

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	2 Sylvia Court MALLACOOTA 3892 Lot: 1 PS: 302708
The application is for a permit to:	Two Lot Subdivision
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
32.08-3 (GRZ)	Subdivide land
43.02-3 (DDO)	Subdivide land
44.06-2 (BMO)	Subdivide land
The applicant for the permit is:	
Development Solutions Victoria Pty Ltd	
The application reference number is:	5.2024.421.1

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

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

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

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

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

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

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

273 Main Street (PO Box 1618)
 Bairnsdale VIC 3875
 Website www.eastgippsland.vic.gov.au
 Email feedback@egipps.vic.gov.au
 Follow us on Twitter @egsc



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

Telephone: 03 5153 9500
 Fax: (03) 5153 9576
 National Relay Service: 133 677
 ABN: 81 957 967 765

Planning Permit Application

Applicant Details:

Applicant name:								
Business trading name: (if applicable) DEVELOPMENT SOLUTIONS VICTORIA PTY LTD								
Email address: ADMIN@DEVSOLVIC.COM.AU								
Postal address: 48 BAILEY STREET, BAIRNSDALE								
				Postcode	3	8	7	5
Phone number: Home:		Work:		Mobile:				

Owners Details: (if not the applicant)

Name: LYNN ELIZABETH CASEMENT AND STEVEN PHILLIP CASEMENT								
Business trading name: (if applicable) DEVELOPMENT SOLUTIONS VICTORIA PTY LTD								
Email address:								
Postal address:								
				Postcode				
Phone number: Home:		Work:		Mobile:				

Description of the Land:

Street number: 2		Street name: SYLVIA COURT						
Town: MALLACOOTA				Postcode	3	8	9	2
Legal Description:								
Lot Number: 1		<input type="checkbox"/> Lodged plan <input type="checkbox"/> Title plan <input checked="" type="checkbox"/> Plan of Subdivision			Number: 302708V			
Crown Allotment Number:					Section Number:			
Parish/Township Name:								
Has there been a pre-application meeting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Officers name:			
Your reference number: 22124								

Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

East Gippsland Shire Council **ADVERTISED**

273 Main Street (PO Box 1618)
 Bairnsdale VIC 3875
 Website www.eastgippsland.vic.gov.au
 Email feedback@egipps.vic.gov.au
 Follow us on Twitter @egsc



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

Telephone: (03) 5153 9500
 Fax: (03) 5153 9576
 National Relay Service: 133 677
 ABN: 81 957 967 765

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description of proposal: Describe the use, development or other matter which needs a permit: TWO LOT SUBDIVISION <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
Existing conditions: Describe how the land is used and developed currently: CONTAINS EXISTING DWELLING AND OUTBULIDING <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
Estimated cost of development: Note: You may be required to verify this estimate	\$ NA

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

Please make sure that:

- Form is filled in fully and signed
- The correct fee is paid or payment enclosed
- Attached any supporting information or documents
 - **Required** - Title (must have been generated within the past 30 days)
 - Covenants or Section 173 agreements
 - Site plan/floor - plan/elevations
 - Planning report
 - Supporting information/reports (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

East Gippsland Shire Council **ADVERTISED**

273 Main Street (PO Box 1618)
Bairnsdale VIC 3875
Website www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au
Follow us on Twitter @egsc



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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

This application has an associated cost to be determined by a town planner

Who is the invoice to be made out to? DEVELOPMENT SOLUTIONS VICTORIA PTY LTD

Declaration:

I declare that I am the applicant and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

I confirm that I have authority to use the relevant documents.

In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council's website.

Applicant signature:

Name: DEVELOPMENT SOLUTIONS VICTORIA PTY LTD

Date: 17 / 12 / 2024

Submitting your application:

Electronic	Fax to 03 5153 9576 Email to planning@egipps.vic.gov.au
Mail	Post the signed, completed form together with any applicable fees or copies of any documentation to: PO Box 1618 BAIRNSDALE VIC 3875.
In Person	Bring the completed form and supporting documents to any of the following locations; Service Centre Opening Hours: 9.00am to 5:00pm. Monday to Friday. Mallacoota Service Centre Opening Hours: Monday and Tuesday 10.00am to 2.00pm Wednesday, Thursday, Friday 2.00pm to 5.00pm

Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

Printed 31/12/2024
Page 4 of 78



Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

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.

ADVERTISED

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

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 Page 1 of 1

VOLUME 10024 FOLIO 181

Security no : 124120721255X
Produced 17/12/2024 10:44 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 302708V.
PARENT TITLE Volume 09737 Folio 823
Created by instrument PS302708V 25/06/1991

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
LYNN ELIZABETH CASEMENT
STEVEN PHILLIP CASEMENT
AU871904W 01/10/2021

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE PS302708V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 2 SYLVIA COURT MALLACOOTA VIC 3892

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



Imaged Document Cover Sheet

ADVERTISED

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

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	PS302708V
Number of Pages (excluding this cover sheet)	2
Document Assembled	17/12/2024 10:44

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

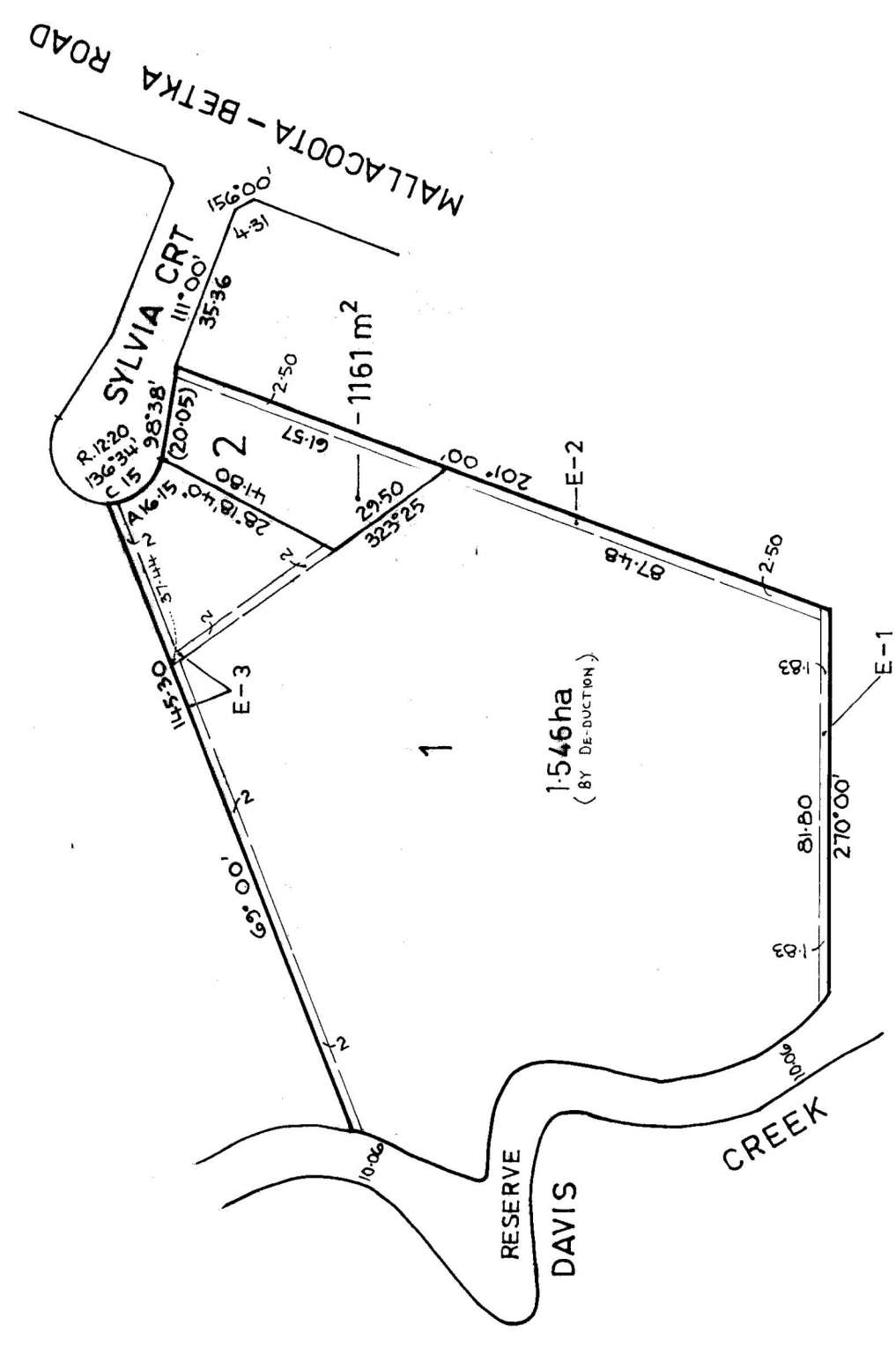
	PLAN OF SUBDIVISION	STAGE No. _____	LTO USE ONLY EDITION 1	PLAN NUMBER PS 302708 V	ADVERTISED				
LOCATION OF LAND PARISH: MALLACOOTA TOWNSHIP: SECTION: CROWN ALLOTMENT: 1C (PART) CROWN PORTION: LTO BASE RECORD: LITHO MALLACOOTA TITLE REFERENCES: C.T. VOL 9737 FOL. 823 LAST PLAN REFERENCE: LP 205907 V. - LOT.1. POSTAL ADDRESS: SYLVIA COURT (AT TIME OF SUBDIVISION) MALLACOOTA 3892 AMG CO-ORDINATES: E 743000 (OF APPROX. CENTRE OF PLAN) N 5838550 ZONE: 55		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: SHIRE OF ORBOST REF: OPS-LS-C4-23 1. THIS PLAN IS CERTIFIED UNDER SECTION 6 OF THE SUBDIVISION ACT 1988. 2. THIS PLAN IS CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. DATE OF THE ORIGINAL CERTIFICATION UNDER SECTION 6 / / 3. THIS IS A STATEMENT OF COMPLIANCE ISSUED UNDER SECTION 21 OF THE SUBDIVISION ACT 1988. OPEN SPACE (i) A REQUIREMENT FOR PUBLIC OPEN SPACE UNDER SECTION 18 OF THE SUBDIVISION ACT 1988 HAS / HAS NOT BEEN MADE. (ii) THE REQUIREMENT HAS BEEN SATISFIED. (iii) THE REQUIREMENT IS TO BE SATISFIED IN STAGE _____ COUNCIL DELEGATE COUNCIL SEAL DATE 2 / 11 / 90 RE-CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988 _____ COUNCIL DELEGATE _____ COUNCIL SEAL _____ DATE / / _____							
VESTING OF ROADS OR RESERVES <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">IDENTIFIER</th> <th>COUNCIL/BODY/PERSON</th> </tr> <tr> <td style="text-align: center;">NIL</td> <td style="text-align: center;">NIL</td> </tr> </table>		IDENTIFIER	COUNCIL/BODY/PERSON	NIL	NIL				
IDENTIFIER	COUNCIL/BODY/PERSON								
NIL	NIL								
NOTATIONS									
DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE APPLIES TO ALL THE LAND IN THE PLAN.		STAGING _____ THIS IS NOT A STAGED SUBDIVISION PLANNING PERMIT No. OPS-LS-C4-23							
LOT.1 PLUS THE SYLVIA COURT CONNECTION & THE LINE BEARING 201°00' ; 87.48 ARE THE RESULT OF THIS SURVEY. BALANCE OF DIMENSIONS & AREA OF LOT 2 ARE DERIVED FROM TITLE.		SURVEY THIS PLAN IS BASED BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS Not . IN PROCLAIMED SURVEY AREA No. N/A							
EASEMENT INFORMATION					LTO USE ONLY				
LEGEND: A - APPURTENANT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)					STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT				
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF	RECEIVED <input checked="" type="checkbox"/>				
E-1	DRAINAGE & SEWERAGE	1.83	LP 51407	LOTS ON LP 51407	DATE 17 / 6 / 91				
E-2	SEWERAGE	2.5	THIS PLAN	MALLACOOTA WATER BOARD.					
E-3	DRAINAGE	2	THIS PLAN	SHIRE OF ORBOST.					
					LTO USE ONLY PLAN REGISTERED TIME DATE 25 / 6 / 91				
					ASSISTANT REGISTRAR OF TITLES SHEET 1 OF 2 SHEETS				
k.a.reed (group) pty. ltd. UNIT 1A, 35 BEACH STREET, MERIMBULA 2548. surveyors and planners (064) 953 488		LICENSED SURVEYOR <u>ROBERT G. WEBB</u> SIGNATURE REF: E 55			DATE 2 / 11 / 90 COUNCIL DELEGATE SIGNATURE ORIGINAL SIZE 43				

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

PLAN OF SUBDIVISION

STAGE No. —

PLAN NUMBER
PS 302708 V



ADVERTISED

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

SHEET 2 OF 2 SHEETS

DATE 2 / 11 / 91

COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR ... ROBERT ... G. ... W.F.F.B.

SIGNATURE

DATE 1 / 5 / 1990

VERSION

REF: E 55

ORIGINAL SHEET SIZE A3

SCALE 1:1000

LENGTHS ARE IN METRES

kr

reid group pty. ltd.

PO BOX 217 MERIMBULA 2548

SURVEYORS PHONE (064) 952488

ENGINEERS ARCHITECTS PLANNERS CARTOGRAPHERS



ADVERTISED

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

**DEVELOPMENT
SOLUTIONS**

APPENDIX C

Clause 56 Assessment

CLAUSE 56 ASSESSMENT

Clause 56 – Residential Subdivision

Under the provisions of Clause 32.08-3 of the General Residential Zone, the following provisions of Clause 56 must be addressed as appropriate.

The purpose of Clause 56 is:

“To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create liveable and sustainable neighbourhoods and urban places with character and identity.

To achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- *Metropolitan Melbourne growth areas.*
- *Infill sites within established residential areas.*
- *Regional cities and towns.*

To ensure residential subdivision design appropriately provides for:

- *Policy implementation.*
- *Liveable and sustainable communities.*
- *Residential lot design.*
- *Urban landscape.*
- *Access and mobility management.*
- *Integrated water management.*
- *Site management.*
- *Utilities.”*

Clause 56 provides the following requirements:

“An application to subdivide land:

- *Must be accompanied by a site and context description and a design response.*
- *Must meet all of the objectives included in the clauses specified in the zone.*
- *Should meet all of the standards included in the clauses specified in the zone.”*

The provisions of Clause 56 are addressed below.

Clause 56.01 requires an application to be accompanied by:

- A subdivision site and context description.
- A design response.

The table below addresses the relevant requirements of Clause 56.

Clause 56.03-5 Neighbourhood Character Objective: To design subdivisions that respond to neighbourhood character.	
Response:	<p>There is no Neighbourhood Character Statement or specific character identified for this location aside from the Mallacoota Urban Design Framework and the Design and Development Overlay requirements which seek to protect the township character of coastal areas. This area is predominantly residential in nature containing single, double storey and split-level dwellings. All development is on lots ranging in shapes and sizes, there are similar style allotments within the broader area containing various degrees of landscape gardening and vegetation along with varied setbacks and visibility from Sylvia Court and surrounds.</p> <p>The proposed lot layout is responsive to the site, will support the existing use and development on the site, whilst providing for future residential development that can be consistent with the existing surrounding development. The area of the proposed lots ensures adequate provision for the subdivision to provide an appropriate level of services and facilities for the existing development and for future residential development.</p> <p>Both allotments will have suitable driveway access. Access will be provided to proposed Lot 1 via the existing gravel crossover and driveway in the northeastern corner of the site directly from Sylvia Court. Access to proposed Lot 2 will be provided via common property connecting directly to Sylvia Court via an existing gravel crossover. Given the crossovers are existing, there is unlikely to be a detrimental impact to the flow of traffic in this location.</p> <p>There is extensive vegetation throughout the subject site which creates a natural buffer to the adjoining State Forest. The adjoining State Forest is not expected to be detrimentally affected by the proposed subdivision and potential future residential development. The proposed subdivision will not negatively impact the existing streetscape or neighbourhood character.</p> <p>The proposal meets the objectives and standards of this clause.</p>

<p>Clause 56.04-2 Lot area and building envelopes objective:</p>	<p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>
<p>Response:</p>	<p>This application seeks approval for the creation of two allotments each greater than 500m² in area to accommodate the existing dwelling on the site and to create a vacant allotment for future infill residential development. The proposed Lot 1 will be 1.066 hectares in area and will contain the existing dwelling and associated facilities. The proposed Lot 2 will be 4000m² in area and will be vacant land.</p> <p>Each lot will have an individual access point as indicated on the proposed plan of subdivision.</p> <p>The proposed lot dimensions and layout are considered to adequately accommodate solar access for the existing dwelling and any future development on the vacant lot being created. The subject site does contain scattered vegetation throughout and some vegetation removal may be required to create adequate defendable space for any future dwelling.</p> <p>The size and configuration of the proposed lots are considered more than adequate to accommodate the existing development on the site and accommodate future development if desired whilst respecting surrounding lot configurations for future uses and development surrounding the site.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.04-3 Solar orientation of lots objective</p>	<p>To provide good solar orientation of lots and solar access for future dwellings.</p>
<p>Response:</p>	<p>The proposed subdivision creates two allotments of north south orientation with the long axis of the lot within the range east 20 degrees north to east 30 degrees south.</p> <p>Each of the lots will have appropriate solar access and any future development on the vacant lot being created will not impact the solar access of surrounding properties.</p> <p>The proposal meets the objectives and standards of this clause.</p>

<p>Clause 56.04-5 Common area objectives</p>	<p>To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.</p>
<p>Response:</p>	<p>The proposal includes common property to be used for access to the proposed Lot 2 as indicated on the proposed subdivision plans. The common property area will be approximately 801m² and will be managed by an owners corporation.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.06-8 Lot access objective:</p>	<p>To provide for safe vehicles access between roads and lots.</p>
<p>Response:</p>	<p>The subject site contains two existing formal access points along the northeastern boundary that will be used for access to the proposed lot and common property area. The existing gravel crossover in the northern portion of the northeastern boundary will provide access to proposed Lot 1 and the existing gravel crossover in the southern portion of the northeastern boundary will provide access to the common property area connecting to proposed Lot 2. Both access points will connect directly to Sylvia Court. The proposed access is considered suitable to support the existing dwelling on proposed Lot 1 and any future dwelling on the vacant lot being created and will provide for safe vehicle access between the roads and the dwellings. The proposed lot layout in addition to the size of the allotments will enable vehicles to exit the site in a forward motion increasing the safety of vehicle movement in this location.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.07-1 Drinking water supply objectives</p>	<p>To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>
<p>Response:</p>	<p>The proposed lots will be connected to the existing reticulated water supply which provides for drinking water. The existing reticulated water system is considered to be suitable to supply the existing dwelling and any future dwelling on the vacant lot being created with drinking water. The proposed additional lot and potential future residential development is not anticipated to exceed the capacity of the existing reticulated water network.</p> <p>The proposal meets the objectives and standards of this clause.</p>

