
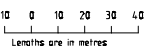


- This is not a Title survey.
- See Certificate of Title for Easement details.
- Data on this plan may only be registered
with permission from the Spatial Pty Ltd.

Sheet 1 of 1

Proposed Subdivision Plan	
Parish of Sarsfield Section: 1 Crown Allotment: 18 (Part) & 18A Lot: 1 on TP1886131 & Land in TP303325U Paracentroid (MGA94) : E 558 870, N 5820 930	
 277 & 355 Deptford Road, Granite Rock, 3875 East Gippsland Shire	
Drawn : 22/10/2019, Scott Charles Kimm L.S.	
Notations This is not a Title survey. See Certificate of Title for Easement details.	
Total site area: 8.047ha	
Plan No. 191154 PR-1 Scale 1:1000 - A1 1:2000 - A3	 Lengths are in metres



- This is not a Title survey.
 - See Certificate of Title for Easement details.
 - Only significant trees are shown on this plan.
 - While every effort has been made to locate all features, details within the surveyed area are not guaranteed to be correct.
 - No underground features have been located or shown specifically.
 - 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 modified with permission from the Surveyor General.

Sheet 1 of 1

Existing Conditions & Proposed Subdivision Plan

Parish of Sarsfield
 Section: 1
 Crown Allotment: 18 (Part) & 18A
 Lot 1 on TP1886131 & Land in TP3033250
 Paracentroid (MGA94) : E 558 870, N 5820 930



277 & 355 Deptford Road, Granite Rock, 3875
 East Gippsland Shire

Drawn : 22/10/2019, Scott Charles Kimm L.S.

Notations

This is not a Title survey.

See Certificate of Title for Easement details.

Total site area: 8.047ha

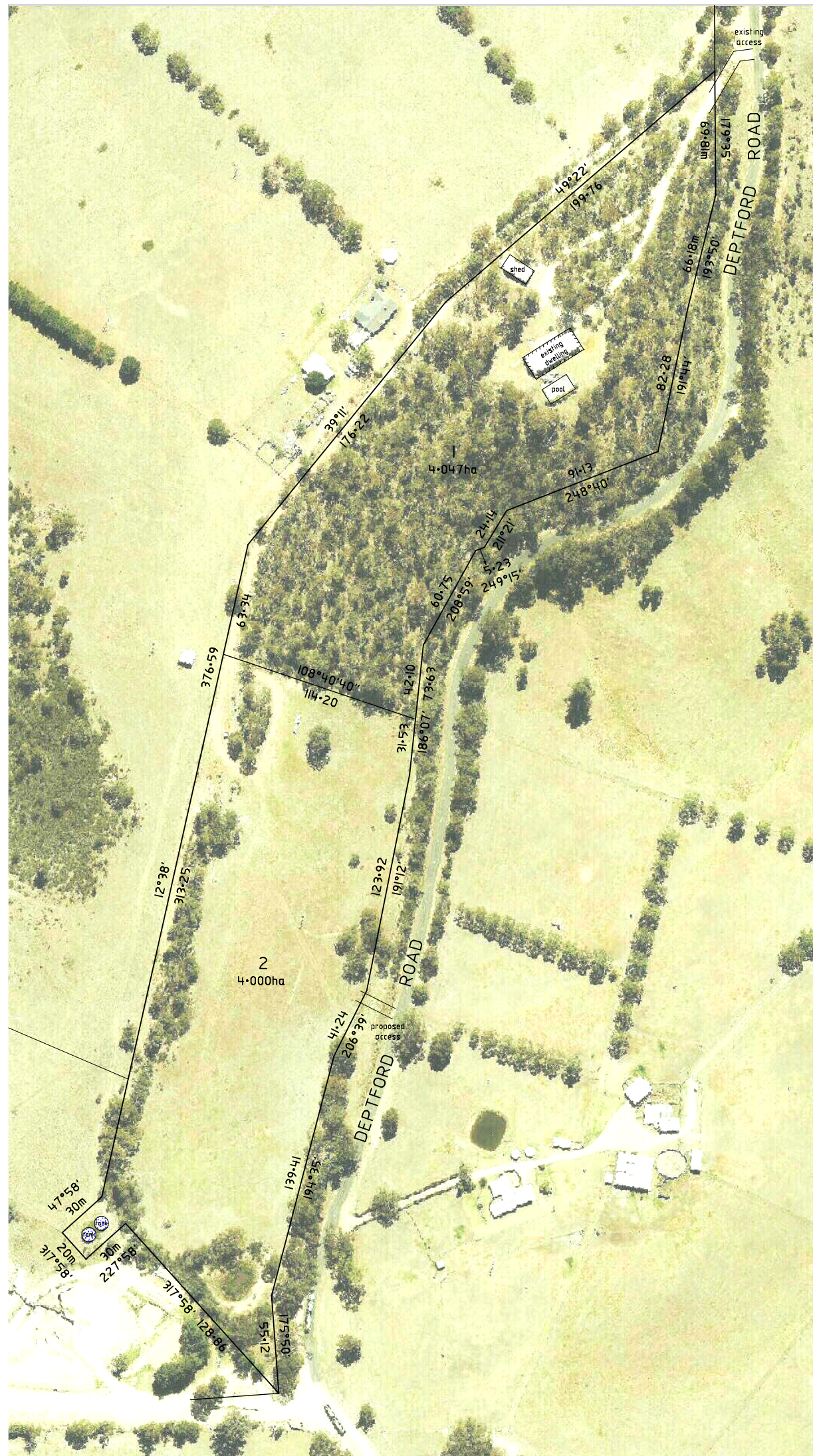
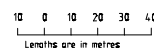
Plan No.

191154 EX-1a

Scale

1:1000 - A1

1:2000 - A3



VOLUME 09396 FOLIO 326

Security no : 124082237511E
Produced 20/03/2020 11:45 AM

LAND DESCRIPTION

Lot 1 on Title Plan 188413J.
PARENT TITLE Volume 09156 Folio 480
Created by instrument J122350 22/08/1980

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
IAN RAYMOND LONG of 355 DEPTFORD ROAD GRANITE ROCK VIC 3875
AQ828416Q 16/03/2018

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 TP188413J 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: 277 DEPTFORD ROAD GRANITE ROCK VIC 3875

ADMINISTRATIVE NOTICES

NIL

eCT Control 22692Q EASTCOAST CONVEYANCING
Effective from 07/01/2019

DOCUMENT END

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	TITLE PLAN	EDITION 2	TP 188413J
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<p>Location of Land</p> <p>Parish: SARSFIELD</p> <p>Township:</p> <p>Section: 1</p> <p>Crown Allotment: 18 (PT)</p> <p>Crown Portion:</p> <p>Last Plan Reference: LP115312</p> <p>Derived From: VOL 9396 FOL 326</p> <p>Depth Limitation: 15.24 m</p>	<p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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<p style="text-align: center;">Description of Land / Easement Information</p> <p>all that piece of land in the Parish of Sarsfield County of Dargo being -- part of Lot 3 on Plan of Subdivision No.115312 and being part of Crown -- -- Allotment 18 Section One which land is shown enclosed by continuous lines on -- the map hereon TOGETHER WITH the water supply and drainage easement and the -- rights in connection therewith over the land shown marked B on the said map -- created by Transfer J122350 - - - - -</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 15/10/1999</p> <p>VERIFIED: BE</p>
--	---

TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = LOT 3 (PT) ON LP115312	

LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	
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Sheet 1 of 1 sheets

[illegible]

VOLUME 07013 FOLIO 570

Security no : 124082237549N
Produced 20/03/2020 11:46 AM

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 18A Section 1 Parish of Sarsfield.

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

IAN RAYMOND LONG of 355 DEPTFORD ROAD GRANITE ROCK VIC 3875
AB992081F 07/04/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG382544Y 03/03/2009
WESTPAC BANKING CORPORATION

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below.
For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP303325U 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: 355 DEPTFORD ROAD GRANITE ROCK VIC 3875

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 23/10/2016

DOCUMENT END

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Document Assembled	20/03/2020 11:47

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TITLE PLAN		EDITION 1		TP 303325U	
<div>Location of Land</div> <div>Parish: SARSFIELD</div> <div>Township:</div> <div>Section: 1</div> <div>Crown Allotment: 18A</div> <div>Crown Portion:</div> <div>Last Plan Reference:</div> <div>Derived From: VOL 7013 FOL 570</div> <div>Depth Limitation: 50 FEET</div>			<div>Notations</div> <div>SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 7013 FOL. 570 AND NOTED ON SHEET 2 OF THIS PLAN</div> <div>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</div>		
<div>Description of Land / Easement Information</div>				<div>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</div> <div>COMPILED: 04/02/2000</div> <div>VERIFIED: C.L.</div> <div>COLOUR CODE</div> <div>Y = YELLOW</div>	
<div><div></div><div><div>18</div><div>SEC I</div><div>18^A</div><div>19^A 3^R 5</div><div>12°38'</div><div>317°58'</div><div>240</div><div>175°50'</div><div>274</div><div>194°35'</div><div>693</div><div>206°39'</div><div>205</div><div>191°12'</div><div>616</div><div>186°7'</div><div>366</div><div>208°39'</div><div>302</div><div>211°21'</div><div>26°20'</div><div>249°15'</div><div>248°40'</div><div>453</div><div>191°44'</div><div>409</div><div>193°50'</div><div>329</div><div>56.671</div><div>179°35'</div><div>347</div><div>49°22'</div><div>993</div><div>39°11'</div><div>876</div><div>1872</div></div></div>					
LENGTHS ARE IN LINKS		Metres = 0.3048 x Feet		Sheet 1 of 2 sheets	
		Metres = 0.201168 x Links			

TITLE PLAN

TP 303325U

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

All THAT PIECE OF LAND in the said State containing
nineteen acres three roods and five perches more or less being Allotment eighteen^A of Section one in the
Parish of Sarsfield County of Dargo

delineated with the measurements and abutments thereof in the map drawn in the margin of these presents and therein colored yellow PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though She held the land without limitation as to depth EXCEPTING nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the *Mines Act* 1928 in upon or under or within the boundaries of the land hereby granted AND reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted AND ALSO reserving to Us Our heirs and successors—

- (i) all petroleum as defined in the *Mines (Petroleum) Act* 1935 on or below the surface of the said land and
- (ii) the right of access for the purpose of searching for and for the operations of obtaining such petroleum in any part or parts of the said land and
- (iii) rights of way for access and for pipe-lines and other purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being obtained in any part or parts of the said land

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the *Land Act* 1928.

AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the *Mines Act* 1928 or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands.

PROVIDED FURTHER and this grant is upon this express condition that neither the grantee nor any one claiming from through or under ~~her~~ shall claim or be entitled to any compensation in respect of damage to be done to the land hereby granted or to any part thereof or to any improvements thereon by mining therein ~~or thereunder~~ within the meaning of the *Mines Act* 1928 or of any Act for the time being in force relating to mining or by the cutting or removing of any live or dead timber thereon or therefrom for mining purposes within the meaning of the said Act or for any purpose authorized by the said Act.

LENGTHS ARE IN
LINKS

Metres = 0.3048 x Feet
Metres = 0.201168 x Links

Sheet 2 of 2 sheets

APPLICATION FOR PLANNING PERMIT

2 LOT SUBDIVISION (BOUNDARY REALIGNMENT)

277 & 355 DEPTFORD ROAD, GRANITE ROCK

IAN LONG

MARCH 2020

REF 20032



CONTENTS

1. EXECUTIVE SUMMARY	3
2. INTRODUCTION	3
3. SITE AND SURROUNDS	4
4. PROPOSAL	16
5. PLANNING PROVISIONS	17
5.1 PLANNING POLICY FRAMEWORK	17
5.2 MUNICIPAL PLANNING STRATEGY	20
5.3 ZONES AND OVERLAYS	23
5.4 OTHER PLANNING CONSIDERATIONS	27
6. PLANNING ASSESSMENT	28
6.1 DECISION GUIDELINES OF THE FARMING ZONE	28
6.2 DECISION GUIDELINES OF CLAUSE 44.06-8	33
6.3 DECISION GUIDELINES OF BUSHFIRE PLANNING CLAUSE 53.02-4.5	34
6.4 DECISION GUIDELINES OF THE EROSION MANAGEMENT OVERLAY	35
6.5 DECISION GUIDELINES OF CLAUSE 65.01	39
6.6 DECISION GUIDELINES OF CLAUSE 65.02	41
7. CONCLUSION	45

APPENDIX A	PROPOSED PLAN OF SUBDIVISION
APPENDIX B	COPY OF TITLE
APPENDIX C	BUSHFIRE MANAGEMENT STATEMENT
APPENDIX D	GEOTECHNICAL RISK ASSESSMENT WAIVER

Version	Initials	Date	Comments
1.0	CMC	19/03/2020	Draft for review
1.1	SFW / LM	25/03/2020	Review
2.0	CMC	31/03/2020	Final for submission – Council, Client, File

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March 2020



**APPLICATION FOR PLANNING PERMIT
277 & 355 DEPTFORD ROAD, GRANITE ROCK
2 LOT SUBDIVISION**

1. EXECUTIVE SUMMARY:

This planning submission is in support of a planning permit application for a 2 lot subdivision at 277 and 355 Deptford Road, Granite Rock. The application is a 2 lot subdivision that is effectively a boundary realignment to alter the lot configuration to respond to the existing site characteristics and to enable future development of a dwelling.

The subject site is approximately 8 hectares in area and is zoned Farming – Schedule 1. The property is affected by the Bushfire Management Overlay, Erosion Management Overlay and the Vegetation Protection Overlay. The requirements of the overlay are addressed throughout the submission and within the supporting documentation.

The proposal seeks to create a 4 hectare allotment that is appropriate for rural residential use. The land is adjoined by an area zoned Special Use Zone – being the Granite Rock Quarry.

The proposed subdivision is site responsive and creates a suitable vacant allotment that will provide for a dwelling whilst ensuring protection of the existing vegetation on the site.

The subject site whilst zoned farming, it is not a viable agricultural parcel of land. The proposed subdivision is not likely to detrimentally impact any surrounding land and is not likely to impede the ability of any surrounding land to be used for productive agricultural activities.

This submission addresses the following components of the East Gippsland Planning Scheme:

- Clause 11 – Settlement
- Clause 12 – Environment and Landscape
- Clause 13 – Environmental risks and amenity
- Clause 14 – Natural resource management
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing
- Clause 21 – Municipal Strategic Statement
- Clause 35.07 – Farming Zone
- Clause 42.02 – Vegetation Protection Overlay
- Clause 44.06 – Bushfire Management Overlay
- Clause 44.01 – Erosion Management Overlay
- Clause 53.02 – Bushfire Planning
- Clause – 65 Decision Guidelines

The information provided within this submission addresses the requirements of the East Gippsland Planning Scheme and will result in a positive contribution to Granite Rock area.



