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST ONE AND 40% ABOVE THE ACCESSORY.
- DIPS MUST HAVE NO MORE THAN A 1 IN 6 (20%) (7.5°) ENTRY AND EXIT ANGLE.

Planning Report

Multi Lot Subdivision (Staged), Works (Roadworks),
Native Vegetation Removal, Creation of Access and
Subdivision Adjacent to TRZ2
585 Bullumwaal Road, Mount Taylor

Reference – 19540

27 October 2022



FS 520900



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8.	Attachments	
	Application Form (Via Council's Online Planning Portal)	
	Proposed Subdivision Plan (Version 5)	
	Bushfire Management Plan (Version 2)	
	Bushfire Hazard Site Assessment (Version 2)	
	Design Response Plan (Version 1)	
	Plan of Vegetation Removal (Version 1)	
	Traffic Impact Assessment – Traffix Group Sept 2022	
	Geotechnical Risk Assessment – Chris O'Brien & Company Pty Ltd 27/05/2022	
	LCAR- Chris O'Brien & Company Pty Ltd 31/05/2022	
	Cultural Heritage Management Plan 18086 – Unearthed Heritage (approved 19/09/2022)	
	Staging Plan (Version 1)	
	Copy of Title (Lot 2 on PS840681L)	
	Offset Evidence – Quote from Vegetation Link (dated 17/10/2022)	
	Native Vegetation Removal Report (dated 10/10/2022)	

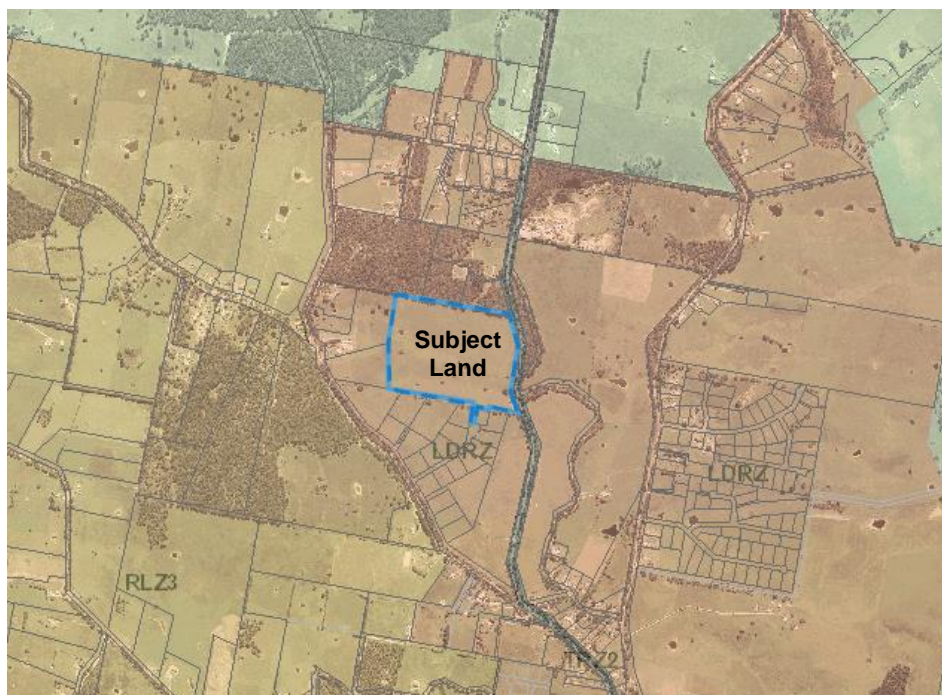
Note: Applicable Planning Application fee is \$2,721.60
Class 19 – Subdivision (\$1,360.80/2 = \$680.40)
Class 11 – Vegetation & Works (\$1,597.80)
Class 21 – Alteration of Access (\$1,360.80/2 = \$680.40)

1. Introduction

This planning report is prepared in support of proposed Muti Lot Subdivision (Staged), Works (Roadworks) & Vegetation Removal Adjacent to Transport Zone 2 at 585 Bullumwaal Road, Mount Taylor. The report addresses the provisions of the Low Density Residential Zone, Bushfire Management Overlay, Erosion Management Overlay, Vegetation Protection Overlay and Particular Provisions as contained within the *East Gippsland Planning Scheme*.



Aerial view of subject land and surrounds – Source: VicPlan



Aerial view and zone mapping of subject land and surrounds – Source: VicPlan

2. Subject Land & Surrounding Context

The subject land is formally described as Lot 2 on PS840681L and is approximately 24.69ha in area.



Looking in a northerly direction over the site from the south eastern corner

The site has frontage to Bullumwaal Road to the east which is mapped as being Transport Zone 2. Bullumwaal Road comprises a good quality sealed bitumen road pavement with vegetated roadside corridors. The property also has frontage to Chapman Court to the south which is also a good quality sealed road constructed in 2019.



*Looking north along Chapman Court
Subject land in the background*

A newer dwelling is established on the south-eastern portion of the land which takes access from Chapman Court however the property is predominately cleared land which has historically been utilised for grazing activities.



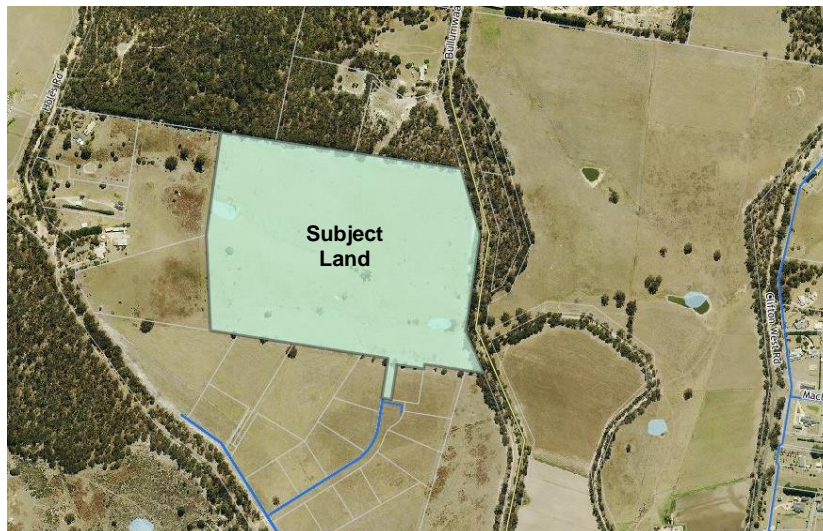
View of existing dwelling from Bullumwaal Road

The landform across the site is undulating in nature with the northern portion of the property being generally higher in elevation as the southern section of the land is segmented by ephemeral watercourses and a series of dams.



General view west across subject land from Bullumwaal Road

An overhead powerline and easement dissect the north western portion of the land and reticulated water and telecommunications are already provided to the site. There is however no reticulated sewer in the precinct with wastewater disposal for the existing dwelling being via onsite means.



Reticulated Water – Source: East Gippsland Water

The site forms part of an existing rural residential precinct which contains numerous dwellings which enjoy a rural atmosphere. There have been a number of Low Density Residential Zone subdivisions undertaken within the wider precinct in recent times which are now all predominately built upon.



Aerial photograph showing decent development – Source: Google Earth (12/08/2022)

Allotments within Chapman Court to the south were issued with titles in 2019 and the majority of which now contain dwellings. Whilst land immediately to the north contains residential development it is also well vegetated.



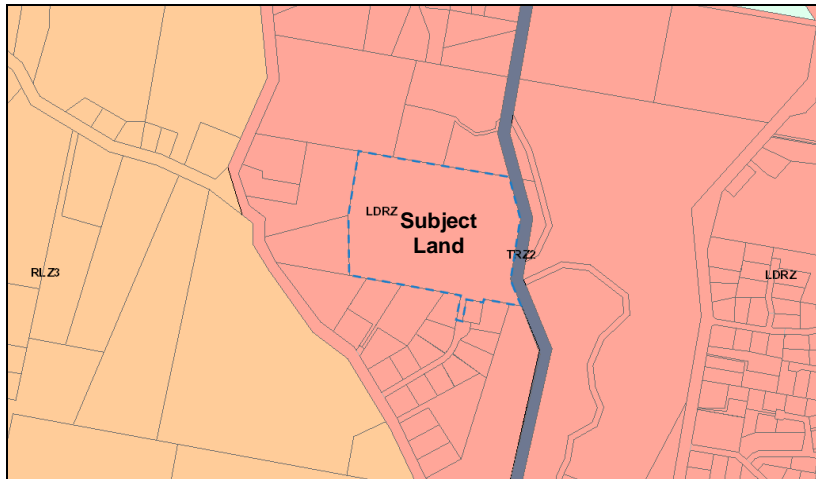
Looking south along Chapman Court



Looking across subject land towards the vegetated neighbouring property in the background

Adjoining properties to the west of the subject land also contain residential development whilst land immediately to the east of Bullumwaal Road is currently a cleared paddock with subdivision potential.

The subject land is mapped as being affected by the provisions of the Low Density Residential Zone, Bushfire Management Overlay, Erosion Management Overlay and Vegetation Protection Overlay – Schedule 1 of the *East Gippsland Planning Scheme*.

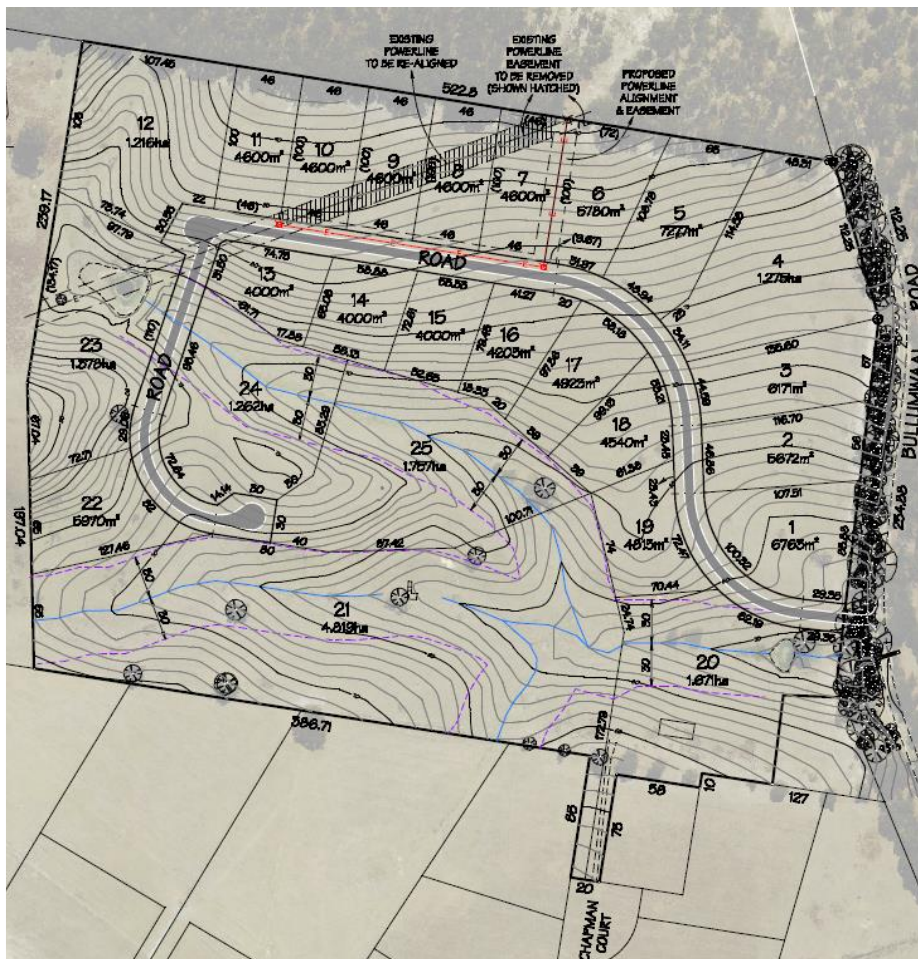


Zone Mapping – Source: VicPlan

3. The Application & Proposal

Subdivision

The Application seeks approval for a Multi Lot Subdivision which will create a total of 25 allotments ranging from 4000m² in area to 4.819ha in area as shown on the accompanying Proposed Subdivision Plan.



Proposed Subdivision Layout (Version 5)

The existing dwelling established on the south western section of the land will be contained within Lot 20 whilst the remainder of the allotments 1-19 (inclusive) and 21-23 (inclusive) are being established for future residential purposes.



View towards existing dwelling

The allotments have each been designed to be greater than 4000m² in area given the lack of reticulated sewer within the immediate precinct. This will ensure that the minimum area requirements of the Low Density Residential Zone provisions are met.

The scheme of subdivision has been designed having regard for the site attributes and features by careful selection of a single entry point from Bullumwaal Road which provides good sight lines.

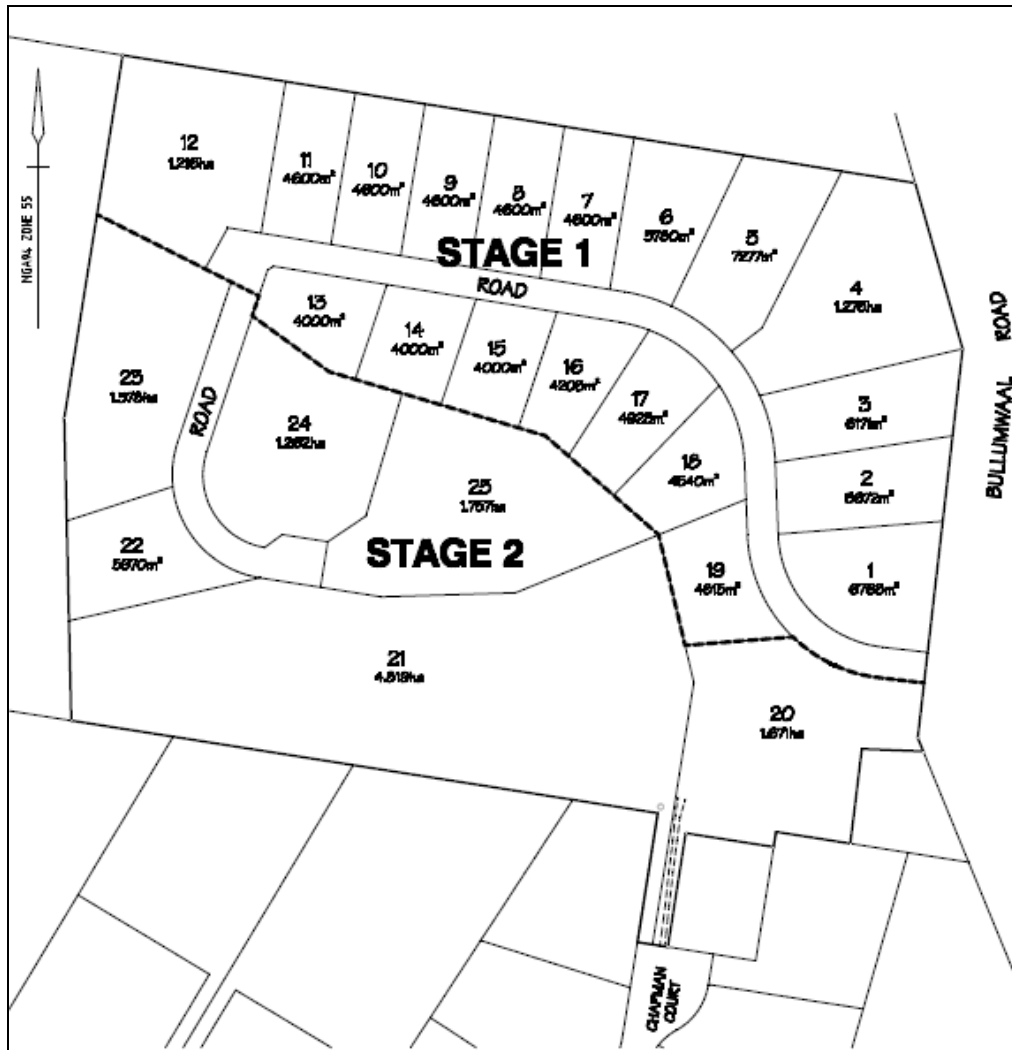
This entry point will facilitate establishment of a new intersection to accommodate access for an internal roadway to service each of the allotments. Lots 20 & 21 will also have the benefit of having frontage and the ability to take access from Chapman Court to the south.



Looking south towards subject land from Chapman Court

Staging

The proposed subdivision will be completed in a series of two stages as shown on the accompanying Staging Plan. Completing the subdivision in stages as proposed will provide a cost effective and logical outcome given the number of allotments in the subdivision.



Staging Plan

Stage 1 will result in the creation of Lots 1-19 (inclusive) together with a large balance allotment which will contain the existing dwelling. Stage 2 will then create vacant allotments 21-25 (inclusive) and Lot 20 which will contain the existing dwelling.

Vegetation Removal

Whilst the adjoining Roadside corridor is well established with native vegetation, the subdivision has been carefully designed to ensure impacts to vegetation are avoided and minimised.

This has been achieved by nominating a common point of access from Bullumwaal Road for the new intersection which will service each of the proposed vacant allotments.



Looking west from Bullumwaal Road towards proposed intersection

The vegetation removal associated with the new intersection works will be limited to one patch of vegetation 0.109ha in area which comprises 3 large trees.



Large trees within the patch earmarked for removal

As the removal of native vegetation forms part of the Application, a Native Vegetation Removal Report has been provided. This report confirms that the Application follows an Intermediate Assessment Pathway and sets out the criteria for suitable vegetation offsets to accommodate losses.

Given the vegetation earmarked for removal is located within the Road Reserve being outside the boundaries of the subject land, it is expected that the Application will be referred to Council's Land Manager for Landowner consent as part of the Planning process.

Access & Traffic

A new internal road network has been proposed as part of the subdivision which will ensure that allotments are adequately accessed and serviced. The new internal road network will intersect with Bullumwaal Road as shown on the accompanying Plan Set.

The intersection has been nominated in a logical position as it provides good sight lines along Bullumwaal Road and a new left-hand turning lane will be established consistent with the findings of the accompanying Traffic Impact Report (TIAR) prepared by *Traffix Group*.

The new road will be suitable in width to cater for road pavement and associated servicing to Infrastructure Design Manual (IDM) standards. It also provides adequate dimensions to accommodate two court bowls comprising a 10.0 metre radius for the turning manoeuvres for service vehicles.

The road reserve will be 20.0 metres in width and can easily accommodate a 7.3m wide road pavement consistent with the Infrastructure Design Manual (March 2020).

The TIAR includes detail of the proposed intersection works to accommodate safe vehicle movements which incorporates a left-hand turning lane to the subdivision from Bullumwaal Road. It also outlines that there are sufficient sight distances provided and that there are no traffic engineering reasons why the subdivision should not be approved subject to appropriate conditions.



Sight lines to the south of the proposed intersection



Sight lines to the north of the proposed subdivision

Servicing

Wastewater

A Land Capability Assessment Report (LCAR) as prepared by *Chris O'Brien & Company Pty Ltd* has been provided to demonstrate the ability of the proposed allotments to treat and retain wastewater on site in the absence of reticulated sewer.

The soil composition across the site varies between Category 3 & 4 soils and all the allotments have been identified as being suitable for primary treatment. For primary treatment a Land Application Area (LAA) of 58m² for Category 3 soils and 150m² for Category 4 soils is required.

If in the event the minimum setback of 60 metres is not achieved from the ephemeral watercourse it will incur the need for secondary treatment to be provided. In such instances a LAA of 240m² for Category 3 soils and LAA of 280m² for Category 5 soils will be required.

It is anticipated that further soil investigations and septic tank permits will need to be obtained at the time of developing the individual allotments. However conceptual LAA's have been provided on the accompanying Design Response Plan to demonstrate the ability to treat and retain wastewater onsite.

Power Supply

The existing overhead powerlines will be realigned as part of the proposal to enhance the potential building area for Lots 7-10 (inclusive). Overhead power will be established on the northern side of the new road network in front of Lots 7 – 10 (inclusive) and will allow for a single transformer to be located on a new pole in the proposed road reserve adjacent to the shared boundary between Lots 6 & 7. From this pole mounted transformer, the balance of the power will be distributed underground via low voltage mains to each of the proposed allotments.

