

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	9 Banool Close METUNG VIC 3904 Lot: 12 LP: 214612
The application is for a permit to:	Development of a Dwelling
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
44.01-2	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
44.06-2	Construct a building or construct or carry out works
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2024.435.1

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

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

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

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

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

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

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

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

VOLUME 09869 FOLIO 699

Security no : 124120749881H
Produced 18/12/2024 08:52 AM

LAND DESCRIPTION

Lot 12 on Plan of Subdivision 214612Q.
PARENT TITLE Volume 09599 Folio 646
Created by instrument LP214612Q 05/04/1989

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

AS110934C 24/04/2019

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT (as to whole or part of the land) in instrument P852773T

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP214612Q 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: 9 BANOOL CLOSE METUNG VIC 3904

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



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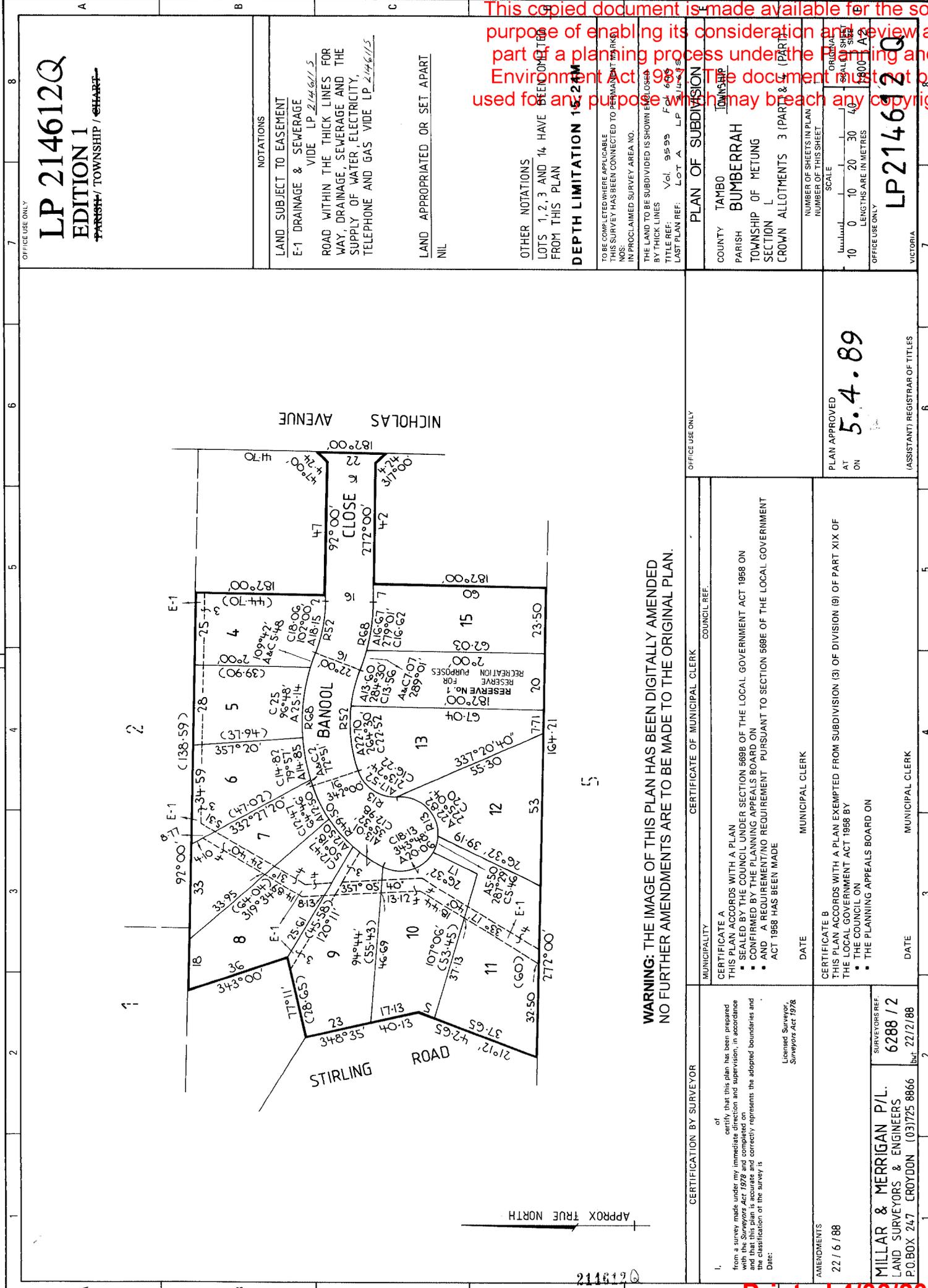
Document Type	Plan
Document Identification	LP214612Q
Number of Pages (excluding this cover sheet)	1
Document Assembled	18/12/2024 08:52

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WARNING: THE IMAGE OF THIS PLAN HAS BEEN DIGITALLY AMENDED
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OFFICE USE ONLY
LP 214612Q
EDITION 1
~~PARISH / TOWNSHIP / SHEET~~