<p>Clause 56.07-2 Reused and recycled water objective</p>	<p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>
<p>Response:</p>	<p>A reuse and recycle water supply is not available to this site at this time. Water supply to both allotments will be via the existing reticulated water system. It is anticipated that any new dwelling to be constructed on the vacant lot would include provision of a water tank in accordance with water sensitive urban design principles.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.07-3 Waste water management objective</p>	<p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>
<p>Response:</p>	<p>Both allotments will be connected to the existing reticulated sewer network. The proposed additional lot is not expected to exceed the capacity of the network.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.07-4 Stormwater management objectives</p>	<p>To minimise damage to properties and inconvenience to residents from stormwater. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater. To encourage stormwater management that maximises the retention and reuse of stormwater. To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>
<p>Response:</p>	<p>Site runoff will be directed to the legal point of discharge to the satisfaction of the responsible authority. The subject site is not liable to flooding and no flood mitigation works are considered necessary. The existing drainage network is considered to be of a suitable standard to accommodate the proposed subdivision and any future development on the vacant lot being created. Each of the proposed lots contain adequate area to implement water sensitive urban design principles to manage stormwater runoff.</p> <p>The proposal meets the objectives and standards of this clause.</p>

<p>Clause 56.08-1 Site Management objectives</p>	<p>To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>
<p>Response:</p>	<p>All preventative measures will be implemented during the construction phase of the proposed subdivision to ensure no erosion, sedimentation or environmental degradation occurs.</p> <p>The re-use of materials will be undertaken where possible.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.09-1 Shared Trenching objectives:</p>	<p>To maximise the opportunities for shared trenching. To minimise constraints on landscaping within the street reserves.</p>
<p>Response:</p>	<p>Given the proposal is seeking a two lot subdivision with one lot containing an existing dwelling there is unlikely to be any ability for shared trenching beyond the new services. Each of the relevant service authorities will be contacted prior to certification of the plan to ensure all service requirements are met and shared trenching can occur where possible.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.09-2 Electricity, telecommunications and gas objectives:</p>	<p>To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>
<p>Response:</p>	<p>Both lots will be connected to services including reticulated water, sewerage, telecommunications, drainage, electricity and a good quality road network. The proposed subdivision is not expected to affect the existing service arrangements nor exceed their capacity.</p> <p>Each of the service providers will be contacted prior to the certification of the plan of subdivision.</p> <p>The proposal meets the objectives and standards of this clause.</p>

DEC
20
24

ADVERTISED

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



APPLICATION FOR PLANNING PERMIT

TWO LOT SUBDIVISION

2 SYLVIA COURT, MALLACOOTA
LYNN & STEVEN CASEMENT
REF: 22124

CONTENTS

1	Introduction	4
2	Site Context	5
3	The Proposal	12
4	Zones and Overlays	13
5	Planning Assessment	19
6	Conclusion	22

APPENDIX

A	Copy of Title and Title Plan
B	Proposed Plan of Subdivision
C	Clause 56 Assessment
D	Bushfire Management Report

DOCUMENT REVISION

1	Draft Report	DAC	08/08/2024
2	Final Report	CMC	17/12/2024

This copied document is released publicly for the purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1997. The document must not be used for any purpose which may breach any copyright.



1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Lynn & Steven Casement, the owners and applicants for this planning permit application for a Two Lot Subdivision at 2 Sylvia Court, Mallacoota.

This submission and supporting documentation provide details of the subject site, relevant planning controls and policies and provides an assessment against the provisions of the East Gippsland Planning Scheme.

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

Address	2 Sylvia Court, Mallacoota
Site Description	Lot 1 on Plan of Subdivision 302708V
Title Particulars	Vol 10024 Fol 181
Site Area	1.546 hectares
Proposal	Two Lot Subdivision
Planning Scheme	East Gippsland Planning Scheme
Zone	General Residential Zone – Schedule 1
Overlays	Bushfire Management Overlay Design and Development Overlay – Schedule 12 Vegetation Protection Overlay – Schedule 8
Aboriginal Cultural Heritage	Identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 32.08-3 General Residential Zone – Subdivision Clause 44.06-2 Bushfire Management Overlay – Subdivision Clause 43.02-3 Design and Development Overlay – Subdivision
Notice	Exemption available under Clause 44.06-7
Referrals	Country Fire Authority
Work Authority Licence	Not applicable
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Settlement – Coastal settlement – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Bushfire Planning – Clause 13.02-1S Built environment and heritage – Clause 15 General Residential Zone – Clause 32.08 Bushfire Management Overlay – Clause 44.06 Design and Development Overlay – Clause 43.02 Bushfire Planning – Clause 53.02 Decision guidelines – Clause 56 Decision guidelines – Clause 65.01 Decision guidelines – Clause 65.02

2. SITE CONTEXT

Site

The subject site is located at 2 Sylvia Court, Mallacoota. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is not affected by any restrictive covenants or agreements. There is a 2 metre wide drainage easement along the northern boundary and across the northeastern portion of the site. A 2.5 metre wide sewerage easement extends along the southeastern boundary and a 1.83 metre wide drainage and sewerage easement extends along the southern boundary.

The subject site is an irregular shaped allotment with a total area of approximately 1.546 hectares and currently contains an existing dwelling and associated facilities. The existing dwelling is being rebuilt as a result of the previous dwelling being destroyed in the 2019-2020 bushfires.

The site is undulating in nature and contains areas of dense vegetation throughout. Details of the site are depicted in the photographs provided below.

Access is existing in the northeast portion of the subject site via two gravel crossovers directly from Sylvia Court. Sylvia Court is a

bitumen sealed road with grassed shoulders, traversing in a northwest to southeast direction.

The subject site in relation to Mallacoota as well as the surrounding land, is shown in the locality plans in **Figure 1** and **Figure 2**.



Figure 1 – Locality Plan – 2 Sylvia Court, Mallacoota (source: mapshare.vic.gov.au)



Figure 2 – Locality Plan – 2 Sylvia Court, Mallacoota (source: mapshare.vic.gov.au)

Surrounds

The land surrounding the site comprises predominantly residential development and public land.

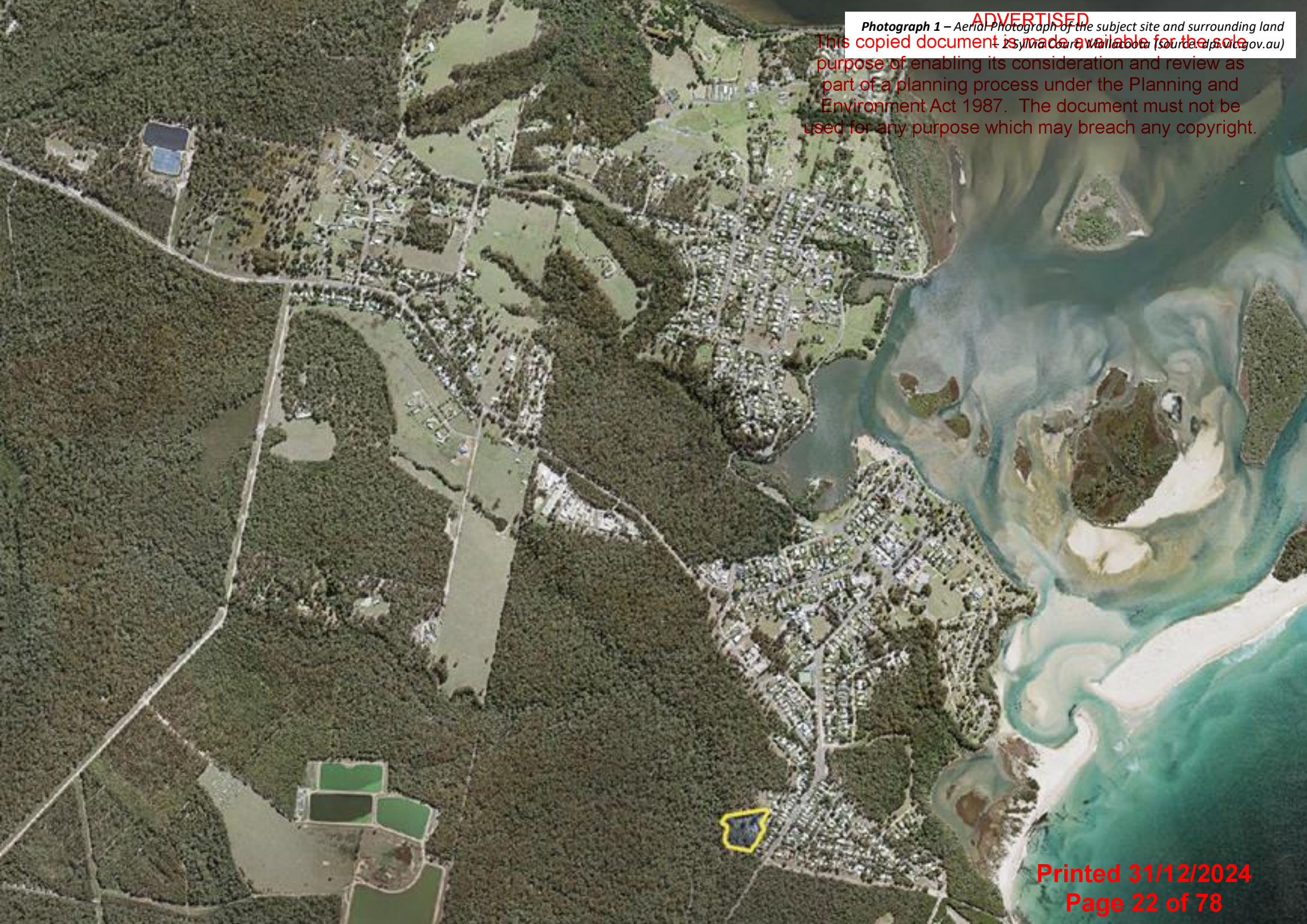
Adjoining the northern boundary of the subject site comprises an existing dwelling and associated facilities. Adjoining the eastern boundary comprises Syliva Court and existing residential development. Adjoining the southern boundary comprises public land identified as Mallacoota State Forest and adjoining the western boundary is public land being the Mallacoota State Forest and Davis Creek.

The subject site is located south of the central business district of Mallacoota.

Mallacoota is a small seaside holiday town located 143.7 kilometres east of Orbost in the far eastern area of the East Gippsland Shire. Mallacoota has a suitable level of community and commercial services and facilities to support the existing residential component.

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





ADVERTISED
Photograph 1 – Aerial Photograph of the subject site and surrounding land
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Photograph 2 – Subject site at 2 Sylvia Court and existing driveway access to Lot 1.



Photograph 4 – Existing outbuilding on subject site, to be contained on proposed Lot 1.



Photograph 6 – Proposed Lot 1 facing southwest.



Photograph 3 – Existing dwelling on subject site, to be contained on proposed Lot 1.



Photograph 5 – Proposed Lot 1 facing north.



Photograph 7 – Proposed Lot 1 facing west.



Photograph 8 – Existing driveway access to proposed Lot 2.



Photograph 10 – Proposed Lot 2 facing northeast.



Photograph 12 – Proposed Lot 2 facing south.



Photograph 9 – Proposed Lot 2 facing north.



Photograph 11 – Proposed Lot 2 facing southeast.



Photograph 13 – Proposed Lot 2 facing west.



Photograph 14 – Neighbouring property adjoining the northern boundary at 3 Sylvia Court, Mallacoota.



Photograph 16 – Neighbouring property adjoining the eastern boundary at 1 Betka Road, Mallacoota.



Photograph 18 – Neighbouring property adjoining the eastern boundary at 5 Betka Road, Mallacoota.



Photograph 15 – Neighbouring property adjoining the eastern boundary at 1 Sylvia, Mallacoota.



Photograph 17 – Neighbouring property adjoining the eastern boundary at 3 Betka Road, Mallacoota.



Photograph 19 – Neighbouring property adjoining the eastern boundary at 7 Betka Road, Mallacoota.



Photograph 20 – Neighbouring property adjoining the eastern boundary at 9 Betka Road, Mallaoota.



Photograph 22 – Sylvia Court facing east.



Photograph 21 – Neighbouring property opposite the subject site at 4 Sylvia Court, Mallaoota.



Photograph 23 – Sylvia Court facing northwest.

3. THE PROPOSAL

This application seeks approval for the subdivision of the land into two lots. A proposed plan of subdivision is provided in **Appendix B** and an extract below in **Figure 3**.

Lot 1

The proposed Lot 1 will be irregular in shape and will be approximately 1.066 hectares in area. This lot comprises the northern portion of the site and will contain the existing dwelling and associated facilities. This lot will contain the existing 2 metre wide drainage easement along the northern boundary and across the northeastern portion of the site. Access to this lot will be via the existing gravel crossover and driveway connecting directly to Sylvia Court in the northeastern corner of the site.

Lot 2

The proposed Lot 2 will be irregular in shape and will be approximately 4000m². This lot will comprise the southern portion of the site and contain the existing 1.83 metre wide drainage and sewerage easement along the southern boundary and a 2.5 metre wide sewerage easement along the eastern boundary. Access to this lot will be provided via common property in the northeast corner that will

connect directly to Sylvia Court via an existing gravel crossover.

Services

The subject site has access to an appropriate level of services and infrastructure including reticulated water, sewerage, electricity telecommunications and a good quality road network. Each of the proposed allotments will be connected to all available services.

It is requested that formal drainage plans be a requirement on any planning permit to be granted.

The proposal includes common property that will be used to provide access to proposed Lot 2. The total common property area is 801m².

The proposal does not require the removal of any vegetation to facilitate the proposed subdivision, and no earthworks are required.

A copy of the proposed subdivision is provided below and in **Appendix B**.

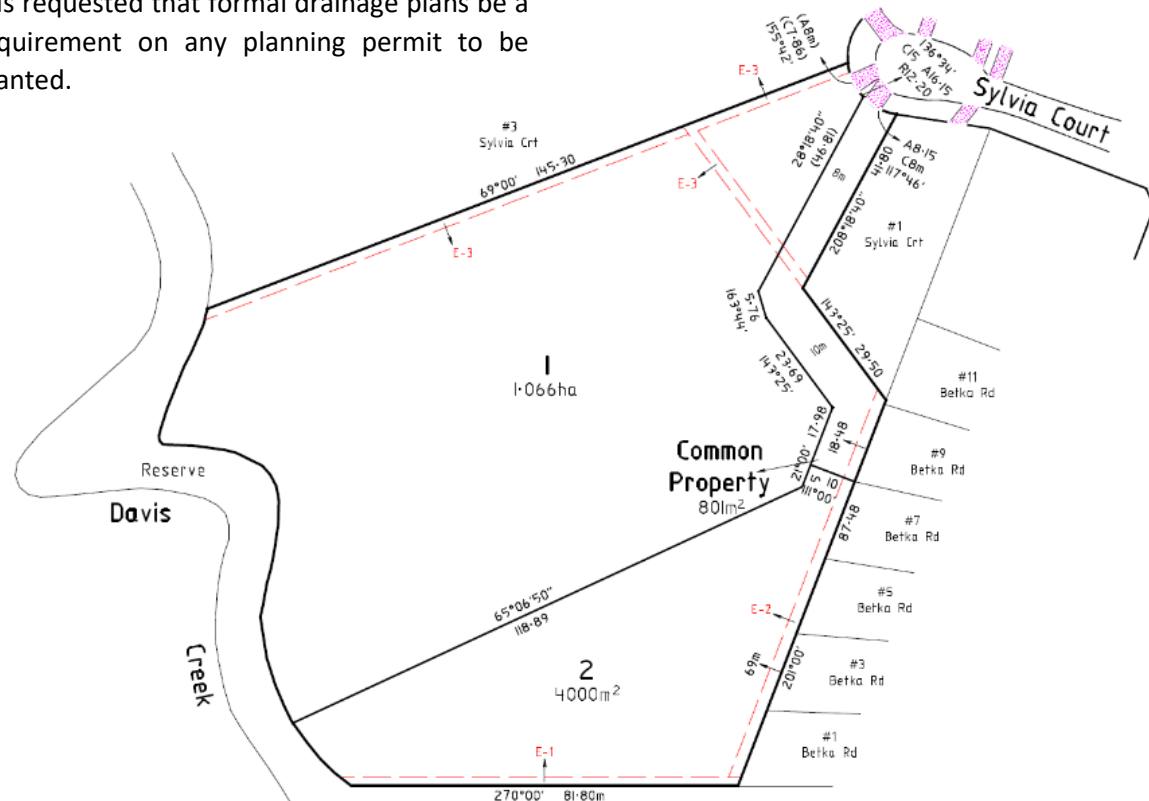


Figure 3 – Proposed Plan of Subdivision – One Plan

4. ZONES AND OVERLAYS

General Residential Zone – Schedule 1

The purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

An extract of the General Residential Zone Map is provided in **Figure 4**.