Water Supply

Reticulated water will be provided to each of the proposed allotments as part of the proposal through extension of the water main asset established within Chapman Court to the south. This is a logical outcome having regard to previous negotiations and financial contributions the owner of the subject land has made to *East Gippsland Water* and the absence of an abuttal to an existing water main in Bullumwaal Road.

Telecommunications

It is expected that the mandatory Conditions prescribed at Clause 66.01-1 relating to telecommunications will be included on permit. These Conditions will trigger requirement for the owner of the land to enter into agreement with a telecommunications network or service provider to ensure all new lots are ready for connection (fixed wire service).

Drainage

Detention for the development is expected to be addressed through the use of water tanks (10,000 litres per lot) whilst treatment to meet Best Practice will be facilitated through use of swale drains.

It is anticipated that there will be a requirement to enter into a Section 173 Legal Agreement as a Condition on Permit to ensure that rainwater tanks are connected to dwellings prior to occupancy.

Waterway Management

The subdivision has been specifically designed to respond to the characteristics of the site including the ephemeral water course which dissects the southern portion of the property. The waterway has been retained within larger Lots 20, 21, 23, 24 & 25 which are all sufficient in area to accommodate development which will not compromise water quality or health.

The Building Envelopes on Lots 21, 23, 24 & 25 all maintain a minimum setback of 30 metres from the watercourse and it is expected that any effluent disposal fields within 60 metres of the watercourse provide for secondary treatment.

It is anticipated that a Condition on permit will trigger requirement for a Waterway Management Plan which outlines the detail of how the ephemeral watercourse will be managed and maintained to improve water quality and overall health prior to issue of Statement of Compliance for Stage 2.

The deferral of the Waterway Management Plan to Stage 2 is logical in this instance as the watercourse will be retained within the balance allotment as part of Stage 1.

It is also anticipated that the Waterway Management Plan will be referenced within a Section 173 Legal Agreement to ensure future owners of affected allotments are aware of any ongoing obligations. It will be logical for a Condition of Permit to require the Section 173 Legal Agreement be required prior to issue of Statement of Compliance for Stage 2.

Design Response

The accompanying Design Response Plan has been provided to demonstrate how each of the vacant allotments can accommodate future residential development having regard for the site constraints and conditions. This plan is for demonstrational purposes only and is not for endorsement.

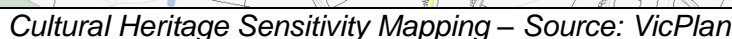
Planning Triggers

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

- **Clause 32.03-3** for subdivision of the land in accordance with Low Density Residential Zone provisions;
- **Clause 44.06-5** for subdivision of the land in accordance with Bushfire Management Overlay provisions;
- **Clause 44.01-2** for roadworks in accordance with Erosion Management Overlay provisions;
- **Clause 44.01-3** for vegetation removal in accordance with Erosion Management Overlay provisions;
- **Clause 44.01-5** for subdivision of land in accordance with Erosion Management Overlay provisions;
- **Clause 42.02-2** for vegetation removal in accordance with Vegetation Protection Overlay provisions;
- **Clause 52.17-1** for removal of native vegetation in accordance with the Particular Provisions relating to native vegetation;
- **Clause 52.29-2** for the creation of access and subdivision adjacent to Transport Zone 2.

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

- (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.*



The preparation of a CHMP is a mandatory requirement as the proposed subdivision is a high impact activity and part of the activity area is mapped as being within an area of cultural heritage sensitivity.

Unearthed Heritage have prepared CHMP (18086) which has been provided in support of the Application. The CHMP was issued with a Notice of Approval on 15 September 2022.

As part of the CHMP a desktop assessment, standard assessment and complex assessment were undertaken. There was low ground surface visibility when the standard assessment was undertaken, and no aboriginal cultural heritage material was identified. Having regard for the varying levels of disturbance across the site the activity area which divided into three levels of archaeological potential.

The complex assessment included the excavation of a 1x1m test pit and ten 0.5x0.5 test pits of varying depths however there was no Aboriginal cultural heritage identified during the CHMP assessment.

Whilst no Aboriginal cultural heritage was found the CHMP does set out a series of Conditions which are compliance requirements now the CHMP has been approved. These Conditions are proactive measures that must be followed to appropriately manage Aboriginal cultural heritage within the activity area and to aid in the identification of unexpected Aboriginal cultural heritage within the activity area.

5. Planning Policy

State and Local Planning Policy is addressed below in support of the proposed development.

5.1 Planning Policy Framework

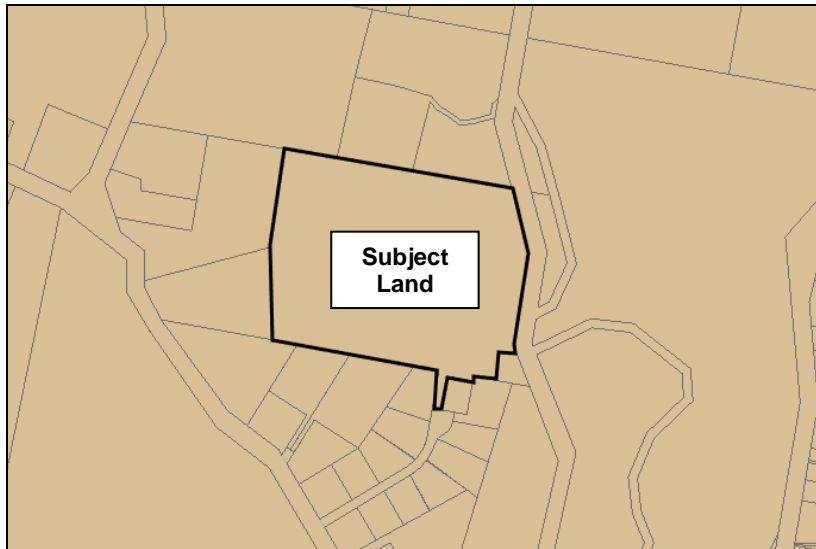
Clause 11-01-1S relating to *Settlement* seeks to promote sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The proposal responds positively as the subject land is capable of sustaining the proposed development and is located within an existing rural residential precinct which contains numerous dwellings.

The accompanying Design Response Plan demonstrates how the land is capable of accommodating future development having regard for the site characteristics and findings of the Land Capability Assessment Report.

The site is located within an area earmarked for residential development being contained within the Low Density Residential Zone. Allotments recently created to the south within Chapman Court are of similar area and dimensions to those proposed herein.

The objective and associated strategies at Clause 21.01-2S relating to *Native Vegetation Management* have been adhered to by the proposal as efforts have been made to avoid and minimise the extent of vegetation loss. Careful consideration has been given to nominating a single point of access from Bullumwaal Road. The extent of vegetation loss has been limited to 0.109ha of vegetation which includes three large trees and will offset as part of the subdivision thereby ensuring there is no net loss to biodiversity.

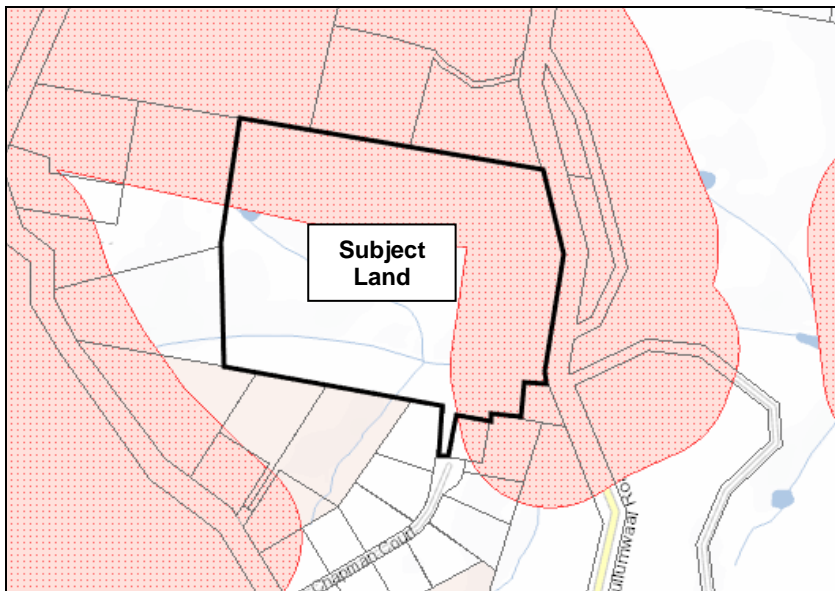
The proposal has considered Clause 13.02-1S *Bushfire Planning* as part of the site is affected by the provisions of the Bushfire Management Overlay and the whole of the site is mapped as being Bushfire Prone.



Bushfire Prone Mapping – Source: VicPlan

The proposal responds appropriately to Clause 13.02-1S as the subdivision has been designed to ensure it meets the relevant provisions of Clause 53.02 *Bushfire Planning*, Clause 44.06 Bushfire Management Overlay and Australian Standard AS3959.

Whilst only the northern and eastern portions of the site are mapped as being within the Bushfire Management Overlay, the whole of the site has been considered under Clause 13.02-1S as the subject land is within a declared Bushfire Prone Area.



Bushfire Management Overlay mapping – Source: VicPlan

The proposal is considered to meet the objective of Clause 13.02-1S which seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. This has been achieved by meeting relevant strategies:

- The subject land is located within an existing low density residential area which is well established with residential development and is only a short drive to the north of the main township area of Bairnsdale. This location is not considered to be risky in terms of bushfire and prioritize the protection of human life.
- The accompanying Bushfire Hazard Site Assessment demonstrates that the surrounding landscape within 150 metres is largely comprised of 'low threat' vegetation however there is also some 'forest' provided to the north and to the east. This bushfire threat has been addressed through adoption of Building Envelopes onsite which achieve good separation from the threat consistent with requirements of Column A, Table 2 to Clause 53.02-5.
- Whilst only part of the site is affected by the provisions of the Bushfire Management Overlay, each of the vacant allotments have been incorporated into the Bushfire Management Plan. This will provide certainty to all future lot owners that they can establish a dwelling on the land and prevent the need for any further assessments for future dwellings at the Building Permit stage under AS3959: 2018 *Construction of buildings in bushfire prone areas*.
- Although the subject land is currently considered to represent a grassland, establishment of future residential development will ultimately result in managed and maintained properties. These properties once developed will essentially provide protection to one another and will no longer be representative of grassland.
- Whilst the wider landscape does provide some threat from bushfire, it is reduced by the presence of wide-open paddocks and proximity to developed residential areas.



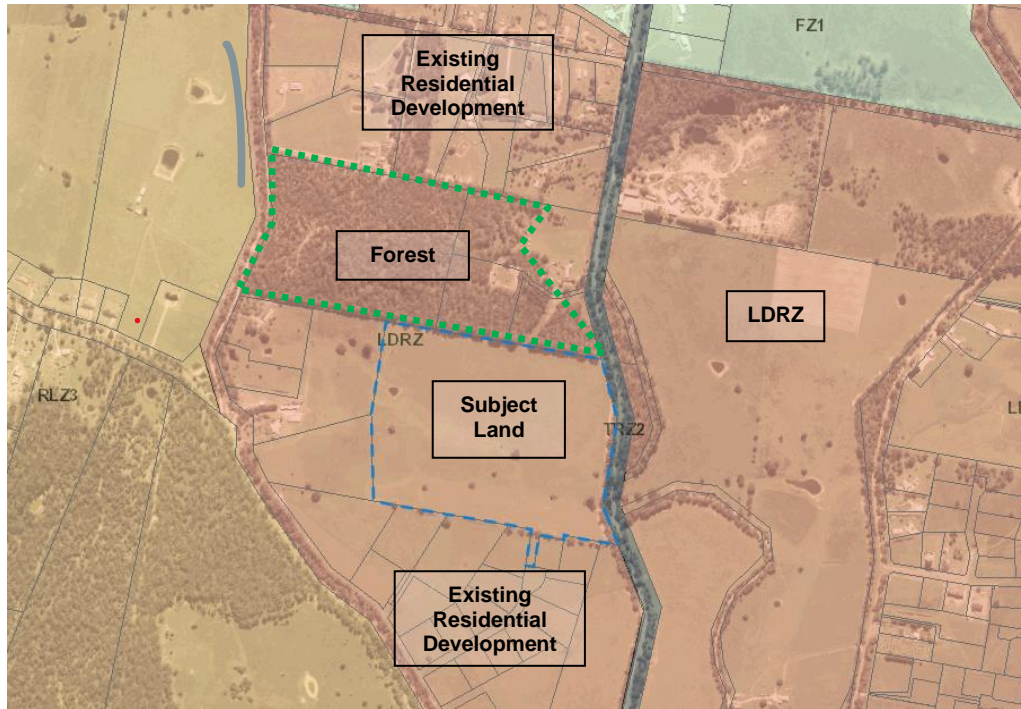
Aerial view of subject land and wider precinct – Source: VicPlan

- The generous size of the proposed allotments and the existing conditions provide good opportunity for future residential to achieve BAL 12.5 requirements.
- The Design Response Plan demonstrates how future residential development can be adequately setback into the allotments having regard for the varying vegetation classifications and slope provided on the adjoining land.
- A Bushfire Management Plan has been provided in support of the Application which locks in bushfire mitigation measures inclusive of vegetation management, access and water supply requirements and construction standards for all allotments within the Bushfire Management Overlay (Lots 1-19 inclusive). It also locks in construction standards for the remaining allotments which are not mapped as being within the Bushfire Management Overlay however are mapped as being Bushfire Prone (Lots 21- 25 inclusive).

The Decision Guidelines for *Settlement Planning at the Bushfire Interface* (July 2020) outline that perimeter roads are the preferred design outcome on the settlement interface and where a site abuts or is near a bushfire hazard. The Guidelines suggest that perimeter roads should be considered when creating allotments within the Low Density Residential Zone however they are not mandatory.

The site is located within an existing low density residential precinct and is affected by the provisions of the Low Density Residential Zone, as are adjoining properties in all directions.

The property immediately to the north comprises vegetation which has been classified as 'forest' which is an isolated patch due to the presence of further residential development to the north. Whilst it is classified as 'forest' it is acknowledged that much of the understorey is well managed and maintained.



Zone Mapping & Aerial Photograph - VicPlan

The sites' location within the existing residential area with limited connection to wider forested areas and site constraints deems the use of a perimeter road unnecessary in this instance. Other mechanisms as prescribed in the Bushfire Management Plan have therefore been utilised to enhance the resilience of the community and manage the bushfire risk.

Whilst perimeter roads provide an effective location from which fire authorities can establish positions to defend property, we acknowledge that the allotments on the northern portion of the land directly abutting the main bushfire risk (Lots 4-12 inclusive) will also provide good opportunity for this to occur.

Prior to occupancy of dwellings on the land, there is requirement for 10,000L water supply to be provided which is provided with CFA couplings and fittings. This water supply is to be within 4 metres of the accessway and within 60 metres of the approved building which will be convenient for fire fighting vehicles and personnel.

The retention of the proposed allotments all above 4000m² in area also helps minimise the risk of structure-to-structure fire as the dwellings will be well separated. This separation also provides good opportunity for fire fighting vehicles to gain closer access to the threat to the north, should it be deemed necessary.

The objectives of Clause 13.04-2S relating to *Erosion & Landslip* seek to protect areas prone to erosion, landslip and other land degradation processes. The subdivision is considered to respond appropriately as the summary of risk for landslide, sheet/rill erosion and tunnel erosion is considered to be 'low' as summarized in the accompanying Geotechnical Risk Assessment Report.

The proposal has carefully considered to the objective and strategies at Clause 14.02-1S relating to *Catchment planning and management*. This has been achieved by adopting a thoughtful subdivision design which accommodates a 30-metre buffer from the ephemeral watercourse to future residential development and associated wastewater disposal.

Clause 15.01-3S relating to *Subdivision Design* seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision adheres to this objective and relevant supporting strategies as the scheme has been designed to ensure each allotment can accommodate future residential development as demonstrated by the accompanying Design Response Plan.

Objectives relating to *Housing supply* (Clause 16.01-1S) are well supported by the proposal through the delivery of new and diverse housing opportunities within an established residential area earmarked for infill housing growth.

The subject Application is consistent with strategies relating to *Integrated water management* (Clause 19.03-3S). Water detention associated with the development is expected to be accommodated by the provision of water tanks for each allotment with treatment to meet best practice to be delivered through the use of swale drains.

5.2 Local Planning Policy

The proposal is consistent with Clause 21.04-1 *Biodiversity* as seeking to maintain, conserve and enhance biodiversity within East Gippsland. The use of thoughtful design of vehicle access and servicing will ensure that the vegetated roadside corridor will remain largely intact and will continue to provide a contribution to biodiversity.

Clause 21.05-2 relating to *Erosion* seeks to ensure that land use and development is directed to locations and carried out in ways that minimise its vulnerability to the threat of erosion. The objective and strategies to this Clause are addressed through the inclusion of a Geotechnical Risk Assessment document.

The proposal responds well to Clause 21.04-3 relating to *Urban Waterways* which seeks to protect and enhance the ecological health of urban waterways. This has been achieved through adoption of a thoughtful subdivision design which can accommodate future development that is setback >30.0 metres thereby ensuring the free passage of water.

It is anticipated that a Condition on permit will trigger requirement for a Waterway Management Plan to be approved prior to the issue of Statement of Compliance for Stage 2 of the subdivision. This is appropriate as the watercourse will be contained within the balance allotment as part of stage 1.

The Waterway Management Plan will relate specifically to those allotments which are encumbered by the ephemeral watercourse and will be registered under a Section 173 Legal Agreement to ensure landowners are aware of their ongoing obligations to protect and manage the waterway.

The Waterway Management Plan for the project at hand will be similar in content to the Waterway Management Plan approved as part of the recent subdivision immediately to the south which created Chapman Court. This will ensure continuity and protection of the waterway.

The proposal has considered Clause 21.05-3 relating to *Bushfire* which seeks to ensure that land use and development is directed to locations and carried out in ways that minimise vulnerability to the threat of fire.

The sites inclusion within a well established rural residential precinct which is only a short drive from the main township area of Bairnsdale ensures that the bushfire risk is not adverse.

Clause 21.08-1 *Residential Development* seeks to provide for the housing needs and preferences of all segments of the community with supporting strategies seeking to permit low density (rural residential) house lots (0.4 to 2 hectares) only where located around fully serviced towns and townships and on land suitable for septic tanks or other wastewater treatment systems.

The sites proximity to the township area of Bairnsdale and the well-established rural residential land use surrounding the land ensure the proposal responds well to Clause 21.08-1.

Clause 21.08-2 relating to *Rural Living Development* outlines the need for a Social Impact Comment in accordance with the *East Gippsland Shire Council Social Impact Assessment Guidelines for Development Applications* (May 2013) ('SIA Guidelines') to be provided given that more than 20 allotments are proposed.

The following comments have been provided based on the discussion points provided at Attachment 4 of the SIA Guidelines.