2. INTRODUCTION

This planning submission has been prepared in support of an application for a two lot subdivision at 277 and 355 Deptford Road, Granite Rock.

The proposal is to re-subdivide the land into two parcels each capable of accommodating rural residential development that responds to the existing site conditions whilst respecting the surrounding land uses and development.

This submission addresses relevant provisions of the East Gippsland Planning Scheme to assist Council planning officers in considering the planning permit application.

3. SITE AND SURROUNDS

The subject site comprises 277 and 355 Deptford Road, Granite Rock.

- 277 Deptford Road, Granite Rock formally identified as Lot 1 TP188413 contained in certificate of title Vol 09396 Folio 326. A copy of the title and relevant plan is contained in **Appendix A**.
- 355 Deptford Road, Granite Rock formally identified as Crown Description: Allot. 18A Section 1 Parish of Sarsfield, contained in certificate of title Vol 07013 Fol 570. A copy of the title and relevant plan is contained in **Appendix A**.

The subject site is located in the locality of Granite Rock being approximately 8.4 kilometres north of Bairnsdale as shown on the locality plan below in **Figure 1** and **Figure 2**.

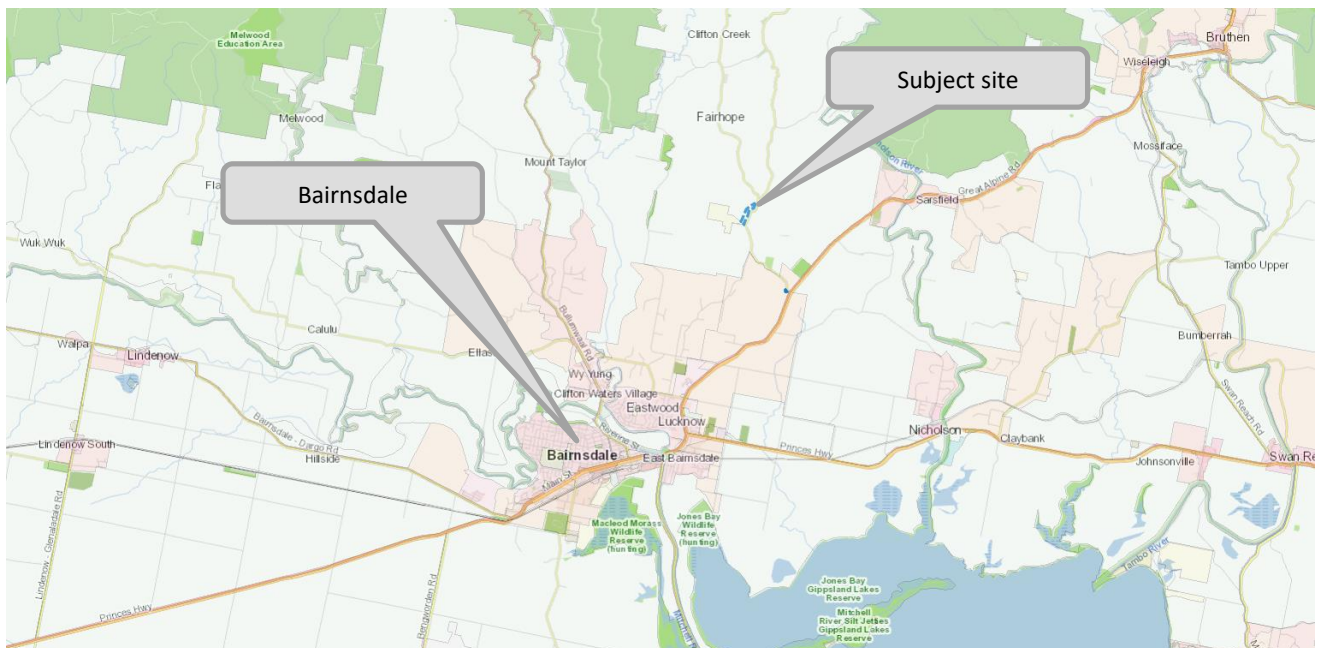


Figure 1 – Locality Plan – 277 & 355 Deptford Road, Clifton Creek (source: land.vic.gov.au)

Granite Rock is a farming locality north of Bairnsdale approximately 2.5 kilometres north east of the Great Alpine Road. Granite Rock does not have any community or commercial facilities, however is fully supported by both



Bairnsdale and Eastwood, which both have a large range of facilities and services only a short vehicle distance from the site.

The site adjoins Deptford Road along the western boundary for a distance of approximately 758 metres. The subject site and surrounding properties are shown in the Locality Plan provided below in **Figure 2**.

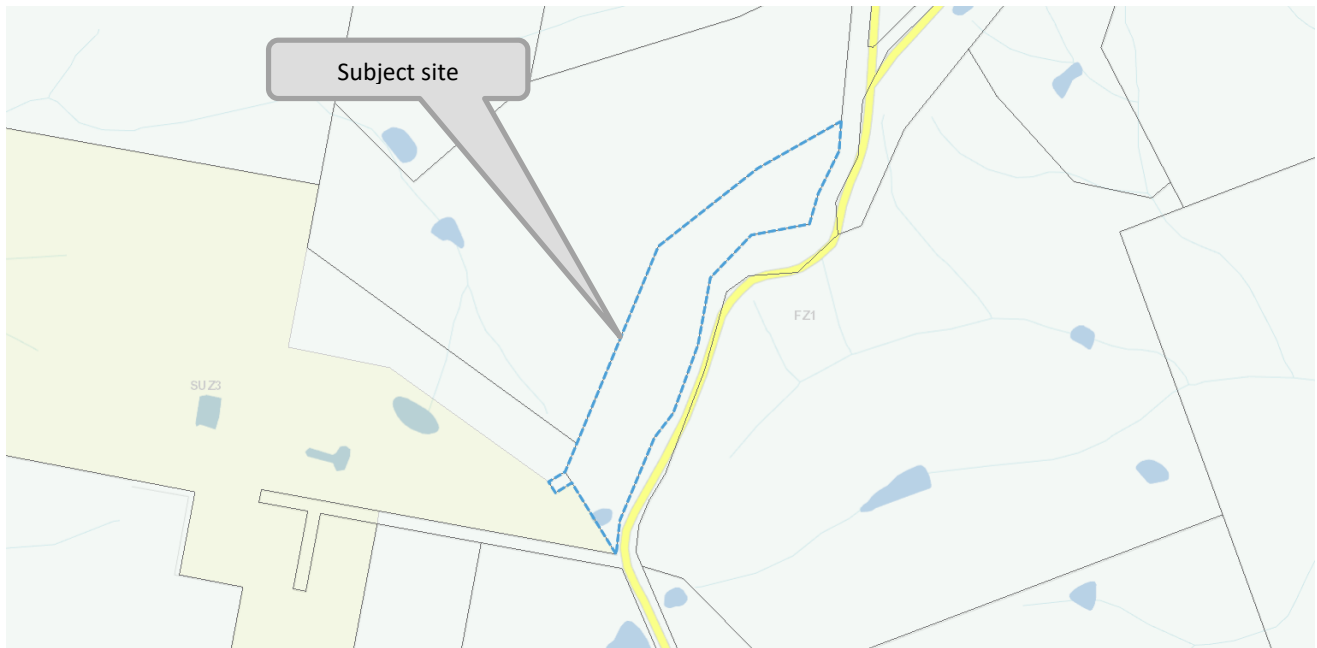


Figure 2 – Locality Plan – 277 & 355 Deptford Road, Clifton Creek (source: land.vic.gov.au)

The subject site is approximately 8.04 hectares in area comprising two parcels as outlined above. The larger parcel is undulating in nature, with the northern portion heavily vegetated and containing an existing dwelling. The southern portion of the site is clear, save for some patches of vegetation along the boundaries. The second parcel is approximately 600m² in area allotment containing two large water tanks. This was a former East Gippsland Water static water supply.

Access to the site is via an existing gravel driveway at the northern point of the site. This driveway provides access to the existing dwelling and associated outbuilding. This access point is formed gravel and shares the intersection with Deptford Road with the adjoining property to the north. The access driveways can be seen in the photographs provided below. An internal gravel track provides access to the southern portion of the site. There is also an informal entrance to the southern portion of the site, however there is no formal driveway to Deptford Road.

An existing gate is located along the eastern boundary for future access.

Powerlines traverse the site through the existing cleared area.

The site includes a dam in the southern corner of the subject site.

The site is not affected by any waterways.

The aerial photograph below in **Photograph 1** shows the existing site conditions in context to the surrounding land.



Photograph 1 – Aerial Photograph 277 & 355 Deptford Road, Granite Rock (source: dpi.vic.gov.au)



Photograph 2 – Existing dwelling at 355 Deptford Road, Granite Rock.



Photograph 3 – Existing outbuilding and access driveway to 355 Deptford Road, Granite Rock, being the northern portion of the subject site.



Photograph 4 – Centre of the subject site facing south – existing outbuilding located centrally along the western boundary.



Photograph 5 – Existing track along the western boundary of the site.



Photograph 6 – Existing powerlines traversing the center of the site.



Photograph 7 – Existing site conditions – southern portion of the site facing north.



Photograph 8 – Existing site conditions – southern portion of the site facing east.



Photograph 9 – Existing water tanks in the southern portion of the site. .



Photograph 10 – South western corner of the subject site with the Granite Rock Quarry in the background.



Photograph 11 – Southern portion of the site with extensive views. Existing roadside vegetation along Deptford Road.



Photograph 12 – Existing gateway to become access to the proposed Lot 2 adjoining the eastern boundary of the site facing north.



Photograph 13 – Existing access driveway to the subject site (at 355 Deptford Road) and adjoining property at 365 Deptford Road.



Photograph 14 – Access driveway connection to Deptford Road adjoining the subject site along the eastern boundary – far northern portion of the subject site.



Photograph 15 – Adjoining dwelling at 365 Deptford Road in close proximity to the western boundary.



Photograph 16 – Granite Rock Quarry adjoining the southern portion of the subject site.



Photograph 17 – Existing dwelling on the opposite side of Deptford Road at 10 Waterholes Road, Granite Rock



Photograph 18 – Deptford Road facing south. Entrance to Granite Rock Quarry.



Photograph 19 – Existing horse stud on the opposite side of the road at 280 Deptford Road.



Photograph 20 – Deptford Road adjoining the eastern boundary facing north.



Photograph 21 – Southern portion of the subject site.

4. PROPOSAL

This application seeks approval for subdivision of the land into two lots. A proposed plan of subdivision is contained in **Appendix A**.

The proposal seeks to reconfigure the existing lot structure to create two lifestyle allotments, each approximately 4 hectares in area. The proposed lots have been designed to respond to the existing site conditions with respect for the surrounding land uses and development as well as the natural environmental qualities of the area.

Lot 1

The proposed Lot 1 will comprise the northern portion of the site. This parcel is relatively heavily vegetated and contains the existing dwelling and associated outbuildings. The site obtains access from the northern most point of the site via a gravel driveway directly to Deptford Road.

Lot 2

The proposed Lot 2 will comprise the southern portion of the site being the predominantly cleared area and the two water tanks. A new access driveway to this area will be created along the eastern boundary to Deptford Road as shown on the proposed plans.

The proposed subdivision creates two allotments that clearly respond to the existing site conditions.

The proposed subdivision creates long term security and flexibility for the owner, whilst ensuring protection of the natural environmental qualities of the land.



5. PLANNING PROVISIONS

5.1 PLANNING POLICY FRAMEWORK

Clause 11 – Settlement provides:

“Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognize the need for, and as far as practicable contribute towards:

- *Health and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency.*
- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*
- *Land use and transport integration.*

Planning is to prevent environmental problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.”

Clause 12 – Environmental and Landscape values provides:

“Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia’s Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect sites and features of nature conservation, biodiversity, geological or landscape value.”



Clause 13 – Environmental Risks and Amenity provides:

“Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts.

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.”

Clause 13.02-1S – Bushfire planning contains the objective:

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

The strategies identified are summarized as:

- *Protection of human life*
- *Bushfire hazard identification and assessment.*
- *Settlement planning.*
- *Areas of biodiversity conservation value.*
- *Use and development control in a Bushfire Prone Area.*

Clause 13.04-2S Erosion and landslip contains the objective:

“To protect areas prone to erosion, landslip or other land degradation processes.”

The following strategies are identified:

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

Clause 14 – Natural Resource Management provides:

“Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.



Clause 14.01-1S – Protection of agricultural land contains the following objective:

“To protect the state’s agricultural base by preserving productive farmland.

Clause 14.01-1R – Protection of agricultural land – Gippsland contains the following strategy:

“Protect productive land and irrigation assets, including the Macalister Irrigation District, that help grow the state as an important food bowl for Australia and Asia.

Clause 14.01-2S – Sustainable agricultural land use contains the objective:

“To encourage sustainable agricultural land use.”

Strategies identified are:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
- *Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*
- *Facilitate ongoing productivity and investment in high value agriculture.*
- *Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.*
- *Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.*

Clause 15 – Built Environment and Heritage provides:

“Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighborhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development through high quality buildings and urban design.



Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- *Are enjoyable, engaging and comfortable to be in.*
- *Accommodate people of all abilities, ages and cultures.*
- *Contribute positively to local character and sense of place.*
- *Reflect the particular characteristics and cultural identity of the community.*
- *Enhance the function, amenity and safety of the public realm.”*

Clause 16 – Housing provides:

“Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include provision of land for affordable housing.”

Clause 16.01-5S – Rural residential development contains the following objective:

“To identify land suitable for rural residential development.”

The following relevant strategies include:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

5.2 MUNICIPAL PLANNING STRATEGY

Clause 21.02-2 provides the long-term vision for East Gippsland is:

“East Gippsland Shire Council will work with the community to ensure a sustainable future through livable and productive communities supported by a healthy environment.

This vision is supported with the four principles:

Livability

Strong and vibrant communities create healthy, productive and fulfilling places to live.

Sustainability

Pro-active leadership and strategic partnerships protect and enhance our quality environment.

Productivity

Investment and visitation develop a sustainable and prosperous economy.

Governance

Strong leadership and prudent management of democratic and legislative requirements deliver good governance outcomes.”



Clause 21.03 – Settlement provides:

“Within any local government area there is a finely balanced interplay between people, business and environment. The Council will continue to invest wisely in urban infrastructure to create vibrant urban centres while maintaining our natural assets – balancing residential, business and tourist development with wildlife corridors and areas of rural or natural landscape. The impacts of climate-induced sea level rise, combined with more severe storm surges is likely to be significant for coastal communities in East Gippsland. We will further a broad range of developments, but will carefully manage them to protect natural assets and threatened communities.”