Clause 32.08-3 of the General Residential Zone provides a permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause

56. The relevant standards of Clause 56 are addressed in **Appendix C**.

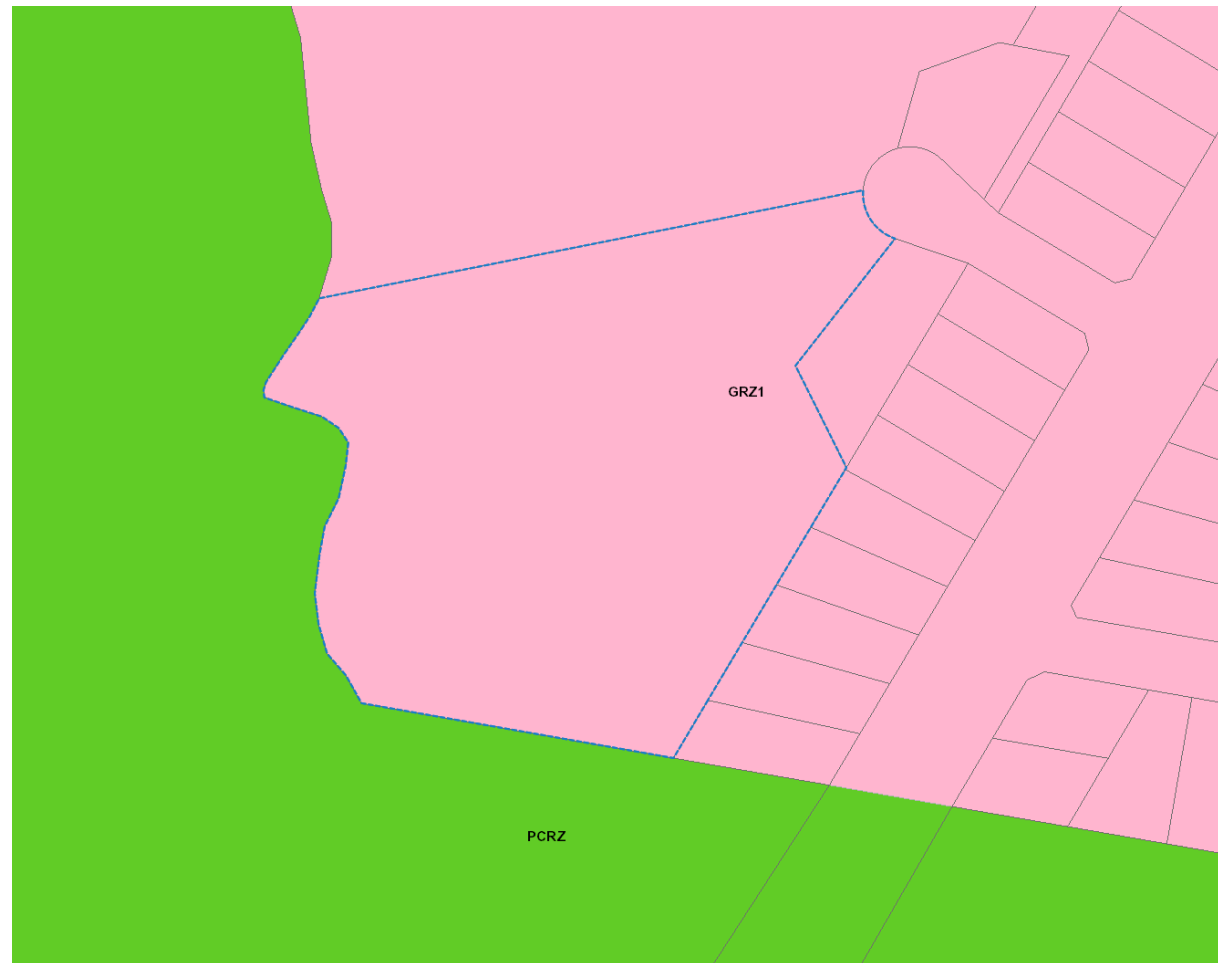


Figure 4 – Zoning Map – (source - mapshare.vic.gov.au)

Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is:

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

An extract of the Bushfire Management Overlay Map is provided in **Figure 5**.

Clause 44.06-2 provides a permit is required to subdivide land.

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

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

The proposed subdivision will require planning approval under the provisions of the Bushfire Management Overlay and Clause 53.02 and as such the relevant decision guidelines are addressed below in Section 5. A Bushfire Management Report is contained in **Appendix D**.

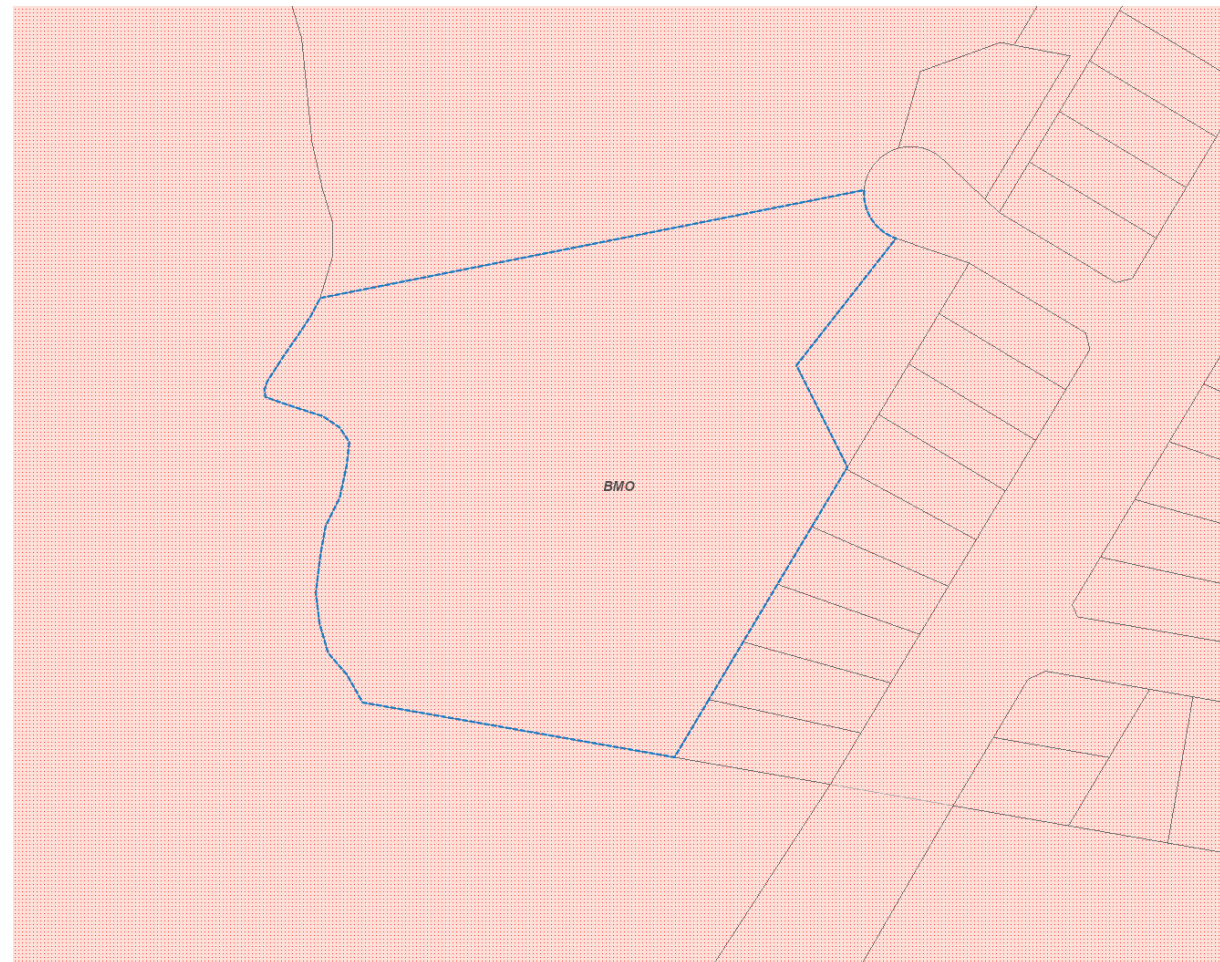


Figure 5 – Bushfire Management Overlay – (source - mapshare.vic.gov.au)

Design and Development Overlay – Schedule 12

The purpose of the Design and Development Overlay is:

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

An extract of the Design and Development Overlay map is provided in **Figure 6**.

Clause 43.02-3 – Subdivision provides a permit is required to subdivide land. As such the relevant decision guidelines are addressed in Section 5 of this submission.

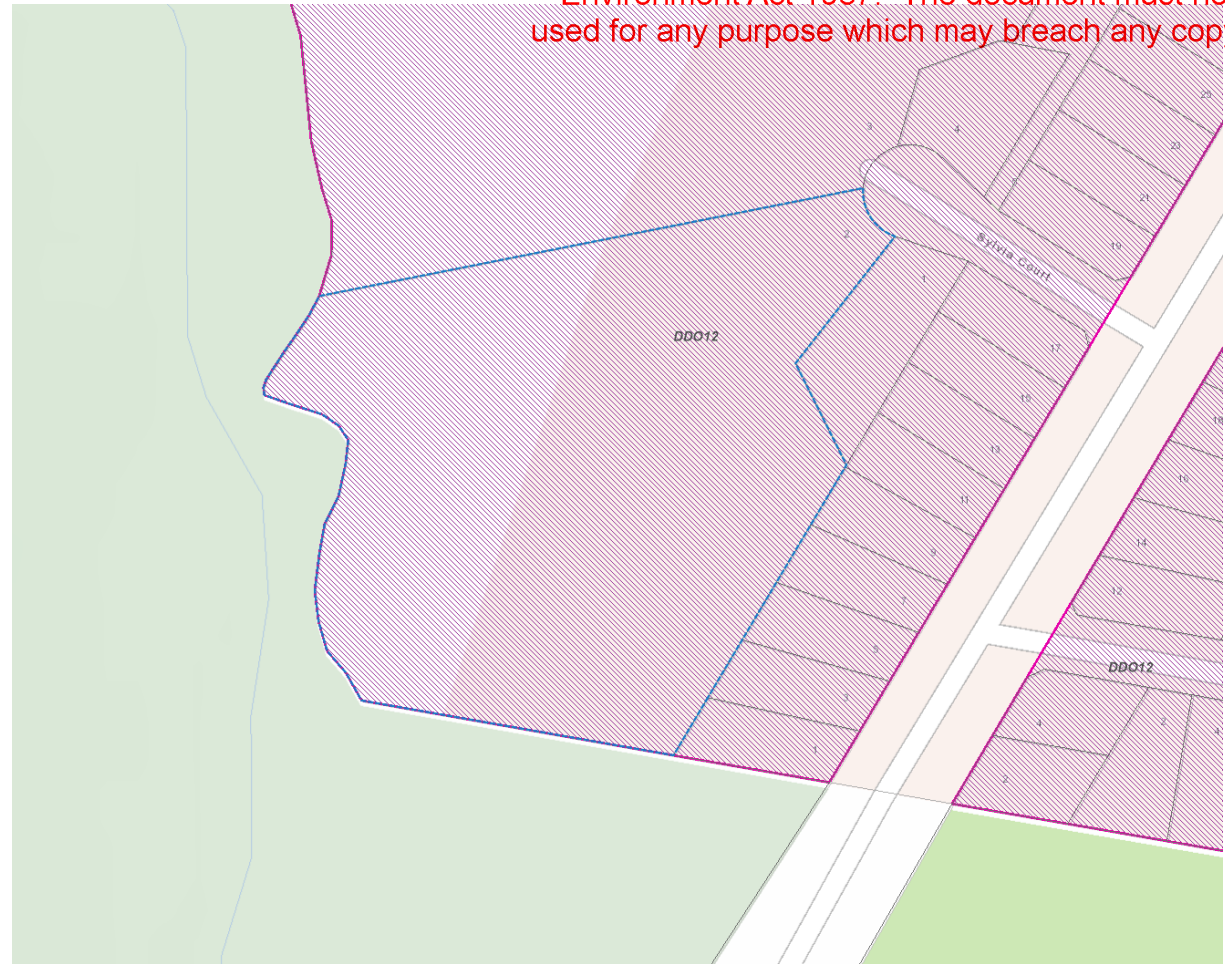


Figure 6 – Design and Development Overlay – (source - mapshare.vic.gov.au)

An extract of the character zones from the Mallacoota Urban Design Framework is provided below at **Figure 7**.

Design and Development Overlay – Schedule 12 continued:

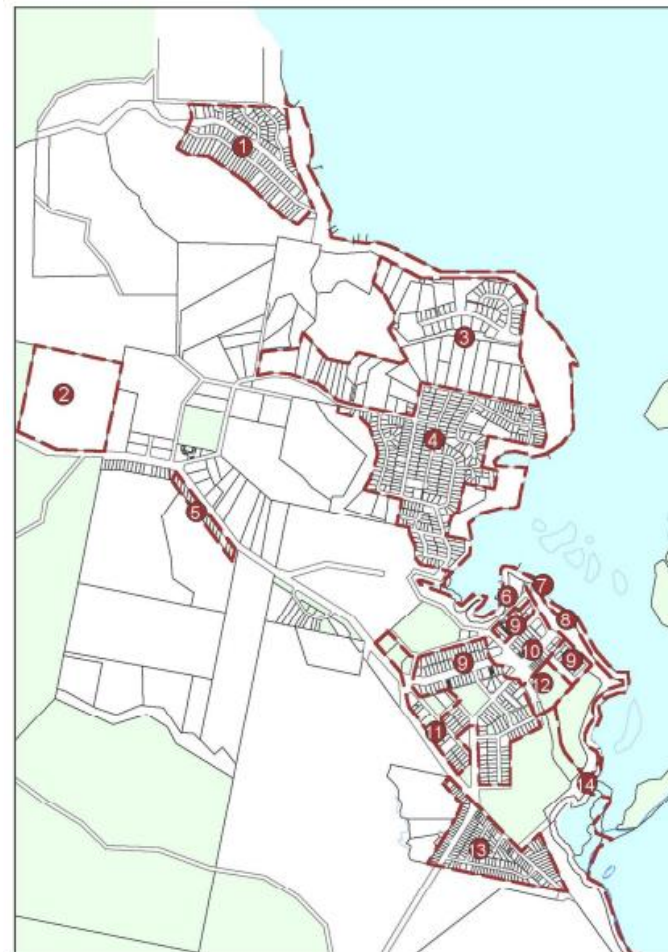
Schedule 12 to the Design and Development Overlay relates to Residential Development in Coastal Settlements: Mallacoota and contains the following design objectives:

All areas

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

- To conserve and enhance views to the Inlet from public places in the town centre character area.

The subject site is not within any Residential Precinct character zone.



Character Zones:

- 1 Karbeethong Residential Precinct**
Permanent homes, established gardens, substantial buildings.
- 2 Western Rural Residential Precinct**
Undeveloped subdivision
- 3 Stingray Point Residential Precinct**
Newer homes on larger lots with inlet views, high percentage of empty allotments awaiting development.
- 4 Lakeside Residential Precinct**
Older permanent homes on smaller lots, most lots built on, minimal holiday accommodation.
- 5 Town Fringe Residential Precinct**
Older style housing under trees.
- 6 North Foreshore Precinct**
Characterised by jetties, wharves and agricultural land.
- 7 Town Wharf Precinct**
Characterised by boating and caravan facilities, with excellent views over the water.
- 8 Camp Park Precinct**
Characterised by caravan parking and picnic areas set under trees.
- 9 Town Centre Residential Precinct**
Older permanent homes and holiday accommodation on smaller lots, most lots built on. Low key materials and modest building styles. No water views.
- 10 Town Centre Commercial Precinct**
Shopping strip with cafes and a hotel, fragmented in structure with weak edges at the eastern end. Public areas are made up of an assortment of streetscape treatments and dominated by car parking.
- 11 Civic Service Precinct**
Includes police, community service centre, senior citizens, general practitioner, Telstra, and other government departments.
- 12 Community Recreation Precinct**
Open parkland with civic buildings.
- 13 Develing's Residential Precinct Character**
Permanent homes with established gardens mix of mud brick and "coast shack chic" very few rental/ holiday accommodation units. Small lots and streets, mature tree canopy.
- 14 Develing's Inlet Zone Precinct**
Characterised by a landscape of cliffs and steep slopes. Culturally significant to Aboriginal groups.

Figure 7 – Extract – Character Zones – Mallacoota Urban Design Framework – (source - eastgippsland.vic.gov.au)

Vegetation Protection Overlay – Schedule 8

The purpose of the Vegetation Protection Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas of significant vegetation.
- To ensure that development minimises loss of vegetation.
- To preserve existing trees and other vegetation.
- To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
- To maintain and enhance habitat and habitat corridors for indigenous fauna.
- To encourage the regeneration of native vegetation.

An extract of the Vegetation Protection Overlay map is provided in **Figure 8**.

The proposal is not seeking to remove, destroy or lop any vegetation. As such a permit is not required under the provisions of the Vegetation Protection Overlay. This is not addressed further.