Discussion Point	Comment
Will the proposal be likely to give rise to a significant increase in the population demographics of the local area?	<p>Yes</p> <p>Population data for the Mount Taylor:</p> <ul style="list-style-type: none"> The 2021 Census data for the statistical area of Mount Taylor records a total population of 330 at an average of 2.6 persons per household. The 2016 Census data for the statistical area of Mount Taylor records a total population of 286 at an average of 2.8 persons per household. Data available on Council's website via <i>id community</i> documents the 2021 population for the area of Bairnsdale as 17,470 with an average household size of 2.31. It is acknowledged that the statistical area of Bairnsdale as referenced on Council's website is considerably larger than the area of Mount Taylor as used in 2021 Census. <p>Given the <i>id community</i> data encapsulates the broader Bairnsdale area, not just Mount Taylor we have relied upon the Census data 2021 given stronger validity controls.</p> <p>The development of each of the proposed vacant allotments would result in a population increase of 62.4 persons, being an increase of 18.9% on the Census 2021 data.</p> <p>Whilst the subdivision will ultimately increase the population of Mount Taylor by 18.9%, this is likely to occur over an extended period of time given that the subdivision is earmarked for completion in a staged manner.</p> <p>An increase in population growth is expected for the area and is not excessive having regard for data statistics and general trend in population growth and recent subdivision approvals.</p> <p>More generally it is acknowledged that there has been a general rise in in-migration in recent times that has been facilitated by people moving out of city areas into regional and rural areas throughout the Covid -19 pandemic.</p>
Will the proposal benefit or disadvantage any particular population cohort or group in the community?	<p>No</p> <p>The proposed subdivision will not result in any benefit or disadvantage, direct or indirect, to a particular population cohort or group in the community.</p>
Will the proposal be likely to give rise to increased employment opportunities in the local area?	<p>No</p> <p>The proposal will not create any increased employment opportunities, other than those generated as a consequence of construction activity.</p>

Discussion Point	Comment
Will the proposal have a significant impact on the existing housing stock in the local area, particularly affordable housing?	<p>Yes</p> <p>The proposal will provide opportunity for residential development which is consistent with the surrounding established rural residential context.</p> <p>The 2021 Census statistics show that the majority of households within the Mount Taylor area were purchasing or fully owned their home with only 8.2% renting privately. This is considered to be reflective of the 'dwelling type' provided in the general area which generally includes more mature families and empty nesters.</p> <p>Whilst the Census data does not provide population forecasts it is acknowledged that the <i>id community</i> data on Council's website predicts that the population of Bairnsdale will continue to increase with an average annual percentage change of +1.14%. This increase in population growth obviously incurs the need for further residential allotments to be provided.</p>
Will the proposal have an impact on current social, recreational or community infrastructure in the local area?	<p>No</p> <p>The proposed development has been anticipated in the residential forecasts for the Mount Taylor area and assumes that the land will be utilized for infill purposes.</p> <p>Residents of the proposed development will benefit from the recreational and community infrastructure as already established within the wider area. The site is well positioned being only a short drive from the main township area of Bairnsdale.</p>
Will the proposal create increased or decreased risk for occupants or pedestrians within the development or its surrounding area?	<p>No</p> <p>The proposal does not incorporate any pedestrian pathways as there are no footpaths provided along Bullumwaal Road, nor is there likely to be into the future given the vegetated state of the roadside corridor. There are also no footpaths provided in the subdivision immediately to the south (Chapman Court).</p>

6. Planning Elements

The planning zone and overlays as affecting the subject land are addressed below.

6.1 Low Density Residential Zone

The proposed subdivision is considered to respond positively to the purpose of the Low Density Residential Zone as it will result in the creation of allotments which can accommodate lower density residential living with capacity for onsite wastewater disposal.

The Application triggers planning approval at Clause 32.03-3 for subdivision of the land in accordance with the Low Density Residential Zone provisions. The scheme of subdivision has been designed in accordance with the zone requirements by providing allotments which are greater than 4000m² in area having regard for the absence of reticulated sewer.

Application Requirements

Given there is no reticulated sewer available to the land, a Land Capability Assessment Report has been provided in support of the Application to confirm the ability to treat and retain wastewater on site associated with future development.

Accompanying the Application is a Design Response Plan which demonstrates the available area for future residential development. This Plan has been prepared having regard for the site constraints and characteristics.

Building Envelopes have been shown on the Design Response Plan which demonstrate that there is more than ample area available within each Lot to accommodate future residential development having regard for LAA requirements, setbacks from waterways and bushfire protection requirements.

Whilst the soil composition varies across the site the relevant allotments have been provided with a conceptual LAA which exceeds the minimum requirement of 150m² for primary treatment associated with Category 4 soils.

For allotments where the minimum setback of 60 metres is not achieved from the ephemeral watercourse, secondary treatment needs to be provided. In such instances a LAA of 240m² for Category 3 soils and LAA of 280m² for Category 5 soils will be required.

Future dwellings will effectively drain onsite with the use of soak pits, as is typical for low density residential allotments where no reticulated drainage is available.

A Staging Plan has also been provided in support of the Application which shows how the proposed subdivision is to be completed in a staged manner. Given the scale of the project it is considered most logical and practical to complete the project in the stages as proposed.

Decision Guidelines

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

- Only one point of access will be established direct off Bullumwaal Road which will limit the extent of vegetation losses necessary to provide allotments with access and servicing.
- The allotments encumbered by the ephemeral water course are generally larger in area than those not encumbered to ensure there is sufficient area to establish future development which maintains appropriate offsets (>30m).
- Nomination of the allotments all greater than 4000m² in area provides a good level of assurance that native vegetation contained within the property boundaries will not be compromised due to the subdivision. Further planning approval is triggered for the removal of any vegetation on allotments greater than 4000m² in area.
- The allotments also contain sufficient depth and dimensions to ensure the necessary separation distances prescribed under the Bushfire Management Overlay and AS 3959: *Constructions of Buildings in Bushfire Prone Areas* can be achieved on site.

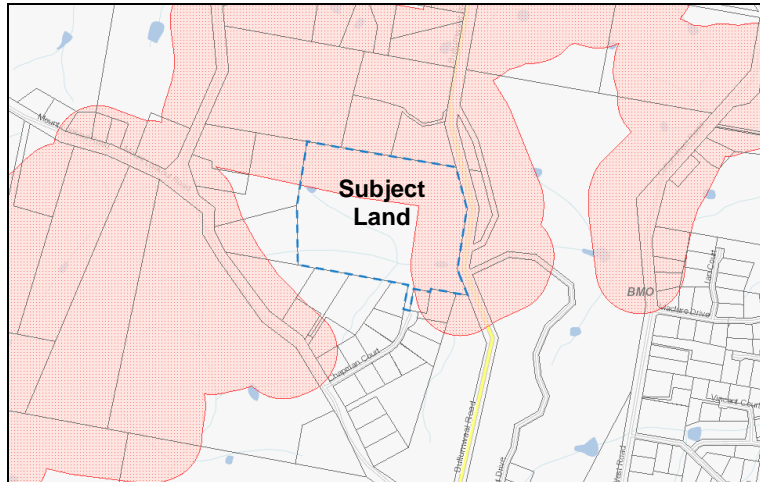
Power, water and telecommunications are already provided within the precinct and will be connected to each of the proposed allotments as part of the subdivision project.

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

- Reticulated water is already provided within the wider precinct and will be established to each of the proposed allotments as part of the proposal. It is expected that a water main extension will be provisioned from Chapman Court to the south.
- Use of reused and recycled water options will be dependent upon residents of the site.
- The subdivision has been designed to ensure future wastewater management will be sufficiently managed on site. The Design Response Plan demonstrates how each of the allotments can easily achieve the requisite Land Application Area as specified within the Land Capability Assessment Report.
- The site will be drained to the satisfaction of the Responsible Authority.

6.2 Bushfire Management Overlay

The northern and eastern sections of the site adjoining the vegetated property to the north and Bullumwaal Road are mapped as being affected by the provisions of the Bushfire Management Overlay which triggers planning approval at Clause 44.06-5 for subdivision of the land.



Bushfire Management Overlay Mapping – Source: VicPlan

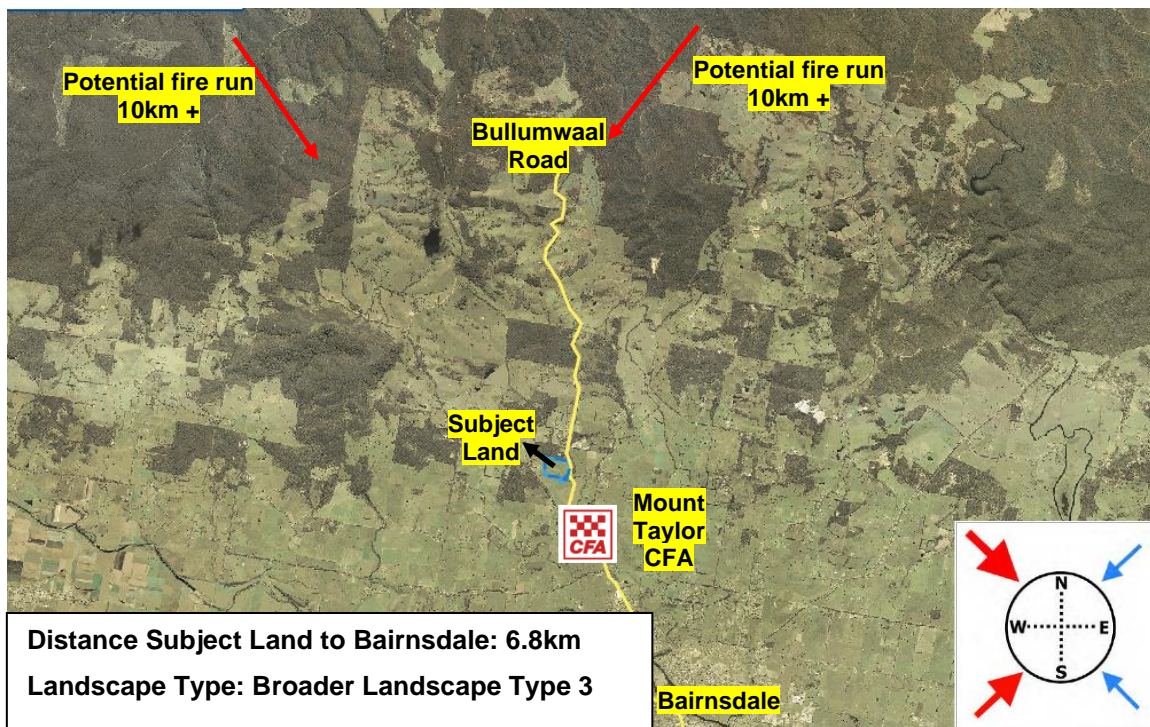
The proposed subdivision responds positively to the objectives of the Bushfire Management Overlay as the risk to life and property can be mitigated to an acceptable level. This will be achieved through establishing Building Envelopes with sufficient separation distances to achieve BAL 12.5.

Whilst Lots 21, 22, 24 & 25 are excluded from Bushfire Management Overlay mapping, they have been assessed herein and have been included within the Bushfire Management Plan to provide future purchasers with certainty. The inclusion of these allotments within the Bushfire Management Plan will also negate any need for future development to address AS 3959: 2018 *Construction of buildings in bushfire prone areas* at the Building Permit stage.

Application Requirements

Accompanying the Application is a Bushfire Hazard Site Assessment which describes the bushfire hazard including vegetation type and landform within 150 metres of the allotments affected by the Bushfire Management Overlay.

The below Bushfire Hazard Landscape Assessment provides information on the broader context of the area (>150 metres away from the site) and the associated landscape risk. Whilst there is a fire threat particularly from the north, the site is located within close proximity to the township of Bairnsdale and is surrounded by open grazing land and residential properties.



The mandatory Condition at Clause 44.06-5 will trigger the need for a Section 173 Legal Agreement to be entered into which references a plan prepared in accordance with Clause 53.02-4.4.

The Bushfire Management Plan includes detail of the bushfire mitigation measures to be implemented for each of the proposed vacant allotments and includes Defendable Space Plans which show the area available for building.

These Plans will be referenced within the Section 173 Legal Agreement which will provide future purchasers with the ability to build without triggering further planning approval under the provisions of the Bushfire Management Overlay.

If in the event future dwellings or outbuildings greater than 100m² in area are proposed outside of the Building Envelope shown on the Defendable Space Plans, further planning approval would be triggered under the Bushfire Management Overlay.

The following Bushfire Management Statement describes how the proposed subdivision responds to the requirements of Clause 44.06-3 and Clause 53.02 Bushfire Planning.

Response to Objectives and Standards to Clause 53.02

CLAUSE 53.02-4.1 LANDSCAPE, SITING & DESIGN OBJECTIVES

Objective

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

Development is sited to minimise the risk from bushfire.

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

Building design minimises vulnerability to bushfire attack.

Approved Measures

AM 2.1

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

Response:

The subject land is located within an existing residential precinct with the subject land and surrounding properties in all directions being contained within the Low Density Residential Zone. There are numerous dwellings established within the precinct which enjoy the peri-urban location.

There is some risk of fire provided from the north given the potential for fire runs through the State Forest and grass fires in the intervening landscape which can approach from more than one direction. The surrounding landscape has therefore been described as Landscape Type 3 however it is otherwise well positioned and does not provide an extreme risk due to its position within an existing low density residential area which is generally well managed and maintained.

The site is located within Mount Taylor and is only a short drive to the main township area of Bairnsdale. The area is quite well populated and easily accessed via Bullumwaal Road which is identified as Transport Zone 2.

Whilst the northern and eastern sections of the subject land are affected by the provisions of the Bushfire Management Overlay, the remainder of the site is excluded from the mapped area.

AM 2.2

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

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

Response:

The subdivision has been designed to ensure that there is good opportunity for future development to be established on Lots which achieves suitable separation from the bushfire hazard.

The subdivision proposes the practical siting of future development through the nomination of Building Envelopes on each vacant allotments which can achieve all defensible space entirely within the proposed boundaries.

The main fire hazard stems from the north where vegetation with a classification of 'forest' is established. Building Envelopes have therefore been designed to provide good separation from the northern property boundary with separation distances which meet Clause 53.02-5, Table 2, Column A (BAL 12.5).

Each of the proposed allotments will be provided with adequate vehicle access via the new internal road network. The new road will be established to relevant standards set by the Infrastructure Design Manual and Bullumwaal Road is a good quality sealed bitumen road which services numerous rural residential properties. These roads will all be suitable for accommodating emergency vehicles.

AM 2.3

A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

Response:

N/A

CLAUSE 53.02-4.3 WATER SUPPLY & ACCESS OBJECTIVES

Clause 53.02-4.3 Objective

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

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

Approved Measures

AM 4.1

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

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

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

Response:

As the Building Envelopes on **Lots 1-19** (inclusive) are contained within the Bushfire Management Overlay mapping and are greater than 1,000m² in area, there is requirement that they each be provided with a static water supply of 10,000 litres with fire authority fittings and access.

Given the fire authority access to the water supply is required under AM 4.1 and the length of driveway will be less than 30 metres there is a need for authority vehicles to get within 4 metres of the water supply outlet.

These water supply and access requirements have been specified in the accompanying Bushfire Management Plan which will be referenced within a Section 173 Legal Agreement ensuring the bushfire mitigation measures are implemented on an ongoing basis.

Water supply and access requirements have not been prescribed within the Bushfire Management Overlay for Lots 21-25 (inclusive) as there is sufficient area to build outside of the Bushfire Management Overlay.

CLAUSE 53.02-4.4 SUBDIVISION OBJECTIVES

Clause 53.02-4.4 Objective

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

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

Approved Measures

AM 5.1

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

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

Response:

N/A AM 5.2 applies in this instance.

AM 5.2

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

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

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

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

Response:

Above sections of this assessment address the approved measures in AM 2.1 and AM 2.2.

The proposed subdivision has been designed in a manner which ensures that each vacant allotment within the Bushfire Management Overlay is provided with a Building Envelope and sufficient defendable space within allotment boundaries to meet requirements of Column A to Table 2 to Clause 53.02-5 (BAL 12.5).

The presence of vegetation with a 'forest' classification on the upslope to the north and to the east dictate's requirement for separation distance of 48 metres (BAL 12.5). The 'grassland' on the upslope to the west dictate's a requirement for a separation distance of 19 metres whilst the presence of 'low threat' vegetation on the downslope to the south (>5-10°) dictates requirement for separation distance of 50 metres or the property boundary, whichever is the lesser.

Whilst the vegetation immediately to the north has been assessed as 'forest' it is acknowledged that the understorey under the established trees is otherwise well managed and maintained in part. Planning Permit 426/2009/P/A as issued 6 September 2011 provided planning approval on the adjoining property to the north (654 Bullumwaal Road, Mount Taylor) for Four Lot Subdivision, Alteration of Access in a Road Zone, Removal of Native Vegetation and Removal of Non-Native Vegetation.



View across subject land towards vegetation to the north described as 'Forest'



Looking north along Chapman Court at 'Low Threat' vegetation

The Building Envelopes have been designed to ensure compliance with Column A to Table 2 to Clause 53.02-5 (BAL 12.5) given that the subdivision seeks to create more than 10 allotments. There is no ability to design Building Envelopes that meet requirements of Column C (BAL 29) or higher under AM 5.2 given the size of the subdivision.

The Bushfire Management Plan includes individual diagrams of the Building Envelopes and associated defendable space for each of the vacant allotments within the Bushfire Management Overlay and prescribes the minimum construction standards (BAL 12.5) for all allotments.

Registration of the Bushfire Management Plan through Section 173 Legal Agreement will provide future owners certainty that they can build a single dwelling and will avoid the need for further planning approval under the provisions of the Bushfire Management Overlay.

The vegetation management requirements specified within Table 6 to Clause 53.02-5 have been included within the Bushfire Management Plan which ensures that owners of the allotments within the Bushfire Management Overlay (Lots 1-19 inclusive) are aware of their ongoing obligations pertaining to vegetation management.

The water supply and access requirements which comply with AM 4.1 have also been incorporated into the Bushfire Management Plan to ensure landowners area aware of their ongoing obligations.

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:

As the proposal will result in the creation of more than 10 allotments consideration needs to be given to AM 5.3 which seeks to provide a perimeter road adjoining hazardous vegetation.

The subject land is well positioned within an existing rural residential precinct which is surrounded by open cleared paddocks or established rural residential development. The highest order vegetation classification adjoining the land is the 'forest' vegetation which is established on the land immediately to the north.

Surrounding land is also contained within the Low Density Residential Zone and has been earmarked for future rural residential development and further subdivision.

Given the surrounding context the establishment of a perimeter road will be of no particular benefit in this instance for firefighting purposes. It is also not logical to establish a perimeter road having regard for the site characteristics and constraints. However, the proposed road network has been designed to provide practical and convenient access for fire fighting vehicles by use of a standard road design which incorporates court bowls with a 10 metre radius.

Whilst a perimeter road has not been nominated along the northern boundary to separate the main fire threat from the residential development, the subdivision has been carefully designed to ensure adequate separation is still provided.

This has been achieved by designing Building Envelopes and associated defensible space which accords with the separation distances prescribed by Column A, to Table 2 to Clause 53.02-5 (BAL 12.5).

It is acknowledged that AltM 5.5 enables the use of defensible space in accordance with Table 2 Column C (BAL 29) to Clause 53.02-5 when all requirements of AM 5.2 are met and where it can be demonstrated that appropriate having regard for the landscape risk. Whilst are not proposing a perimeter road, the landscape risk is clearly not high risk and defensible space has been maximised consistent with Table 2 Column A (BAL 12.5) to Clause 53.02-5.

AM 5.4

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

Response:

The proposed subdivision manages the bushfire risk having regard for the current and future occupation of the surrounding land. It is reasonable to expect that the existing Low Density Residential Zone properties adjoining the site will continue to be utilised for residential purposes.

It is also anticipated that the adjoining land immediately to the north will remain vegetated having regard for the provisions of Clause 52.17 which relates to native vegetation.

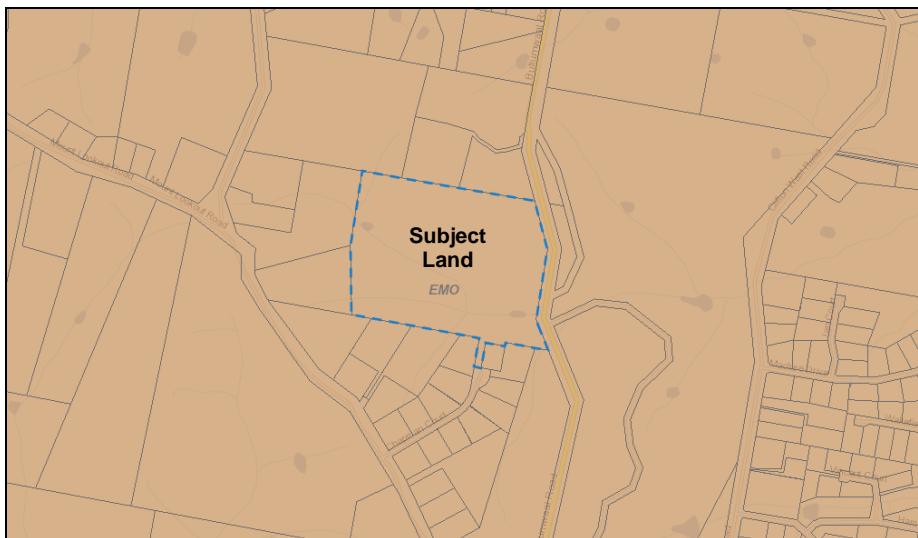
The larger parcels of Low Density Residential Zoned land provided on the eastern side of Bullumwaal Road area also earmarked for future rural residential development.