Clause 21.04 – Environmental and Landscape Values provides:

“The Council has an important custodial role in relation to East Gippsland’s unique biodiversity and large tracts of intact native vegetation. We will continue to work with owners and developers to restore and maintain the biodiversity of our rivers, waterways, lakes and wetlands. We will protect sites of significance by encouraging sensitive development, sympathetic to the character of the area and its aesthetic values. The ideal of integrity guides many of the following objectives and strategies; aesthetic integrity (including views and vistas); integrity of the natural environment; and importantly, cultural integrity.”

Clause 21.06 – Natural Resource Management provides:

“The Council plays an important role in managing the region’s considerable natural resources, which include agriculture, forestry and timber, water and minerals. Many of the strategies outlined in this section take the form of encouraging; encouraging the use and development of rural land to support agriculture; identifying suitable plantation sites and encouraging commercial forestry within them; encouraging better management of our water supply and improving water quality of our rivers, coastal estuaries and lakes; encouraging exploration for (and development of) mineral resources in appropriate areas.”

Clause 21.06-1 – Protection of Agricultural Land provides the following objectives and standards:

Objective 1 – To ensure that rural land is used and developed in a way that will support efficient agricultural production.

Strategy 1.1 – Avoid subdivision outside areas defined as being suitable for rural residential development to the lot sizes shown in the Schedule to the Farming Zone.

Strategy 1.2 – Discourage subdivision for smaller lots in agricultural areas except where the subdivision will facilitate more effective use of the land for agricultural or related purposes. Conditions may be applied to subdivision prohibiting or limiting development of dwellings.

Strategy 1.3 – Encourage landowners in the Farming Zone to restructure their enterprises to increase flexibility and productivity.

Strategy 1.4 – Encourage proponents of subdivision in rural areas to adopt cluster housing arrangements where the balance of the land is under unified management for agricultural, pastoral or conservation purposes.

Strategy 1.5 – Support appropriate tourist-related or other economic development in non-urban areas, where this is consistent with maintaining the general rural character of the area and with environmental protection.



Objective 2 – To protect and increase the sustainable productivity of soils in East Gippsland.

Strategy 2.1 – Protect high quality agricultural land (map 4) from fragmentation and from development which may reduce its productive potential.

Clause 21.07 – Built Environment and Heritage provides:

“East Gippsland is renowned for its natural beauty. We will link this to the built environment through encouraging high standards of design across the Shire, ensuring that developments are in keeping with the character of the natural landscape and supports the social and economic wellbeing of our many towns. Where developments may impact on local Indigenous culture, we will always consult with the relevant Aboriginal communities.”

Clause 21.07-3 – Sustainable Development contains the following objective and strategies:

Objective 1 – To ensure that future development contributes to the achievement of livable, productive and sustainable communities in East Gippsland.

Strategy 1.1 – Ensure new development and land use applications consider potential positive and negative social impacts on the community.

Strategy 1.2 – Require proposals for new development, land use, infrastructure and changes in policy to consider social impact through the preparation of social impact comments and/or assessments as identified in the East Gippsland Shire Council Social Impact Assessment.

PROJECT PLANNING RESPONSE

The Planning Policy Framework and the Municipal Planning Strategy provide objectives and strategies for consideration in planning permit applications. Many of the components of these elements of the East Gippsland Planning Scheme are in relation to the environmental constraints and potential hazards pertaining to land as well as ensuring farming land is retained for agricultural uses. The subject site is affected by the Bushfire Management Overlay, the Erosion Management Overlay and the Vegetation Protection Overlay. Whilst the land is zoned farming, it adjoins land that is zoned Special Use Zone and is within an area comprising various lot sizes and relatively small scale farming activities. The site has access to a range of infrastructure and services which make it suitable for a rural residential use that will not be detrimental to any surrounding land uses or development.

The property is approximately 8.047 hectares in area, is zoned farming and is less than the minimum 40 hectares triggering planning approval for a dwelling and outbuilding. The immediate area does not comprise any agricultural activities.

The subject site and immediate area are not considered to be “high quality or productive” agricultural land nor considered appropriate for any intensive agricultural activities. The proposed subdivision in this location is considered to be consistent with the surrounding land uses and development and will not impact the ability of any other land in proximity to the subject site to be used for agricultural activities.



The site is not liable to flooding. The erosion or bushfire hazards have been appropriately addressed. Any future residential development on the site will require separate planning approval under the provisions of the Farming Zone as the site is less than 40 hectares in area.

The proposal is the re-subdivision of existing allotments and it is not expected to detrimentally affect the amenity of the area, or impact the ability of the surrounding allotments to continue to be utilised in their current form.

The State and Local Planning Policy Frameworks provide objectives and strategies for consideration in planning permit applications having respect for the surrounding area, region and state as a whole. These provisions recognise the importance of agricultural land to each region and the contribution it has to the State.



5.3 ZONE AND OVERLAYS:

The site is zoned Farming Zone – Schedule 1 (FZ1) and is affected by the following overlays:

- Bushfire Management Overlay (BMO)
- Erosion Management Overlay (EMO)
- Vegetation Protection Overlay – Schedule 1 (VPO1)

Farming Zone:

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

An extract of the Farming Zone Map is provided below in **Figure 3**:

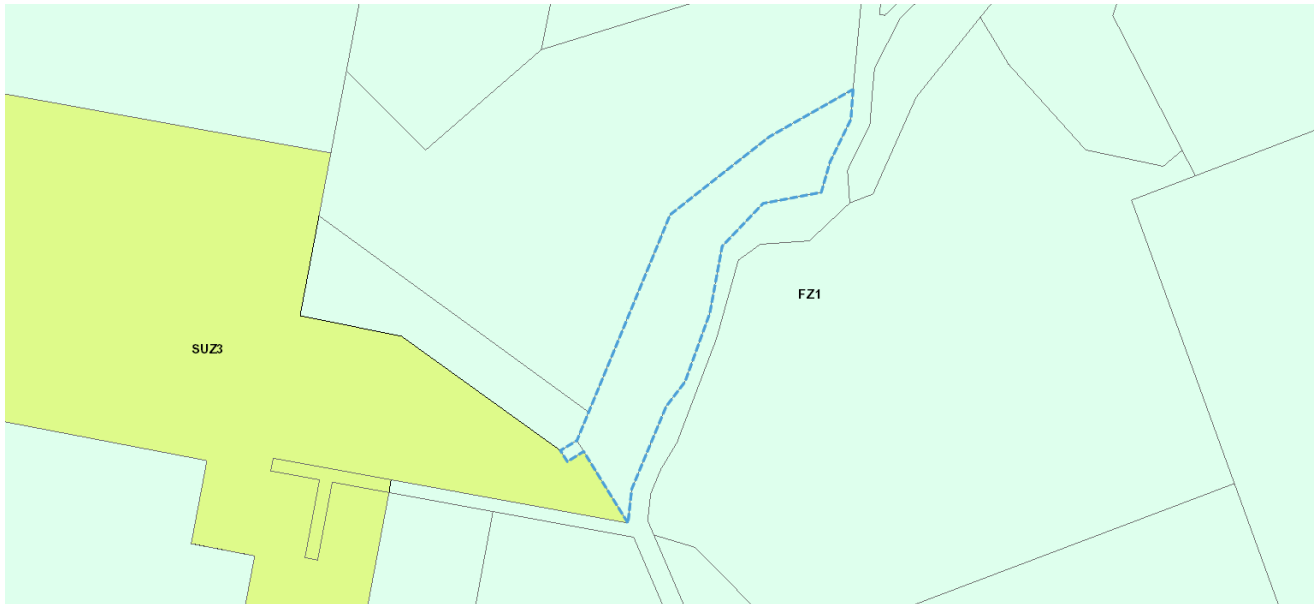


Figure 3 - Zoning Map (source – www.land.vic.gov.au)

Clause 35.07-3 provides a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone, however a permit can be granted to create smaller lots if:

- *“The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.”*



It is under these provisions that this application is made.

The decision guidelines of Clause 35.07-6 of the Farming Zone are addressed at Section 6.1 of this submission.

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 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 below in **Figure 4**:

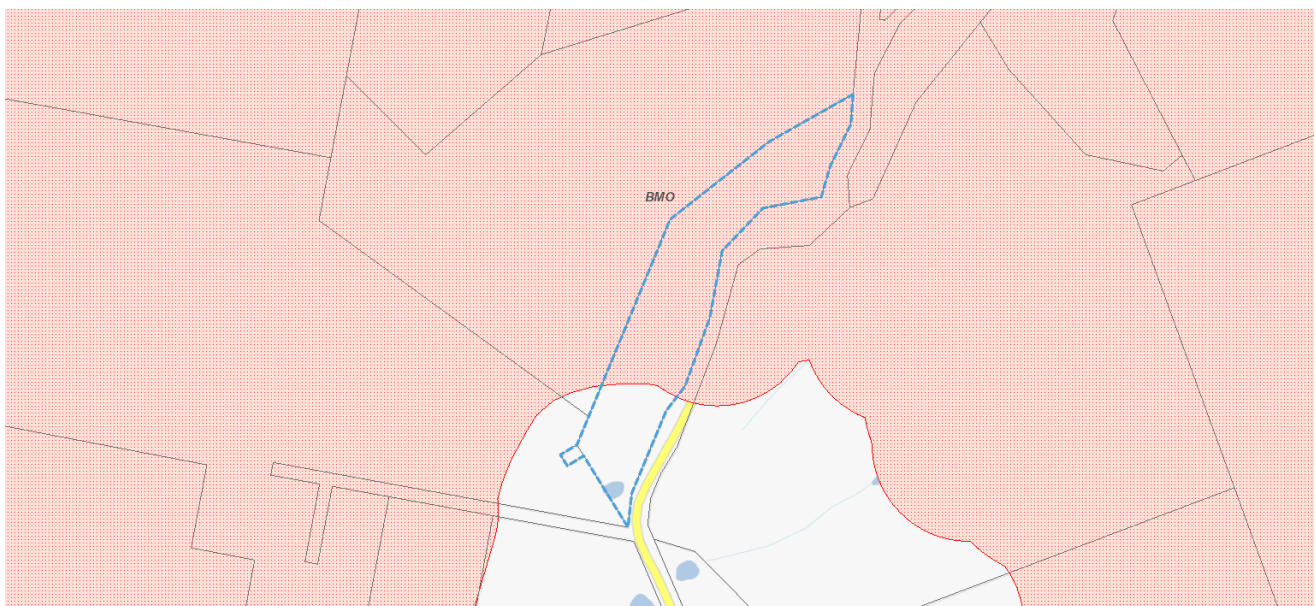


Figure 4: Bushfire Management Overlay Map (source – www.land.vic.gov.au)

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 Bushfire Management Statement is provided within **Appendix C**. The decision guidelines of Clause 44.06-8 is addressed in Section 6.2 of this submission and Clause 53.02-4.5 is addressed in Section 6.3 of this submission.

Erosion Management Overlay:

The purpose of the Erosion Management Overlay is:

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

An extract of the Erosion Management Overlay Map is provided below in **Figure 5**:



Figure 5: Erosion Management Overlay Map (source – www.land.vic.gov.au)

Clause 44.01-5 provides a permit is required to subdivide land.

The decision guidelines of the Erosion Management Overlay are addressed in Section 6.3.

Vegetation Protection Management Overlay:

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.*



There is no requirement for planning approval for subdivision under the Vegetation Protection Overlay provisions. This application does not require the removal, lopping or destruction of any vegetation and as such these provisions are not addressed further.

An extract of the Vegetation Protection Overlay Map is provided below in **Figure 6:**



Figure 6: Vegetation Protection Overlay Map (source – www.land.vic.gov.au)

The schedule to the Vegetation Protection Overlay refers to the Tambo-Bairnsdale Roadside Vegetation Protection Network.

The Overlay provides the following Statement of nature and significance of vegetation to be achieved:

“Significant areas of native vegetation are located along roadsides within Government road reserves. These areas are often important remnants of native vegetation that previously extended over adjacent private land now generally cleared for agriculture or rural style residential development.

Remnant roadside vegetation provides important fauna habitat and wildlife corridors, often linking larger areas of remnant native vegetation. Remnant roadside vegetation also contributes significantly to landscape and aesthetic values in rural areas.

Conservation and enhancement of these areas is important to and generally supported by the local community.”

The Vegetation protection objective to be achieved is:

“The Tambo-Bairnsdale Roadside Vegetation Protection Network overlay seeks to protect high conservation value roadside vegetation within Government road reserves from:

- *The potential adverse impacts of establishing access through roadside vegetation located between the carriageway and adjacent private land.*

- *The potential adverse impacts of road maintenance and construction activities.*

The overlay objective is:

- *To ensure that development of access to private land, and road maintenance and construction activities occur so as:*
 - o *To conserve areas of vegetation with high conservation value by minimising the extent of vegetation loss.*
 - o *To conserve and enhance fauna habitat and habitat corridors by minimising the extent of vegetation loss and encouraging regeneration of indigenous species.*
 - o *To preserve existing trees and other vegetation where it contributes to high landscape and aesthetic-values.*

The schedule to the overlay provides a permit is required to remove, destroy or lop any vegetation.

This application does not require the removal of any vegetation and therefore these provisions are not addressed further.

5.4 OTHER PLANNING CONSIDERATIONS

Aboriginal Cultural Heritage

Under the provisions of the *Aboriginal Heritage Act 2006* the subject site is not recognised as being within an area of Aboriginal Cultural Heritage Sensitivity. A two lot subdivision is an exempt activity under the provisions of the *Aboriginal Heritage Act 2006* and as such a Cultural Heritage Management Plan is not required.



6. PLANNING ASSESSMENT

6.1 DECISION GUIDELINES OF THE FARMING ZONE

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

General Issues

The Municipal Planning Strategy and the Planning Policy Framework.

The Municipal Planning Strategy and the Planning Policy Framework recognise the need to facilitate sustainable development that respects our natural environment and adequately responds to potential threats and hazards.

Farming zoned land is important in the Gippsland region and development of land must be considered against the zone requirements as well as the role the farming land plays to the specific area. This region relies on much of the agricultural activities for its economy and protection of viable agricultural land is important. The subject site is not recognized as being classified as high quality or productive agricultural land within the East Gippsland Planning Scheme. The land is not currently used for grazing and the proposed subdivision will not alter the ability of the land to continue to undertake these activities. The proposed subdivision of the land will not decrease the ability of the land to be used for agriculture and will not permanently remove any land from productive agricultural activities.