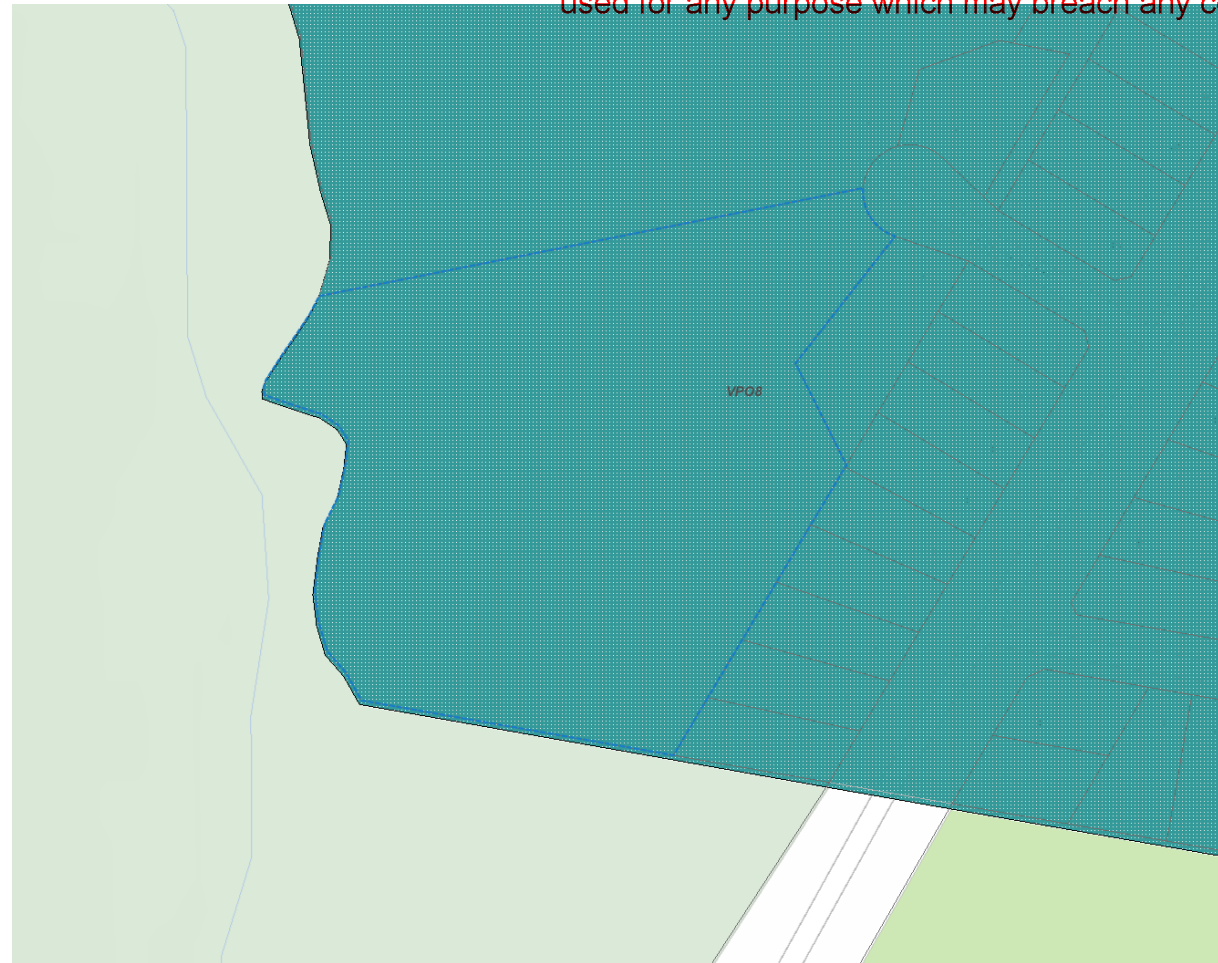


Figure 8 – Vegetation Protection Overlay – (source - mapshare.vic.gov.au)

Aboriginal Cultural Heritage

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

The residential subdivision of land into two lots is an exempt activity, and as such a Cultural Heritage Management Plan is not required.

An extract of the Aboriginal Cultural Heritage Map is provided to the right in **Figure 9**.



Figure 9 – Aboriginal Cultural Heritage Overlay – (source - mapshare.vic.gov.au)

5. PLANNING ASSESSMENT

This proposal has been assessed against the objectives and standards of applicable clauses of the East Gippsland Planning Scheme and it is considered that the proposed subdivision is appropriate for the following reasons:

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02** and the Planning Policy Framework at **Clause 10** providing an additional vacant parcel of land that can be developed in the future with a residential dwelling that can be respectful of the existing surrounding development and the environment.
- The proposal will contribute to a high standard of environmental sustainability, urban design and amenity by designing a lot layout to meet the constraints of the land reducing any potential negative environmental implications as sought to achieve by the relevant clauses including **Clause 02.03** and **Clause 11**. The site does contain scattered vegetation however no vegetation is required to be removed to facilitate the proposed subdivision.
- **Clause 02.03-1** identifies Mallacoota as a coastal settlement. Mallacoota, in the far east of the Shire, is a very popular holiday location and a retirement area, a base for eco-tourism and the centre of the abalone

industry in eastern Victoria. The subject site is currently connected to all available services the proposed vacant lot being created will be connected to all available services and infrastructure including reticulated water, sewerage, electricity, telecommunications and a good quality road network.

- The proposal meets the objectives of **Clause 16** by providing an additional vacant allotment that can be developed with a dwelling in the future which in turn will support housing for the area. **Clause 16.01-2S** recognises the need to ensure land supply is sufficient to meet demand. The proposed subdivision will create one additional vacant lot within an existing residential area in Mallacoota.
- The proposal is consistent with the decision guidelines of the General Residential Zone at **Clause 32.08-12** which seeks to encourage development that respects the neighbourhood character.
- The proposed subdivision creates one additional vacant allotment that can be developed in the future with a residential dwelling that can be keeping with the neighbourhood character of the area. Proposed Lot 1 will contain the existing dwelling and associated facilities.

The proposed subdivision has addressed the relevant standards as set out in Clause 56 and is contained in **Appendix C**.

- The pattern of subdivision for the area is varied with lots ranging in shapes and sizes.
- Access to the proposed Lot 1 will be via the existing gravel crossover in the northeastern corner of the site connecting directly to Sylvia Court and access to proposed Lot 2 will be provided via common property in the northeast corner of the proposed allotment, connecting directly to Sylvia Court as indicated on the proposed plan of subdivision.
- **Clauses 02.03-3, 13.01-1S** and **44.06** require consideration of bushfire hazards and implications as a result of any proposed subdivision and development. A Bushfire Management Report is provided in **Appendix D** which concludes the subject site can achieve a BAL 29 rating. Proposed Lot 1 will contain the existing dwelling and associated facilities. Proposed Lot 2 will be vacant land, suitable for a residential dwelling in the future. Any future dwelling on the vacant lot being created will need to be constructed to the requirements of the BAL 29 rating including 49 metres around the dwelling to be maintained for defendable space, the installation of a 10,000-litre water tank to be provided at

- time of construction and access constructed to meet the requirements for emergency service vehicles. All approved bushfire protection measures have been incorporated into the proposal. **Clause 44.06-4** provides the application must meet the requirements of **Clause 53.02**. All of the approved measures set out in Clause 53.02-4 have been incorporated into the proposal and it is concluded the risks can be reduced to an acceptable level.
- The proposal is consistent with the decision guidelines of the Design and Development Overlay at **Clause 43.02-6** which seeks to identify areas which are affected by specific requirements relating to the design and built form of new development.
 - The proposed subdivision will result in one additional vacant allotment that can be developed with a dwelling in the future. Any future dwelling to be constructed would be subject to the requirements of the Design and Development Overlay including height controls and as such there is not expected to be any detrimental impact to the amenity of the area or neighbourhood character. The area does contain dwellings of various styles, heights and setbacks partially given the topography of the area being undulating in nature.
 - No vegetation removal is required to facilitate the proposed subdivision. The proposed Lot 2 will contain areas of vegetation. Any future vegetation removal beyond providing for defensible space would require approval as a result of the Vegetation Protection Overlay applicable to the site.
 - The proposed subdivision has been designed to be site responsive.
 - **Schedule 12** refers to residential development in coastal settlements which seeks to protect and manage the township character of coastal settlements and ensure that new development is designed to minimise visual impact on the natural landscape. No new development is proposed at this time however it is considered that the proposed vacant lot is in a location that future residential development is not expected to be visually obtrusive or be detrimental to the township character of the area.
 - This submission has addressed the decision guidelines of **Clause 65.01** and the proposed subdivision supports orderly planning of the area whilst taking into consideration the potential effect on the environment, human health and the amenity of the area. The proposal does not require the removal of any native vegetation and there will be no negative impact on the existing road network.
 - The site is not identified as being susceptible to erosion or flooding hazards however is susceptible to bushfire hazards. A Bushfire Management Plan is contained in **Appendix D** that concludes the subject site can achieve a BAL 29 rating and is suitable for the proposed subdivision and likely future residential development.
 - There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.
 - This submission has addressed the decision guidelines of **Clause 65.02** and it is concluded the proposed subdivision is suitable in this location and the subject site can adequately accommodate a residential dwelling in the future that will in turn support the community by providing for additional housing.
 - The subject site is currently connected to all available services and the proposed Lot 2 will be connected to all available services. The additional lot is not expected to exceed the capacity of the services in this location. Proposed Lot 1 will contain the existing dwelling and associated facilities.
 - The proposed vacant allotment will support infill residential development with access to

a suitable range of services and infrastructure. Infill residential development is strongly encouraged to support diversity of housing types and increase supply.

6. CONCLUSION

This submission is in support of a planning permit application for a Two Lot Subdivision at 2 Sylvia Court, Mallacoota.

The relevant provisions of the East Gippsland Planning Scheme have been addressed and it has been ascertained that the proposed subdivision is appropriate in this location. It is requested that the proposal be supported for the following reasons:

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is consistent with the objectives of the General Residential Zone, Bushfire Management Overlay and the Design and Development Overlay.
- The proposed subdivision will provide for an appropriate allotment that can be developed with a residential dwelling.
- The design of the subdivision is site responsive.

It is requested that a planning permit be granted for this subdivision.

Development Solutions Victoria

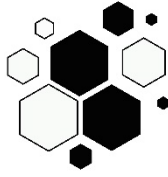
Disclaimer:

This document has been prepared for planning permit application purposes only. The report has been made with careful consideration and with the best information available to Development Solutions Victoria Pty Ltd at the time.

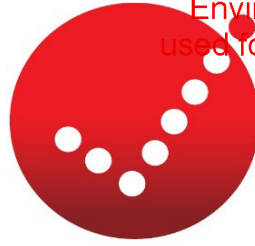
No component of this document is to be reproduced for any purpose without prior written consent of Development Solutions Victoria Pty Ltd.

ADVERTISED

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



Euca Planning
Bushfire Specialists



BPAD
Bushfire
Planning & Design
Accredited Practitioner
Level 3



Bushfire Planning Report V1.1

Including Bushfire Management Statement

Lot 1 PS302708

2 Sylvia Court, Mallacoota 3892

Traditionally the land of Gunaikurnai, Monero and the Bidawel People

June 24th, 2024.

Euca Planning Pty Ltd

PO Box 570, Warragul 3820

Phone: 0418 597 662 Email: info@eucaplanning.com.au

Director & Principal Consultant: Deanne Smith

Qualifications/Accreditations:

- Masters of Planning (Professional) – Deakin University
- Postgraduate Diploma in Bushfire Planning and Management – The University of Melbourne (2017)
- Graduate Diploma of Applied Science (Agricultural Studies) – Charles Sturt University
 - Graduate Certificate in Public Sector Management – Flinders University
 - Bachelor of Science – University of Melbourne (1996)

Memberships

- Member of Planning Institute of Australia (MPIA)
- Corporate Bronze Member of Fire Protection Association of Australia

Acknowledgement of Country

Euca Planning would like to acknowledge the Gurnaikurnai people as the Traditional owners of the unceded land that we conduct our business on. We pay our Respects to their Elders past, present, and future.

Disclaimer

This report has been made with careful consideration and with the best information available to Euca Planning Pty Ltd at the time of writing. Before relying on information in this report, users should evaluate the accuracy, completeness and relevance of the information provided for their purposes. Euca Planning Pty Ltd do not guarantee that it is without flaw or omission of any kind and therefore disclaim all liability for any error, loss or other consequence that may arise from you relying on any information in this report.

Requirements detailed in this document do not guarantee survival of the buildings or the occupants. The client is strongly encouraged to develop and practice a bushfire survival plan.

Information and assistance including a template for a Bushfire Survival Plan is provided as part of the 'Fire Ready Kit' available through the CFA website at www.cfa.vic.gov.au or through your local CFA Regional office.

Conditions of Use

No component of this report is to be reproduced for any purpose without the prior written consent of a Director of Euca Planning Pty Ltd. The copyright and intellectual property rights of Euca Planning Pty Ltd extends to the data, ideas, methodologies, calculation procedures and conclusions presented in this report and must not be used without authorisation in writing from Euca Planning Pty Ltd.

Version Control

	Name	Date Completed	Comments
Field Assessment	Development Victoria Solutions	13 January 2023	
Mapping	Kelly Hedley	25 January 2023	
Initiate Report	Frances Granada	17 January 2023	
Draft Report	Kelly Hedley	25 January 2023	
Final Report	Deanne Smith	24 June 2024	
Revision 1	Deanne Smith	17 August 2024	Correction to lot area

Contents

Executive Summary.....	4
1.0 Introduction	5
1.1 Application Details	5
1.2 Site Description	5
1.3 Site Location.....	6
2.0 Bushfire Hazard Landscape Assessment.....	6
2.1 Planning Policy Framework.....	6
2.2 Planning Policy Framework Assessment.....	9
2.2.1 Objective	9
2.2.2 Application	9
2.2.3 Strategies	10
2.2.4 Policy Guidelines	15
3.0 Bushfire Hazard Site Assessment.....	15
3.1 Regional Bushfire Planning Assessment	16
3.2 Vegetation Extent in the Broader Landscape	16
3.3 Topography	17
3.4 Surrounding Road Network	18
3.5 Bushfire History of the Area.....	18
3.6 Bushfire Scenarios.....	19
4.0 Bushfire Management Statement	20
4.1 Vegetation.....	21
4.2 Topography	24
4.3 Separation from the Hazard and Bushfire Attack Level for the Proposed Development.....	24
5.0 Bushfire Management Statement	26
5.1 Design Response Against Clause 53.02.....	27
5.2 Expected Planning Permit Conditions.....	30
5.3 Bushfire Management Plan.....	31
6.0 References	32
7.0 Appendices.....	32
Appendix One – Bushfire Hazard Landscape Assessment	33
Appendix Two – Bushfire Hazard Site Assessment.....	34
Appendix Three –Proposed Plan of Subdivision	35
Appendix Four – Proposed Bushfire Management Plan.....	36

Executive Summary

This report has been prepared to accompany a planning permit application for a two-lot subdivision at 2 Sylvia Court, Mallacoota. The site is within the Bushfire Management Overlay (BMO) and is required to demonstrate that the development has regard for the surrounding bushfire hazards.

This report presents a comprehensive assessment of the hazards and suggests mitigation measures to improve the protection of life and property for the proposed two-lot subdivision at 2 Sylvia Court, Mallacoota. The site is within the General Residential Zone (GRZ1) and is a subdivision so requires a Pathway 2 application to meet the objectives and approval measures of Clause 53.02 of the East Gippsland Planning Scheme. As such a Pathway 2 style response has been adopted for this report.

This report includes the following components:

- An **Assessment against Clause 13.02-1S** of the East Gippsland Planning Scheme.
- A **Bushfire Hazard Landscape Assessment** that considers the landscape risk and whether the Clause 53.02 modelled fire assumptions are adequate.
- A **Bushfire Hazard Site Assessment** considering localised hazards, defensible space and the bushfire attack level.
- A **Bushfire Management Statement** that outlines the design response to the relevant approval measures in Clause 53.02 from the East Gippsland Planning Scheme.
- A **Bushfire Management Plan** that provides the bushfire mitigation measures for endorsement.

The development site is in Mallacoota, a small coastal town. The site is located near other established dwellings, and currently is developed with one dwelling. The land is accessed by a public road, Sylvia Court. The proposed development is surrounded by low threat vegetation to the east and immediate north (existing dwelling with forest in all other directions).

The Bushfire Management Statement demonstrates that the defensible space objectives can be met for Column C of Table 2 to Clause 53.02-5. Access will be provided for the new Lot 2. Water supply is not required to be provided until such time as a new dwelling is built.

Due to the bark hazard of the forest, the proposed development is expected to be affected by moderate ember attack in the event of a bushfire, and radiant heat due to the proximity to the vegetation. A BAL of 29 is deemed appropriate considering the distance from the unmanaged vegetation, and the protection this development will provide to the existing eastern residential lots.

The site is able to meet the approval measures within clause 53.02 for Column C separation, a BAL of 29, based on an FFDI of 100 and a flame temperature of 1090K.

1.0 Introduction

This Bushfire Management Statement (BMS) has been prepared to enable the applicants to respond to the requirements of Clause 44.06 Bushfire Management Overlay (BMO) (known from this point on as Clause 44.06), and in accordance with the application requirements of Clause 53.02– Bushfire Planning (known from this point on as Clause 53.02).

The statement contains three components:

- 1 An **assessment against Clause 13.02-1S** of the East Gippsland Planning Scheme.
- 2 A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site.
- 3 A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard has been prepared in accordance with Section 2.2.3 to 2.2.5 of AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) and is supported by photographs to assist in describing the bushfire hazard.
- 4 A **bushfire management statement** describing how the proposed development responds to the requirements of Clause 44.06 and 53.02.
- 5 A **bushfire management plan** that details the bushfire mitigation measures.

1.1 Application Details

Municipality	East Gippsland Shire Council
Title Description	Lot 1 PS302708
Overlays	Bushfire Management Overlay (BMO) Design and Development Overlay – Schedule 12 (DDO12) Vegetation Protection Overlay – Schedule 8 (VPO8)
Zoning	General Residential Zone – Schedule 1 (GRZ1)

1.2 Site Description

Site shape	Irregular
Site area	1.546 ha Lot 1 – 1.066 ha Lot 2 – 4,000 m ²
Site Dimensions	The property has a road frontage in form of arc to the Sylvia Court and the property has a depth of approximately 145 metres.
Existing use and siting of buildings and works on and near the land	Existing dwelling on Lot 1 approved with defensible space.
Existing vehicle arrangements	Access from Sylvia Court
Nearest fire hydrant	Not applicable
Private bushfire shelter	Not proposed
Any other site features relevant to bushfire risk	Mallacoota State Forest abutting west and south boundary, and Mallacoota Paddock Bushland Reserve in the broader landscape to the north-east.

1.3 Site Location

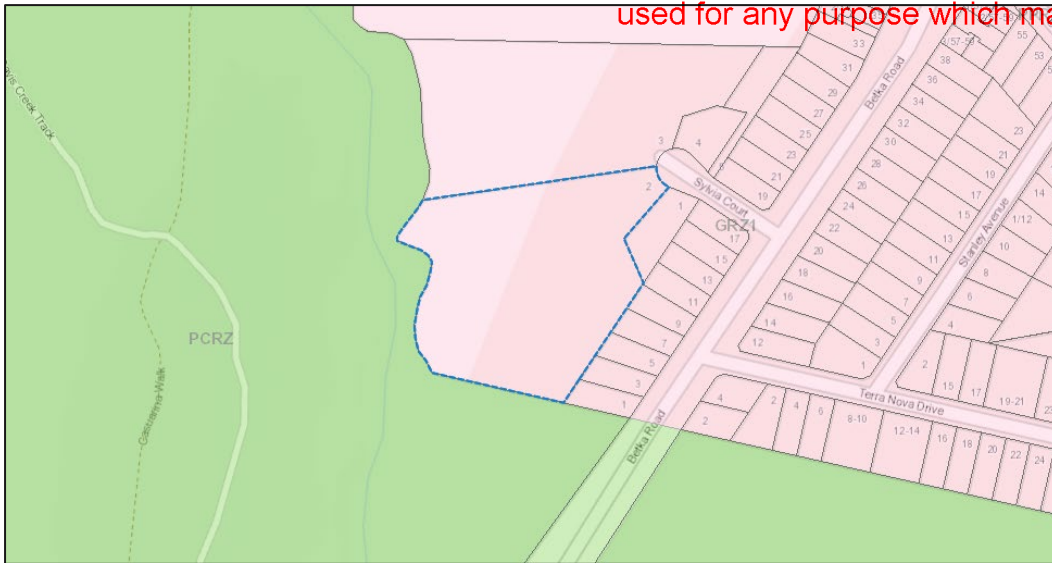


Figure One – Property Location – identified with the blue dashes central to the map (VicPlan, 2023)



Figure Two – Property Location 2 Sylvia Court, Mallacoota (Google Maps, 2023)

2.0 Bushfire Hazard Landscape Assessment

2.1 Planning Policy Framework

Clause 71.02-3 (integrated decision making) of the Planning Scheme has been recently amended and provides that:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning authorities and responsible

authorities must prioritise the protection of human life over all other policy considerations.