There are no anticipated strategic plans which would alter this outcome.

6.3 Erosion Management Overlay

The whole of the subject land is mapped as being affected by the provisions of the Erosion Management Overlay which triggers planning approval at the following Clauses:

- Clause 44.01-2 for Roadworks;
- Clause 44.01-3 for vegetation removal; &
- Clause 44.01-5 for subdivision of the land.



Erosion Management Overlay Mapping – Source: VicPlan

Application Requirements

- The landform across the property is undulating in nature with an ephemeral watercourse dissecting the southern portion of the land. There are two existing dams located on the land which have historically been utilised for watering stock. The landform is not considered to be steep albeit does contain some change in elevation (max slope approximately 1:5).
- Earthworks associated with the subdivision will include establishment of the new internal road network, servicing, vehicle crossings, removal of vegetation and boundary fencing. Any earthworks associated with the construction of future dwellings which exceeds 1.0 metre in height or depth would trigger further planning consideration under the provisions of the Overlay.

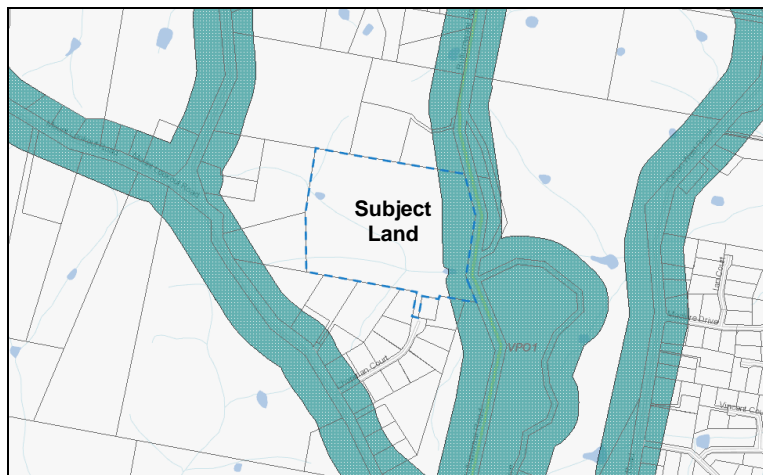
- It is anticipated that a condition on Permit will trigger requirement for a Construction Management Plan and for Detailed Drainage & Road Construction Plans to be submitted and approved by the Responsible Authority prior to the commencement of works in each relevant stage.
- It is also anticipated that Permit will trigger requirement for land stability measures to be undertaken during works in the form of standard Condition pertaining to sediment control.

The Schedule to the Erosion Management Overlay triggers requirement for a Geotechnical Risk Assessment to be provided in support of the Application. In response, please find enclosed a Geotechnical Risk Assessment document prepared by *Chris O'Brien & Company Pty Ltd*.

The Geotechnical Risk Assessment document outlines that the site has a low risk of landslide, sheet/rill erosion and tunnel erosion and confirms that the site has the capacity to accommodate the proposed subdivision.

6.4 Vegetation Protection Overlay

The eastern portion of the land is affected by the provisions of the Vegetation Protection Overlay – Schedule 1 which is named “*Tambo-Bairnsdale Roadside Vegetation Protection Network*” and identifies native vegetation along roadsides as being significant for habitat, landscape and aesthetic values.



Vegetation Protection Overlay Mapping – Source: VicPlan

The objective of Schedule 1 to the Vegetation Protection Overlay is to protect high conservation value roadside vegetation from potential adverse impacts of establishing access and maintenance and construction activities.

As the vegetation removal element of the project will occur within the area mapped as being affected by the provisions of the Vegetation Protection Overlay – Schedule 1 it will trigger planning approval at Clause 42.02-2.

Decision Guidelines

The proposed subdivision has been carefully designed to limit the extent of vegetation loss from within the adjoining Road Reserve by nominating a single intersection with Bullumwaal Road.

It is expected that vehicle access to each of the proposed allotments will be facilitated from the new internal road network. Lots 20 & 21 will not only have frontage to the new internal road network however will also benefit from access from Chapman Court.

Whilst an element of vegetation removal does form part of the proposal to accommodate the proposed intersection, the remainder of the vegetation within the roadside corridor will not be adversely impacted as a result of the proposal.

There will be no ability for any other roadside vegetation to be removed without first obtaining both landowner/land manager consent and further planning approval.

The careful consideration of the proposed intersection has insured that the impacts to native vegetation has been dramatically reduced and will ensure the adjoining Road Reserve maintains its vegetated character and appearance.

6.5 Particular Provisions

6.5.1 Native Vegetation (Clause 52.17)

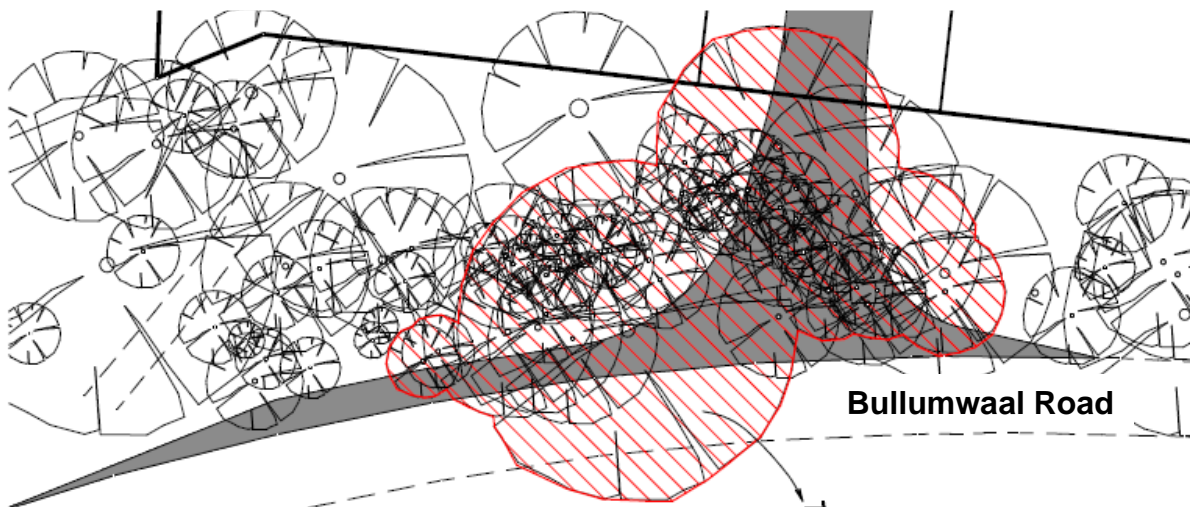
Planning approval is triggered at Clause 52.17-1 for the removal of native vegetation in accordance with Particular Provisions relating to Native Vegetation.

Application Requirements

The Application complies with the Application Requirements specified within the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation, December 2017* ('the Guidelines').

Accompanying the Application is a Native Vegetation Removal Report (dated 10/10/2022) as generated from the *Native Vegetation Information Management System* which includes detail on the assessment pathway, detail about the vegetation earmarked for removal, mapping and offset requirements along with other details as triggered within Table 4 of the Guidelines.

The native vegetation earmarked for removal under the provisions of Clause 52.17 is limited to a patch of native vegetation from within the Road Reserve along Bullumwaal Road of 0.109ha in area which includes three large trees. The purpose for the vegetation removal is to accommodate establishment of a new intersection.



Extract of Plan of Vegetation Removal – Crowther & Sadler Pty Ltd



View from Bullumwaal Road towards proposed intersection and vegetation earmarked for removal



*Large trees within the patch earmarked for removal
date of photography 30/09/2022*

To compensate for the vegetation losses, a third-party offset will be secured to ensure no net loss of biodiversity, in accordance with the requirements of Clause 52.17-5. Please find enclosed a quotation from *Vegetation Link* confirming the availability of the required credits with all necessary attributes.

In response to the application requirements specified at Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) ('the Guidelines') we offer the following comments.

	Application Requirement	Response/Comment
1.	Information about the vegetation to be removed	The accompanying Native Vegetation Removal Report includes adequate information to address this Application Requirement.
2.	Topographic and land information	<p>Whilst the landform across the site does vary in grade having regard for the presence of the ephemeral watercourse, it is not steep with the maximum slope being approximately 1:5.</p> <p>The vegetation earmarked for removal is offset from the watercourses and is located within the adjoining Road Reserve on land which is not steep in grade.</p>
3.	Recent dated photographs of the native vegetation to be removed.	See photograph on previous page as taken 30/09/2022.
4.	Details of other native vegetation approved to be removed, or that was removed without the required approvals on the property within the past 5 years.	There has been no past vegetation removal on the subject land or within the adjoining road reserve which would otherwise influence the assessment at hand.
5.	Avoid and minimise statement	<p>Efforts have been made to avoid and minimise the extent of vegetation loss through thoughtful, site responsive design. This has been achieved by establishing one main intersection with Bullumwaal Road which will cater for vehicle movements.</p> <p>The proposed allotments are all greater than 4000m² in area having the impact of preventing the loss of native vegetation without any further planning approval.</p> <p>The vegetation earmarked for removal is not identified as high quality given it is located within location 1 and is not in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area. The vegetation losses are therefore considered to be appropriate having regard to the outcome.</p>

	Application Requirement	Response/Comment
6.	Property Vegetation Plan	There are no Property Vegetation Plans applying to the subject land.
7.	Defendable space statement	Whilst the whole of the subject land is mapped as being Bushfire Prone and part of the land is mapped as being affected by the provisions of the Bushfire Management Overlay, the vegetation is being removed to facilitate establishment of an intersection and does not need to be removed for defendable space purposes.
8.	Native Vegetation Precinct Plan statement	The Application is not being made under the provisions of Clause 52.16.
9.	Offset statement	<p>As a Permit is required to remove native vegetation the biodiversity impacts from the removal must be offset in accordance with the Guidelines. It is anticipated that the standard Conditions will be imposed on Permit which specify the offset requirement and the timing to secure the offset.</p> <p>There is limited ability to provide vegetation offsets onsite given the residential context of the area. It is therefore anticipated that vegetation offsets will be achieved through third party arrangements.</p> <p>Preliminary investigations have been undertaken with a BushBroker accredited organisation to ensure that there are adequate offsets available to purchase which meet the offset requirements.</p> <p>Please find accompanying the Application a copy of correspondence provided by Vegetation Link which confirms vegetation offsets are available within the <i>East Gippsland Catchment Management Authority</i> area that can accommodate the loss. This document is being provided as evidence that suitable vegetation offsets that can accommodate the losses can be purchased under the current market.</p>

	Decision Guidelines	Response/Comment
1.	Efforts to avoid and minimise vegetation removal to be commensurate with the biodiversity and other values.	<p>As outlined within the above avoid, minimise statement the subdivision design and associated vegetation losses are commensurate to the biodiversity values.</p> <p>The vegetation in question has not been identified as being of significance as it is mapped as being within location 1 and is not in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area.</p> <p>Efforts have been made to avoid and minimise the extent of vegetation loss through thoughtful, sit responsive design. This has been achieved by preventing access direct to allotments adjoining the vegetated roadside corridor within Bullumwaal Road.</p> <p>The efforts to avoid and minimise vegetation losses has resulted in only one patch of vegetation measuring 0.109ha which includes three large trees triggering consideration under the provisions of Clause 52.17.</p>
2.	The role of the vegetation being removed in protecting water courses, preventing land degradation and adverse effects on groundwater.	<p>The vegetation in question is considered to play a minimal role in protecting water quality and preventing land degradation given its location. The vegetation is not contained on steep land and contains ample offset from existing water courses.</p> <p>The remaining vegetation provided within the road reserve along Bullumwaal Road will be retained.</p>
3.	The need to manage native vegetation to preserve identified landscape values.	<p>Whilst the vegetation has some limited aesthetic value, it is not considered to have a high environmental value having regard for the NVIM mapping and associated scores.</p> <p>The removal of the vegetation in question will have limited visual impacts as the curtain of established roadside vegetation will otherwise be retained.</p>
4.	Whether the vegetation to be removed is protected under the Aboriginal Heritage Act 2006.	The vegetation earmarked for removal is not identified as being protected under the <i>Aboriginal Heritage Act 2006</i> .
5.	The need to remove vegetation for defensible space.	The vegetation is being removed for access purposes and does not need to be removed for the establishment of defensible space.
6.	Whether the removal is in accordance with any Property Management Plan.	There is no Property Management Plan applying.
7.	Whether an offset that meets the requirements has been identified and can be secured.	There is the ability to obtain and secure vegetation offsets which meet the offset requirements in accordance with the Guidelines. This has been demonstrated through the inclusion of a quotation provided by Vegetation Link.

	Application Requirement	Response/Comment
8.	Clause 52.16 Applications	N/A
9.	Impacts on biodiversity	The extent of vegetation loss has been limited to one patch of vegetation only and is not contained in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area. As outlined on the accompanying Native Vegetation Removal Report the vegetation loss will not have a significant impact on any habitat for a rare or threatened species.

6.5.2 Land Adjacent to the Principal Road Network (Clause 52.29)

Given Bullumwaal Road to the east is mapped as being within the Transport Zone 2 consideration has been given to the Particular Provisions relating to *Land Adjacent to the Principal Road Network*.

Planning approval is triggered at Clause 52.29-2 for the creation of access and to subdivide land adjacent to a road in a Transport Zone 2.

Decision Guidelines

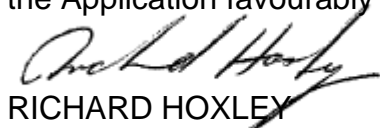
The nomination of a single intersection with Bullumwaal Road is considered to be a good response to the adjoining Transport Zone 2. It not only limits the overall number of access points however also provides good quality and safe access with appropriate sight lines established.

The intersectional works will include the establishment of a left hand turning lane from Bullumwaal Road into the subject land consistent with the accompanying Traffic Impact Assessment Report.

7. Conclusion

The proposed Multi Lot Subdivision (Staged), Works (Roadworks), Native Vegetation Removal, Creation of Access & Subdivision Adjacent to Transport Zone 2 at 585 Bullumwaal Road, Mount Taylor is considered to accord with all relevant provisions of the Low Density Residential Zone, Bushfire Management Overlay, Erosion Management Overlay, Vegetation Protection Overlay & Particular Provisions of the *East Gippsland Planning Scheme*. The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

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



RICHARD HOXLEY
Principal Planner

Reference No: B22208

Project No: 340522

27/05/2022

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

Attn: Richard Hoxley

Dear Richard,

RE: Geotechnical Risk Assessment for Proposed Multi Lot Residential Subdivision at 585 Bullumwaal Road, Mount Taylor.

INTRODUCTION

Chris O'Brien & Company Pty Ltd have been engaged by Richard Hoxley of Crowther & Sadler Pty Ltd to provide a Geotechnical risk assessment report for a proposed multi lot residential subdivision at 585 Bullumwaal Road, Mount Taylor Vic 3875. 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.

Note that in accordance with "Guidelines for Landslide Susceptibility" Section 5: Landslide Zoning: the subject site would not be considered in a landslide hazard zone.

The site was inspected by Andrew Powell on the 25th May 2022.

SITE DESCRIPTION

The approximate 24.5 hectare site is currently used for grazing and is located on a rolling hill system and displayed a good cover of grass. The site had low to moderate falls with a maximum fall observed on the site of approximately 1 in 5. The site currently drains to the east via a series of natural watercourses. There is a dam at the western end of the property and another at the eastern end prior to a large culvert draining the land under Bullumwaal Road. Typical of most grazing land only a few trees exist on the site. A series of photographs are attached to the end of this report displaying the dams, natural water courses and the lay of the land.

PROJECT DETAILS

Works to be completed on site include the provision of roads and underground services such as storm water drainage, power and NBN services. A new access to the site from Bullumwaal Road will be required. It is the intent of the subdivision not to interfere with how the land currently drains with proposed allotments and roads set out so as to not impact the existing natural water courses.

FIELD INVESTIGATION

The site was inspected on the 25th May 2022 to assess what is currently occurring on site in regards to erosion, how the site is currently drained and to assess the soil types on site in relation to erosion control and to assess suitable for on-site domestic waste water treatment for the lots to be created.

Visual inspection confirmed no current erosion problems on site with the site being suitably drained towards the natural water courses.

Soil samples were taken at numerous locations on the site with soil conditions generally being fairly consistent over the entire site. The proposed road has been suitably placed to minimise the amount of crossfall across the proposed road reserve.

Generally the soils are as follows:

- 0 – 250 Dark brown fine sandy loam topsoil damp & firm with coarse grass roots
- 250 – 600 Brown/grey silty loam damp & firm.
- 600 – 800 Orange/tan sandy clay loam damp & stiff.

No adverse moisture conditions of fill were encountered during the soil investigation of the site. It is expected that the topsoil will be stripped in work areas and stockpiled for future use on site. Soils found were cohesive, strong and considered ideal for forming batters up to a maximum slope of 1 in 2.

SUMMARY OF RISKS

LANDSLIDE	LOW
SHEET/RILL EROSION	LOW
TUNNEL EROSION	LOW

- Low to moderate grades over the entire site ranging from about 1 in 20 to 1 in 6.
- There is no evidence of any landslip or soil erosion on any of the surrounding properties
- Land to the north, west and south currently surface flows through the site down through the existing natural water courses which run through the property to the existing culvert which then drains the land through to the eastern side of Bullumwaal Road. Visual inspection showed no erosion occurring from this practice, with the intention to maintain the water courses as a point of drainage. Currently the existing excellent grass cover is protecting the soils under and this is to be maintained.
- A construction management plan will need to be implemented for entire construction time for the roads and associated underground services. The plan will need to show measures to be undertaken to control erosion and storm water during the construction period. The following will have to be considered:

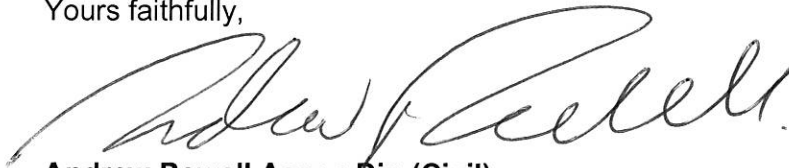
- i. Location of any temporary construction works office and machinery storage area.
 - ii. Identification and location of areas suitable for the stockpile of topsoil with measures of erosion control to be shown (i.e. diversion banks and sediment fences)
 - iii. Measures and techniques to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas.
 - iv. Drainage of all construction and stockpile areas for the duration of the works and details of stormwater treatment to be provided.
 - v. A stabilized vehicle access point to and from all storage areas on the site for the entire length of the construction
 - vi. The form, bulk, scale and location of cut and fill is to be controlled to ensure no adverse effects on the natural water courses and existing dams. (i.e. diversion banks and spoon drains)
 - vii. All erosion and sediment control measures will need to be inspected on a daily basis by the site manager with any maintenance required to be rectified immediately.
 - viii. Access from Bullumwaal Road with some significant tree removal and earthworks requires to create the access.
- Storm water management plan for the whole site, with drainage treatment and details and control of storm water run-off to be clearly indicated. Control of sediment run-off and erosion control details to be shown. It is essential that all storm water run-off from construction areas be treated prior to entering site run-off areas.

The above recommendations will need to be provided and approved prior to the commencement of any construction works on site. All storm water pits, silt fences etc will need regular maintenance to ensure the systems work as intended, as any silt build up in pits etc could cause the system to fail.

We therefore suggest that a full geotechnical risk assessment report is not required for this development. As long as all recommendations above are strictly adhered to, we anticipate no environmental risks with the work to be undertaken.