The application does not require the removal of any vegetation and there are no immediate risks associated with the land that make it unsuitable for the proposed subdivision.

The proposal does not contravene any of the objectives outlined for the area and adequately responds to the policies outlined in the State and Local Planning Policy Frameworks.

Any Regional Catchment Strategy and associated plan applying to the land.

The East Gippsland Regional Catchment Strategy 2013-2019 is applicable to this area and is a planning framework that sets strategic direction and broad priorities in relation to maintaining and using our regions assets. The subject site is within the Gippsland Lakes and Hinterland Catchment area, more particularly the hinterland section, which feeds into the Gippsland Lakes.

“The hinterland supports a diverse range of important flora and fauna, including many rare and threatened species. Habitat for these species is often limited to remnant areas of native vegetation, including the threatened Gippsland Red Gum Grassy Woodland and Associated Native Grassland ecological community, which is listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The Gippsland Lakes and Hinterland landscape area is the most modified part of the East Gippsland region, and is the centre of development and tourism. It includes the urban centres of Bairnsdale, Lakes Entrance and Painesville. The anticipated growth in population has the potential to affect significant natural values, including threatened species and communities, water regimes and water quality. Increased development also has the potential to adversely affect the productive capacity of agricultural land in the area.”



The East Gippsland Catchment Management Authority coordinate the program. It is noted that the subject site is not within any of the areas identified as being a priority area within the strategy.

The site does not contain any watercourses, however does contain a dam within the proposed Lot 2.

The proposed subdivision will not have a detrimental impact on the landscape, native vegetation or ecosystems.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The proposed subdivision has been designed to respond to the existing site conditions. The subject site is currently half vegetated area and half grassed paddock. It is proposed to use the grassed area for horses as provided within the Farm dwelling divided into several paddocks to accommodate grazing activities and the exclusion of stock from the vegetated areas. It is proposed to create the boundaries on existing fences. The proposed subdivision creates two allotments that can adequately support two agricultural enterprises.

No new buildings are proposed and no effluent disposal is required at this time, however the existing dwelling effluent disposal will be retained within the proposed Lot 1 and it is expected that any future development on the proposed Lot 2 would be required to provide evidence that effluent could be treated and retained within the boundaries. Given the size of the land in addition to the existing soil characteristics, it is expected that the proposed Lot 2 could adequately treat and retain effluent for a dwelling in the future.

How the use or development relates to sustainable land management.

The proposal seeks approval for a re-subdivision that creates two allotments that respond to the current site conditions.

The lot layout will ensure protection of the vegetation, whilst creating a parcel of land to be used in conjunction with a farming activity undertaken on a separate allotment. Details of the proposed activities relating to the use of land for horses is outlined in the attached Farm Plan. The size of the land in conjunction with the topography and existing vegetation do not encourage viable and intensive agricultural activities. The proposed subdivision not only responds to the current site conditions it will also create flexibility and long term security for the owner whilst ensuring protection of the environmental qualities to the area. A formal land management plan has not been prepared for the site.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

As outlined in this submission, the land immediately adjoining the subject site is also used for agricultural activities of varying scales and the Granite Rock Quarry adjoins the southern boundary. The proposed re-subdivision simply responds to the existing conditions of the land and potential uses on the land are considered compatible with the existing uses surrounding the site. The land holdings in the area are of various sizes and contain various scale agricultural activities. Immediately adjoining the eastern boundary is a stock horse stud which is complementary to the proposed use of Lot 2 for horses. The existing dwelling is surrounded by vegetation and does not detrimentally impact the ability for any of the surrounding properties to be used for agricultural purposes.



How the use and development makes use of existing infrastructure and services.

The subject site has access to standard infrastructure and services and the proposed subdivision is not expected to impact on these infrastructure and services. Each of the proposed lots will have individual access and connections to all relevant services. The existing road network and access to each of the proposed allotments is existing and adequate. The proposal is not considered likely to create unreasonable pressure on existing services.

Agricultural issues and the impacts from non-agricultural uses**Whether the use or development will support and enhance agricultural production.**

As previously provided, the proposed re-subdivision will simply formalise the existing layout created by existing fences, the natural topography of the site and the existing vegetation. The size of the land does not encourage large scale or intensive agricultural production. To subdivide the land will encourage agricultural activities at a scale appropriate for the size and location of the property.

East Gippsland has become very resourceful in utilising smaller farming allotments for more intensive and alternative agricultural uses. Given the desire to protect the vegetation on the land, alternative farming will be investigated in the future. Currently the grazing of horses on the cleared area being the proposed Lot 2 are considered appropriate for the subject site.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The proposed subdivision does not alter the existing site conditions and no new buildings or works are proposed at this time. Any future development would require separate planning approval. The subdivision will not adversely affect soil quality or permanently remove land from agricultural production. The proposed subdivision simply re-configures two existing allotments to create two allotments which respond to the existing site conditions and uses.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The proposed subdivision is not expected to limit the operation and expansion of adjoining and nearby agricultural uses. The use of the land is not expected to be altered other than to introduce grazing of horses on the proposed Lot 2. The size of the subject site in addition to the topography and existing vegetation ensures that any agricultural uses surrounding the site will not be impacted by any use or development on the site. The proposed subdivision and any future development is not expected to limit the operation or expansion of adjoining or nearby agricultural uses. The existing site conditions do not encourage consolidation of the parcel of land to expand any surrounding agricultural enterprises.

The capacity of the site to sustain the agricultural use.

The subject site is a total of approximately 8.047 hectares in area, with 4.047 hectares covered in vegetation. The site currently does not sustain a viable agricultural use. The proposal, as part of the re-subdivision of the land will enable the proposed Lot 2 to be used for horse related activities as outlined in the Farm Plan provided. Given the heavily vegetated nature of the proposed Lot 1, there is limited ability to use the area for a viable agricultural activity.



Each lot will have access to suitable rural infrastructure including power, water and an adequate road network which may encourage more intensive, alternative agricultural activities in the future.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

The subject site is located north of the city of Bairnsdale within an area with access to a range of services. The soil quality is suitable for the grazing activities and both allotments will have access to power, water and a suitable road network. The soil quality, location of the land and the existing site conditions make the land suitable for the proposed subdivision to be consistent with the objectives of the Farming Zone as it will simply formalize the existing layout.

Any integrated land management plan prepared for the site.

No integrated land management plan has been prepared for the site, nor is considered necessary in this particular instance, given the size of the land.

Dwelling Issues

Whether the dwelling will result in the loss or fragmentation of productive agricultural land

This application is not seeking approval for the development of a dwelling, however the development of a dwelling can be applied for on the proposed Lot 2. The creation of one additional dwelling in this area will not result in the loss or fragmentation of productive agricultural land. The creation of an additional dwelling could result in an increase in agricultural activities. The addition of one dwelling in this area would not be expected to detrimentally affect any agricultural uses in the area, however it is noted that this application is not seeking approval for a dwelling and any new dwelling would require planning approval under the provisions of the East Gippsland Planning Scheme.

Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

This application is not seeking approval for the development of a dwelling, and as such this is not relevant.

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses

This application is not seeking approval for the development of a dwelling, and as such this is not relevant.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

This application is not seeking approval for the development of a dwelling, however it is considered unlikely that the proposed re-subdivision will result in a concentration or proliferation of dwellings in the area.



Environmental Issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

The proposed subdivision is not considered likely to have any detrimental impact on the natural physical features and resources of the area. No vegetation removal is required and no earthworks and excavations required. The proposed boundary has been located in order to retain as much of the vegetation in one allotment to encourage ongoing management in a coordinated and sustainable manner. The existing vegetation on the site has been protected in the past and will continue to be protected in the future.

The impact of the use or development on the flora and fauna on the site and its surrounds.

As provided above, it is not expected that the proposed subdivision will have an impact on the flora and fauna of the site and its surrounds. No vegetation removal, earthworks or excavations are required.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.

The proposal does not require the removal of any vegetation. Revegetation is not considered appropriate in response to this proposal.

The location of on-site effluent disposal areas to minimize the impact of nutrient loads on waterways and native vegetation.

The proposal does not include any development requiring wastewater disposal. The wastewater disposal system of the existing dwelling will be retained wholly within the boundaries of the proposed Lot 1, to the satisfaction of the responsible authority.

Design and siting issues

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimize the loss of productive agricultural land.

The proposed subdivision responds to the existing site conditions and more particularly retains the existing dwelling and associated outbuildings within one allotment. The proposal does not include the addition of any new buildings at this time. The proposal is not likely to have any adverse impacts on surrounding agricultural uses.

The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measure to be undertaken to minimize any adverse impacts.

As provided above, no buildings or works are proposed as part of this subdivision and as such there will be no visual impact as a result. No vegetation removal is required.



The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

As previously provided the subject site is located within an existing rural area that includes uses and development other than simply agricultural activities. Immediately adjoining the southern boundary is the Granite Rock Quarry. The proposed subdivision will not impact on the character and appearance of the area. The proposal will not require the removal of any vegetation and the site is not considered to be within an area of architectural, historic or scientific significance.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Each of the proposed allotments will connect to all available infrastructure and services including electricity, water and the existing road network. The proposal will not impact on the existing infrastructure and no new infrastructure is proposed.

Whether the use and development will require traffic management measures.

The proposal will not require any traffic management measures.

6.2 DECISION GUIDELINES OF CLAUSE 44.06-8

Clause 44.06-8 of the East Gippsland Planning Scheme provides, before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider:

The Municipal Planning Strategy and Planning Policy Framework.

The Planning Policy Framework and the Municipal Planning Strategy are addressed throughout this report, particularly in Sections 4.1 and 4.2. The proposal is consistent with the objectives and strategies identified within Municipal Planning Strategy and the Planning Policy Framework and provides for an appropriate re-subdivision which has taken into consideration the potential hazards associated with the land. The proposal will not result in any offsite impacts. The proposal will implement appropriate bushfire measures to ensure the potential threat to property or life is not increased and can be maintained at an acceptable level.

Both of the proposed allotments will have access to a reticulated water supply.

Any other matters specified in a schedule to this overlay.

No further matters are required to be considered.



6.3 DECISION GUIDELINES OF BUSHFIRE PLANNING – CLAUSE 53.02-4.5

Clause 53.02-4.5 provides, before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

The Municipal Planning Strategy and the Planning Policy Framework.

A planning permit is required under the Bushfire Management provisions for the subdivision of land. The proposed vacant allotment and the existing dwelling have been assessed from a bushfire management perspective. A Bushfire Planning Report including a Bushfire Management Statement prepared by the applicant is provided in **Appendix C**.

In addition to this statement we offer the following supporting information:

- The proposed subdivision will create a small allotment that can adequately support the future development of a dwelling that can meet the bushfire requirements.
- The Bushfire Management Plan will be registered on the title of the allotments by way of a Section 173 Agreement.
- The access driveway to each of the proposed allotments will be of a suitable standard to accommodate fire and emergency vehicles.
- The entire site will be maintained in a neat and tidy manner and ground fuel loads will be kept to a minimum.
- The subject site is within proximity to a public road.
- The subject site has access to a reticulated water network.

The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.

The Bushfire Planning Report provided by the applicant clearly outlines the bushfire hazard landscape assessment, the bushfire hazard site assessment and a bushfire management statement. The report considers the landscape risk and whether Clause 53.02 modelled fire assumptions are adequate and considers localized hazards, defensible space and the bushfire attack level. Even though no new dwelling is proposed on the Lot 2 at this time, a bushfire attack level of 29 has been determined for this site.

The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.

There are no State, regional or local bushfire management and prevention action occurring in close proximity to the subject site or that will affect the bushfire hazard and the level of risk to the proposed development.

Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.

The proposed subdivision can meet the objectives of Clause 53.02-4. A section 173 agreement will be required to ensure future development which occurs on the proposed Lot 2 includes the provision for water supply and access. The defensible space requirements can be met in this instance.



Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.

The proposed re-subdivision will result in the ability to seek approval for the development of a dwelling on the vacant allotment. The allotment is a relatively cleared grassed area that will be easily maintained with the ongoing residential use of the land. As provided, the bushfire management plan is likely to be registered on the title by way of a Section 173 Agreement.

Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.

The proposed subdivision does not require any alternative measures to meet the relevant objectives.

Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.

The Bushfire Planning Report and Bushfire Management Statement provided by the applicant concludes that the proposed subdivision can be developed for rural residential purposes in the future as the risk can be reduced to an acceptable level. The subject site is able to meet the approved measures within Clause 53.02 and a BAL 29 is the result. This is considered to be at a reasonable level for residential development.

6.4 DECISION GUIDELINES OF THE EROSION MANAGEMENT OVERLAY

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

The Planning Policy Framework and Municipal Planning Strategy.

The Planning Policy Framework and the Municipal Planning Strategy recognise the need to facilitate sustainable development that respects our natural environment and adequately responds to potential threats and hazards.

The proposed subdivision is the re-subdivision of two existing allotments to respond to the existing site conditions.

The site is undulating in nature and any future development would need to ensure preventative measures are implemented to reduce any erosion risk.

Advice from a suitably qualified Engineer has been obtained, which concludes that the potential erosion risk can be reduced to an acceptable level. A Geotechnical Risk Assessment waiver is provided.

The proposed subdivision does not require any earthworks, excavations or vegetation removal.

The proposed re-subdivision is not expected to detrimentally affect the amenity of the area and the potential erosion risk can be reduced to an acceptable level.



Regional Catchment Strategy (Catchment and Land Protection Act 1994).

The East Gippsland Regional Catchment Strategy 2013-2019 is applicable to this area and is a planning framework that sets strategic direction and broad priorities in relation to maintaining and using our regions assets. The subject site is within the Gippsland Lakes and Hinterland area. This area is recognized as the most modified part of the East Gippsland region, and is the centre of development and tourism. The subject site and proposed subdivision is not within proximity to any waterways and the re-subdivision is not expected to have any negative off-site impacts.

The proposed re-subdivision has been designed to respond to the current site conditions with respect to any potential environmental implications. There is no vegetation removal required and engineering advice will be obtained for the drainage and construction standards for any future development.

It is expected that standard erosion prevention and control conditions would be a requirement on any planning permit to be granted for any future development on the vacant allotment.

Environmental Guidelines for Major Construction Sites, Environment Protection Authority, February 1996.

This publication seeks to implement environmental protection at project planning stage, for major developments such as highways, freeways and major roads. This development is not considered to be of a scale that would trigger the need for an Environmental Effects Statement or an Environmental Management Plan to be prepared. Preventative measures for erosion, stormwater and sediment control will be adopted and implemented throughout any future development.

Construction Techniques for Sediment Pollution Control, Environment Protection Authority, May 1991.