NOTATIONS
LAND SUBJECT TO EASEMENT
E-1 DRAINAGE & SEWERAGE
VIDE LP 214611/5
ROAD WITHIN THE THICK LINES FOR
WAY, DRAINAGE, SEWERAGE AND THE
SUPPLY OF WATER, ELECTRICITY,
TELEPHONE AND GAS VIDE LP 214611/5

LAND APPROPRIATED OR SET APART
NIL

OTHER NOTATIONS
LOTS 1, 2, 3 AND 14 HAVE BEEN MONITORED
FROM THIS PLAN

DEPTH LIMITATION 15 210M

TO BE COMPLETED WHERE APPLICABLE
THIS SURVEY HAS BEEN CONNECTED TO PERMANENT SURVEY MARKS
IN PROCLAIMED SURVEY AREA NO.

THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED
BY THICK LINES
TITLE REF: Vol. 9599 Fol. 609
LAST PLAN REF: LOT A LP 214611/5

PLAN OF SUBDIVISION
COUNTY TAMBO
PARISH BUMBERRAH
TOWNSHIP OF METUNG
SECTION L
CROWN ALLOTMENTS 3 (PART) & 4 (PART)

NUMBER OF SHEETS IN PLAN
NUMBER OF THIS SHEET

SCALE
ORIGINAL SCALE
10 0 10 20 30 40
LENGTHS ARE IN METRES

OFFICE USE ONLY
LP 214612Q

VICTORIA
7

OFFICE USE ONLY

PLAN APPROVED
AT 5.4.89
ON

(ASSISTANT) REGISTRAR OF TITLES
6

CERTIFICATE OF MUNICIPAL CLERK

MUNICIPALITY
COUNCIL REF.

CERTIFICATE A
THIS PLAN ACCORDS WITH A PLAN
SEAL BY THE COUNCIL UNDER SECTION 568B OF THE LOCAL GOVERNMENT ACT 1988 ON
CONFIRMED BY THE PLANNING APPEALS BOARD ON
AND A REQUIREMENT/NO REQUIREMENT PURSUANT TO SECTION 568E OF THE LOCAL GOVERNMENT ACT 1988 HAS BEEN MADE

DATE MUNICIPAL CLERK

CERTIFICATE B
THIS PLAN ACCORDS WITH A PLAN EXEMPTED FROM SUBDIVISION (3) OF DIVISION (9) OF PART XIX OF THE LOCAL GOVERNMENT ACT 1988 BY
THE COUNCIL ON
THE PLANNING APPEALS BOARD ON

DATE MUNICIPAL CLERK

CERTIFICATION BY SURVEYOR

I, of certify that this plan has been prepared from a survey made under my immediate direction and supervision, in accordance with the Surveyors Act 1978 and completed on and that this plan is accurate and correctly represents the adopted boundaries and the location of the survey.

Date: Licensed Surveyor, Surveyors Act 1978

AMENDMENTS
22 / 6 / 88

SURVEYORS REF.
6288 / 2
MILLAR & MERRIGAN P/L.
LAND SURVEYORS & ENGINEERS
P.O. BOX 247 CROYDON (03) 725 8866
22/2/88

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm

ONLY CERTIFICATE A OR CERTIFICATE B TO BE COMPLETED
DELETE WORDS NOT APPLICABLE



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Document Identification	P852773T
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DK STANTCHEV + Co

181690 1141 45 30 173527731

P852773T

Code 1607-C

REGD.

VICTORIA

TRANSFER OF LAND

Subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this instrument the transferor for the consideration expressed at the request and by the direction of the directing party (if any) transfers to the transferee the estate and the interest specified in the land described together with any easement hereby created and subject to any easement hereby reserved or restrictive covenant herein contained or covenant created pursuant to statute and included herein. (Notes 1-4)

Land (Note 5)

Certificate of Title Volume 9869 Folio 699

Consideration (Note 6)

\$30,000.00

Transferor (Note 7)

GRANEBY PTY. LTD.

Transferee (Note 8)

~~LEON BOZINOVSKI of 1 Douglas Street, North Altona, and,~~
DARNIELLE BOZINOVSKI^{both} of 1 Douglas Street, North Altona, as joint proprietors

Estate and Interest (Note 9)

All its estate and interest in the fee simple

Directing Party (Note 10)

Nil

Creation (or Reservation) of Easement and/or Covenant (Notes 11-12)

See Overleaf

STAMP DUTY CHECKED
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STAMP DUTIES OFFICE VICTORIA

A memorandum of the within instrument has been entered in the Register Book.