Should you need to clarify anything, please contact the Andrew Powell on 0402384596

Yours faithfully,



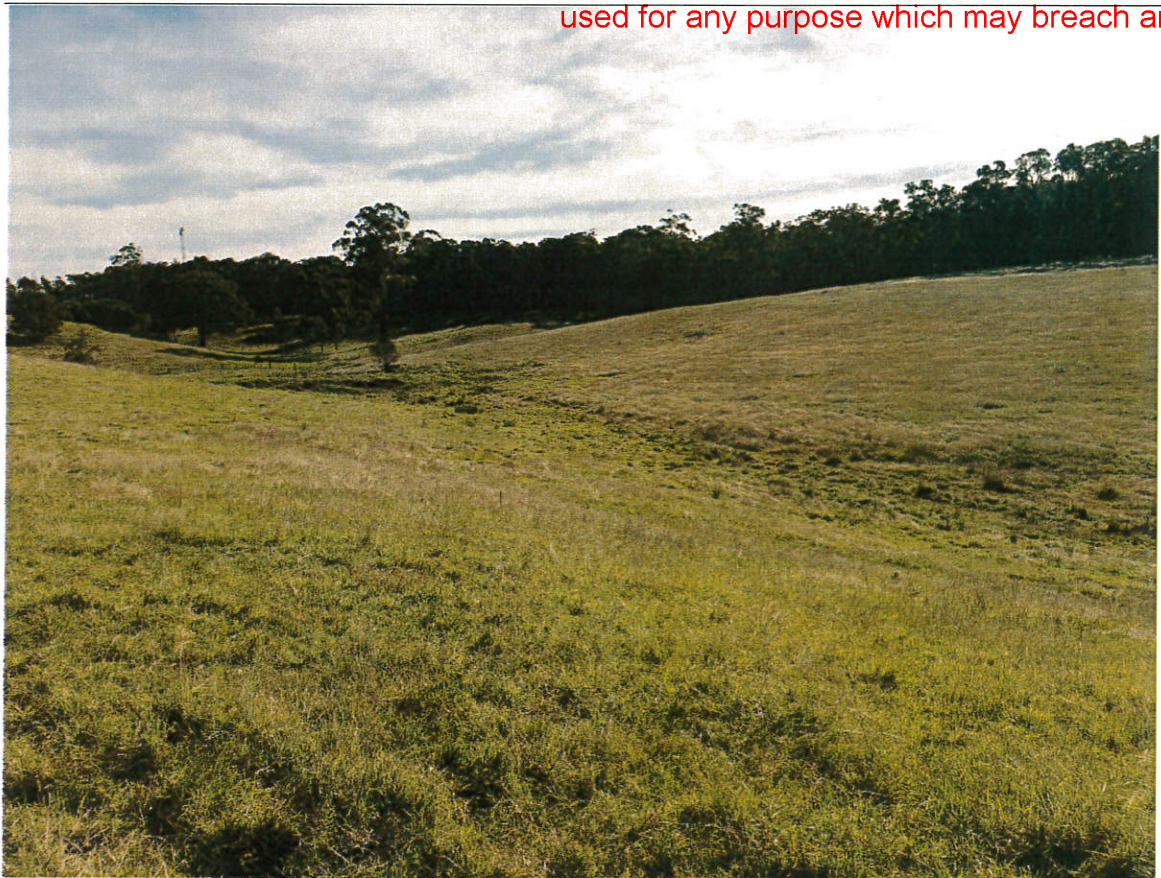
Andrew Powell Assoc.Dip (Civil)
for CHRIS O'BRIEN & COMPANY PTY LTD

Photos below shows the existing water courses draining towards Bullumwaal Road.





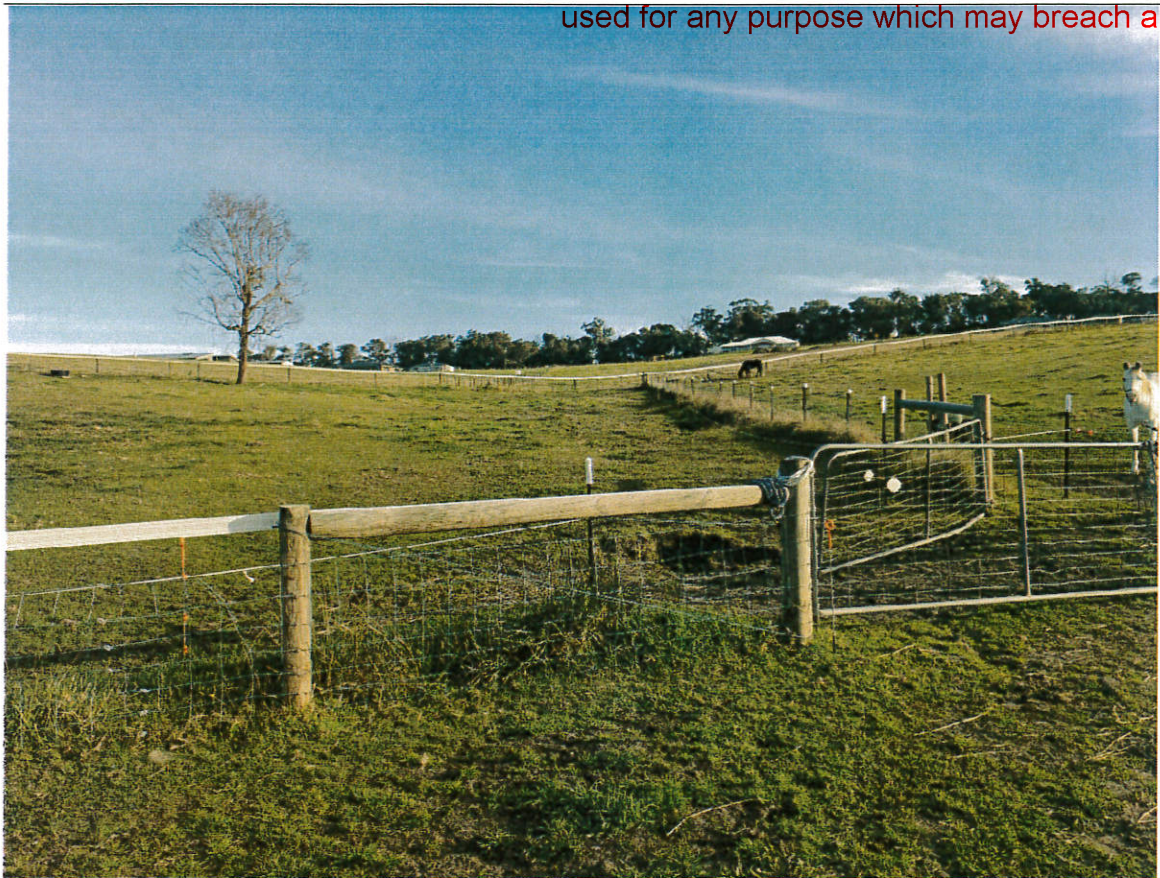










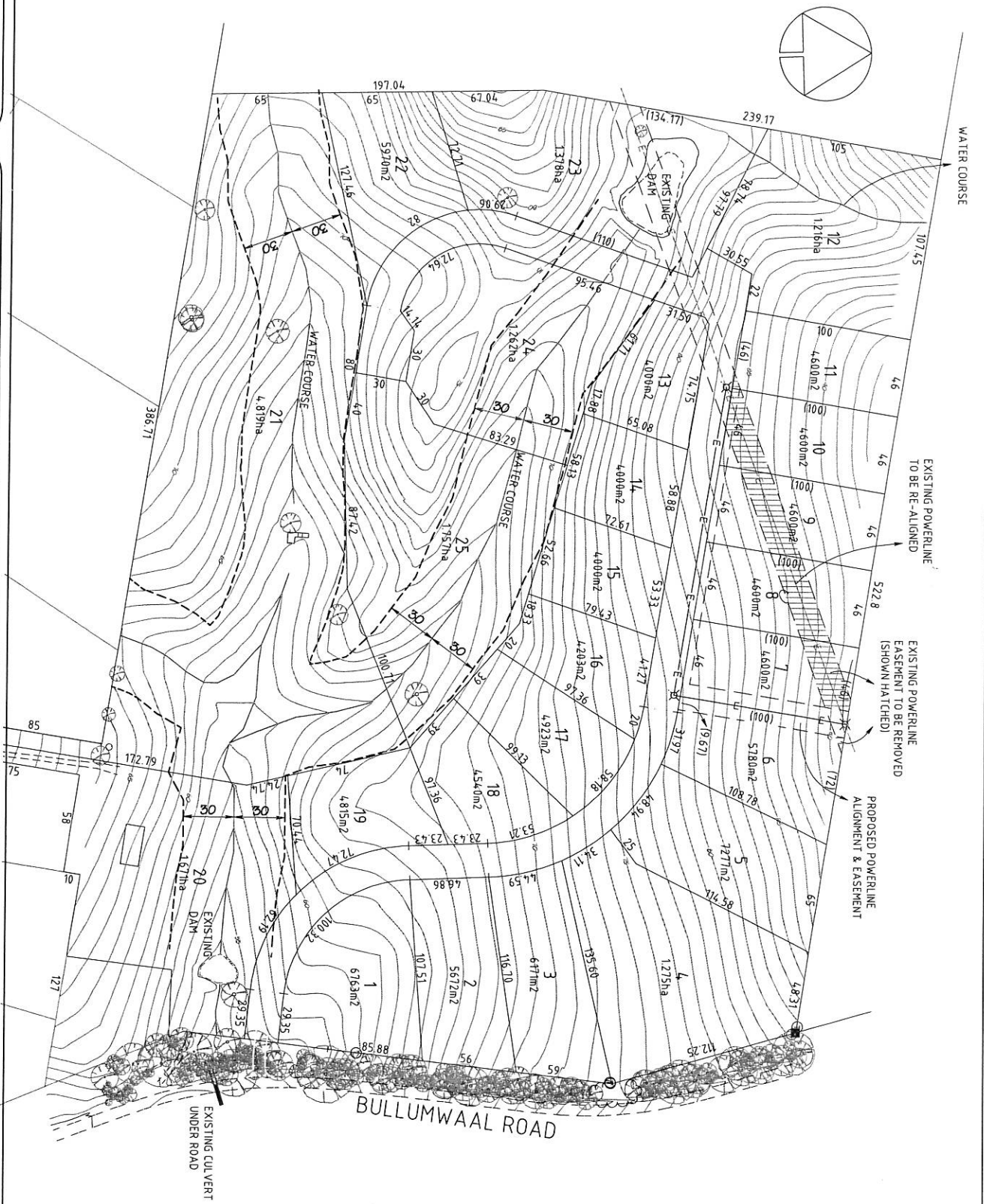


Photos below show access area from Bullumwaal Road





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CLIENT

CROWTHER & SADLER PTY LTD

CHRIS O'BRIEN & COMPANY PTY LTD
CONSULTING CIVIL & STRUCTURAL ENGINEERS

All correspondence to:
P.O. Box 18
Traralgon Vic. 3844

13A Church Street
Traralgon Vic. 3844

Telephone 03 5174 9911
Facsimile 03 5174 0011

DRAWN

PROPOSED SUBDIVISION PLAN

A.P.

DESIGNED

A.P.

CHECKED

COB

SIGNED

PROPOSED MULTI LOT SUBDIVISION
GEO-TECHNICAL RISK ASSESSMENT

585 BULLUMWAAL ROAD, WY YUNG VIC 3875

DWG FILE NAME: 340522-1.dwg
DATE PLOTTED: 27-05-2022

DATE

MAY 2022

SCALE

AS SHOWN

SHEET NO.

1 OF 1

PROJECT NO.

340522

Aboriginal Heritage Act 2006
Section 65

Cultural Heritage Management Plan – Notice of Approval

CHMP NAME:	Residential subdivision: 585 Bullumwaal Road, Mount Taylor		
CHMP NUMBER:	18086		
SPONSOR:	Lindley Jones and Marcus Batt	ACN/ABN:	Natural person
Cultural Heritage Advisor(s):	David Mathews and Joseph Minter Brooke		
Author(s):	David Mathews, Anna Light and Melinda Albrecht		
Cover date:	15 th September 2022	Pages:	83
Received for approval:	15 th September 2022		

TO BE COMPLETED BY THE Registered Aboriginal Party DELEGATE	Yes	No
I have considered the Evaluation Report for this CHMP and:		
<i>I am satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of section 53 (in the Aboriginal Heritage Regulations 2007 and the Approved Form).</i>	Yes	
<i>I am satisfied that the CHMP adequately addresses the matters set out in section 61.</i>	Yes	
<p>I, Russell Mullett, RAP Manager, Gunaikurnai Land and Waters Aboriginal Corporation, acting under authority delegated to me by the BOARD OF DIRECTORS, and pursuant to section 65(2) of the <i>Aboriginal Heritage Act 2006</i> hereby approve this cultural heritage management plan:</p> <p>Signed: </p> <p style="text-align: center;">RUSSELL MULLETT</p> <p>Dated: 19th September 2022</p>		
<ul style="list-style-type: none"> • This notice of approval should be inserted after the title page and bound with the body of the management plan. • The recommendations in this management plan are now compliance requirements. Officers from the Department of Premier and Cabinet may attend the subject land to monitor compliance with the recommendations. 		

Bushfire Management Plan

Multi Lot Subdivision (Staged), Works (Roadworks),
Native Vegetation Removal, Creation of Access &
Subdivision Adjacent to TRZ2

585 Bullumwaal Road, Mount Taylor

Reference – 19540

Version 2



FS 520900

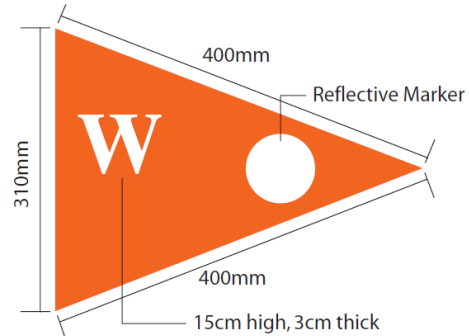


Water Supply Requirements

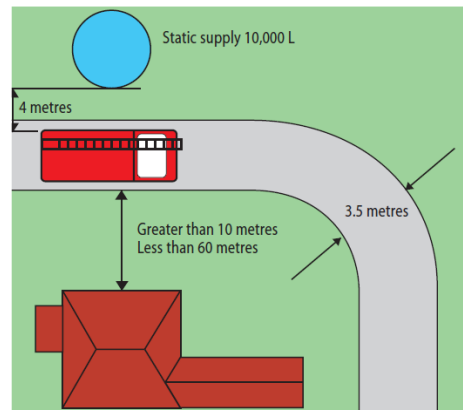
Lots 1-19 (inclusive)

Prior to the occupancy of a dwelling on **Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19** an effective water supply with a minimum capacity of 10,000 litres for firefighting purposes must be installed and comply with the following requirements, unless otherwise agreed in writing by the relevant fire authority:

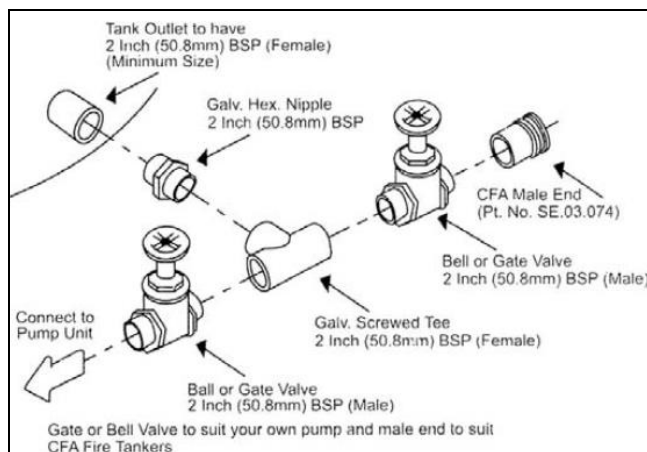
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).



Example of CFA Water Supply Marker



Example of Acceptable Static Water Supply Location



CFA Standard Static Water Supply Fittings

Bushfire Management Plan

Construction Standard

Lot 1

The construction of a dwelling on Lot 1 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 2

The construction of a dwelling on Lot 2 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 3

The construction of a dwelling on Lot 3 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 4

The construction of a dwelling on Lot 4 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 5

The construction of a dwelling on Lot 5 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 6

The construction of a dwelling on Lot 6 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 7

The construction of a dwelling on Lot 7 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 8

The construction of a dwelling on Lot 8 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 9

The construction of a dwelling on Lot 9 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Bushfire Management Plan

Lot 10

The construction of a dwelling on Lot 10 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 11

The construction of a dwelling on Lot 11 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 12

The construction of a dwelling on Lot 12 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 13

The construction of a dwelling on Lot 13 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 14

The construction of a dwelling on Lot 14 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 15

The construction of a dwelling on Lot 15 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 16

The construction of a dwelling on Lot 16 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 17

The construction of a dwelling on Lot 17 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 18

The construction of a dwelling on Lot 18 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 19

The construction of a dwelling on Lot 19 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Bushfire Management Plan

Lot 21

The construction of a dwelling on Lot 21 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 22

The construction of a dwelling on Lot 22 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 23

The construction of a dwelling on Lot 23 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 24

The construction of a dwelling on Lot 24 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Lot 25

The construction of a dwelling on Lot 25 must be designed and constructed to a minimum Bushfire Attack Level 12.5 in accordance with AS 3959-2009.

Bushfire Management Plan

Vegetation Management

Lot 1



The area shown must be established for defendable space to the following distances from the Building Envelope:

North	South	East
5 metres	10 metres	48 metres

Lots 2 & 3



The area shown must be established for defendable space to the following distances from the Building Envelope:

North	South	East	West
5 metres	5 metres	48 metres	10 metres

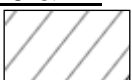
Lot 4



The area shown must be established for defendable space to the following distances from the Building Envelope:

North East	North West	South	East	West
48 metres	5 metres	5 metres	48 metres	10 metres

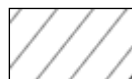
Lots 5, 6, 7, 8, 9, 10 & 11



The area shown must be established for defendable space to the following distances from the Building Envelope:

North	South	East	West
48 metres	10 metres	5 metres	5 metres

Lot 12



The area shown must be established for defendable space to the following distances from the Building Envelope:

North	South West	South East	East	West
48 metres	5 metres	10 metres	5 metres	19 metres

Bushfire Management Plan

Lot 13



The area shown must be established for defendable space to the following distances from the Building Envelope:

North	South	East	West
10 metres	5 metres	5 metres	10 metres

Lots 14, 15 & 16



The area shown must be established for defendable space to the following distances from the Building Envelope:

North	South	East	West
10 metres	5 metres	5 metres	5 metres

Lot 17



The area shown must be established for defendable space to the following distances from the Building Envelope:

North West	North East	South West	South East
5 metres	10 metres	5 metres	5 metres

Lots 18 & 19




The area shown must be established for defendable space to the following distances from the Building Envelope:

North	South	East	West
5 metres	5 metres	10 metres	5 metres

Vegetation Management Continued

Lots 1-19 (inclusive)