This Environment Protection Authority publication identifies that with careful planning, erosion and sediment control can result in onsite advantages in addition to protecting the environment. As previously provided, this application is for re-subdivision only and no earthworks are required. Any earthworks, erosion and sediment control will be undertaken in accordance with the Environment Protection Authority guidelines and best practice measures.

Control of Erosion on Construction Sites, Soil Conservation Authority.

This document identifies that there are many benefits of planning and carrying out erosion control works. The proposed re-subdivision does not include any buildings and works that require consideration of this document. Any future development will address these requirements and respond accordingly. As a minimum, all development practices will be in accordance with standard Environment Protection Authorities requirements.

Your Dam, an Asset or Liability, Department of Conservation and Natural Resources.

This publication was replaced by the “Your Dam, Your Responsibility – Department of Sustainability and Environment, March 2007”, and is generally applicable to farm dams. Additionally, the document acts only as a guide and instructs that consultation with a suitably qualified engineer is advised. All engineering and drainage components of this project will be undertaken by a suitably qualified engineer. The dam on the site will not be affected by the proposed subdivision. The existing dam will be retained wholly within a lot.



Any proposed measures to manage concentrated runoff and site drainage.

Formal drainage plans would expect to be a condition on any planning permit to be granted for future development. The site naturally drains to the existing dam in the southern corner of the site, however any future development on the site would be required to ensure all drainage is appropriately managed. Given the size of the site, future drainage of any development is not expected to generate any issues.

Any proposed measures to minimize the extent of soil disturbance.

The subdivision will not require any earthworks or excavations. This application is seeking approval for the re-subdivision of the land and no soil disturbance is likely as a result.

Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.

No vegetation removal is required to facilitate the proposed re-subdivision. Additionally, it is noted that future development can occur on the site without the need to remove any vegetation. Given the Vegetation Protection Overlay applying to the majority of the site, any vegetation removal is likely to need planning approval.

The need to stabilize disturbed areas by engineering works or revegetation.

The proposed re-subdivision will not disturb any areas that will require stabilisation. This is not considered relevant to this application. Any future development would be required to address stabilisation of disturbed areas.

Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.

There is currently no evidence of erosion on the subject site. There are multiple options for future residential development that may be less susceptible to erosion or more appropriate. This will be investigated if or when a dwelling or any future development is sought.

Whether buildings or works are likely to cause erosion or landslip.

There is currently no evidence of any erosion on the subject site or surrounding land. Given the application is seeking approval for subdivision only and no building or works are proposed, there is not likely to be any cause for erosion or landslip.

Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.

The slope of the land will need to ensure any future access is constructed in accordance with standard Engineering practices. The creation of a new driveway will be required, however there is no evidence of any erosion in this area.

Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.

No Land Capability Report has been prepared by DELWP for the subject site or surrounding land.



The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.

No vegetation removal is required.

Any technical information or reports required to be provided by a schedule to this overlay.

A Geotechnical Risk Assessment waiver is provided. The proposed re-subdivision does not require any earthworks.

Before deciding on a planning permit application, in addition to the decision guidelines of Clause 44.01-7 the Responsible Authority must consider as appropriate:

The risk to life, property and community infrastructure from geotechnical hazard.

The potential erosion risk in this area is considered to be low, however further investigation will be undertaken at the time of seeking approval for any future development or works in accordance with the requirements of the Erosion Management Overlay. Any proposed works will be undertaken in accordance with standard erosion requirements and engineering practices.

The recommendations of any geotechnical risk assessment and application documentation.

The subject site and surrounding land is considered to have suitable stability for future development. A Geotechnical Risk Assessment would form part of plans for any future development.

The recommendation of any independent review of the geotechnical risk assessment and application documentation.

It is expected this will be considered at the time an application is sought for any future development of the land. Given the size of the site, it is considered appropriate to respond to these provisions at the development stage if or when this may occur.

The need for any ongoing geotechnical risk management measures.

Given the low erosion risk associated with the site, it is considered appropriate to only assess this at the time of development of the vacant allotment, if or when this may occur. Further ongoing investigation or assessment beyond the development is considered unlikely.



6.5 DECISION GUIDELINES OF CLAUSE 65.01:

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

The matters set out in Section 60 of the Act.

These are the matters which must be considered by the responsible authority.

The Municipal Planning Strategy and the Planning Policy Framework.

The Municipal Planning Strategy and the Planning Policy Framework have been addressed throughout this submission. The proposed re-subdivision has been designed to adequately respond to the existing site conditions, address any potential environmental risks and to respect the natural landscape qualities of the area.

The proposed re-subdivision will not detrimentally affect the amenity of the area and will not limit the ability of the surrounding properties to continue to be used for agricultural activities.

The proposal has adequately responded to the erosion and bushfire hazards identified.

The proposal is consistent with the overall objectives of the Municipal Planning Strategy and the Planning Policy Framework.

The purpose of the zone, overlay or other provision.

The land is zoned Farming Zone which seeks to encourage agricultural use of land. This application seeks the re-configuration of the lot layout which adequately responds to the existing site conditions and the natural qualities of the site. The application for subdivision can be made under the provisions of the Farming Zone and will provide for an appropriate outcome in this instance. The proposed re-subdivision has adequately addressed the relevant overlay requirements and other provisions including the Aboriginal Cultural Heritage Management.

The subject site has access to a suitable level of services and infrastructure of which the proposed lot will be connected. The site is affected by the Bushfire Management Overlay, Erosion Management Overlay and Vegetation Protection Overlay. The requirements of these overlays have been addressed throughout this submission and it is concluded that the proposed subdivision is appropriate in this location and any environmental risks reduced to an acceptable level.

Any matter required to be considered in the zone, overlay or other provision.

This submission addresses all elements relevant to the proposal as identified in the East Gippsland Planning Scheme including the zone, overlays and Aboriginal Cultural Heritage provisions. These provisions are all addressed above, and the proposed re-subdivision is considered to adequately respond and address the requirements as relevant.

The orderly planning of the area.

This application seeks approval for a two lot subdivision to realign a common boundary within an existing agricultural area that is zoned Farming. The intent of the proposed subdivision is to respond to the existing site conditions and to provide for the use of land for horses, it will create a vacant allotment that can provide for future residential development, subject to Council approval, that will not be out of character for the area and is not



expected to detrimentally affect the amenity of the area. This subdivision is consistent with other similar style subdivisions throughout the East Gippsland Shire. Granting approval of this application will support consistent and orderly planning of the area.

The effect on the amenity of the area.

The proposal will not result in a detrimental effect to the amenity of the area. The proposed subdivision is not expected to result in development that would be visually obtrusive, and the existing character of the area will not be detrimentally affected.

The proximity of the land to any public land.

Apart from the adjoining road reserve, the subject site is not in proximity to any other public land. The proposed re-subdivision will not detrimentally affect the road network. The proposal includes the creation of one new additional access point to the road reserve. This is not considered likely to result in an overall negative impact nor will restrict the use of the reserve by the general public.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

The subject site is sloping. No vegetation removal or earthworks are required to facilitate the proposed subdivision. The re-subdivision is not considered likely to cause or contribute to any land degradation, salinity or reduce water quality.

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

This subdivision is not seeking approval for any buildings or development. Any future development would require additional planning approval, at which time stormwater runoff would be addressed. The size of the site suggests that the site would have the ability to manage stormwater runoff in an appropriate manner.

The extent and character of native vegetation and the likelihood of its destruction.

The subject site contains an extensive area of vegetation. The majority of the area vegetated will remain within one lot as a protection measure. No vegetation removal is required to facilitate the proposed subdivision.

Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

Additional planting and regeneration is not considered appropriate in this location given the potential bushfire hazard.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimize any such hazard.

The site is not within an area affected by potential flood hazard. The potential erosion and fire hazard have been considered and addressed within this submission. All preventative measures will be implemented and all works will be undertaken in accordance with standard engineering practices to the satisfaction of the responsible authority.



6.6 DECISION GUIDELINES OF CLAUSE 65.02:

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

The suitability of the land for subdivision.

This application is seeking approval of a re-subdivision to provide for a more appropriate lot configuration and a more desirable and usable outcome for the owners. The subdivision has been designed to respond to the existing site conditions and to ensure the environmental qualities of the site and surrounding areas are protected.

The existing use and possible future development of the land and nearby land.

The proposed re-subdivision creates two allotments approximately 4 hectares in area, and whilst this is significantly smaller than the zone minimum of 40 hectares, it is creating two more usable allotments that respect the existing site conditions, enable protection of the vegetation and allow for use of the balance of the land for horse related activities.

The proposed re-subdivision will not impact the use of any nearby land for agricultural activities nor will impact the continued use of the adjoining Granite Rock Quarry.

Any future development on each of the allotments would require further planning approval.

The availability of subdivided land in the locality, and the need for the creation of further lots.

As this is a re-subdivision, the proposal is not creating any additional allotments. This is not considered relevant to this proposal.

The effect of development on the use or development of other land which has a common means of drainage.

The proposed re-subdivision will not have any impact on any other land, particularly in relation to drainage.

There are no common means of drainage applicable to this site.

The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.

The proposed re-subdivision has been designed to respond to the physical characteristics of the land including the vegetation. No vegetation removal is required and the majority of vegetation on the site is retained within the proposed Lot 1.

The density of the proposed development.

The proposal is to reconfigure the existing lot layout to be more site responsive and to enable better use of the land. The re-subdivision does not alter or increase the density as no additional allotments are being created.

The area and dimensions of each lot in the subdivision.

The area and dimensions of each lot is provided in the proposed plan of subdivision and the description in Section 3 of this submission. The area and dimensions are appropriate for this location and appropriately respond to the site conditions.



The layout of roads having regard to their function and relationship to existing roads.

The subject site adjoins Deptford Road along the eastern boundary for a total distance of approximately 827 metres. The proposal will result in each allotment having direct access to Deptford Road. The subdivision does not propose any new roads.

The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

Each of the proposed allotments will have suitable driveway access to Deptford Road which will also provide for pedestrian access. There are no footpaths or formal pedestrian walkways in this location.

The provision and location of reserves for public open space and other community facilities.

This application is for the re-subdivision of two existing lots only and therefore there are no new public reserves, open spaces or community facilities proposed. This is not considered relevant to this proposal.

The staging of the subdivision.

This application is for a two lot re-subdivision only and therefore there will be no staging.

The design and siting of buildings having regard to the safety and the risk of spread of fire.

The proposed Lot 2 has an area of land that is not within the Bushfire Management Overlay that could be developed for a dwelling, subject to Council approval.

The Bushfire Management Overlay requirements have been addressed in the attached Bushfire Management Plan. The risk of spread of fire has been considered in the design of this subdivision and is considered to be reduced to an acceptable level in this instance.

The provision of off-street parking.

The proposed allotments are each large enough to allow for parking on the site. No additional provision for off-street parking is considered necessary in response to the proposed subdivision.

The provision and location of common property.

The proposed subdivision does not require any common property and as such this is not considered relevant to this application.

The functions of any body corporate.

As the subdivision does not have any common property there will be no body corporate and as such this is not considered relevant to this application.

The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

Each of the existing allotments are connected to the existing services including water and electricity. The reconfiguration of the layout of the allotments ensures that each of the proposed allotments can still have a connection without the need to relocate any services.



If the land is not sewerred and no provision has been made for the land to be sewerred, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.

The proposed vacant allotment is 4 hectares is area which is considered more than likely appropriate to treat and retain any waste. As this application is not seeking approval for any development at this time, it is expected that any future application would include a Land Capability Assessment in response to a proposed development.

Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Given this is only a two lot subdivision to re-align a common boundary no open space areas are proposed. The proposed lot layout has been designed in order to respect the existing vegetation on the site. The application does not require the removal of any vegetation.

7. CONCLUSION

This submission is in support of the application for planning permit for the subdivision of land at 277 and 355 Deptford Road, Granite Rock.

The proposal is considered to be supported by the requirements of the East Gippsland Planning Scheme and would provide a sustainable and practical outcome for the area.

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

Development Solutions Victoria



26th March 2020

Development Solutions
118 Macleod Street
Bairnsdale, Vic 3875

Re: Proposed 2 Lot Subdivision at 277 & 355 Deptford Road Granite Rock.



Gamcorp have been engaged by Courtney Campbell of Development solutions to determine whether or not a full Geotechnical risk assessment is required for the proposal of a 2 lot subdivision and boundary re-alignment at 277 & 355 Deptford Road Granite Rock. Some vegetation removal will be required and it is expected a residence will be built on the newly created lot. An erosion management overlay exists over the property.

The site was inspected by Andrew Powell on the 26th March 2020.