Clause 13.02-1S (Bushfire) of the Planning Scheme applies to all decision making and seeks to:

*To strengthen the resilience of settlements and communities to bushfire through **risk-based planning** that prioritises the protection of human life.*

[Emphasis added]

Clause 13.02-1S includes a number of strategies to achieve that objective. Broadly these strategies include:

- prioritising the protection of human life;
- requiring a robust assessment of the bushfire hazard and risk assessment before any strategic or statutory decision is made; and
- directing population growth and new settlements to low-risk locations.

Importantly in relation to the protection of human life, clause 13.02-1S includes the following requirements:

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low-risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.*

In relation to Bushfire hazard identification and assessment, clause 13.02-1S includes the following relevant requirements:

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Considering and assessing the bushfire hazard on the basis of:*
 - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*
 - *Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;*
 - *Neighbourhood conditions – meaning conditions in the area within 400 metres of a site; and*
 - *The site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement*

- *appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

Importantly in relation to settlement planning, clause 13.02-1S includes the following requirements:

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- *Directing population growth and development to low-risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metres under AS3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.*
- *Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighborhood and site scale, including the potential for neighborhood-scale destruction.*
- *Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighborhood basis.*
- *Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS3959-2009.*

In relation to use and development control in a Bushfire Prone area, clause 13.02-1S includes the following relevant requirements:

Use and development control in a Bushfire Prone Area In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the

following uses and development:
... Subdivisions of more than 10 lots
.... Accommodation

When assessing a planning permit application for the above uses and development:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

The use and development control does not specifically apply to this proposal as the subdivision is only 2 lots, and no dwelling is proposed. However, the ultimate intent of the new lot will be to develop a dwelling and this report demonstrates that the lot meets Clause 13.02-1S including the long-term intent of the use and development control without jeopardization of the safety of the existing dwelling.

When these strategies are read together it is clear that any future development would be required to provide a considered assessment of the bushfire risk. As such, the development must ensure it responds to bushfire risk. The purpose of this report is to undertake such an assessment for the site including an assessment of the likely fire behaviour and the risk to future residents. It is acknowledged that this site is subject to the Bushfire Management Overlay and Parts 3 to 5 of this report specifically address the application requirements of Clause 44.06 and 53.02 of the East Gippsland Planning Scheme.

In the context of strategic planning decisions, these strategies need to be read as on balance and consider the *'net increase in risk to existing and future residents'*. As it relates to the objectives at Clause 13.02-1S of the Planning Scheme, it is necessary to ensure that the protection of human life is prioritised when decisions are made. However, the strategies listed at Clause 13.02-1S in the Planning Scheme are not *'mandatory requirements'* and it is not necessary to *'tick every box'*. It is more important to ensure that decisions are consistent with the State policy objectives and build resilient communities.

2.2 Planning Policy Framework Assessment

2.2.1 Objective

Clause 13.02-1S seeks to *'strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'*.

2.2.2 Application

The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is within a designated bushfire prone area; or subject to a Bushfire Management Overlay.

Bushfire Prone Area and Bushfire Management Overlay

The planning proposal area is included in the Bushfire Prone Area (BPA) as described in Planning Advisory Note 46 (2013), the BPA is a building regulation tool that identifies where moderate bushfire hazard can be expected. It applies to areas subject to the BMO, and to areas that experience a lower head fire intensity modelled to be between 4,000kW/m and 30,000kW/m. This level of hazard informs areas declared as bushfire prone in the building system. Areas at the upper end of the bushfire intensity range (that is 28,000kW/m and above and referred to as BHL1b) are considered, where appropriate, for applying the BMO based on the advice of the relevant fire authority. The land is contained in the BMO. The entire planning proposal site is subject to the BPA and the BMO. The greater area in Mallacoota is also in the BPA and BMO reflecting the moderate to high bushfire hazard.

In December 2017, Clause 13.02-1S of the East Gippsland Planning Scheme was amended to specifically refer to Bushfire Prone Areas and to strengthen the consideration of bushfire risk in all planning decisions. As the site is fully contained within the Bushfire Prone Area, the minimum level of construction for all dwellings is BAL 12.5, and this bushfire risk must be considered.

2.2.3 Strategies

Protection of human life

<i>Give priority to the protection of human life by:</i>	<i>Response</i>
Prioritising the protection of human life over all other policy considerations	<ul style="list-style-type: none"> - This proposal provides for a new lot that can accommodate a dwelling that responds to the risk of bushfire through siting and construction adjacent a residential area. - The proposal can be undertaken in a manner that will improve the safety of the existing residents in the established lots with the establishment of defendable space across the land.
Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.	<ul style="list-style-type: none"> - The lot has existed for many years and is part of an estate with many lots containing established dwellings. - Existing dwellings exist adjacent to this development. - The overall design can respond to the vegetation corridor to the south-west. - The existing road network facilitates safe egress towards Mallacoota Township. - Access and egress are facilitated from Sylvia Court.
Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.	<ul style="list-style-type: none"> - An application to develop land needs to articulate how the design responds to the identified bushfire risk. - The subdivision has considered fire brigade access. - Any future dwelling on Lot 2 will be designed and sited to respond to bushfire

	<p>within the identified envelope.</p> <ul style="list-style-type: none"> - The vegetation is expected to yield less than 29kW/m² of radiant heat.
--	--

Bushfire hazard identification and assessment

<i>Identify bushfire hazard and undertake appropriate risk assessment by:</i>	<i>Response</i>
Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.	<ul style="list-style-type: none"> - The East Gippsland Planning Scheme relies on the planning proposal to respond to bushfire based on current assessment methods. - Clauses 13.02-1S, 44.06 and 53.02 are to be considered for proposal. - Clause 71.02-3 <i>Integrated Decision Making</i> strengthens the importance of bushfire planning as an appropriate tool to reconcile potential conflicts in design and vision. - The assessment method aligns with AS3959, and is provided in this report (see Section 4).
Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.	<ul style="list-style-type: none"> - Consistent with the revised Clause 13.02-1S, the planning proposal responds to the Bushfire Prone Area and the Bushfire Management Overlay. - This report demonstrates that sufficient setbacks from the vegetation can be achieved to meet Column C of Table 2 of Clause 53.02 in all directions. This is an appropriate benchmark for this development given the increase in safety it delivers for the existing residents to the east.
Applying the Bushfire Management Overlay in planning schemes to areas where the extent of vegetation can create an extreme bushfire hazard	<ul style="list-style-type: none"> - The BMO does apply to the land is in an area of high bushfire hazard. The BMO is addressed in Sections 3 to 5 of this report.
Considering and assessing the bushfire hazard on the basis of: <ul style="list-style-type: none"> • Landscape conditions - meaning the conditions in the landscape within 20 kilometres and potentially up to 75 kilometres from a site; • Local conditions - meaning conditions in the area within approximately 1 kilometre from a site; • Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and, • The site for the development 	<ul style="list-style-type: none"> - In light of the recent changes to Clause 13.02 and the addition of this assessment requirement, an assessment is provided in Section 3.0 of this report. - As it is a two-lot subdivision in the BMO four scales of consideration are applied - Landscape conditions and local site conditions within Section 3.0 of this report. - Neighbourhood and local conditions are considered in Figure 3(a) and Figure 3(b). - The site conditions are considered through the Bushfire Hazard Site

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

<p>Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.</p>	<p>Assessment within Section 4.0 of this report.</p> <ul style="list-style-type: none"> - It is expected that this development would be referred to CFA for consideration as it is in the Bushfire Management Overlay.
<p>Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures</p>	<ul style="list-style-type: none"> - The content of this report provides a solid foundation for the design and subsequent approval of the planning proposal, with regard to bushfire risk. - Assessing the site-based bushfire risk and including appropriate bushfire protection measures (e.g. managed land, BALs, separation from the hazard) enables the achievement of the direction of the Planning Scheme.
<p>Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.</p>	<ul style="list-style-type: none"> - This element of the revised Clause 13.02-1S is the most important element and empowers the Responsible Authority to not approve a permit application until it is satisfied with the bushfire protection measures being implemented. - This report demonstrates that the risk of bushfire should not be a reason for refusal.

Figure Three (a) (below) – Local conditions (within 1km) (Source: Google Earth, 2023)

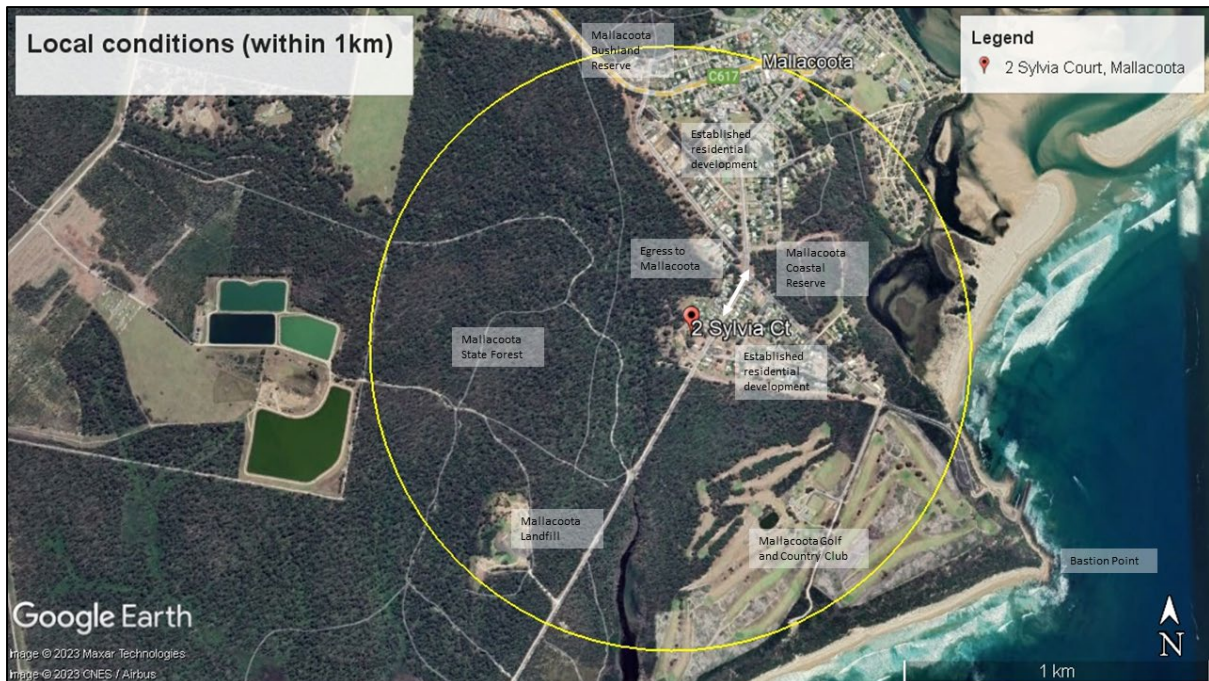
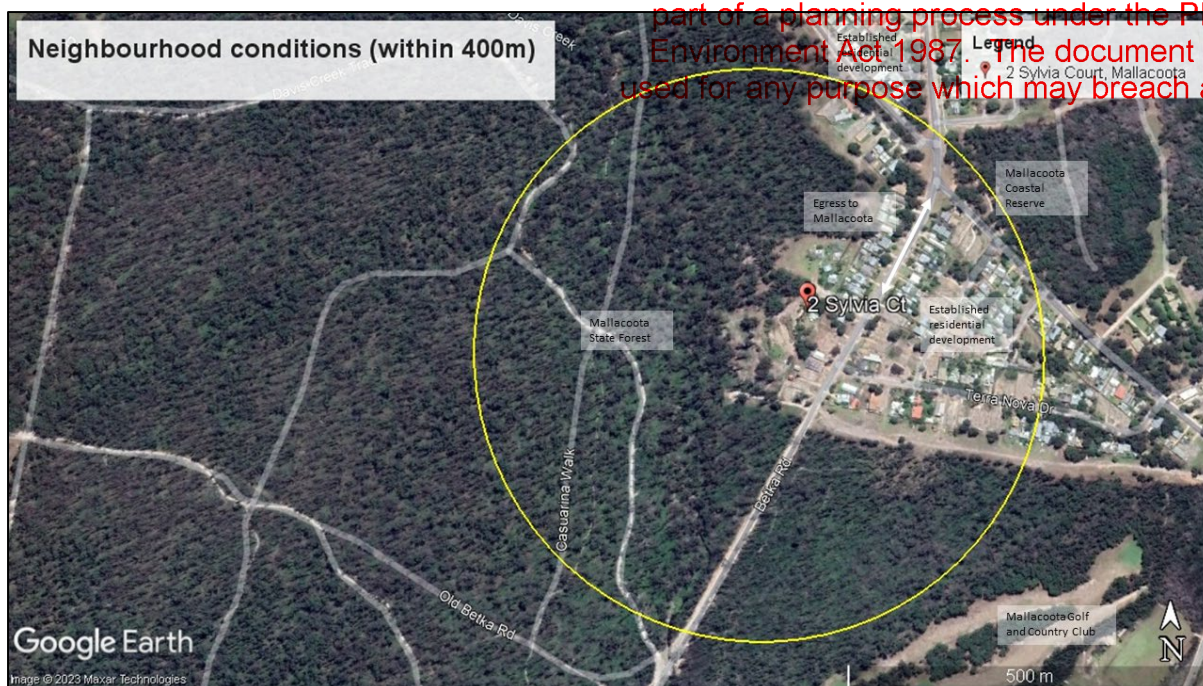


Figure Three (b) (below) – Neighbourhood conditions (within 400m) (source: Google Earth, 2023)

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



Settlement Planning

<i>Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:</i>	<i>Response</i>
Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metres under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).	<ul style="list-style-type: none"> - Recognising the land is an established lot in an area that is at high risk from bushfire, development of land by subdivision should only proceed where all elements of the BMO are achieved. - This report demonstrates that this goal is achieved including the provision of the greatest separation from the hazard and an increased level of construction. - The new lot has a siting that has been assessed as having a radiant heat flux of less than 29kW/m² under AS3959.
Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire	<ul style="list-style-type: none"> - The nature of the settlement of Mallowcoota provides ready access with a 2-minute drive to areas of the greater Mallowcoota township that constitute BAL-LOW. A NSP-PLR exists in Mallowcoota.
Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.	<ul style="list-style-type: none"> - The establishment and maintenance of defendable space will accompany the build of a dwelling and will reduce the risk to the eastern residents. The increased level of vegetation management will reduce the risk of bushfire to the existing residents.
Achieving no net increase in risk to existing	<ul style="list-style-type: none"> - Any new dwelling will implement the

and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.	
Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction	<ul style="list-style-type: none"> - In light of the recent changes to Clause 13.02 and the addition of this assessment requirement, an assessment is provided in Section 3.0 and 4.0 of this report. - As it is an existing dwelling and a two-lot subdivision in the BMO, four scales of consideration are applied: and contained in this report. - The site conditions are best considered through the Bushfire Hazard Site Assessment methodology.
Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.	<ul style="list-style-type: none"> - The proposal is an existing lot adjacent residential development with the ability to improve the interface with the forest.
Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS3959-2018.	<ul style="list-style-type: none"> - The proposal is a statutory planning application only.

Areas of high biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are of high biodiversity conservation value.

Assessment of the development

- This will be addressed by the broader planning proposal.

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for accommodation, and for subdivisions of 10 or more lots. Neither of these apply to this situation. This report does provide evidence that the proposal achieves no net increase in bushfire risk.

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

2.2.4 Policy Guidelines

Planning must consider as relevant:	Response
Any relevant approved State, regional and municipal fire prevention plan.	Fire prevention measures of public land provide management of the forest.
AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).	This is relevant through the derivation of Bushfire Attack Levels, and is considered when referring to the BAL. Current standard is AS3959-2018.
Building in bushfire-prone areas - CSIRO & Standards Australia (SAA HB36-1993, May 1993).	This is the handbook to AS3959 and does not need to be considered directly by the planning proposal.
Any Bushfire Prone Area map prepared under the Building Act 1993 or regulations made under that Act.	The updated Bushfire Prone Area map has been considered in this report.

3.0 Bushfire Hazard Landscape Assessment

The Bushfire Hazard Landscape Assessment includes a plan that describes the bushfire hazard of the general locality surrounding the site (Figure Three, additionally a copy is provided in Appendix One).



Figure Six – Bushfire Hazard Site Assessment – Overall subdivision level

The landscape risk of a site is an important consideration when mitigating bushfire hazards. The landscape risk is the combination of several elements in the surrounding landscape. These relate to the vegetation extent, the area available to a landscape bushfire, the orientation of the ridgelines and the steepness of the terrain, the accessibility to low threat areas and the quality of the road networks surrounding the site.

The site is considered 'Landscape Type 4' as defined by DELWP guidance:

- *The broader landscape presents an extreme risk.*
- *Fires have hours or days to grow and develop before impacting.*
- *Evacuation options are limited or not available.*

The site will experience landscape fire scenarios that are not all within the assumptions of Bushfire Management Overlay. The design of the buildings, the defendable space and consideration of egress is necessary to develop an appropriate site-responsive design. The site will experience ember attack, radiant heat and localised ignitions associated with the landscape fire. The site could experience convection column collapse from the west but does place additional land under vegetation management conditions to strengthen the settlement interface. There is shelter in Mallacoota but an inability to leave the town.