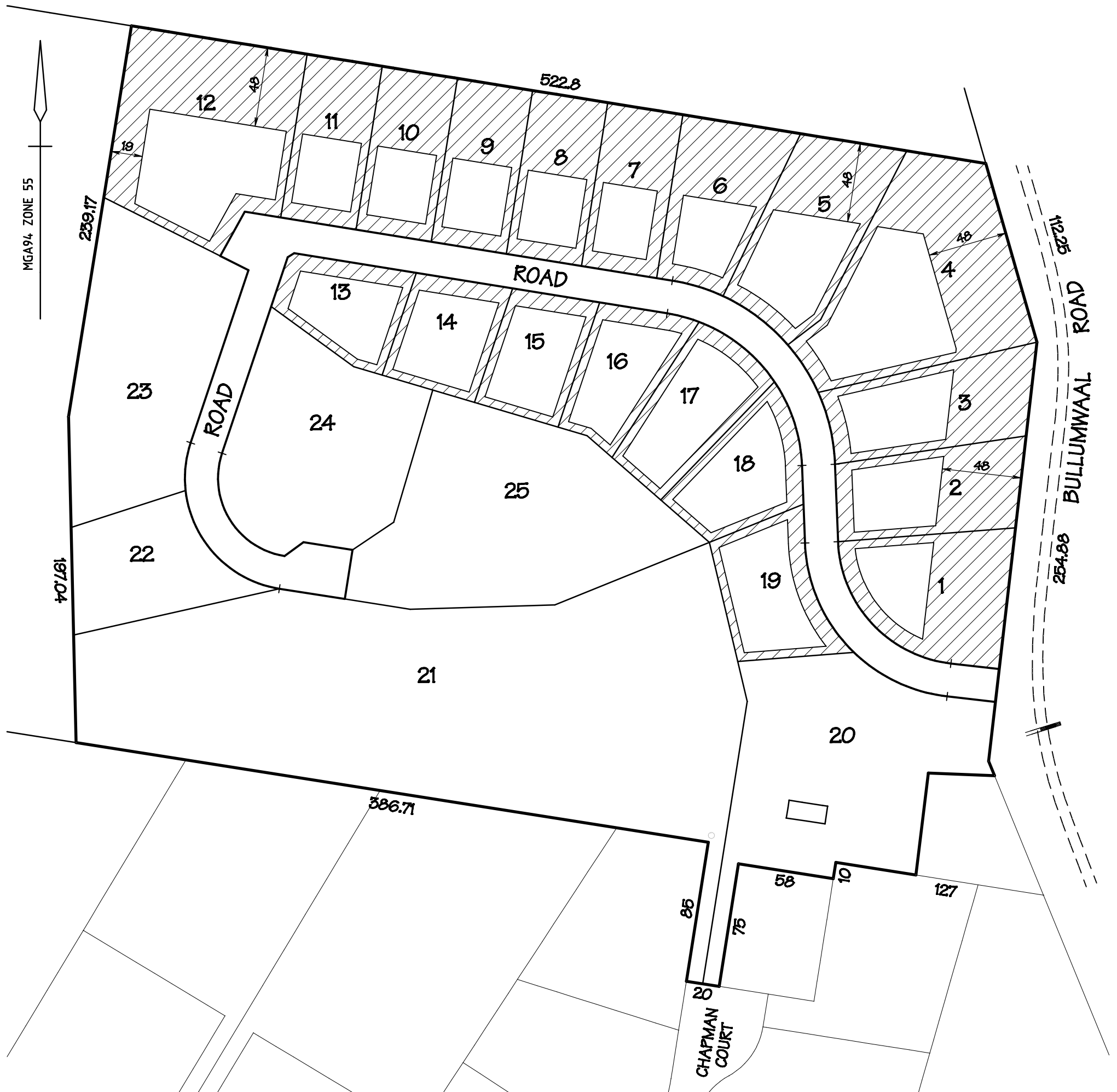


The area shown  on the Defendable Space Plan and all areas within the Building Envelope not containing structures within the boundaries of **Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19** must be managed to the following requirements, unless otherwise agreed by the relevant fire authority:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhand or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

 - DENOTES DEFENDABLE SPACE



LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

FILENAME: Y:\19000-19999\19500-19599\19540 Jones\19540 Defendable Masterplan V2.pro

LINDLEY JONES
585 BULLUMWALL ROAD, MOUNT TAYLOR

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 2500

19540

VERSION 2 - DRAWN 27/10/2022

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DEFENDABLE SPACE PLAN

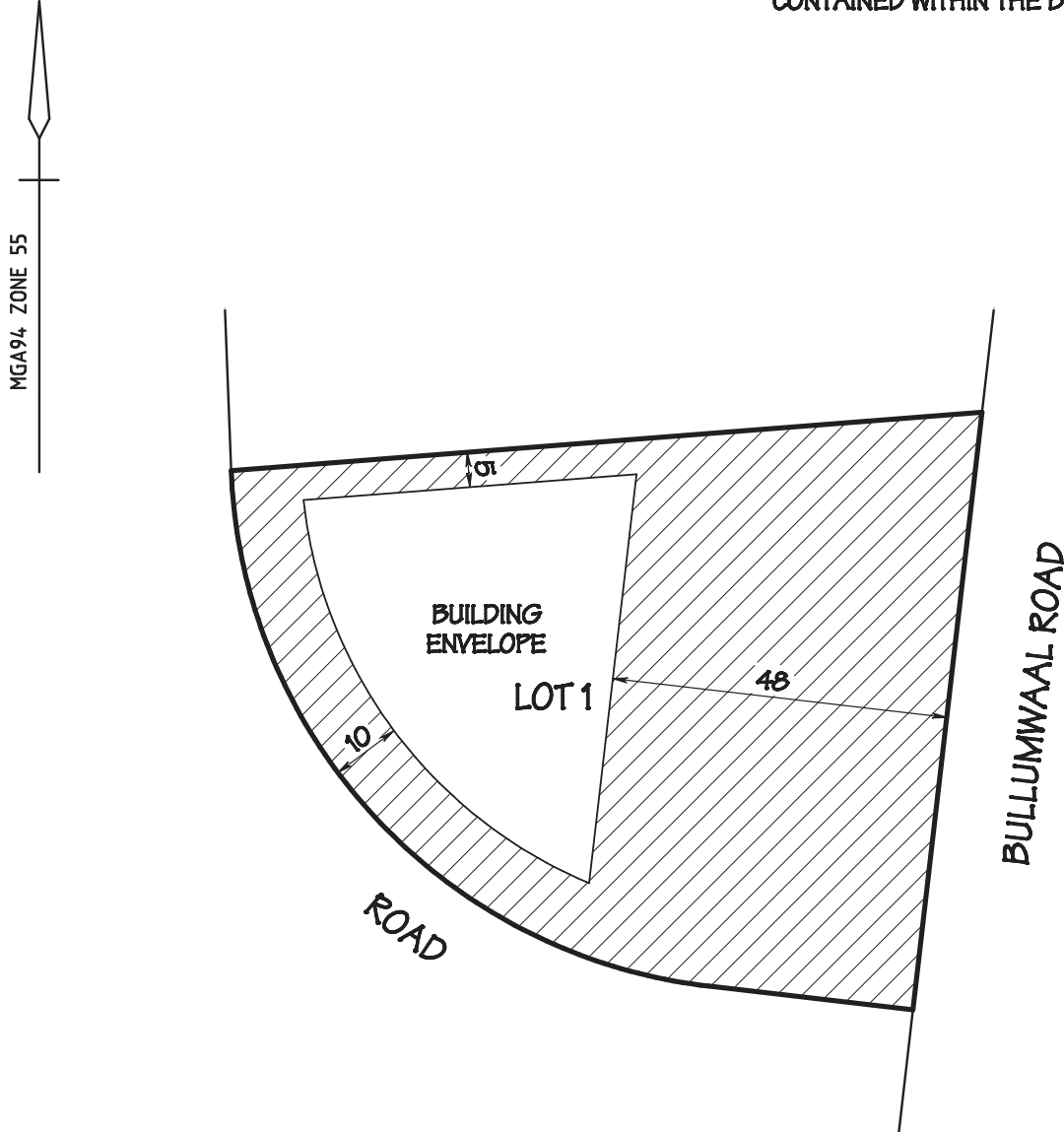
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 1

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE



Crowther & Sadler Pty.Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

585 BULLUMWALL ROAD, MOUNT TAYLOR

SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540



DEFENDABLE SPACE PLAN

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

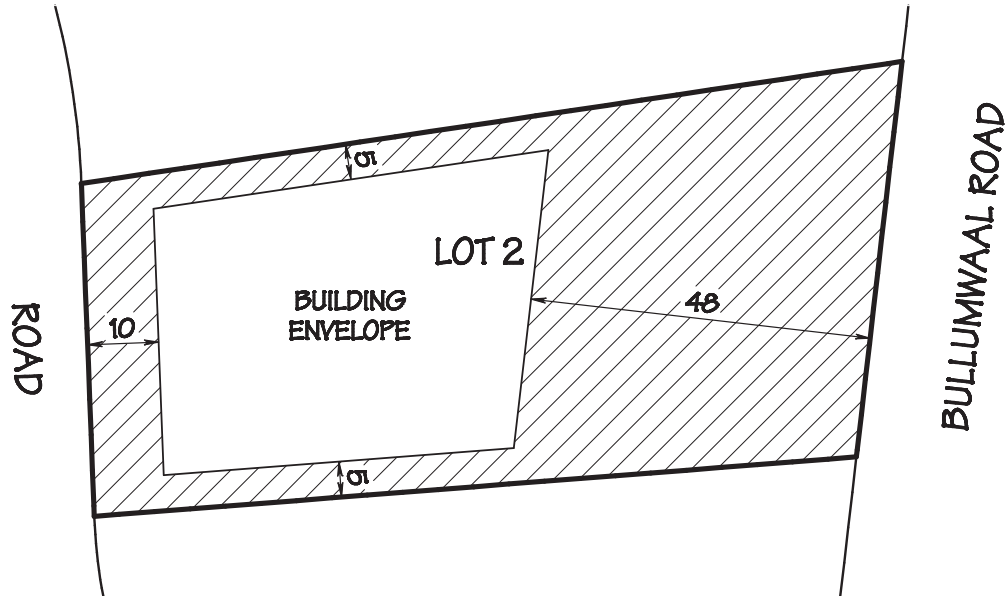
LOT 2

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE

MGA94, ZONE 55



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585 BULLUMWALL ROAD, MOUNT TAYLOR

SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540

DEFENDABLE SPACE PLAN

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

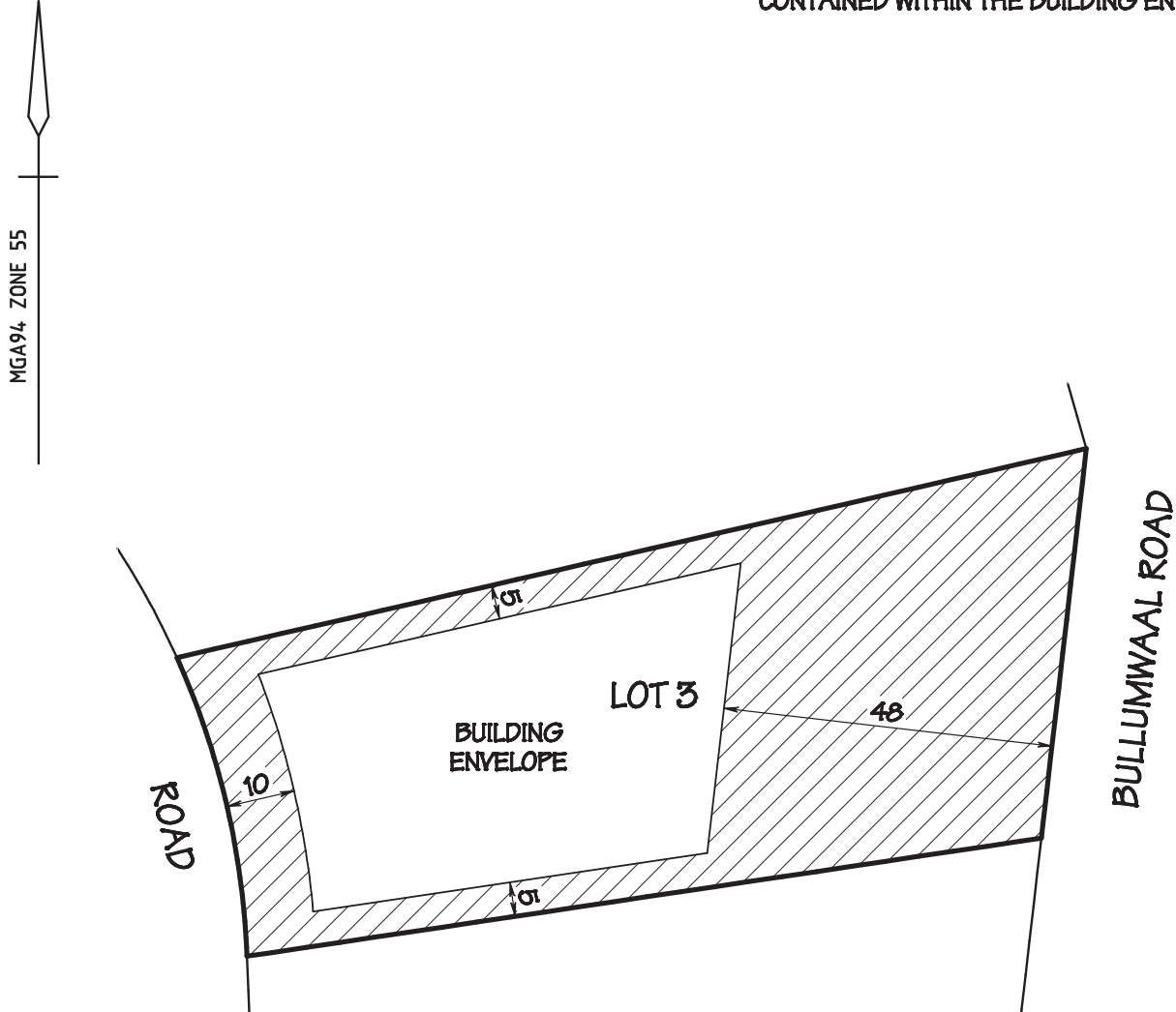
LOT 3

AREA OF DEFENDABLE SPACE SHOWN THIS



BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE



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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540



DEFENDABLE SPACE PLAN

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

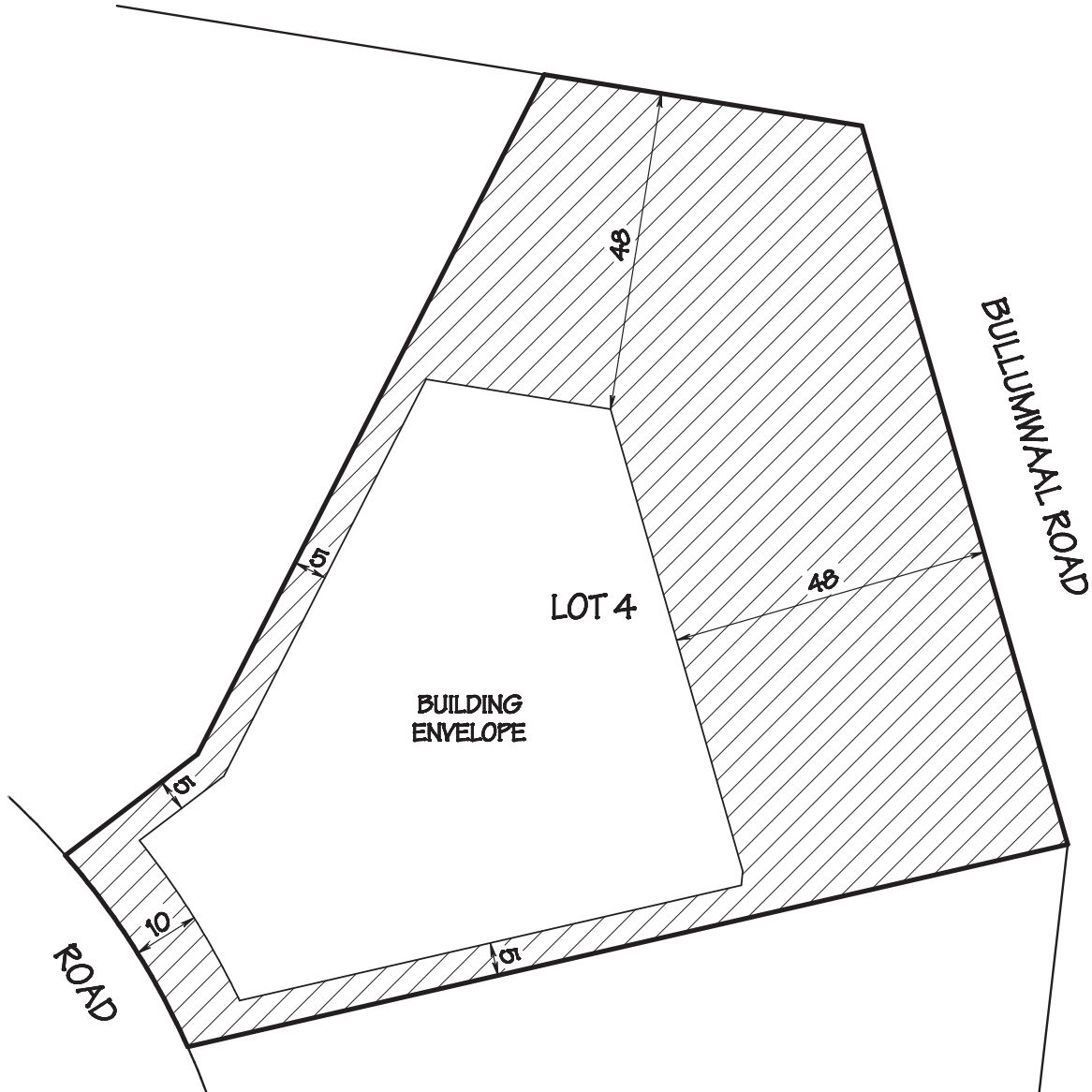
LOT 4

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

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MGA94, ZONE 55



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585 BULLUMWALL ROAD, MOUNT TAYLOR

SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540

DEFENDABLE SPACE PLAN

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

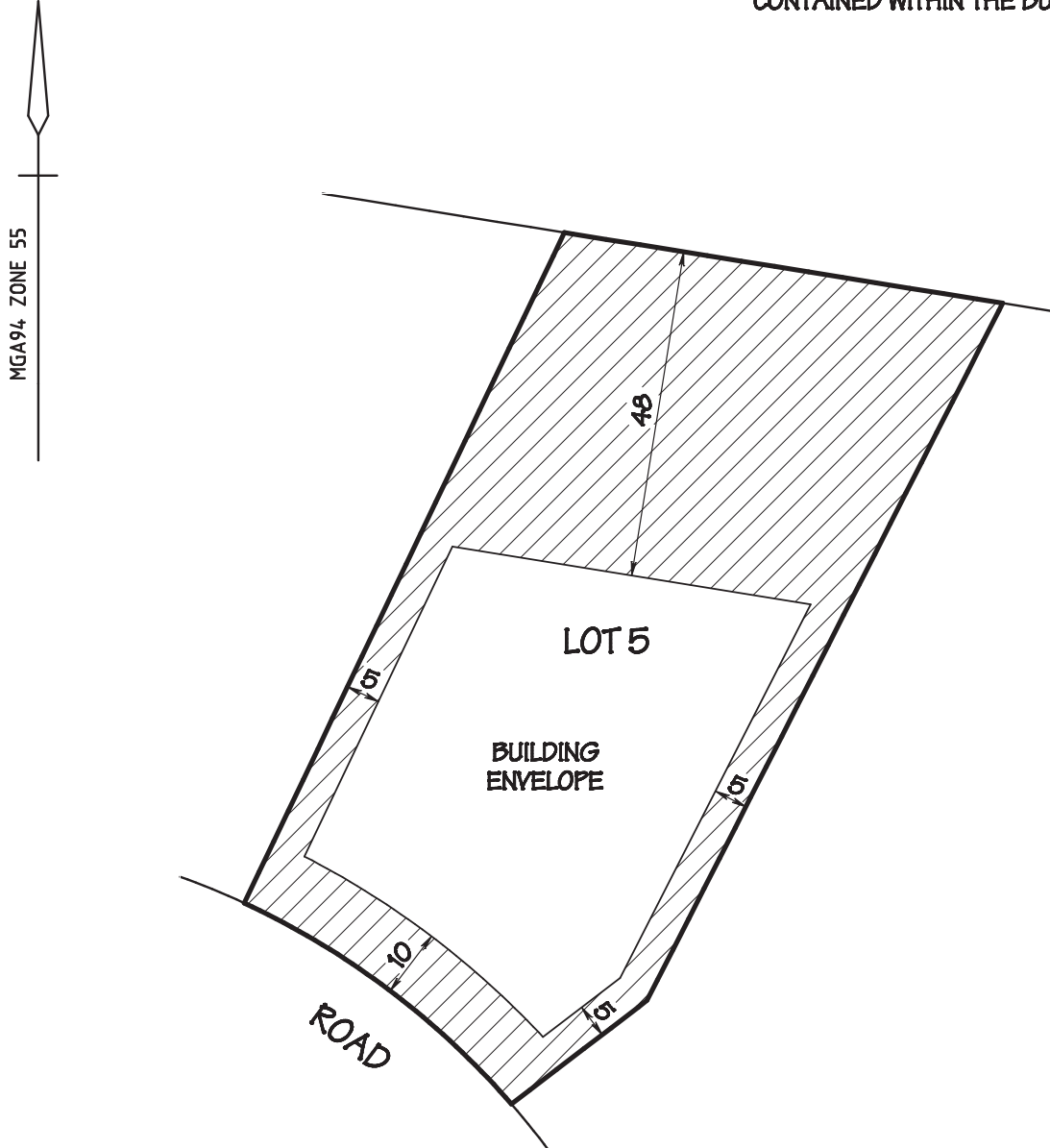
LOT 5

AREA OF DEFENDABLE SPACE SHOWN THIS



BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE



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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540