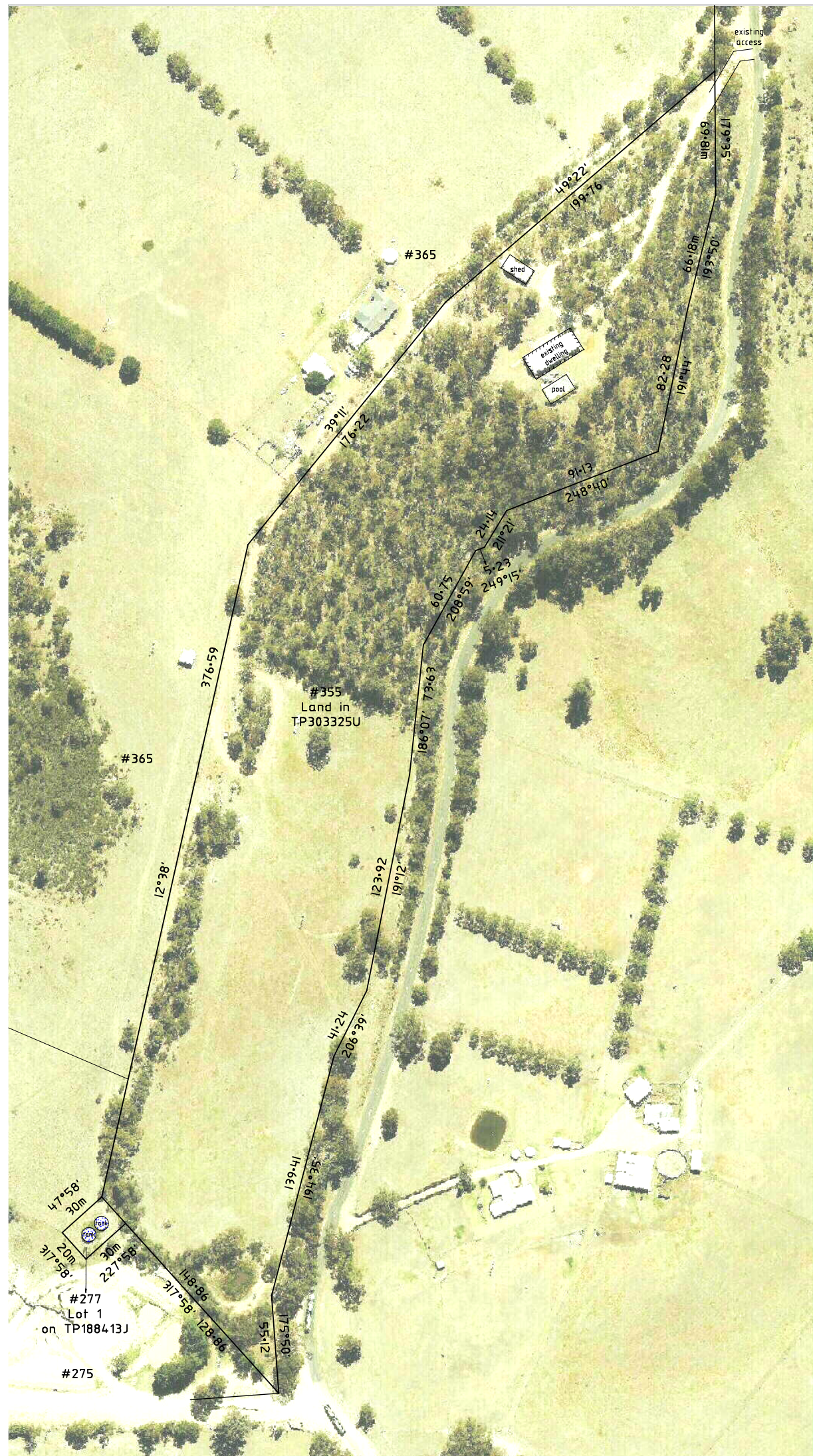
Inspection of the site confirmed no erosion problems currently exist on the site. The site had a reasonable cover of grass with the existing residence at the Northern end of the property. There is significant vegetation between where the residence exists at the northern end of the property and the southern end of the property and trees along boundaries throughout. Falls on the allotment were fairly consistent over the entire site with falls of between 1 in 6 and 1 in 10 observed where the new lot is to be created. Soil conditions are a silty loam topsoil overlying a hard clayey silt and then silty clay at depth with no erosion problems expected from these soil types.

For the creation of the new lot and boundary re-alignment no vegetation is to be removed and no earthworks of any description is required.



A full geotechnical investigation is not required for this site, as we see no problems with erosion occurring now or in the future.

Andrew Powell
Bach Eng(Civil)
Gamcorp (Melbourne) Pty Ltd.



- This is not a Title survey.
 - See Certificate of Title for Easement details.
 - Only significant trees are shown on this plan.
 - While every effort has been made to locate all features, the user is responsible for any features not shown.
 - No underground features have been located or shown on this plan.
 - 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 modified with permission from Dr. Spotted Pig Ltd.

Sheet 1 of 1

Existing Conditions Plan

Parish of Sarsfield
 Section 1
 Crown Allotment 18 (Part) & 18A
 Lot 1 on TP188413J & Land in TP303325U
 Paracentroid (MGA94) : E 558 870, N 5820 930



277 & 355 Depford Road, Granite Rock, 3875
 East Gippsland Shire

Drawn : 22/10/2019, Scott Charles Kimm L.S.

Notations

This is not a Title survey.

See Certificate of Title for Easement details.

Total site area: 8.847ha

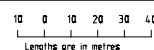
Plan No.

191154 EX-1

Scale

1:1000 - A1

1:2000 - A3



**Bushfire Management Plan In Support of a
Planning Application for the Realignment of Title Boundaries
Between
277 & 355 Deptford Road Granite Rock.**

1. Background

This Bushfire Management Plan has been prepared to support the Application for A Planning Permit to realign the common boundaries between 355 Deptford Road Granite Rock (CA 18A Parish of Sarsfield) and 277 Deptford Rd Granite Rock (1/TP188413), deemed to be an Application for Subdivision.

As such the plan has been prepared in accordance with requirements of Planning Pathway 3 – Subdivision to comply with the requirements and provisions of Clause 53.02-4.4 of the East Gippsland Planning Scheme.

The Bushfire Management Plan (BMP) has been prepared by:

Ian Long (Dip. For. Cres.: B.For. Sc. Melb)
355 Deptford Road Granite Rock VIC 3875
Telephone: 0409 531744
Email: ianmobile@ecosys.net.au
Date: 25th March 2020

2. Property Details:

MUNICIPALITY: East Gippsland

355 Deptford Rd - Area: 8 ha

Description: Long thin block on predominantly south eastern aspect with slope of 5 – 10 degrees. Northern 50% of area covered by forested native vegetation and the southern 50% predominantly grassland vegetation used for grazing purposes. This land contains an existing domestic dwelling with detached workshop and shares its southern boundary.

277 Deptford Rd. - Area: 600m²

Description: A small land parcel, formerly used by Gippsland Water as the static water supply facility for the Balfours Rd water main. The facility was decommissioned by Gippsland water and sold to the proponent. The land contains 2X130K litre concrete water tanks for stock water and firefighting for use by the owner of 355 Deptford Rd.

3. Bushfire Hazard Assessment

3.1 Landscape Hazard Assessment – 50 km Radius. (Refer Appendix 1)

The landscape hazard assessment supporting this application would be best described as Broader Landscape Type 3, where a bushfire entering the area from adjoining public land (State Forest) has the potential to affect landholders in the subject area at the neighbourhood scale. Whilst bushfires can approach from a number of directions, the most likely scenario for a destructive bushfire to affect the land would be from the north west only. In the event of a major bushfire, access to refuge would be via the adjoining Deptford Rd to Great Alpine Rd to Bairnsdale, roads which are managed for primary fire access through the Municipal Fire Management Plan.

Appendix 1 - Broadscale Landscape Hazard Assessment map, shows that contiguous native forest (State Forest) is located approximately 10 km to the north of the subject land and extends to the north for the entire extent defined as the Broader Landscape Area. Land between the forest estate and the subject land is characterised by mildly undulating topography with the predominant land use being agriculture and rural lifestyle, with large tracts of grassland used for grazing, interspersed with smaller often scattered patches of remnant native forest vegetation. The area has a very good road and tracks access network, providing safe access for residents and enabling rapid deployment of fire response resources in the event of a fire.

Fire History at the landscape level indicates that a number of large forest fires have occurred in the State Forest to the north (2003 / 2006 / 2009 and the recent 2019 bushfires – Refer **Appendix 3 – East Gippsland CMA – 20 Year Fire History Map**). With the exception of the December 2019 - January 2020 bushfires, (map yet to be placed in the public domain) there has been no record of fire spread onto the intervening private land, due largely to the bushfire management strategies employed by Department of Environment, Land, Water & Planning (DELWP) including prescribed burning and preparation and maintenance of fire access roads and firebreaks.

The most likely bushfire risk to the subject land would be from a fire originating deep in that public native forest under extreme fire weather conditions, driven by prevailing hot dry north westerly wind. That risk however would be significantly mitigated by the change in land use at the private property interface, which changes to a bushfire fuel mosaic of grassland and native vegetation patches. This is evidenced by the outcomes from the recent bushfires in December 2019 / January 2020, where the severe bushfire run was contained on the private property, but continued to burn with extreme rates of spread and intensity through the areas of contiguous native forest.

3.2 Landscape Hazard Assessment – 20 km Radius (Refer Appendix 2)

Landscape hazard in closer proximity to the subject land is best characterised as agricultural farmland and lifestyle farmlets, interspersed with a significant proportion of patchy native vegetation. Some irrigation is undertaken on the farmland to the north and west (Clifton Ck) associated with primary production.. The area is quite intensely roaded, providing safe access and egress for the Waterholes, Clifton Creek and Clifton West communities and emergency services when required.

Given the interaction of vegetation fuel type and topography, fire is most likely to impact the land from the north west under dangerous fire weather conditions consisting of strong winds, high temperatures and low relative humidity.

Fires approaching from any subsequent south westerly change would be significantly protected by a large tract of bare earth resulting from quarrying activities on land adjoining.

In the event of a fire originating from the south and east, e.g. roadside ignition on the Great Alpine Road, fire behaviour could be expected to be relatively benign and easily controlled, given prevailing south easterly winds (often sea-breezes) bring lower temperatures and high relative humidity via moisture laden air from the nearby Gippsland Lakes.

In the event of a major bushfire approaching the subject land from the north west under high to extreme bushfire weather conditions, the main contributor to bushfire risk to the subject land would be from ember attack well in advance the main bushfire, followed by fire front behaviour associated with a rapidly moving but low intensity grassfire.

The location of the proposed development being mid slope on a southern aspect would most likely result in a backing fire through managed low fuel conditions, significantly mitigating risk of loss or damage from bushfire. ie the dwelling would be very defensible.

Provisions are specified in the Bushfire Management Statement that will satisfactorily mitigate fire risk and serve to protect assets from such a bushfire scenario.

The property is accessed by the Deptford Rd, specified as a primary fire access road in the East Gippsland Shire Fire Management Plan 2017-2020 and is subsequently maintained to a standard. This road should provide safe access in the event of evacuation to Bairnsdale some 13 km away via the Great Alpine Road.

A fire hydrant is located on the Deptford Rd approximately 150 m from the subject land. Reticulated town water is available on Deptford Rd, terminating at 277 Deptford Rd where a static storage capacity of 260K litres is available.

3.3 Bushfire Hazard Site Assessment

Vegetation mapping within 150 m radius of the proposed development has been undertaken in accordance with the requirements and methodologies specified in AS3959:2018 Construction of Buildings in Bushfire Prone Areas.

A plan of the site and proposed building envelope exhibiting all relevant information including distance to classifiable vegetation is shown ***in Appendix 4. – Bushfire Site Hazard Plan.***

3.4 Compliance With Approved Measures

3.4.1 Siting

The site for proposed development of a dwelling has been selected to minimise the bushfire risk taking into account slope and proximity to vegetation/ fuel types, where the objective has been to maximise the distance from the relevant bushfire hazards.

The following table provides a classification of the vegetation, slope and aspect and the distance measured to classified vegetation within 150 metres of the proposed development in accordance with AS3959:2018 Construction of buildings in bushfire prone areas.

Images of nearest vegetation from proposed development site are shown in **Appendix 6 – Distance to Classifiable Vegetation Images**.

	Direction (Aspect)			
	Northern	Southern	Eastern	Western
Vegetation (within 150 metres of proposed building / works)	Excludable / Low Threat Modified Forest ✓ Woodland Scrub (tall) Shrubland (short) Mallee Rainforest Grassland ✓	Excludable / Low Threat ✓ Modified Forest Woodland Scrub (tall) Shrubland (short) Mallee Rainforest Grassland	Excludable / Low Threat ✓ Modified Forest ✓ Woodland Scrub (tall) Shrubland (short) Mallee Rainforest Grassland	Excludable / Low Threat Modified Forest Woodland Scrub (tall) ✓ Shrubland (short) Mallee Rainforest Grassland ✓
Effective Slope (under the classifiable vegetation within 150 metres)	Upslope / Flat ✓ DOWNSLOPE >0 to 5 ° >5 to 10° >10° to 15° >15 to 20° >20°	Upslope / Flat DOWNSLOPE >0 to 5 ° ✓ >5 to 10° >10° to 15° >15 to 20° >20°	Upslope / Flat DOWNSLOPE >0 to 5 ° >5 to 10° ✓ >10° to 15° >15 to 20° >20°	Upslope / Flat ✓ DOWNSLOPE >0 to 5 ° >5 to 10° >10° to 15° >15 to 20° >20°
Distance (m) to Classifiable Vegetation	45	50	75	45

- The proposed building is located midslope on a south aspect with grassland to the north, south and west and forest located 45 m to the northeast on adjoining land.
- The proposed building is to be located uphill approximately 50 m from Deptford Road with direct access to that road.

3.4.2 Defendable Space

A building shall provide the defendable space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5.

The building will be provided with defendable space in accordance with **Column B**. The defendable space distance required is **35** metres. Separation distance provided in preliminary design of building envelope location provides **45**metres, exceeding planning scheme requirements.

In accordance with Table 6 of Clause 53.02-5 - Vegetation Management Requirement:

Vegetation must to be managed to the following standard:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 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 5 sq. 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.

The required and manageable defendable space of 35 m is fully contained within the boundaries of the property.

3.4.3 Building Design & Construction

There is an existing dwelling located on the property that will remain in its current state (355 Deptford Rd) and is not required to be considered in this Bushfire Site Hazard Plan.

A dwelling proposed to be constructed on the realigned 277 Deptford Rd is subject to the full requirements of Clause 53.02 – Planning for Bushfire and information in this submission supports all compliance aspects.

The proposed dwelling would be constructed at least 45 m from the nearest classifiable vegetation being open forest, which is located upslope, to the north east of the site.

A Bushfire Attack Level (BAL) assessment has been conducted for the proposed dwelling to be constructed on the realigned property being 277 Deptford Rd. A copy of the BAL Assessment report is shown in **Appendix 5 – BAL Assessment Report – 355 Deptford Rd Granite Rock**.

The assessment concludes that compliance with the defendable space requirements, design and construction of any dwelling will be required to be to BAL 19 standard consistent with requirements of AS 3959-2018.

3.4.4 Water Supply

The proposed building shall be provided with a static water supply of 10,000 ltrs for fire fighting and property protection purposes as specified in Table 4 to Clause 53.02-5.