3.1 Regional Bushfire Planning Assessment

The Regional Bushfire Planning Assessment (RBPA) for the Gippsland Region (2012) provides a high-level analysis of locations where the bushfire hazard may impact on planning objectives. The RBPA provides information where a range of land use planning matters intersect with a bushfire hazard to influence the level of risk to life and property from bushfire. This information is required to be used as part of strategic land use and settlement planning at the regional, municipal and local levels.

“The RBPA is not a statutory planning provision and does not directly translate into planning schemes. However, it complements planning scheme provisions such as the Bushfire Management Overlay (BMO) by providing spatial and qualitative information from a variety of sources which together can inform considerations about where bushfire should be assessed early in the strategic planning process.” RBPA – Gippsland Region (2012)

After review of the RBPA, it is noted that the proposal falls in an area identified as:

19-041 - Mallacoota – Multiple bushfire planning matters including:

- *Clusters of small residential lots; and*
- *Clusters of medium size rural-residential lots; and*
- *Settlements interfacing with state park and coastal vegetation in a bushfire hazard area; and*
- *Access issues out of the Mallacoota Township.*

19-042 – Mallacoota – Single access constructed road, which provides the main access to the settlement of Mallacoota.

3.2 Vegetation Extent in the Broader Landscape

The vegetation in the broader landscape is predominantly forest and scrubs. An indication of the Ecological Vegetation Classes in the landscape is provided below (site central to image).

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

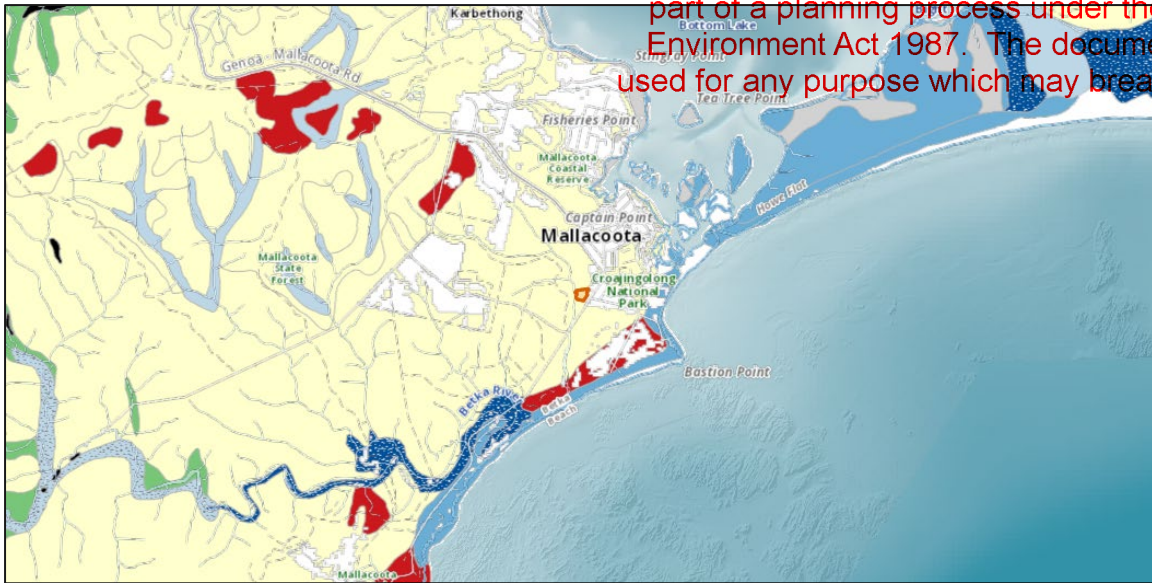


Figure Five – 2005 Ecological vegetation classes group map showing Lowland Forests (pale orange), Heathlands (red), Coastal Scrubs Grassland and Wetlands (blue), Coastal Saltmarsh (pale blue), Wetlands (dark blue with dots), Damp Forest (green), Rainforests (black), Rocky Outcrop Shrubland (grey), Riparian Forest (pale blue with dots) (NatureKit, 2023).

3.3 Topography

The topography of the surrounding landscape is typical of this area of Mallacoota. The surrounding area is characterised by forest in the broader landscape with a variety of woodlands, scrubs and heathlands on the coastal areas and waterway regions. There is little cleared vegetation in the form of farmland around the secondary areas of Mallacoota until the settlement area of Genoa approximately 27 kilometres to the north-west. The topography has a natural downslope to the coastal areas with the areas to the north-west being part of the mountain country of Croajingalong National Park. The topography and fuel load within this landscape will contribute to high bushfire threats under certain climatic conditions, impacting property by increased localised ignitions, radiant heat and ember attacks.

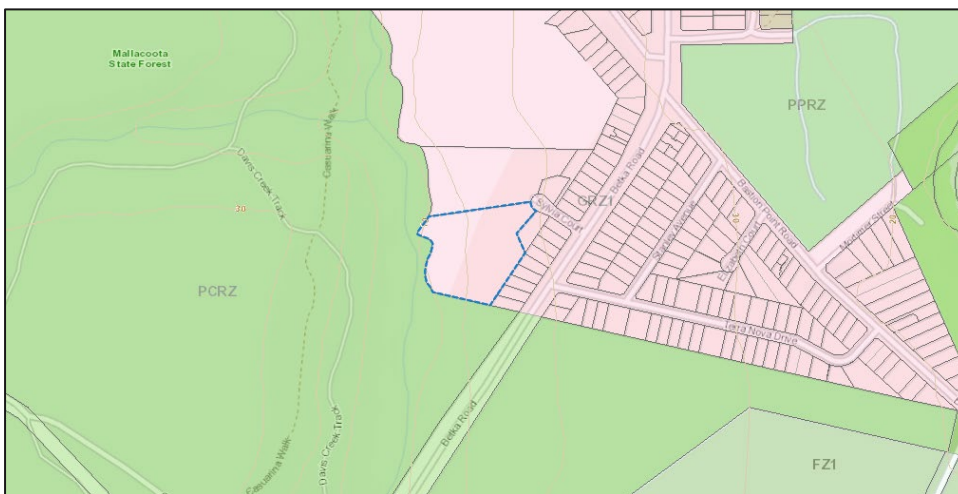


Figure Six (a) (above) – Topography of proposed site and immediate landscape (VicPlan, 2023)

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

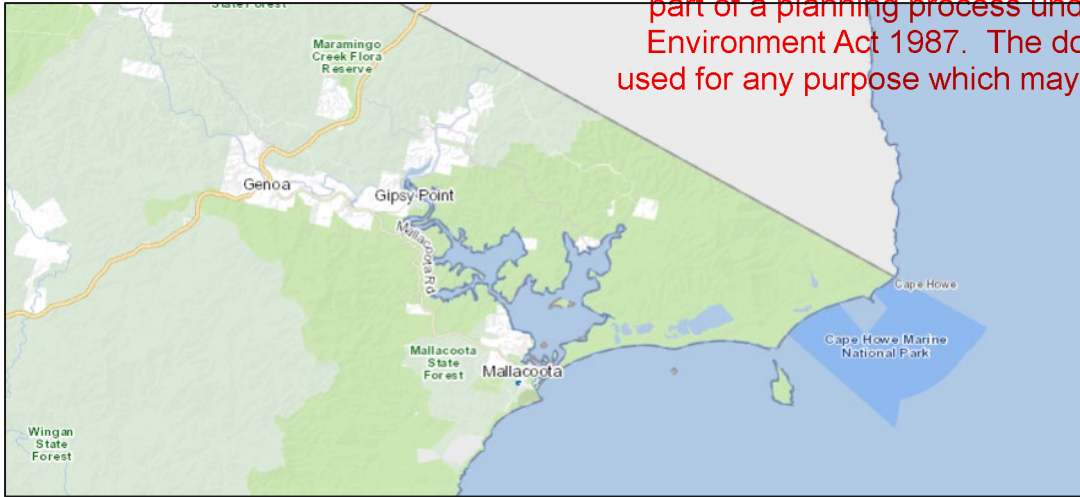


Figure Six (b) (above) – Topography of surrounding landscape (VicPlan, 2023)

3.4 Surrounding Road Network

The planning proposal site has frontage to Sylvia Court. Sylvia Court is a local road, and the property is located along the road. Sylvia Court is connected to Bekta Road, a local road providing egress to Mallacoota township and the main road of Genoa-Mallacoota Road. Existing residential development surrounds Sylvia Court.

3.5 Bushfire History of the Area

There is significant history in the immediate and broader landscape. The area was heavily impacted during the East Gippsland Campaign Fires of 2020. Due to the large expanses of forest, woodland, and coast scrubs throughout the greater area the bushfire risk has always been significant. The bushfire history shows the higher number of fires to the north-west (which is heavily forested and has significant steep and often near inaccessible terrain in places) and east of the area with extensive lowland forest with coast scrubs. Planning burns have occurred in the Mallacoota State Forest (to the west), and Croajingalong National Park (to the north) and other surrounding areas.

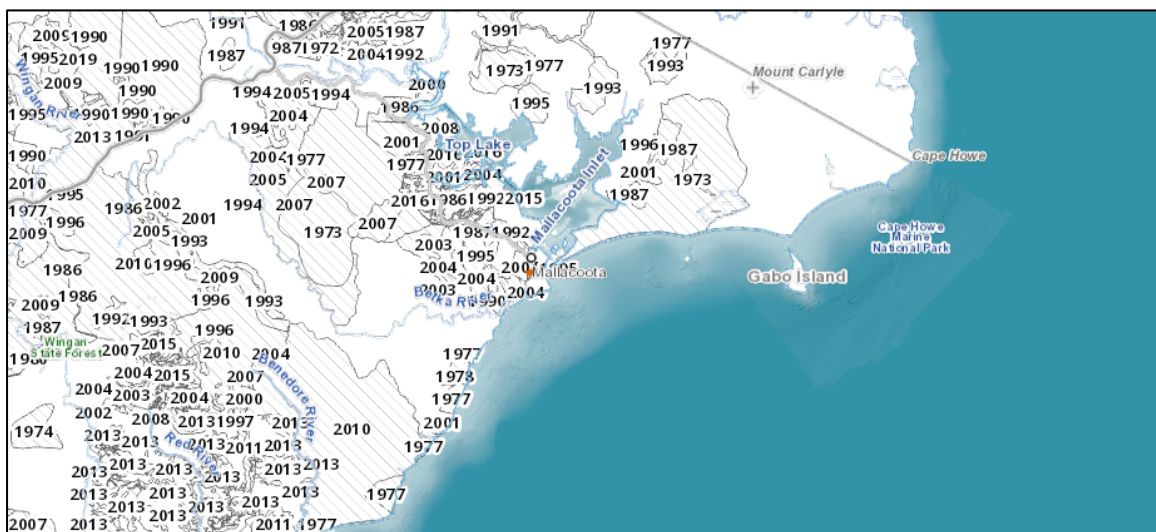


Figure Seven (a) (above) – Fire History Map of Planned Burns 1970-present (NatureKit, 2023)

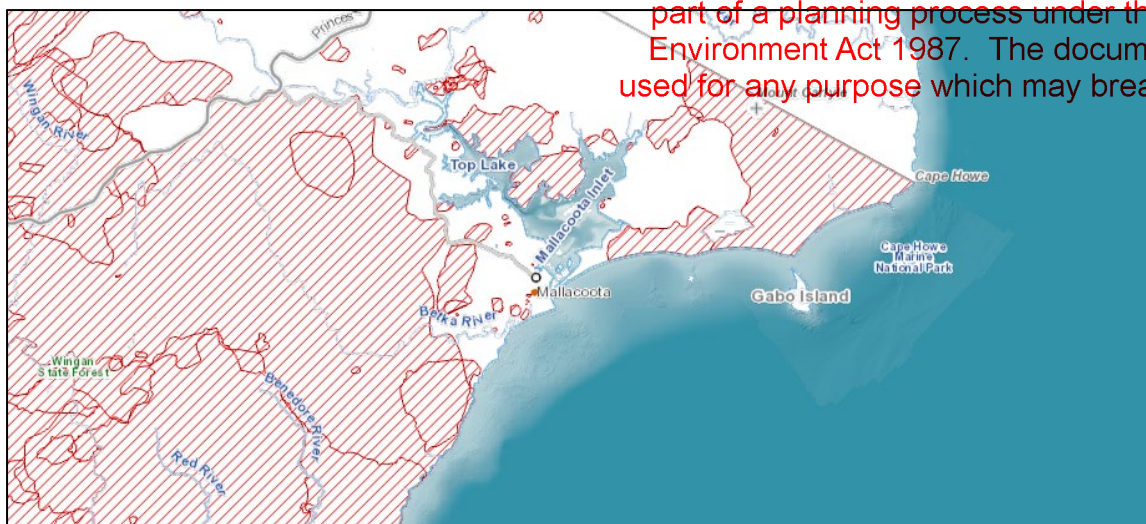


Figure Seven (b) (below) – Fire History Map of Bushfires 1970-present (NatureKit, 2023)

3.6 Bushfire Scenarios

The site is at a high risk of bushfire due to its location adjacent forest and in a coastal location surrounded by extensive forests in the broader landscape. This area has significant fire runs ranging from the lower south-west along the coastal fringes through to the west and north-easterly directions over steeper terrain with little opportunities for some moderation before the outskirts of Mallacoota. The wetland areas associated with Mallacoota Inlet and Top Lake provides some mitigation to the bushfire risk from the north and north-east and west of effects of bushfire on the area. Consideration of the potential bushfire behaviour local to the site has been undertaken in refining the options and to inform the building design, siting, extent of vegetation management and building construction levels.

Scenario 1 – Bushfire from the north-west

A fire approaching from the north-west has the potential for a long fire run exceeding 55 kilometres and propagated by rugged terrain and hot, strong winds with minimal opportunities to mitigate the fire with existing clearings and areas of low fuel. This fire can be a landscape fire and be outside the assumptions of the Bushfire Management Overlay due to the ruggedness. The fire will present to the site as massive ember attack, high radiant heat and localised ignition. This fire may block egress from the site by providing spotting across Sylvia Court and initiate spot fires to the north-east and south-east. Early evacuation is advisable. In the closest 2 kilometres, the land to the north and east abuts residential development with lower fuel loadings before interconnection with vegetation patches traversing along the coastline, and land to the south and west immediately abuts Mallacoota State Forest.

Scenario 2 – Bushfire from the south-west

The scenario for a fire approaching from the south-west has the potential for a 45-kilometre fire run through the public forest to the north-east of the Mallacoota township. Extensive available fuel and fuel types. This fire when propagated by high temperatures and coastal winds has the potential of posing a significant landscape fire threat. A convection column is likely to be established by this fire which is likely to collapse when approaching Mallacoota with several areas of lower fuel load. If a convection column collapse occurs, massive ember attack will contribute to significant local

ignitions. This fire can be part of a larger landscape fire and be outside the assumptions of the Bushfire Management Overlay. The fire will present to the site as ember attack, high radiant heat, and localised ignition. This fire may block egress from the site, and early evacuation is advisable.

Scenario 3 – Bushfire from other directions

The other scenarios for this site are dominated by the mixed vegetation types ranging from forest, woodland and coastal scrubs. The outskirts of Mallacoota has some smaller areas of grassland and developed areas with residential areas that may assist with some moderation of fire. The road network also traverses the integrated forest areas. Fire spread in this scenario is expected to emanate from Scenario 1 and 2. The fire will present to the site as radiant heat and ember attack. This fire may block egress from the site, and early evacuation is advisable.

4.0 Bushfire Hazard Site Assessment

The Bushfire Hazard Site Assessment includes a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard is prepared in accordance with AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2 (Vegetation exclusions). Refer to Figure Eight and a larger copy is provided in Appendix Four. Distances are detailed in Table 1 and Table 2.



Figure Eight – Bushfire Hazard Site Assessment – Overall subdivision level

4.1 Vegetation

The vegetation within the 150-metre assessment area was classified according to AS3959:2018, Technical Guide (DELWP, 2017) and the Overall Fuel Hazard Assessment Guide (DSE, 2010).

The AS3959:2018 approach uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas” No.7 Native Vegetation) classification system. According to this method, vegetation can be classified into seven categories. Each category indicates a fire behaviour and these categories or classifications are then used to determine bushfire intensity. Information gained from the Ecological Vegetation Classes informs the vegetation classification chosen.

The forms of classifiable vegetation identified for this site are described below.

Vegetation Classification: Forest

AS3959:2018 Definition:

Open forest – Trees 10-30 m high; 30-70% foliage cover (may include understorey of sclerophyllous low trees and tall scrubs or grass). Typically dominated by eucalypts.

Site Description:

The land has forest in the north, west and south. The forest to the immediate north and south is upslope as the main road is on a higher contour. To the west, the forest is upslope, once outside the land, as it crosses a waterway. To the north-west and south-west, the forest has a 13-degree downslope reflecting the forest sloping down from the higher elevation of the main road to the waterway at the rear of the property.



Image – Looking south-west corner of allotment, where proposed lot 2 abuts 1 Bekta Road, Mallacoota and Mallacoota State Forest.

ADVERTISED

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



Image – Looking west to Mallacoota State Forest that abuts the rear boundary.



Image – Unmanaged forest within the assessment area to the west.

Vegetation Classification: Excludable and Low threat vegetation

AS3959:2018 Definition:

2.2.3.2 Exclusions – Low threat vegetation and non-vegetated areas

The following vegetation shall be excluded from a BAL assessment:

- (a) Vegetation of any type that is more than 100 m from the site*
- (b) Single areas of vegetation less than 1 ha in area and not within 100 m of other areas of vegetation being classified vegetation.*
- (c) Multiple areas of vegetation less than 0.25 ha in area and not within 20 m of the site, or each other or of other areas of vegetation being classified vegetation.*
- (d) Strips of vegetation less than 20 m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20 m of the site or each other, or other areas of vegetation being classified vegetation.*

- (e) *Non-vegetated areas, that is, areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.*
- (f) *Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a minimal fuel condition, mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks.*

NOTES:

1. *Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognizable as short-cropped grass for example, to a nominal height of 100 mm).*
2. *A windbreak is considered a single row of trees used as a screen or to reduce the effect of wind on the leeward side of the trees.*

Site Description:

The proposed two-lot subdivision has low threat vegetation (Clause 2.2.3.2(f)) to the east. This is the existing residential which are small lots. Onsite there is also low threat vegetation being the surrounds of the new dwelling which is defendable space. The surrounding road network also contributes as non-vegetated areas (Clause 2.2.3.2(e)). An adjacent forestry tract abuts the southern boundary but is not relied on in the assessment.