DEFENDABLE SPACE PLAN

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

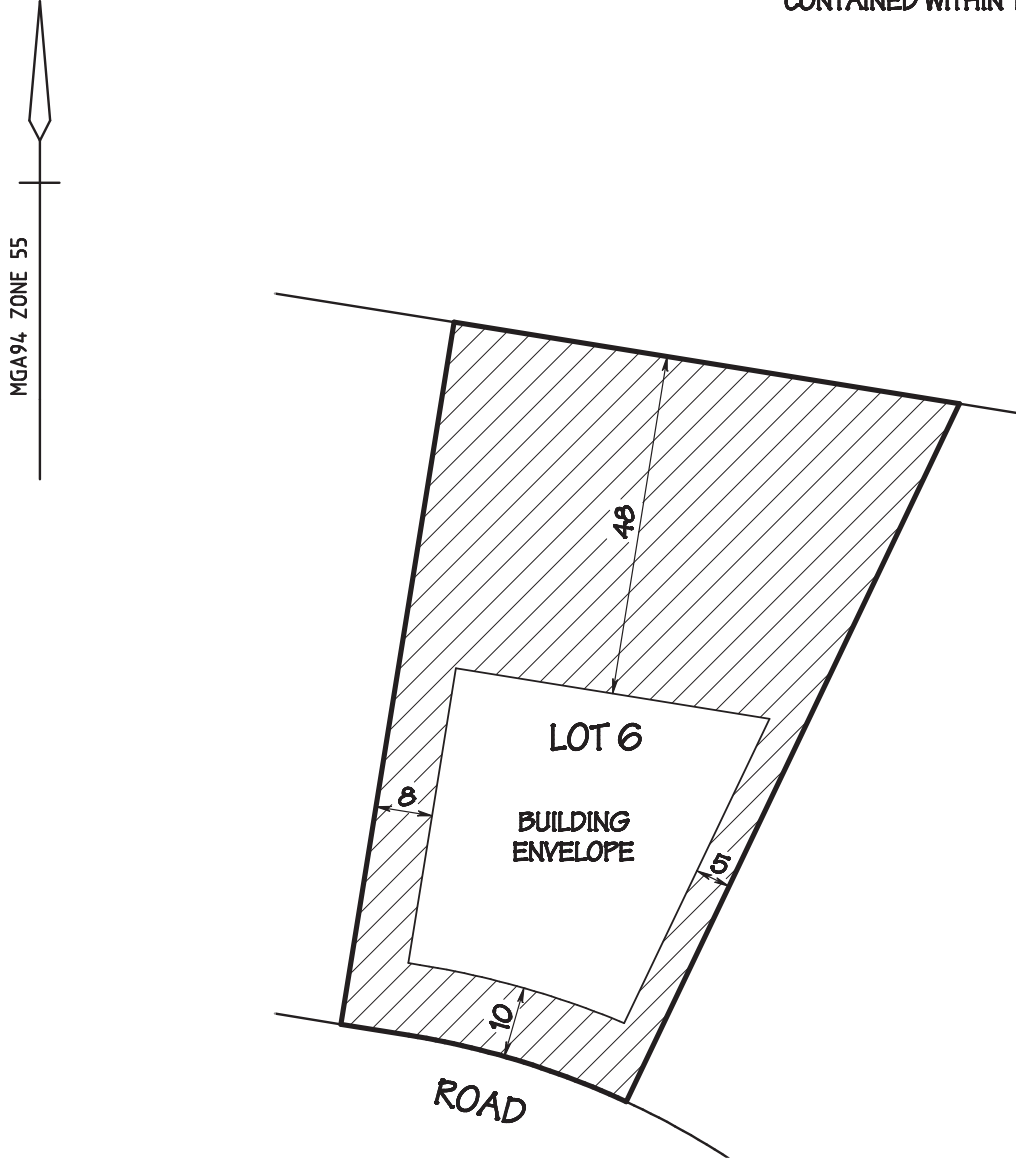
LOT 6

AREA OF DEFENDABLE SPACE SHOWN THIS



BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE
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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540



DEFENDABLE SPACE PLAN

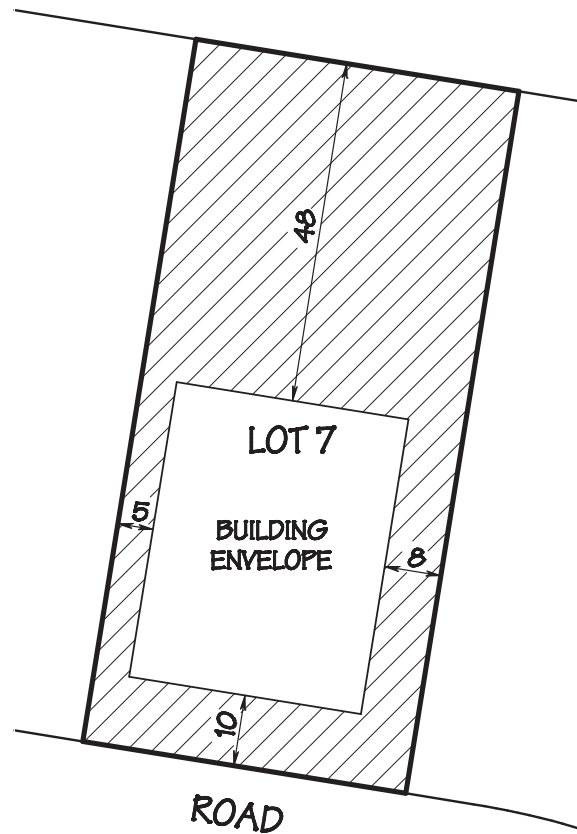
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 7

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE



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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540

DEFENDABLE SPACE PLAN

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

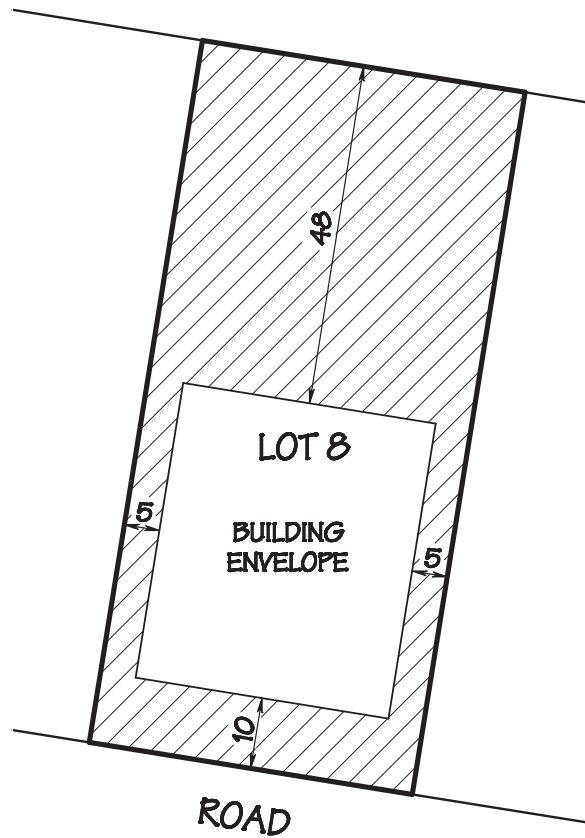
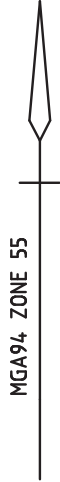
LOT 8

AREA OF DEFENDABLE SPACE SHOWN THIS



BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE



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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540

DEFENDABLE SPACE PLAN

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

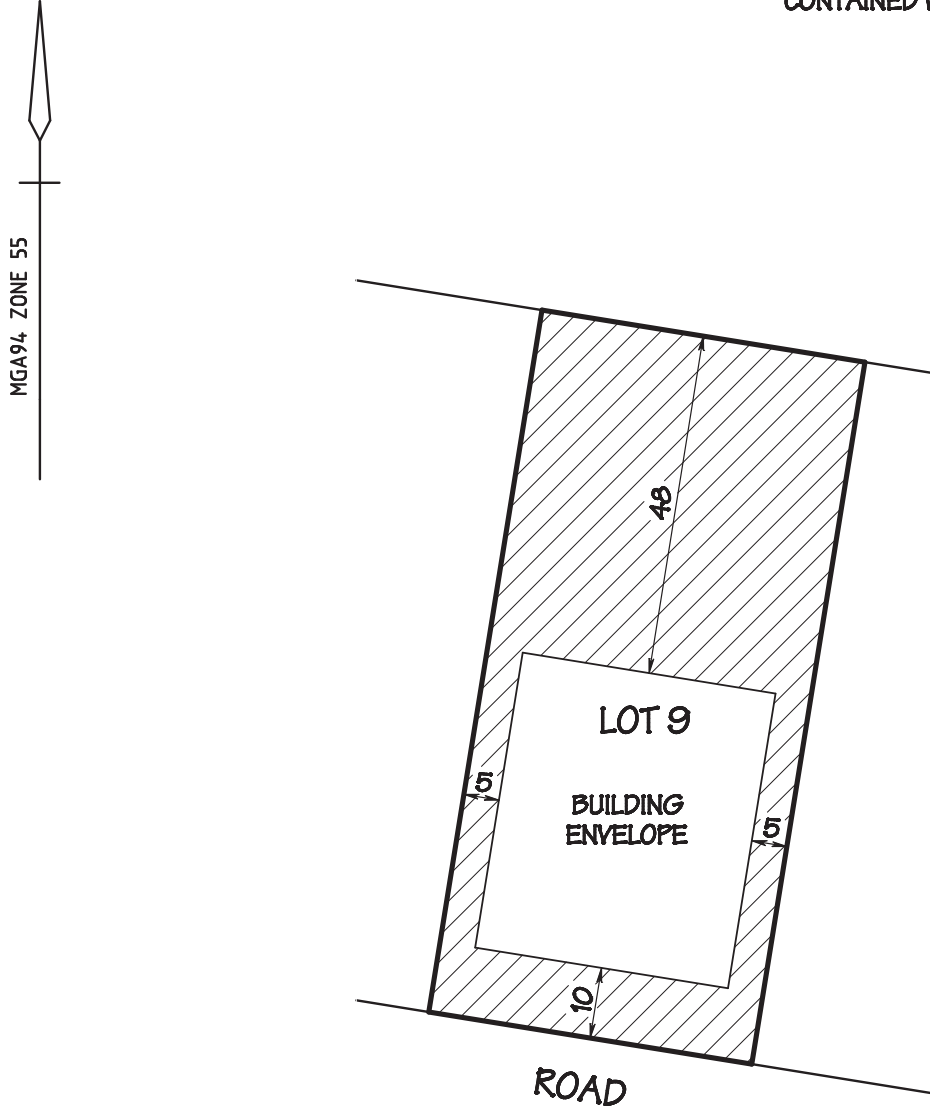
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AREA OF DEFENDABLE SPACE SHOWN THIS



BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE



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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540



DEFENDABLE SPACE PLAN

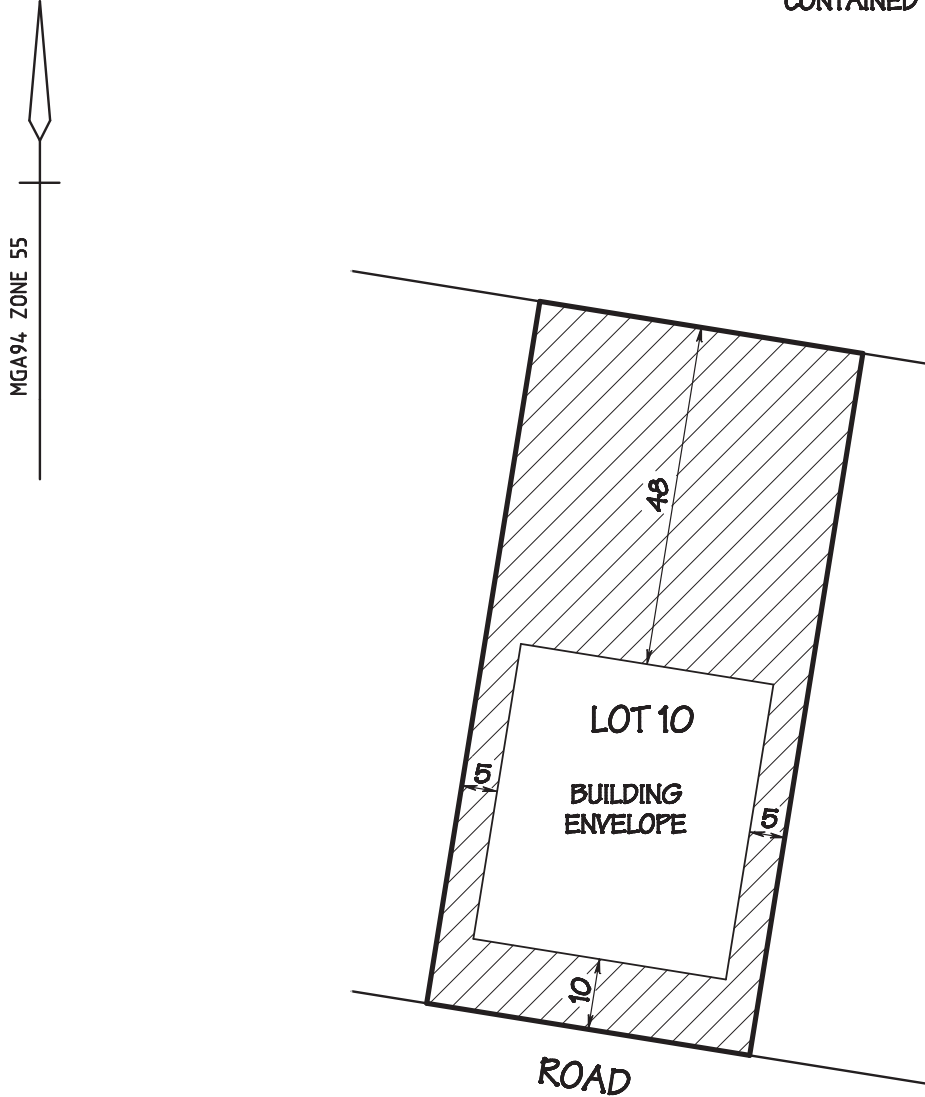
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 10

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE



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585 BULLUMWALL ROAD, MOUNT TAYLOR

SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540



DEFENDABLE SPACE PLAN

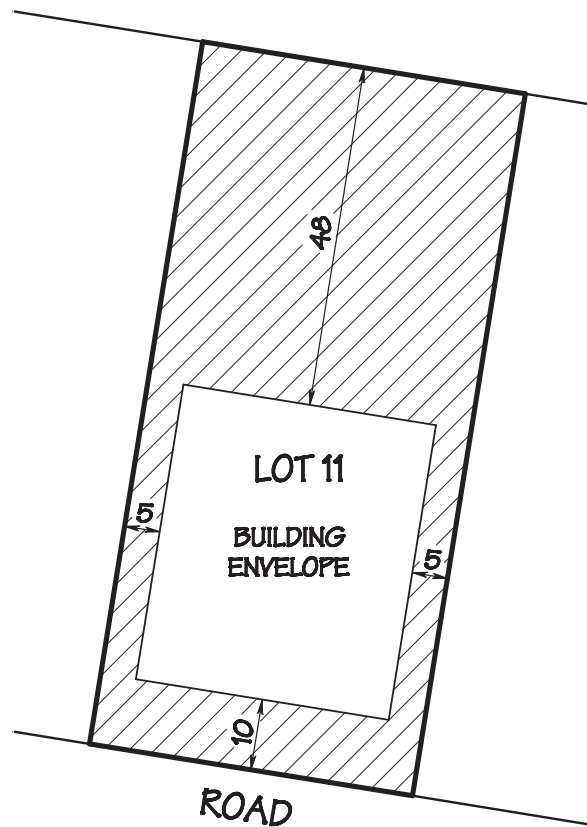
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 11

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540

DEFENDABLE SPACE PLAN

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

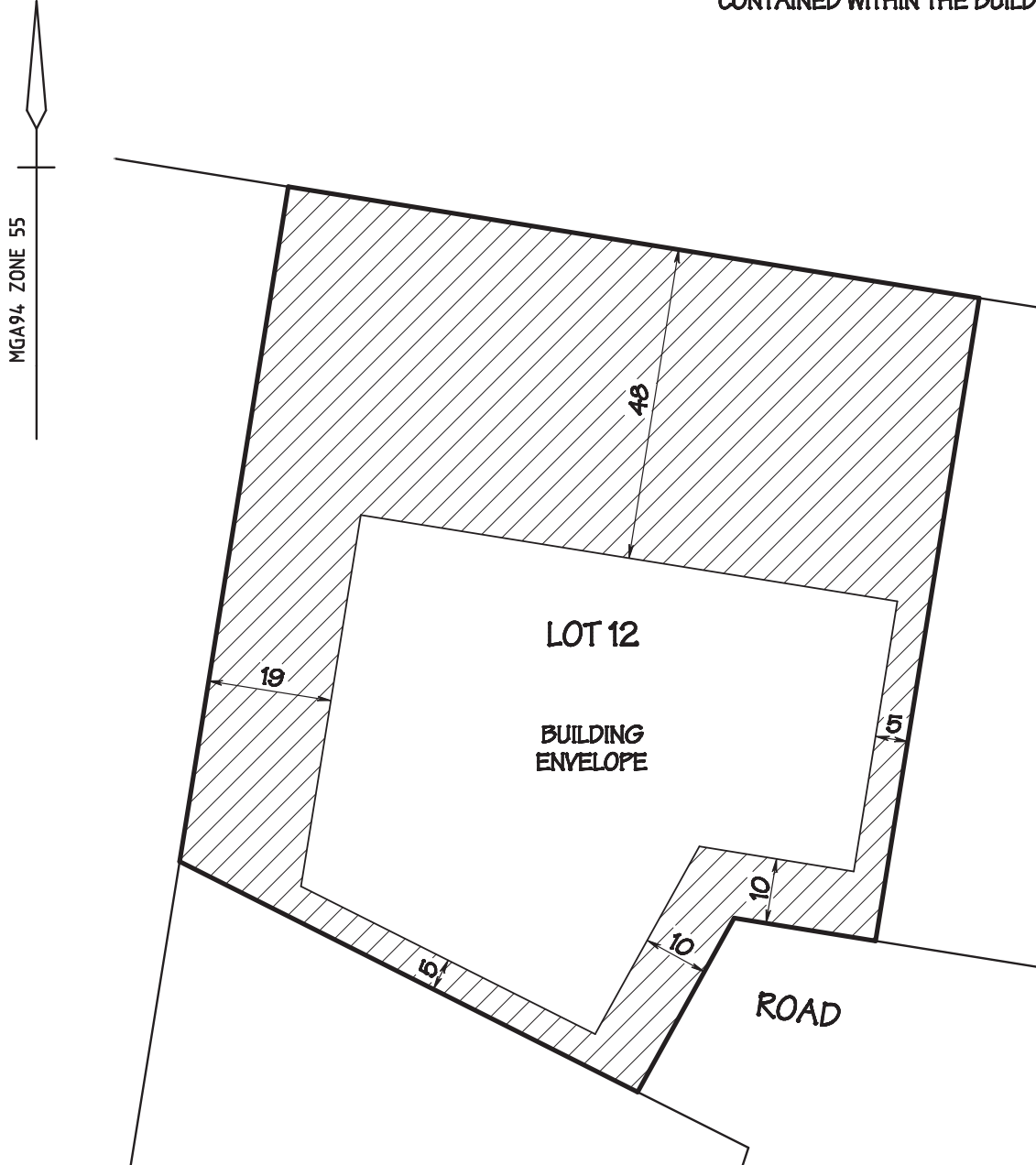
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AREA OF DEFENDABLE SPACE SHOWN THIS



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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540