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

The static water supply shall meet the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal
- All fixed above ground water pipes and fittings for fire fighting purposes shall be made of corrosive resistant metal and 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 must be provided.
- Be located within 60 metres of the outer edge of the approved building
- Provide outlet/s of the water tank within 4 metres of the access way and unobstructed
- Incorporate a ball or gate valve (British Standard Pipe (BSP 65mm) and coupling (64mm CFA 3 thread per inch male fitting))
- Any pipework and fittings must be a minimum of 65mm (excluding the CFA coupling)

3.4.5 Access

The primary access road to the proposed dwelling is shown on the Bushfire Hazard Statement Map (Appendix 5) and links directly to the Deptford Road, a primary fire access road as designated in the East Gippsland Fire Management Plan 2017-2020

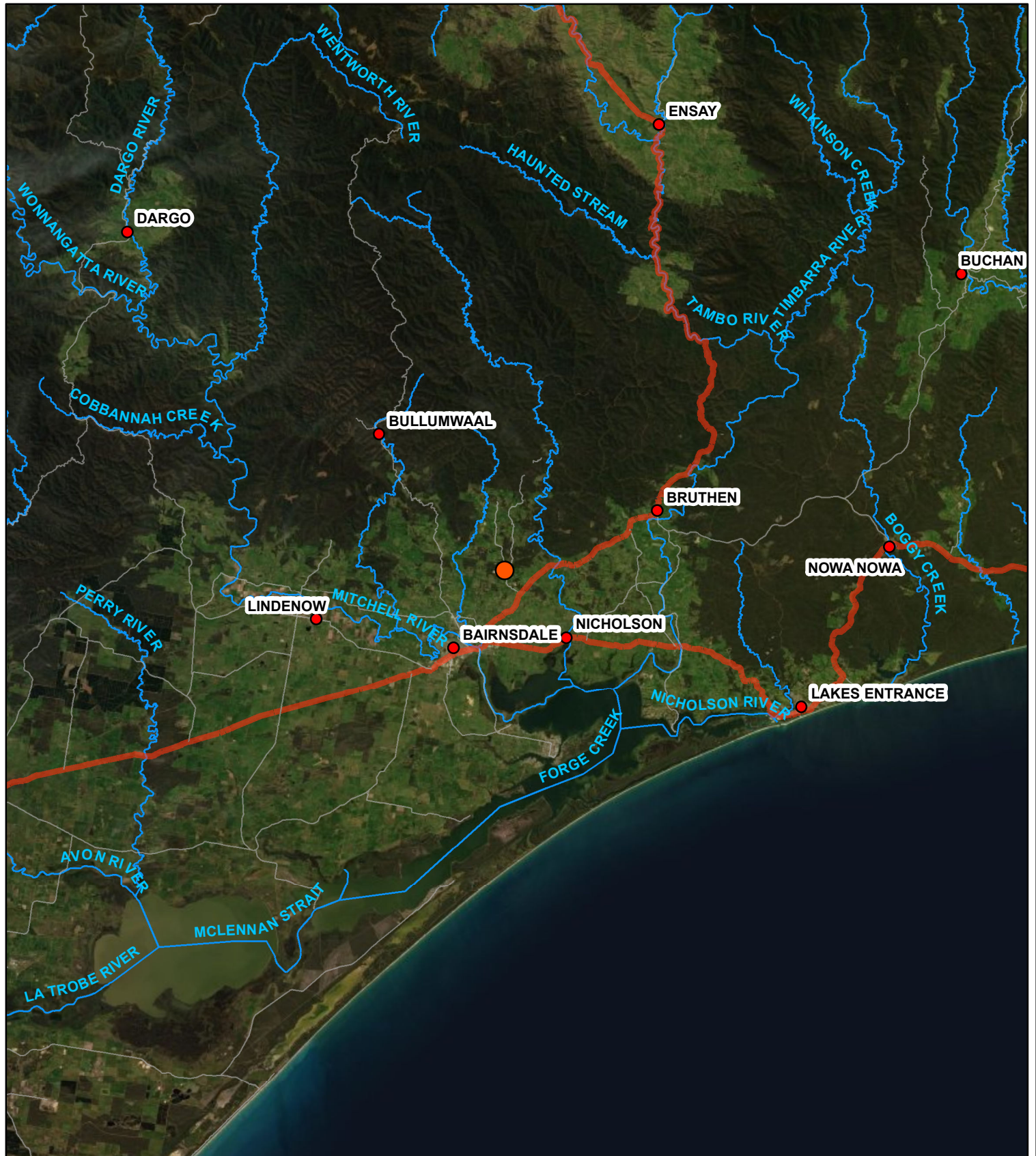
The proposed vehicle access is greater than 30 m in length. It has been designed and shall be constructed to meet the requirements specified in Table 5 to Clause 53.02-5 and as such shall:

- Be an all-weather construction
- Provide 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
- Have curves with a minimum inner radius of 10 metres
- Have an 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

APPENDIX 1 - Broadscale Bushfire Hazard Plan (50km)

Planned Subdivision by Realignment of Title Boundaries

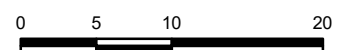
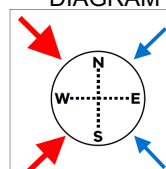
Between 277 & 355 Deptford Road



Legend

- Towns
- Subject Land
- Rivers / Streams
- Major Roads
- Minor Roads

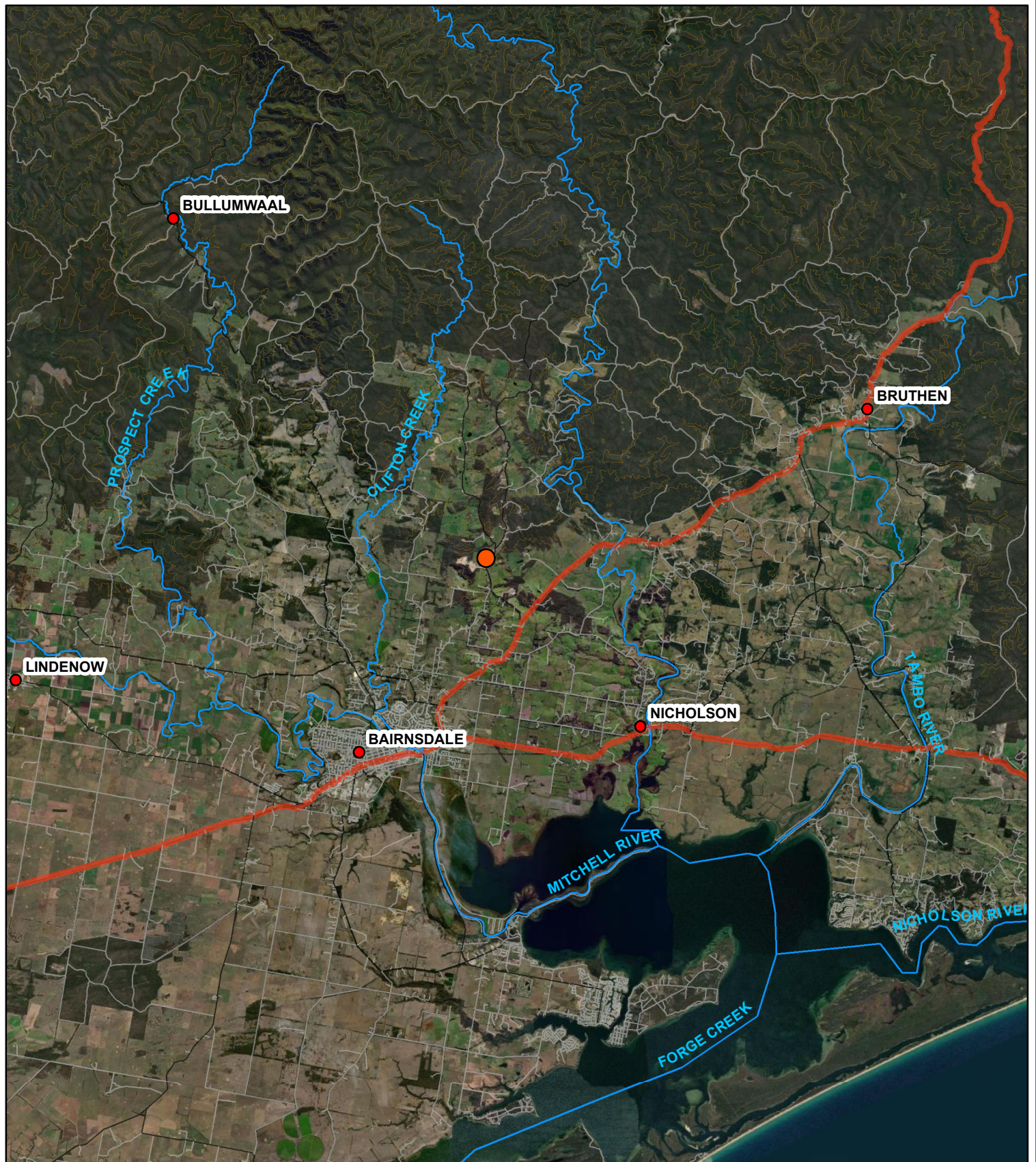
BUSHFIRE DIRECTION OF TRAVEL DIAGRAM



Coordinate System: GDA 1994 MGA Zone 55

Prepared by Ecosystems
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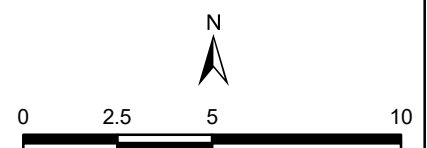
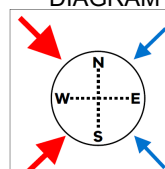
APPENDIX 2 - Bushfire Landscape Hazard Plan (20km) Planned Subdivision by Realignment of Title Boundaries Between 277 & 355 Deptford Road



Legend

- Towns
- Subject Land
- Contours
- Rivers / Streams
- Major Roads
- Minor Roads
- Local Access Roads

BUSHFIRE DIRECTION OF TRAVEL DIAGRAM

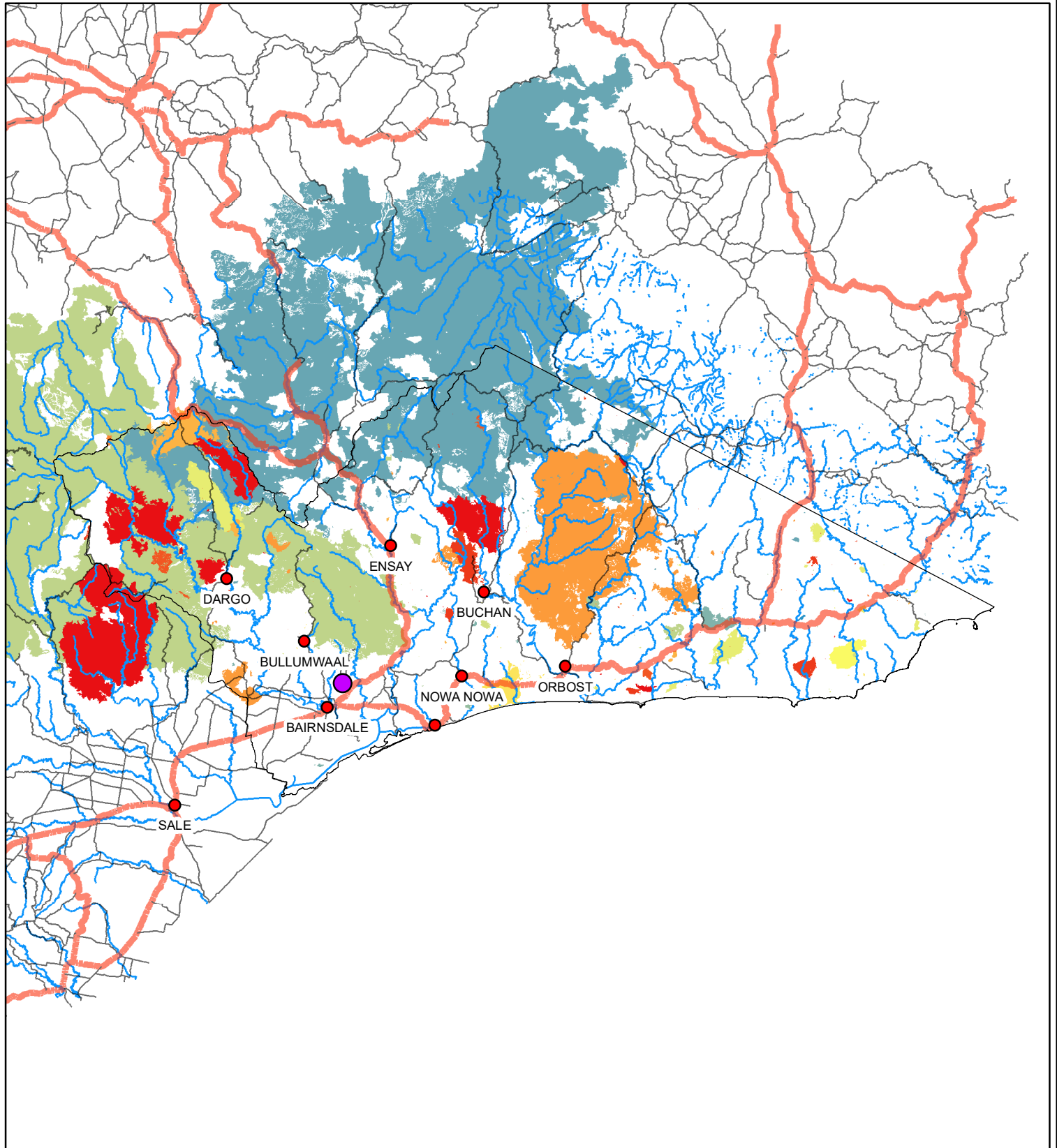


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APPENDIX 3 - Bushfire History 2000 - 2019

East Gippsland Catchment Management Area

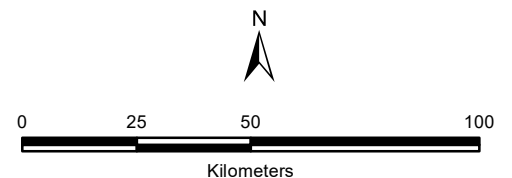


Legend

- Towns
- Subject Land
- East Gippsland CMA Boundary
- Major Roads
- Minor Roads
- Rivers / Streams

Fire History		
■ 2001	■ 2005	■ 2010
■ 2002	■ 2006	■ 2011
■ 2003	■ 2007	■ 2012
■ 2004	■ 2008	■ 2013
	■ 2009	■ 2014
		■ 2015
		■ 2016
		■ 2017
		■ 2018
		■ 2019

Note: Extent of December 2019/ January 2020 East Gippsland bushfire not yet available in public domain.