Image – Rear of existing residential dwellings and outbuildings with road frontage to Bekta Road, Mallacoota.

ADVERTISED

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



Image – New dwelling in construction and existing outbuilding to remain to Lot 1.

4.2 Topography

The topography of the site and the surrounding is downslope to the coast in the south and upslope to the north (Figure Nine). The subject land and immediate vicinity is gently undulating.

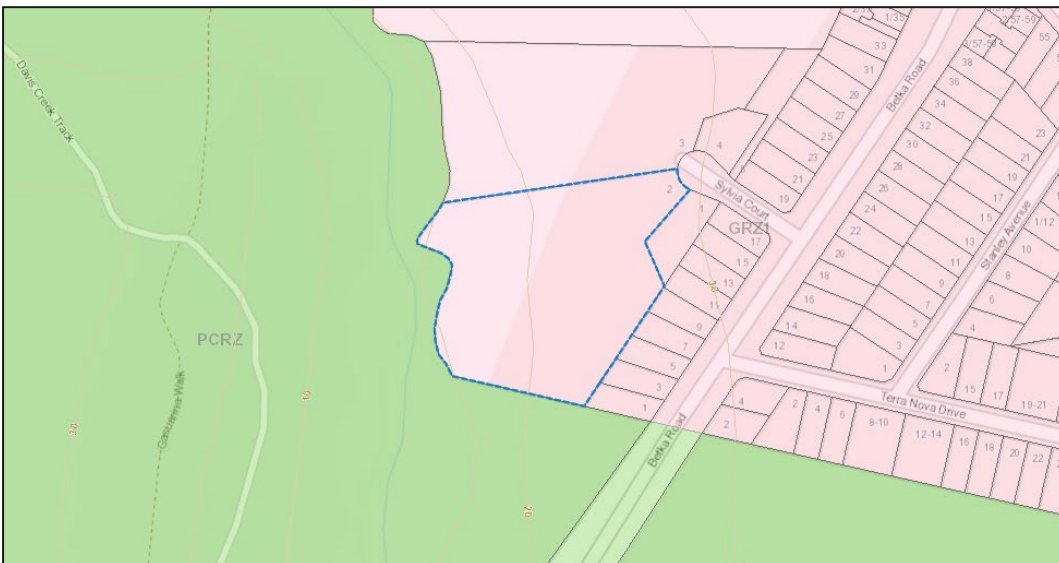


Figure Nine – Topography of the site

4.3 Separation from the Hazard and Bushfire Attack Level for the Proposed Development

The bushfire attack level (BAL) is a means of measuring the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared. The BAL is also the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.

The highest BAL determines the construction requirements for the dwelling. A reduction of one BAL level may be applied if facades of the house are shielded from the bushfire hazard. In this case, it is not appropriate to apply a reduction as no facades are entirely shielded from the bushfire hazard. The BAL for this site has been calculated using a Forest Fire Danger Index (FFDI) of 100 and a Flame Temperature of 1090K. These parameters are in accordance with the risk parameters set in Clause 53.02.

An assessment of the site conditions without modification was made and informs the BAL assessment. As this is a two-lot subdivision, the ability for each site to achieve a dwelling site with a BAL29 defensible space, is required by Clause 44.06. The defensible space accounts for the defensible space that is already in place with the approved dwelling on Lot 1.

Table 1 – Separation from the Hazard Assessment (without modification)

Orientation	Highest threat vegetation	Average slope under classifiable vegetation	Separation distance	Bushfire Attack Level (BAL)
North	Forest	Upslope	0 metres	<Column D
East	Low threat vegetation	Not applicable	0 metres	Table 2 BAL12.5
South	Forest	Upslope	20 metres	<Column D 19 metres
	Forest	13 degrees downslope	20 metres	<Column D
	Forest	8 degrees downslope	20 metres	<Column D
West	Forest	Upslope	0 metres	<Column D

Table 2 – Defendable Space determination (Column C, BAL29) for Lot 2 envelope

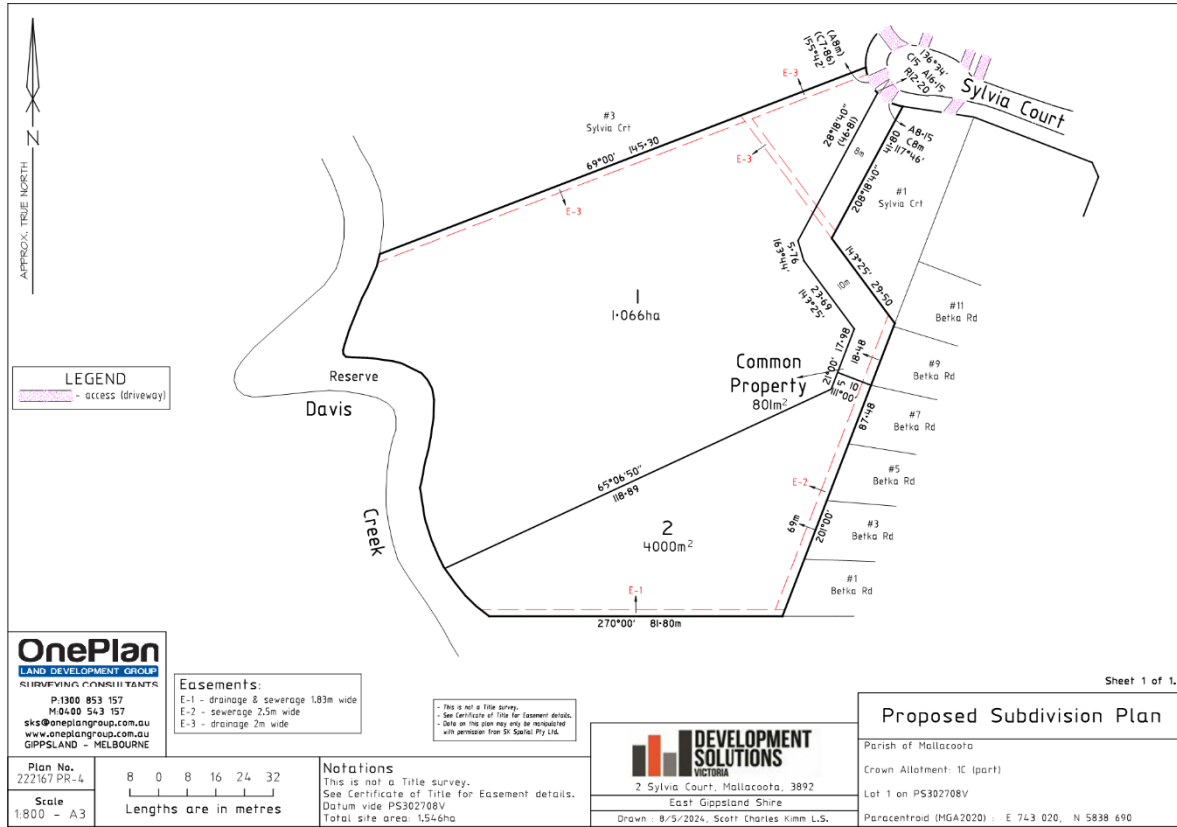
Orientation	Highest threat vegetation	Average slope under classifiable vegetation	Separation distance currently	Defendable space required
North	Forest	Upslope	67 metres	25 metres
East	Low threat vegetation	Not applicable	0 metres	50 metres or to the property boundary where lesser
South-east	Forest	8 degrees downslope	69 metres	39 metres
South-west	Forest	13 degrees downslope	69 metres	49 metres
West	Forest	Upslope	50 metres	25 metres

ADVERTISED

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

5.0 Bushfire Management Statement

Refer to Appendix Three for the proposed Plan of Subdivision. Below is an image of the proposed Plan of Subdivision.



5.1 Design Response Against Clause 53.02

In accordance with Clause 44.06 Bushfire Management Overlay a response is provided against Clause 53.02. A selection of the sub clauses and associated objectives, approved measures (AM), alternative measures (AltM) and decision guidelines applies to this application. Table 3 details which clauses are relevant to this application and the following pages demonstrate how the requirements have been met for each relevant standard.

Table 3 Specification of relevant clauses

Clause	Approved Measure	Achieved	Justification
Clause 53.02-3 Dwelling in existing settlements – Bushfire protection objective	AM 1.1	Not applicable	
	AM 1.2	Not applicable	
	AM 1.3	Not applicable	
Clause 53.02-4.1 Landscape, siting and design objectives	AM 2.1	Applicable	Subdivision
	AM 2.2	Applicable	As required by AM5.2
	AM 2.3	Not applicable	Subdivision only, no new buildings
Clause 53.02-4.2 Defendable space and construction objectives	AM 3.1	Not applicable	Addressed through AM5.1
	AM 3.2	Not applicable	
	AltM 3.3	Not applicable	
	AltM 3.4	Not applicable	
	AltM 3.5	Not applicable	
Clause 53.02-4.3 Water supply and access objectives	AM 4.1	Applicable	As required by AM5.2
	AM 4.2	Not applicable	
Clause 53.02-4.4 Subdivision objectives	AM 5.1	Not applicable	
	AM 5.2	Applicable	General Residential Zone (GRZ)
	AM 5.3	Not applicable	Less than 10 lots
	AM 5.4	Applicable	Limited relevance
	AltM 5.5	Not applicable	Less than 10 lots

The following part of the application outlines each of the relevant clauses and provides justification as to how this design responds to the requirements.

Clause 53.02-4.1 Bushfire Protection objective

Landscape, siting and design 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 Measure	Requirement
AM 2.1	<p>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</p> <p>Response: This site is positioned to the south-west of Mallacoota and represents an infill subdivision in an established settlement. The subdivision increases the opportunity for one dwelling to be located in close proximity to existing dwellings and adjacent landscape areas of forest. The site will experience ember attack, radiant heat and localised ignitions associated with continued runs of fire. These scenarios are detailed earlier in this report and will bring fire to the locality. It is noted that site has reasonable access, an ability to achieve a separation from the hazard commensurate to Column C of Table 2 to Clause 53.02-5, and management will provide benefit to the strengthening the settlement interface. The landscape bushfire scenarios are not all within the scope of the Bushfire Management Overlay assumptions. When considering the ability to egress to safer areas of the settlement, and the strengthened interface it provides, the development mitigate the bushfire risk from the landscape beyond the site to an acceptable level.</p>
AM 2.2	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> • 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 services vehicles <p>Response: There is an ability to locate buildings to achieve maximum separation distance from the hazard. The siting opportunity on each lot to site a building that achieves Column C of Table 2 to Clause 53.02-5, is able to be achieved. Lot 1 will contain the approved dwelling (with defendable space) and Lot 2 will provide for a new dwelling with additional defendable space that is greater than the defendable space required for the existing dwelling. Lots 1 and 2 directly access a public road. Access and water supply will be achieved through the Bushfire Management Plan and Section 173 Agreement.</p>

Clause 53.02-4.3 Water supply and access objectives

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

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

Approved Measure	Requirement
AM 4.1	<p>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:</p>

- 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 firefighting water supplies.

Response: The new lot requires a non-combustible water tank containing a minimum of 10,000 litres of water to be provided at the time of building a dwelling. These requirements will be achieved through the required Section 173 agreement relating to bushfire protection measures. Both lots directly access a public road. Access will be specified on the Bushfire Management Plan.

The subdivision meets the approved measures AM4.1 and the water supply and access objective (Clause 53.02-4.3) as required by Clause 53.02-4.4 AM5.2.

Clause 53.02-4.4 Subdivision objectives

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 Measure	Requirement
AM 5.2	<p>An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:</p> <ul style="list-style-type: none"> • Each lot satisfies the approved measure in AM2.1 • A building envelope for a single dwelling on each lot that complies with AM2.2 and provides defensible space in accordance with: <ul style="list-style-type: none"> ○ 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. <p>The bushfire attack that corresponds to the defensible space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.</p> • Defensible space wholly contained within the boundaries of the proposed subdivision. Defensible space may be shared between lots within the subdivision. Defensible space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defensible space.

	<ul style="list-style-type: none"> • 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 AM4.1. <p>Response: Both lots can provide separation from the hazard in accordance with Column C of Table 2 to Clause 53.02-5, as detailed earlier in this report. It is demonstrated that a future dwelling site on Lot 2 is able to be achieved and be exposed to a radiant heat flux of less than 29kW/m², less if the off-site track was included in the calculation. Defendable space is wholly contained within the boundaries of the proposed subdivision. Whilst there is no formal sharing of defendable space between the lots, it is acknowledged that each lot benefits from the defendable space created on the neighbouring lot. The vegetation management requirements for the subdivision are detailed.</p> <p><u>Water supply and vehicle access</u></p> <p>The new lot requires a non-combustible water tank containing a minimum of 10,000 litres of water to be provided at the time of building a dwelling. These requirements will be achieved through the required Section 173 agreement relating to bushfire protection measures. Both lots directly access a public road. Access will be specified on the Bushfire Management Plan.</p> <p>The subdivision meets the approved measures AM4.1 and the water supply and access objective (Clause 53.02-4.3) as required by Clause 53.02-4.4 AM5.2.</p>
<p>AM5.4</p>	<p>A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.</p> <p>Response: This subdivision improves the current situation to the surrounding lots as it provide ongoing requirements for management of the vegetation that extends further to the south. Under current conditions, the site has the potential to be overgrown with vegetation. Each lot will be able to be landscaped as the owner chooses, provided the vegetation management requirements for the areas of defendable space are undertaken.</p>

5.2 Expected Planning Permit Conditions

The following are expected to be the planning permit conditions:

Bushfire Management Plan not altered

The Bushfire Management Plan (Version 1, dated 24/06/2024) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Matters to be set out in Section 173 Agreement

To give effect to the requirements of Clause 44.06-4 of the East Gippsland Planning Scheme, and the above condition, the section 173 Agreement prepared in accordance with Clause 44.06-4 must specify the following:

- The occupation of a dwelling or dependent person’s unit must not start on any lot until all of the bushfire mitigation measures specified on the Bushfire Management Plan endorsed under this permit have been implemented on the relevant lot to the satisfaction of the Responsible Authority.
- The bushfire mitigation measures which form part of the Section 173 Agreement and the planning permit and endorsed plans, including those relating to construction standards (BAL), defendable space, water supply and access must be maintained to the satisfaction of the Responsible Authority.

The Bushfire Management Plan endorsed under this permit must be included as an annexure to the agreement.

Maintenance of defendable space

Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

5.3 Bushfire Management Plan

Refer to Appendix Four for the proposed Bushfire Management Plan. Below is an image of the proposed Bushfire Management Plan (Page 1)

<p>Bushfire Management Plan Page 1 of 2 2 Sylvia Court Mallacoota 3892 <small>Version 1, 24/06/2024 Euca Planning Pty Ltd</small></p> <p>BUSHFIRE PROTECTION MEASURES – LOT 2 ONLY</p> <p>Mandatory Condition The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed</p> <p>Defendable space Defendable space extending around the dwelling for 49 metres, or to the property boundary where lesser, will be managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> • 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 cm in height must not be placed within 3m of a window or glass feature of the building. • Shrubs must not be located under the canopy of trees. • Individual and clumps of shrubs must not exceed 5sq. metres in area and must be separated by at least 5 metres. • Trees must not overhang or touch any elements of the building. • The canopy of trees must be separated by at least 5 metres. • There must be a clearance of at least 2 metres between the lowest tree branches and ground level. 	<p>Construction Standard Building design and all construction works need to comply with a minimum BAL of BAL29 from AS 3959.</p> <p>Firefighting water supply The following requirements apply:</p> <ul style="list-style-type: none"> • Provide an effective capacity of 10,000 litres • Be stored in an above ground water tank constructed of concrete or metal. • Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal. • Include a separate outlet for occupant use. • Be readily identifiable from the building or appropriate identification signage 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 4m of the accessway and be unobstructed. • Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting). • Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling). <p>Access Access is required, and the following design and construction requirements apply:</p> <ul style="list-style-type: none"> • All-weather construction. • A load limit of at least 15 tonnes. • Provide a minimum trafficable width of 3.5 metres. • Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically. • Curves must have a minimum inner radius of 10 metres. • The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20% (11.3°) for no more than 50 metres. • Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle. • A turning area for fire fighting vehicles must be provided close to the building and water supply by one of the following: <ul style="list-style-type: none"> • A turning circle with a minimum radius of eight metres. • A driveway encircling the dwelling. • The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.
--	--

6.0 References

Standards Australia (2018) Construction of Buildings in Bushfire Prone Areas. Standards Australia, North Sydney, NSW.

The State of Victoria Department of Environment, Land, Water and Planning (2023) NatureKit.

The State of Victoria Department of Environment, Land, Water and Planning (2015) Fire Operations Plan 2015/16-2017/18 Gippsland Region.

The State of Victoria Department of Planning and Community Development (2012) Regional Bushfire Planning Assessment – Gippsland Region.

7.0 Appendices

Appendix One – Bushfire Hazard Landscape Assessment

Appendix Two – Bushfire Hazard Site Assessment

Appendix Three – Proposed Plan of Subdivision

Appendix Four – Proposed Bushfire Management Plan

ADVERTISED

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

Appendix Two – Bushfire Hazard Site Assessment



ADVERTISED

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

Appendix Three – Proposed Plan of Subdivision



Sheet 1 of 1.

Proposed Subdivision Plan

Parish of Maitland

Crown Allotment 1C (part)

Lot 1 on PS302708Y

Paracentroid (MGA2020) : E 74.3 020, N 5638 690

DEVELOPMENT SOLUTIONS VICTORIA

2 Sylvia Court, Maitland, 3892

East Gippsland Shire

Drawn : 8/5/2024, ScoH Charles Kim L.S.

This is not a Title survey.
See Certificate of Title for Easement details.
with permission from SK Spatial Pty Ltd.