DEFENDABLE SPACE PLAN

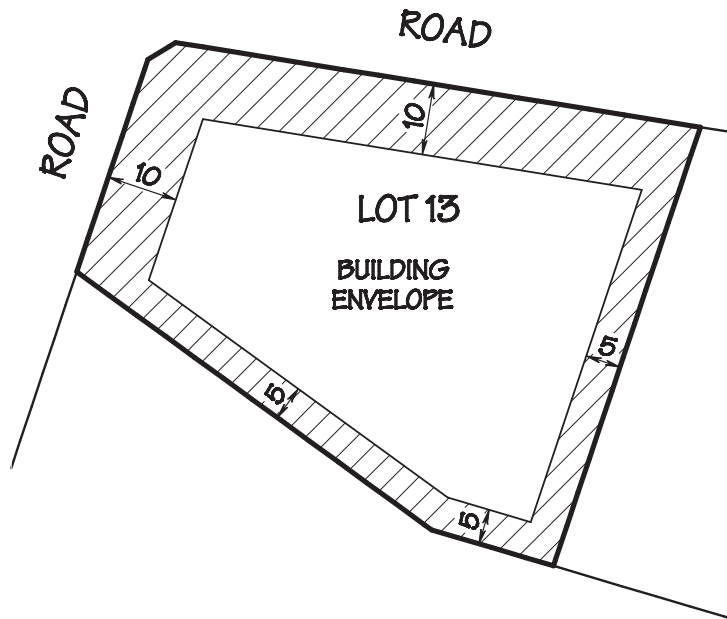
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 13

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

- CONSTRUCTION OF A DWELLING MUST BE CONTAINED WITHIN THE BUILDING ENVELOPE



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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

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DEFENDABLE SPACE PLAN

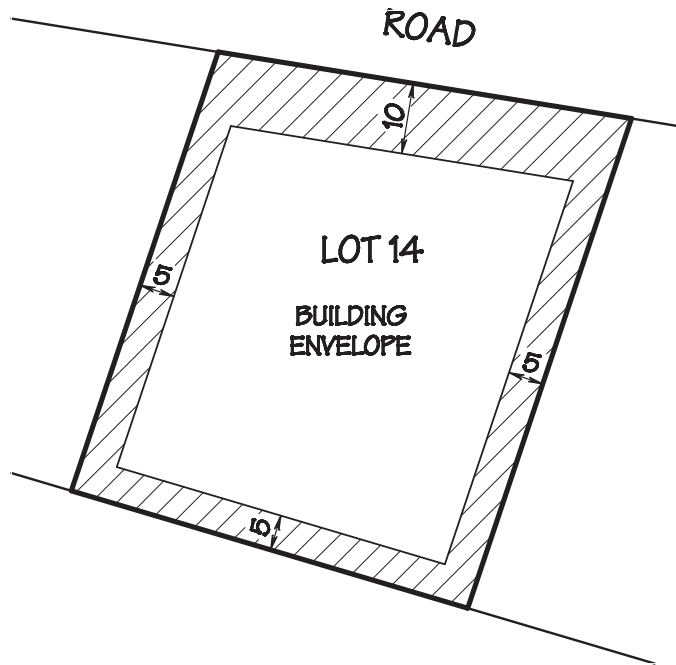
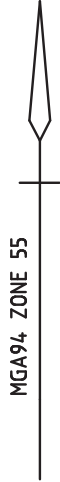
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 14

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

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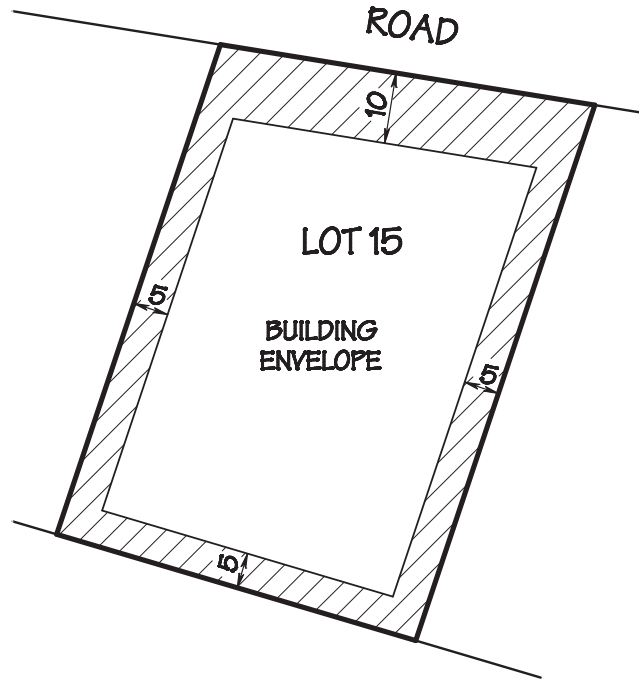
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 15

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540



DEFENDABLE SPACE PLAN

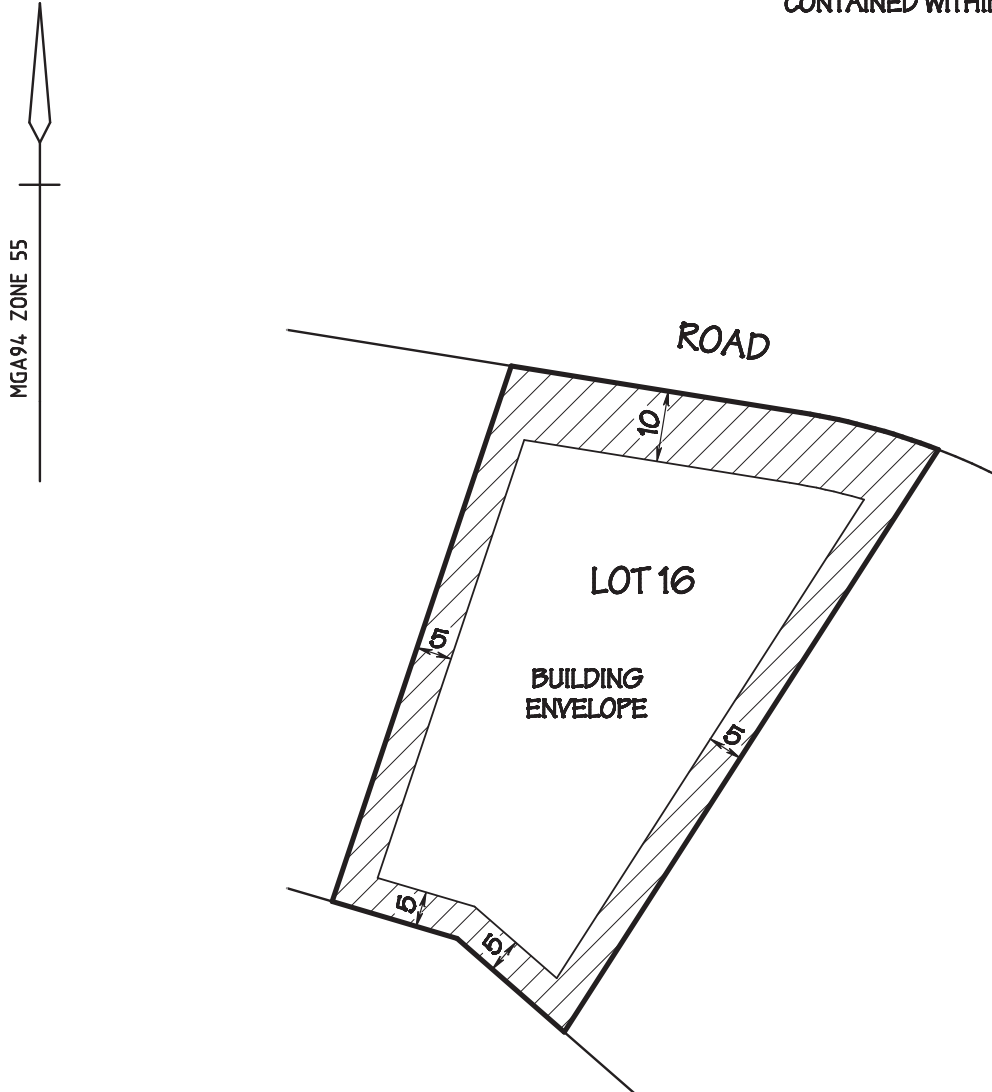
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 16

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

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585 BULLUMWALL ROAD, MOUNT TAYLOR

SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

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DEFENDABLE SPACE PLAN

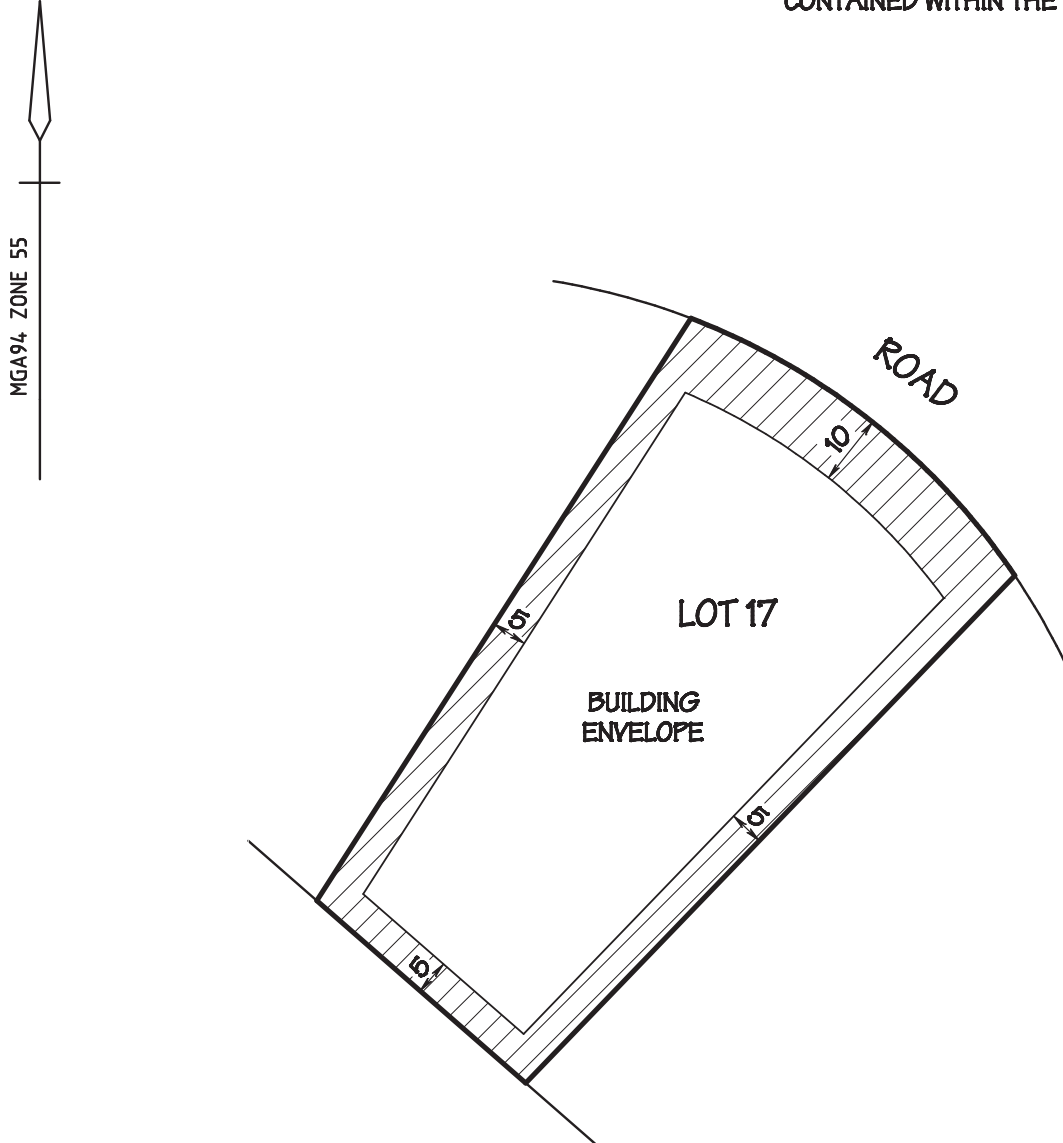
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 17

AREA OF DEFENDABLE SPACE SHOWN THIS

BUILDING ENVELOPE

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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540



DEFENDABLE SPACE PLAN

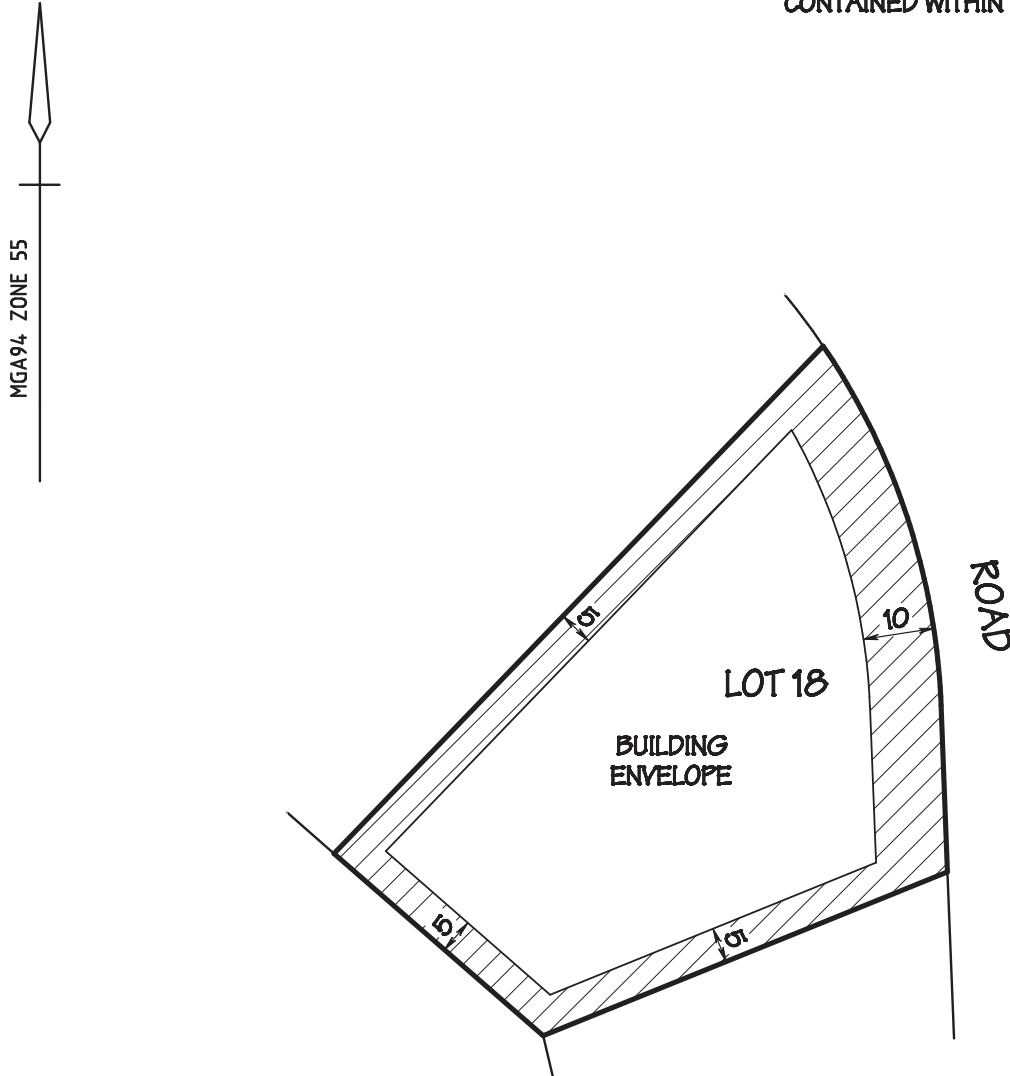
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 18

AREA OF DEFENDABLE SPACE SHOWN THIS

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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540

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DEFENDABLE SPACE PLAN

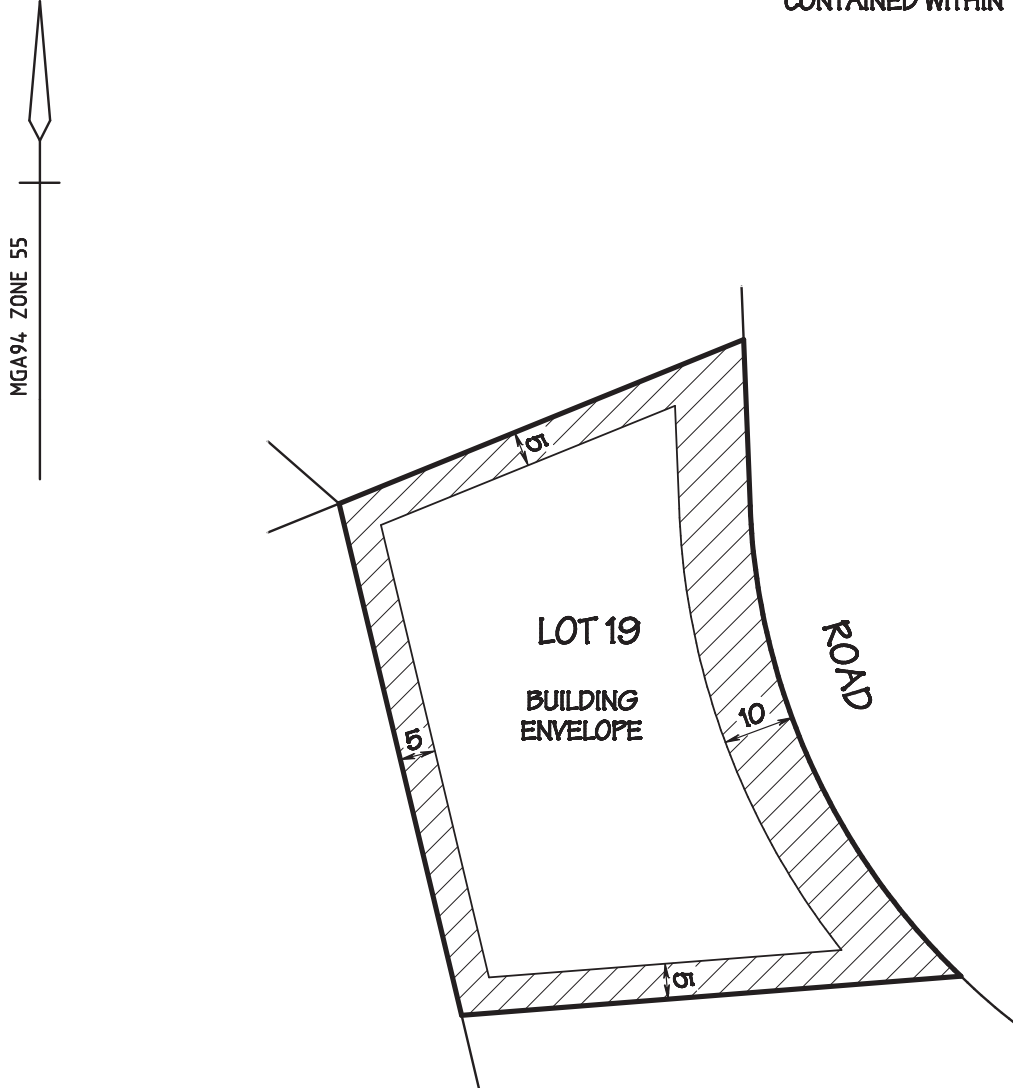
PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)
LOT 2 ON PS840681L

LOT 19

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SCALE (SHEET SIZE A4)

SURVEYORS REF.

1 : 1000

19540

BUSHFIRE HAZARD
SITE ASSESSMENT

PARISH OF WY-YUNG
CROWN ALLOTMENTS 69B & 69C (PARTS)

LOT 2 ON PS840681L

	NORTH	EAST	SOUTH	WEST
SLOPE	UPSLOPE	UPSLOPE	DOWNSLOPE >5-10°	UPSLOPE
VEG TYPE	FOREST	FOREST	LOW THREAT	GRASSLAND
SEPARATION DISTANCES*	48m	48m	50m/PB	19m

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



 - DENOTES BMO OVERLAY

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P. (03) 5162 5011 E. contact@crowthersadler.com.au

FILENAME: Y:\19000-19999\19500-19599\19540 Jones\19540 BHSA V2.pro

LINDLEY JONES
585 BULLUMWALL ROAD, MOUNT TAYLOR

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 4000

19540

VERSION 2 - DRAWN 26/10/2022