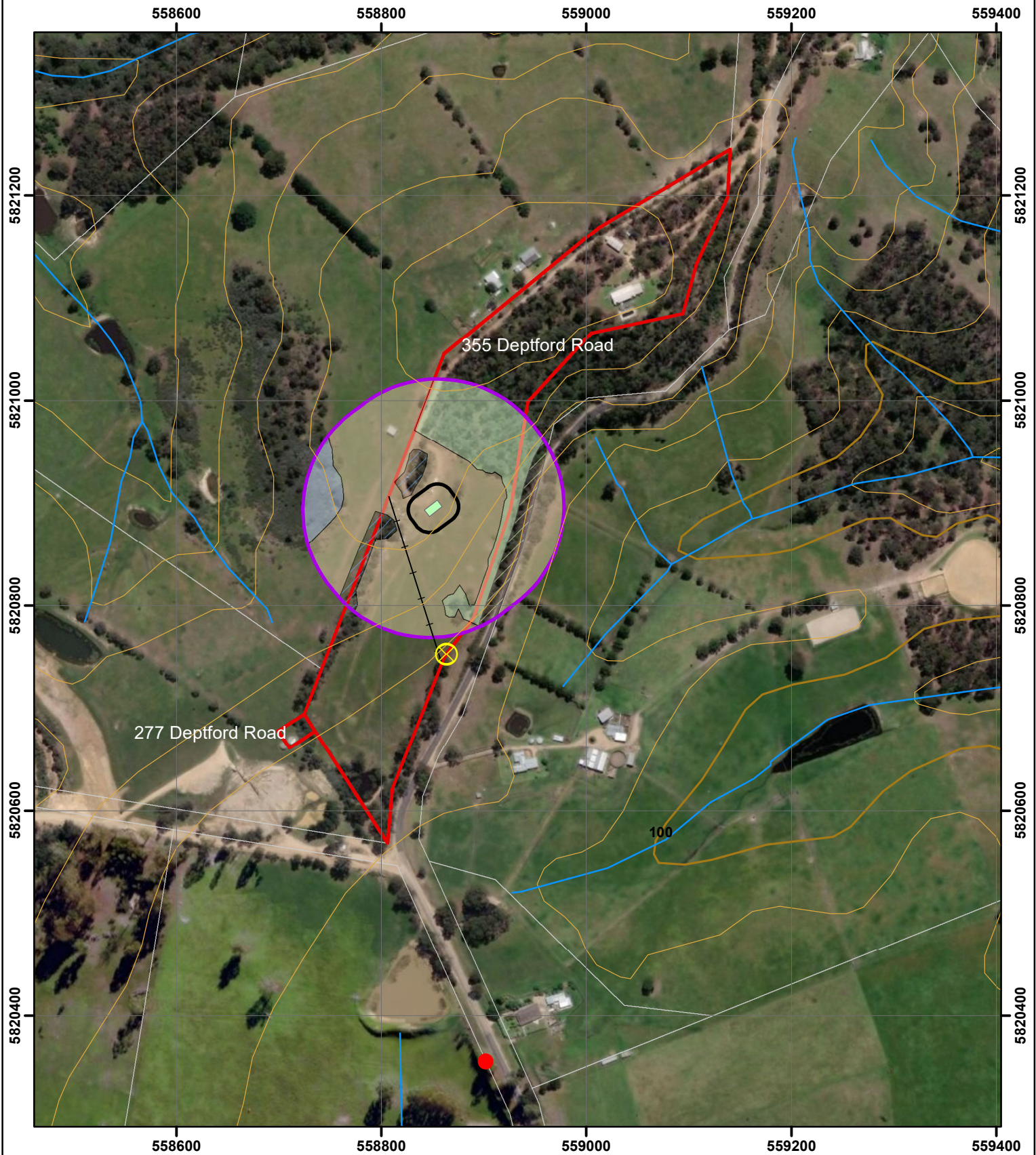
Coordinate System: GDA 1994 MGA Zone 55

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APPENDIX 4 - Bushfire Site Hazard Plan

Planned Subdivision by Realignment of Title Boundaries

Between 277 & 355 Deptford Road



Legend

- | | |
|---------------------|---|
| Property Boundaries | Powerline |
| 376456631 | Property Access |
| 206510136 | Hydrant |
| Drainage Lines | Assessment Area |
| Contours | |
| contour_index | Potential Dwelling |
| contour | Minimum House Yard maintained in low fuel state |

VegetationClasses

- | |
|---|
| Forest - Bushfire Prone Vegetation |
| Scrub - Bushfire Prone Vegetation |
| Managed Grassland - Low Threat Vegetation |
| Road - Exempt |
| Woodland - Exempt |



0 50 100 200
Meters

Coordinate System: GDA 1994 MGA Zone 55

Prepared by Ecosystems
Management (Aust) Pty Ltd (c) 2020

Bushfire Attack Level (BAL) Calculator Simplified Procedure (Method 1)



AS 3959-2018 (Incorporating Amendment No. 1)

Version 2.1

This calculator uses the detailed method for determining the Bushfire Attack Level (BAL) as described in AS 3959-2018 (Amdt No.1) Construction of buildings in bushfire-prone areas (Appendix B – Method 2). Users should be familiar with AS 3959 and should refer to it for the various calculator inputs. This calculator is NOT suitable for use where the effective slope under the classified vegetation (refer AS 3959 Clause 2.2.5) is more than 20 degrees downslope (refer AS 3959 Figure 2.3).

Your Name:

Site Address:

Date: 26/03/2020 9:26 AM

Inputs

Fire Danger Index (FDI)¹ Refer AS 3959 Table 2.1

Classified Vegetation Type(s) Refer AS 3959 Table 2.3

Distance of the site from the classified vegetation type(s)
Refer AS 3959 Figure 2.1

Effective downslope(s) under the classified vegetation type(s)²
Refer AS 3959 Figure 2.3

Notes
¹For Grassland, equivalent representative values have been used - refer AS 3959 Table B2
²For all classified vegetation that is upslope, assume a value of zero (0) degrees
³For "degree to ratio to percentage" slope comparisons refer to AS 3959 Table 2.2

Calculate

Site Specific Output

Bushfire Attack Level (BAL)		BAL—19	
Minimum required distance to achieve:	BAL—12.5	57	metres
	BAL—19	43	metres
	BAL—29	32	metres
	BAL—40	24	metres

AS3959 – Click to purchase via the Standards Australia Webstore

Print

Disclaimer
This calculator determines the Bushfire Attack Level (BAL) for a given building based on Australian Standard AS 3959-2018 'Construction of buildings in bushfire-prone areas', copies of which can be obtained via the "Standards Australia Webstore" link above. Users should be familiar with the Australian Standard in order to use the calculator correctly. The calculator will produce inaccurate results if incorrect input data is entered. It is recommended that users double-check results by calculating the BAL independently in accordance with the Australian Standard before proceeding with any project rather than relying solely on this calculator. To the maximum extent permitted by law, we accept no responsibility whatsoever and exclude all liability (including negligence) for any loss, damage or injury arising from the use of or reliance on this calculator including any third party.

Forest and Wood Products Australia ACN 127 114 185. Warringtonfire Aus Pty Ltd ACN 050 241 524.

APPENDIX 6 – DISTANCE TO CLASSIFIABLE VEGETATION IMAGES



View East from proposed development site



View South from proposed development site



View West from proposed development site



View North from proposed development site

The Proposal

Re-align existing boundaries between (355 Deptford Rd Granite Rock (CA 18A Parish of Sarsfield) and 277 Deptford Rd Granite Rock (Lot 1 TP188413) to support the development and commercialisation of a local equine management enterprise.

Realignment of boundaries as proposed will make available 4 ha of land at Deptford Road to be developed as a safe site for the care and management of retired thoroughbred horses and provide a safe “recovery” environment without the distraction of other horses in adjoining paddocks.

The land is serviced by town water, 3 phase power and accessed by the Deptford Rd. It is proposed to construct shedding, stabling, yards and facilities necessary to provide for equine management including washdown and veterinary services.

Background

A small parcel of land (277 Deptford Rd Granite Rock) owned and operated by East Gippsland Water as a decommissioned water storage and distribution facility was acquired by the immediately adjoining landholder (355 Deptford Rd Granite Rock). A major reason for purchase of the land and infrastructure (2 X 140000ltr storage tanks), was to gain access to a reticulated water to ensure surety of water supply for stock management.

In 2015 Ian Long & Lyn Davies purchased a 20 ha rural property at Newlands Arm. A Planning Application has been approved to construct a new residence that will become their home which is expected to be completed by late 2020, at which time they will occupy that residence and further investment in the equine management business is envisaged.

Over the past 4 years, they have established a small but increasing interest in providing equine management services including agistment, tending / recovery, rider education, and now extending into breeding.

As a result of the growth of that pursuit and interest in provision of their services and skills in a commercial environment, Ian & Lyn are proposing to establish an Equine Management business as they transition from current full-time employment positions to small scale but financially sustainable self-employment.

Significant improvements have been made to the Newlands Arm property, including paddock subdivision, fencing, connection to town water supply and major pasture improvement and construction of support facilities including toilet, shower and washing facilities.

To develop a commercially sustainable equine business, access to further land will be necessary, which can be made available through the re-alignment of boundaries between 355 Deptford Rd and 277 Deptford Rd as defined in this proposal / application.

To achieve this objective, it is proposed to sell the existing residence and 4 ha of native vegetation and retaining the remaining 4 ha as improved pasture with equine management facilities.

The Business Proposal

Agistment

A number of horses are currently agisted at the Newlands Arm property with a high level of demand for further agistment that cannot be supplied due to the limited area available, lack of reliability in seasonal condition often leading to a shortage of feed and water.

Envisaged that agistment currently the main activity may be reduced as other facets of the business, particularly breeding becomes more of a priority.

Rider Education

The proponent has been involved in competitive riding for more than 40 years and shares her riding knowledge and experience with a broad range of community groups, in particular young people. Provision of rider education services is pivotal to encouraging participation in equine activities.

Recovery & Tending.

The proponent has taken on recovery of a number of thoroughbred horses no longer required by the horse racing industry. Most of those horses were in poor health and required intensive treatment including targeted dietary supplements, remediation therapy and re-handling.

Breeding

The proponent has bred horses for in excess of 30 years and has recently invested in a Whorlander mare, a relatively rare breed of horse with excellent riding and presentation characteristic and as such proposes to increase the breeding potential of this breed locally as part of the business plan.



CFA Fire Safety
Fire & Emergency Management
Email: firesafetyreferrals@cfa.vic.gov.au
Telephone: 03 9262 8578

Our Ref: 11000-69629-100131
Council Ref: 123/2020/P

11 June 2020

Robert Pringle
East Gippsland Shire Council
273 Main Street
BAIRNSDALE VIC 3875

Dear Robert

CONDITIONAL CONSENT TO THE GRANT OF A PERMIT

Application No: 123/2020/P
Site address: 277 & 355 Deptford Road Granite Rock
Proposal: Two lot subdivision (boundary realignment)

I refer to correspondence received on 21 May 2020 seeking comments on the above application.

CFA acting as a Referral Authority pursuant to section of the *Planning and Environment Act, 1987 (Act)* has considered and does not object to the grant of a permit for the above proposal.

CFA has no conditions

Further comments

- CFA has not requested that the nominal building envelope and bushfire mitigation measures for each proposed lot be formally implemented through an agreement made under Section 173 of the Act (in accordance with Clause 44.06-5 *Mandatory condition*) as:
- Approved Measure 5.2 of Clause 53.02-4-4 and the Mandatory Condition under Clause 44.06-5 do not apply as the subject land is zoned for rural purposes
- CFA is satisfied that there are siting options on each proposed lot that could achieve compliance with the BMO provisions for development of a single dwelling; &
- Any future planning application to construct a dwelling within the area of the Bushfire Management Overlay on the proposed lots to be created will need to demonstrate compliance with the provisions of the BMO.

Certification and Statement of Compliance

CFA consents under Section 9 of the *Subdivision Act 1988* to the Certification of the Plan of Subdivision. CFA does want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*.

CFA also consents to the Statement of Compliance for Subdivision under the *Subdivision Act 1988*.

If you wish to discuss this matter in more detail, please do not hesitate to contact the Fire Safety Team on 03 9262 8578.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Peter Rogasch', with a stylized flourish at the end.

Peter Rogasch,
Fire Safety Officer
Community Service Delivery
Country Fire Authority

cc: Development Solutions Victoria Pty Ltd
admin@devsolvic.com.au

Robert Pringle

From: David B Wilson (DJPR) <[redacted]>
Sent: Wednesday, 9 September 2020 3:05 PM
To: Robert Pringle
Subject: RE: URGENT - 123/2020/P - 277 & 355 Deptford Road GRANITE ROCK

Hi Robert,

I've had a look at this proposal and will provide you with formal response shortly. However following a review of the proposal DJPR would object to the grant of a planning permit on the basis of the following aspects:

The subject land does not meet the farming objectives of the zone and as such this will have an impact on the existing Work Authority, should a dwelling proposal follow.

The existing extractive industry is a blasting quarry and as such will present a risk to property, human life and infrastructure in the event that a future dwelling is proposed on the site or sought.

The existing zoning for the extractive industry will enable a greater expansion of the quarry and as such should not be compromised.

I note that 13.07-1S land use compatibility is applicable in this instance and as such this development would compromise the potential or future expansion of the quarry as provided by the relevant zone.

Happy to discuss further any of the above, and will further written advice following this email.

Kind Regards,

David Wilson
Senior Advisor – Planning | Earth Resources Regulation | Resources
Level 19, 1 Spring Street, Melbourne Victoria 3000
GPO Box 4509 Melbourne Victoria 3001
Tel: [redacted]
Mob: [redacted]


djpr.vic.gov.au.



Jobs,
Precincts
and Regions



[LinkedIn](#) | [YouTube](#) | [Twitter](#)

 We acknowledge the traditional Aboriginal owners of country throughout Victoria, their ongoing connection to this land and we pay our respects to their culture and their Elders past, present and future.

From: Robert Pringle <[redacted]>
Sent: Wednesday, 9 September 2020 1:03 PM
To: David B Wilson (DJPR) <[redacted]>
Cc: Development Approvals (DELWP) <[redacted]>
Subject: FW: URGENT - 123/2020/P - 277 & 355 Deptford Road GRANITE ROCK

Good afternoon David,

As discussed.

■ **Robert Pringle** ■ *Acting Senior Land Use Planner*

 Please consider the environment before printing this e-mail.

From: Planning Unit Administration <Planning@egipps.vic.gov.au>
Sent: Wednesday, 9 September 2020 12:29 PM
To: Development.approvals@delwp.vic.gov.au
Cc: Robert Pringle <robert.pringle@delwp.vic.gov.au>
Subject: URGENT - 123/2020/P - 277 & 355 Deptford Road GRANITE ROCK

Good Afternoon,

Much apologies for this is late notice but could we please ask if you could urgently review this planning permit application and contact our Senior Planner, Robert Pringle on 5153 9637 as soon as practical.

The referral is "Notice of proposal in accordance with Section 52(1)(c) Clause 52.09-7"

Kind Regards
Kerry

<https://egipps-my.sharepoint.com/:...>

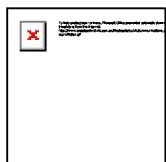
this link will delete 8 October 2020



Kerry Stow ■ *Land Use Administration Officer* ■ [East Gippsland Shire Council](#)

■ **P:** 03 5153 9500 ■ **F:** 03 5153 9576 ■ PO Box 1618, Bairnsdale, Vic 3875

Please consider the environment before printing this e-mail.



East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawel people as the Traditional Custodians of the land that encompasses East Gippsland Shire.
We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.

Government of Victoria, Victoria, Australia.

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