Easements:
E-1 - drainage & sewerage 1.83m wide
E-2 - sewerage 2.5m wide
E-3 - drainage 2m wide

Notations
This is not a Title survey.
See Certificate of Title for Easement details.
Datum vide PS302708Y
Total site area: 1.546ha

Plan No. 222167 PR-4	8	0	8	16	24	32
Scale 1:800 - A3	Lengths are in metres					

OnePlan
LAND DEVELOPMENT GROUP
SURVEYING CONSULTANTS

P1300 853 157
M1200 843 157
skg@oneplangroup.com.au
www.oneplangroup.com.au
GIPPSLAND - MELBOURNE

LEGEND
- access (driveaway)

APPROX. TRUE NORTH

Bushfire Management Plan Page 1 of 2

2 Sylvia Court Mallacoota 3892

Version 1, 24/06/2024 Euca Planning Pty Ltd

BUSHFIRE PROTECTION MEASURES – LOT 2 ONLY

Mandatory Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed

Defendable space

Defendable space extending around the dwelling for 49 metres, or to the property boundary where lesser, will be managed in accordance with the following requirements:

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

Construction Standard

Building design and all construction works need to comply with a minimum BAL of BAL29 from AS 3959.

Firefighting water supply

The following requirements apply:

- Provide an effective capacity of 10,000 litres
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage 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 4m of the accessway and be unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access

Access is required, and the following design and construction requirements apply:

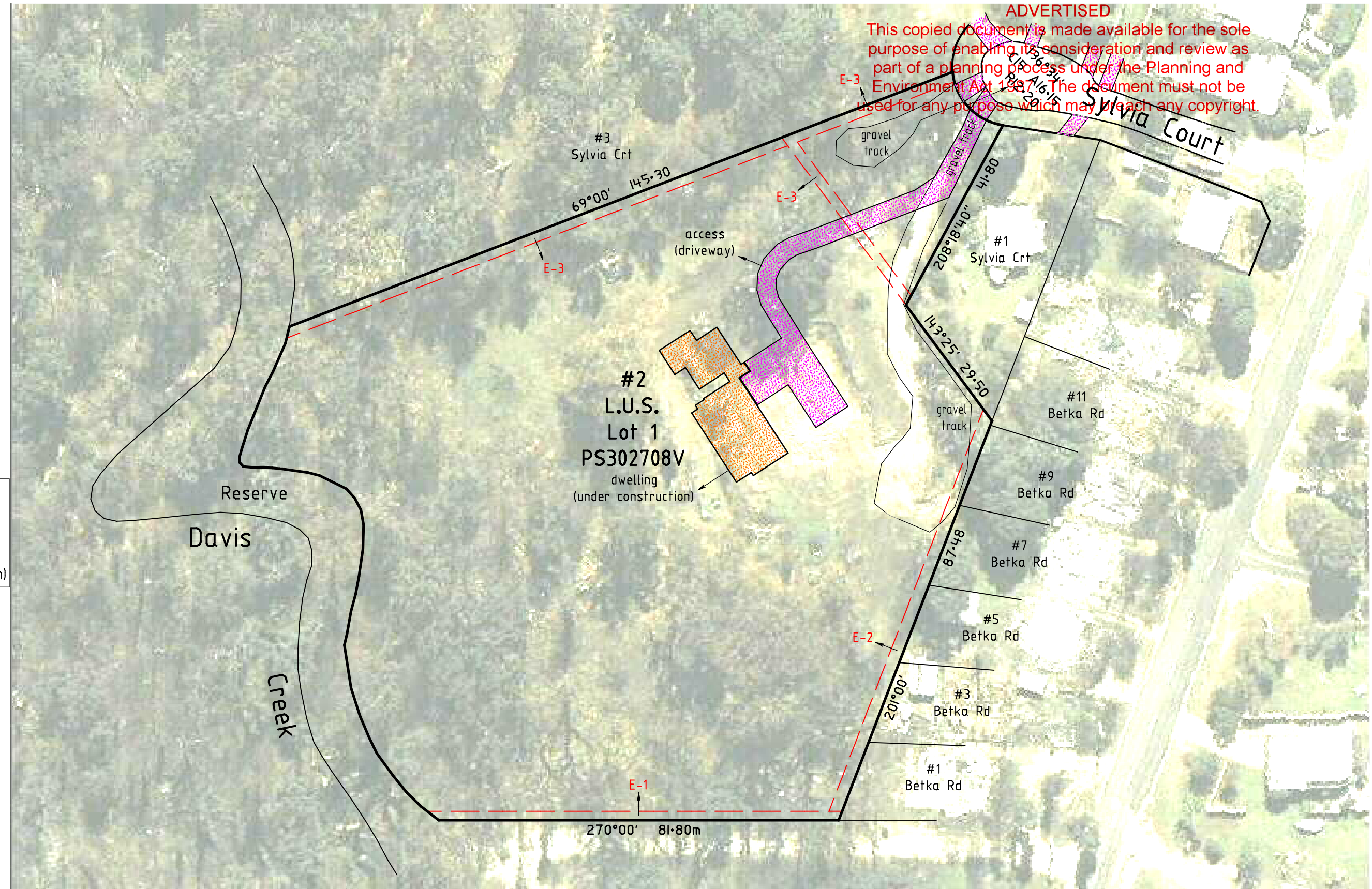
- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20% (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- A turning area for fire fighting vehicles must be provided close to the building and water supply by one of the following:
 - A turning circle with a minimum radius of eight metres.
 - A driveway encircling the dwelling.
 - The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

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

APPROX. TRUE NORTH



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



LEGEND

- access (driveway)
- dwelling (under construction)

- This is not a Title survey.
 - See Certificate of Title for Easement details.
 - Only significant trees are shown on this plan.
 - Whilst every effort has been made to locate all feature details within the surveyed area SK Spatial will not be held responsible for features hidden, obscured or under construction at the time of survey.
 - No underground features have been located unless specifically shown.
 - All data shown on this plan is an accurate representation of the subject site at the time of survey.
 - Data on this plan may only be manipulated with permission from SK Spatial Pty Ltd.

OnePlan
 LAND DEVELOPMENT GROUP
 SURVEYING CONSULTANTS
 P:1300 853 157
 M:0400 543 157
 sks@oneplangroup.com.au
 www.oneplangroup.com.au
 GIPPSLAND - MELBOURNE

Easements:
 E-1 - drainage & sewerage 1.83m wide
 E-2 - sewerage 2.5m wide
 E-3 - drainage 2m wide



Plan No.
222167 SC-2

Scale
1:800 - A3

8 0 8 16 24 32
Lengths are in metres

Notations
 This is not a Title survey.
 See Certificate of Title for Easement details.
 Datum vide PS302708V
 Total site area: 1,546ha

DEVELOPMENT SOLUTIONS
 VICTORIA
 2 Sylvia Court, Mallacoota, 3892
 East Gippsland Shire
 Drawn : 06/03/2023, Scott Charles Kimm L.S.

Site Context Plan with Aerial Image

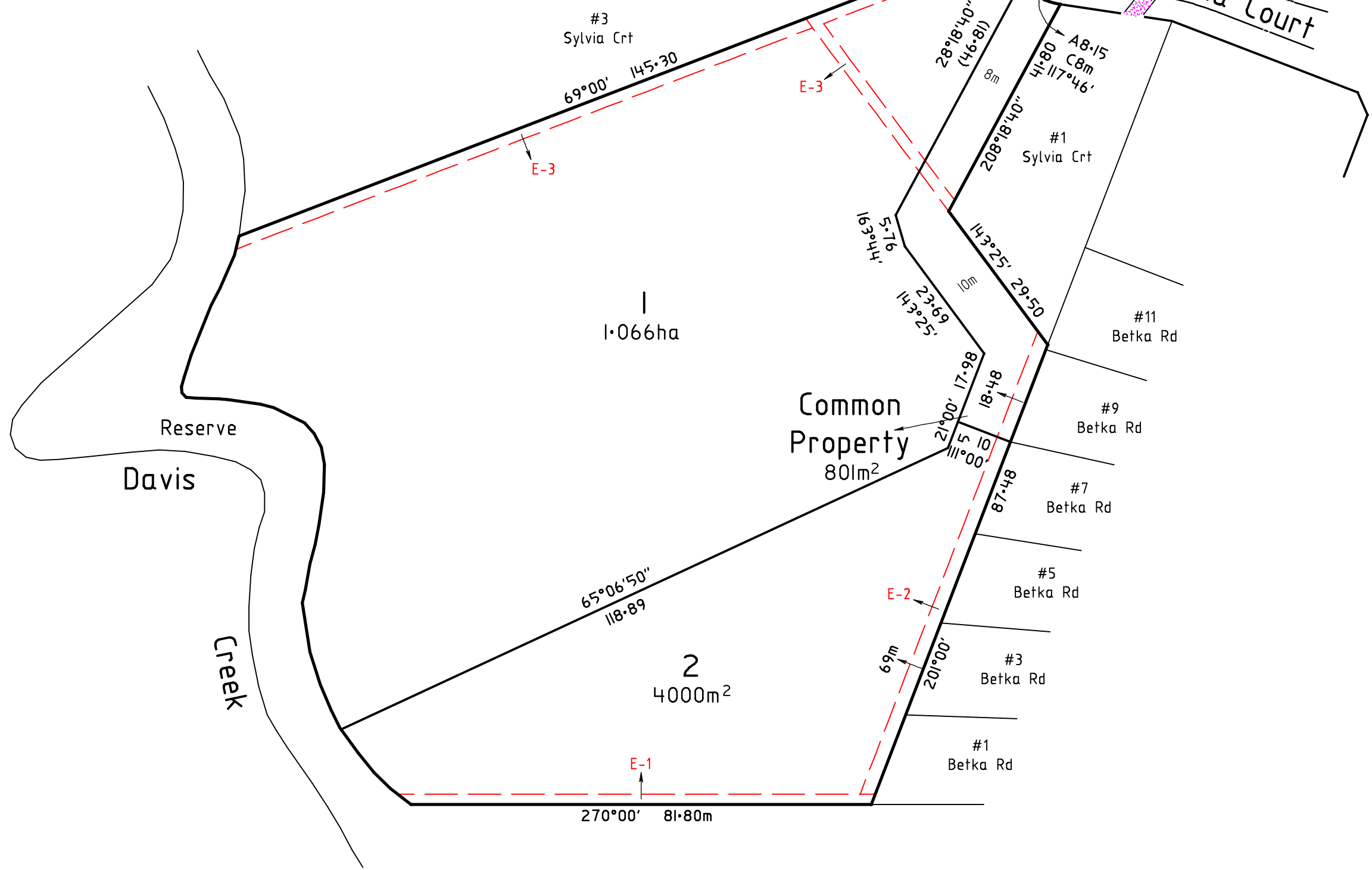
Parish of Mallacoota
 Crown Allotment: 1C (part)
 Lot 1 on PS302708V
 Paracentroid (MGA2020) : 38° 53' 38.690" S, 146° 07' 11.110" E

Printed 31/12/2024
 Page 75 of 78

APPROX. TRUE NORTH

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

LEGEND
- access (driveway)



OnePlan
LAND DEVELOPMENT GROUP
SURVEYING CONSULTANTS
P:1300 853 157
M:0400 543 157
sks@oneplangroup.com.au
www.oneplangroup.com.au
GIPPSLAND - MELBOURNE

Easements:
E-1 - drainage & sewerage 1.83m wide
E-2 - sewerage 2.5m wide
E-3 - drainage 2m wide

- This is not a Title survey.
- See Certificate of Title for Easement details.
- Data on this plan may only be manipulated with permission from SK Spatial Pty Ltd.

Plan No. 222167 PR-4
Scale 1:800 - A3
8 0 8 16 24 32
Lengths are in metres

Notations
This is not a Title survey.
See Certificate of Title for Easement details.
Datum vide PS302708V
Total site area: 1.546ha

DEVELOPMENT SOLUTIONS
VICTORIA
2 Sylvia Court, Mallacoota, 3892
East Gippsland Shire
Drawn : 8/5/2024, Scott Charles Kimm L.S.

Proposed Subdivision Plan
Parish of Mallacoota
Crown Allotment: 1C (part)
Lot 1 on PS302708V
Paracentroid (MGA2020) :
Printed 31/12/2024
Page 76 of 78

Bushfire Management Plan Page 1 of 2

2 Sylvia Court Mallacoota 3892

Version 1, 24/06/2024 Euca Planning Pty Ltd

BUSHFIRE PROTECTION MEASURES – LOT 2 ONLY

Mandatory Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed

Defendable space

Defendable space extending around the dwelling for 49 metres, or to the property boundary where lesser, will be managed in accordance with the following requirements:

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

Construction Standard

Building design and all construction works need to comply with a minimum BAL of BAL29 from AS 3959.

Firefighting water supply

The following requirements apply:

- Provide an effective capacity of 10,000 litres
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage 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 4m of the accessway and be unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access

Access is required, and the following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20% (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- A turning area for fire fighting vehicles must be provided close to the building and water supply by one of the following:
 - A turning circle with a minimum radius of eight metres.
 - A driveway encircling the dwelling.
 - The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

ADVERTISED

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

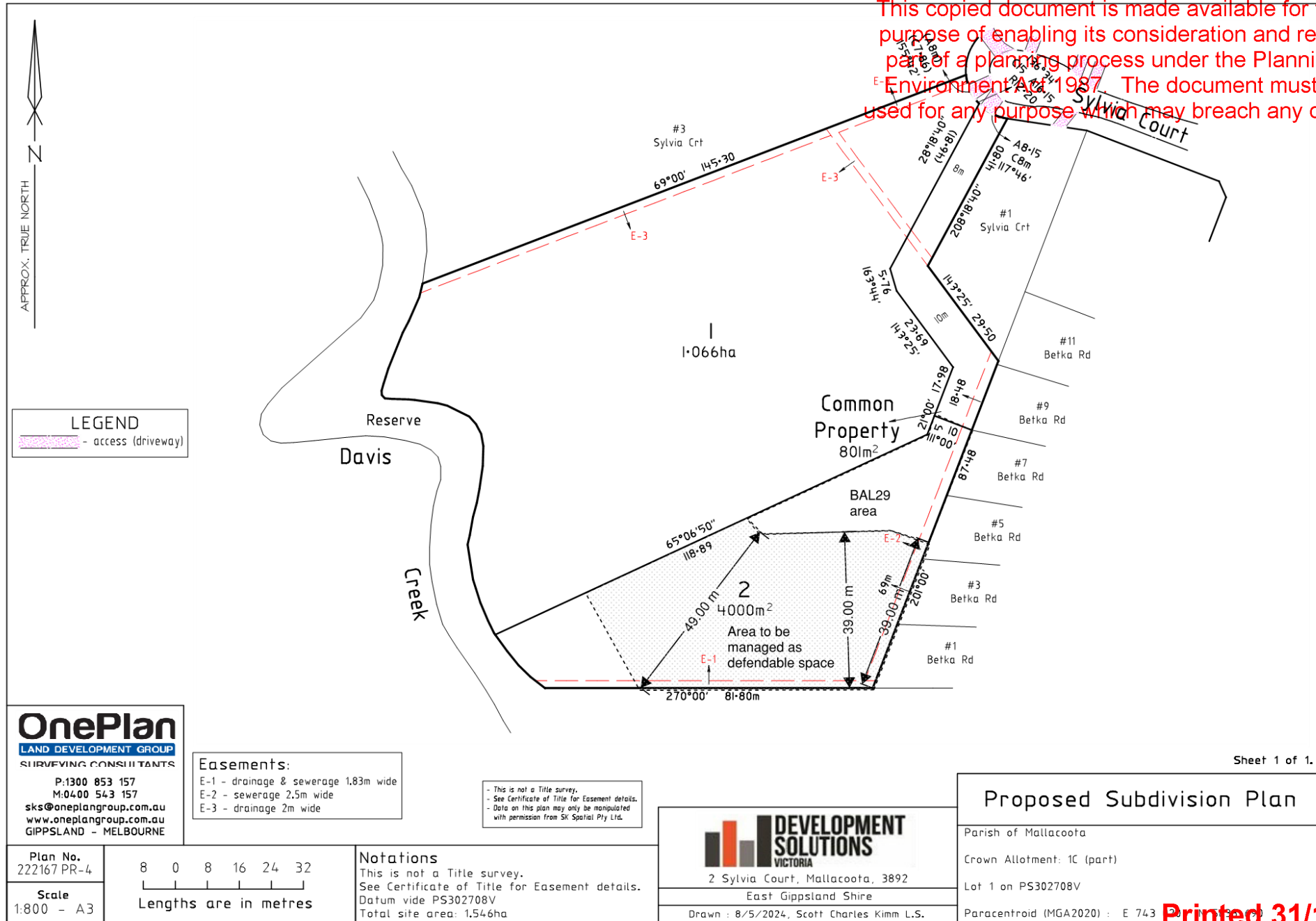
Bushfire Management Plan Page 2 of 2

2 Sylvia Court Mallacoota 3892

Version 1, 24/06/2024 Euca Planning Pty Ltd

ADVERTISED

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



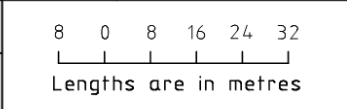
LEGEND
- access (driveway)

OnePlan
LAND DEVELOPMENT GROUP
SURVEYING CONSULTANTS
P:1300 853 157
M:0400 543 157
sks@oneplangroup.com.au
www.oneplangroup.com.au
GIPPSLAND - MELBOURNE

Easements:
E-1 - drainage & sewerage 1.83m wide
E-2 - sewerage 2.5m wide
E-3 - drainage 2m wide

- This is not a Title survey.
- See Certificate of Title for Easement details.
- Data on this plan may only be manipulated with permission from SK Spatial Pty Ltd.

Plan No.
222167 PR-4
Scale
1:800 - A3



Notations
This is not a Title survey.
See Certificate of Title for Easement details.
Datum vide PS302708V
Total site area: 1.546ha

DEVELOPMENT SOLUTIONS
VICTORIA
2 Sylvia Court, Mallacoota, 3892
East Gippsland Shire
Drawn : 8/5/2024, Scott Charles Kimm L.S.

Proposed Subdivision Plan
Parish of Mallacoota
Crown Allotment: 1C (part)
Lot 1 on PS302708V
Paracentroid (MGA2020) : E 743 730 730

Sheet 1 of 1.

Printed 31/12/2024
Page 78 of 78