Approval No. T2/1

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Covenant: "And the said Transferees with the intent that the benefit of this covenant shall be attached to and run at law and in equity with all of the lots in plan of Subdivision number 214612Q other than the land hereby transferred and that the burden of this covenant shall be attached to and run at law and in equity with the land hereby transferred do hereby for themselves their successors and transferees registered proprietor or proprietors for the time being of the land hereby transferred and as separate covenants covenant with the transferors their successors transferees and registered proprietor or proprietors for the time being of all of the lots comprised in the said plan of subdivision number 214612Q other than the lot hereby transferred that they shall not:

- (a) construct any building or buildings unless 75 percentum of brick, brick veneer, timeber or glass and using only new materials save for the use of secondhand bricks;
- (b) permit or cause to be permitted any building or outbuildings constructed on the land to have a roof constructed of cement sheet or unpainted or exposed metal;
- (c) extract or remove or permit the extraction or removal of any soil gravel or other earth material from the said land except for the purpose of excavating for the foundations of a building or outbuildings swimming pool or garden landscaping;
- (d) use or permit to be used the said land or any building thereon for the purpose of commercial breeding, or training kennels for cats or dogs, nor to keep poultry;
- (e) use or permit to be used the said land or any part thereof for any offensive or noxious purpose.

And it is intended that this covenant shall appear as an encumbrance on the certificate of title to issue in respect of the land hereby transferred."

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Date *Eighteenth Day of June 1990*

(Note 13)

Execution and Attestation

(Note 14)

THE COMMON SEAL of GRANEBY PTY. LTD.)
was hereunto affixed in accordance)
with its Articles of Association)
in the presence of:)



Director *[Signature]*
Secretary *[Signature]*

SIGNED by the Transferees)
in the presence of:)
)

[Signature]

[Signature]

M. D. Bennett

East Gippsland Shire Council

273 Main Street (PO Box 1618)
 Bairnsdale VIC 3875
 Website www.eastgippsland.vic.gov.au
 Email feedback@egipps.vic.gov.au
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 Fax: (03) 5153 9576
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Planning Permit Application

Applicant Details:

Applicant name:							
Business trading name: (if applicable) DEVELOPMENT SOLUTIONS VICTORIA PTY LTD							
Email address: ADMIN@DEVSOLVIC.COM.AU							
Postal address: 48 BAILEY STREET, BAIRNSDALE							
			Postcode	3	8	7	5
Phone number: Home:		Work: 03 5152 4858		Mobile:			

Owners Details: (if not the applicant)

Name:							
Business trading name: (if applicable) DEVELOPMENT SOLUTIONS VICTORIA PTY LTD							
Email address: ADMIN@DEVSOLVIC.COM.AU							
Postal address: 48 BAILEY STREET, BAIRNSDALE							
			Postcode	3	8	7	5
Phone number: Home:		Work: 03 5152 4858		Mobile:			

Description of the Land:

Street number:		Street name: 9 BANOOL CLOSE							
Town: METUNG					Postcode	3	9	0	4
Legal Description:									
Lot Number: 12		<input type="checkbox"/> Lodged plan <input type="checkbox"/> Title plan <input checked="" type="checkbox"/> Plan of Subdivision				Number: 214612Q			
Crown Allotment Number:					Section Number:				
Parish/Township Name:									
Has there been a pre-application meeting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Officers name:				
Your reference number: 24166									

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

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

East Gippsland Shire Council

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Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description of proposal: Describe the use, development or other matter which needs a permit: DEVELOPMENT OF A DWELLING AND ASSOCIATED EARTHWORKS <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
Existing conditions: Describe how the land is used and developed currently: VACANT LAND <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
Estimated cost of development: Note: You may be required to verify this estimate	\$ 750,000

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

Please make sure that:

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

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

Who is the invoice to be made out to? _____

Declaration:

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

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

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

Applicant signature: _____	
Name: DEVELOPMENT SOLUTIONS VICTORIA PTY LTD	Date: 19 / 12 / 2024

Submitting your application:

Electronic	Fax to 03 5153 9576 Email to planning@egipps.vic.gov.au	
Mail	Post the signed, completed form together with any applicable fees or copies of any documentation to: PO Box 1618 BAIRNSDALE VIC 3875.	
In Person	Bring the completed form and supporting documents to any of the following locations;	
	Service Centre Opening Hours: 9.00am to 5:00pm. Monday to Friday.	Bairnsdale Corporate Centre: 273 Main Street. Bairnsdale Service Centre: 24 Service Street. Bairnsdale Business Centre: 34 Pyke Street. Lakes Entrance Service Centre: 18 Mechanics Street. Omeo Service Centre: 179 Day Avenue. Orbost Service Centre: 1 Ruskin Street. Paynesville Service Centre: 55 The Esplanade.
	Mallacoota Service Centre Opening Hours: Monday and Tuesday 10.00am to 2.00pm Wednesday, Thursday, Friday 2.00pm to 5.00pm	Mallacoota Service Centre: 70 Maurice Avenue

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DEC
20
24



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APPLICATION FOR PLANNING PERMIT

DEVELOPMENT OF A DWELLING AND ASSOCIATED EARTHWORKS

9 BANOOL CLOSE, METUNG

REF: 24166

CONTENTS

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2	Site Context	5
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5	Planning Assessment	18
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APPENDIX

- A Copy of Title
- B Proposed Development Plans
- C Geotechnical Risk Assessment waiver
- D Bushfire Management Plan

DOCUMENT REVISION

1	Draft Report	DAC	18/12/2024
2	Final Report	CMC	20/12/2024

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1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of the applicant for this planning permit application for the Development of a Dwelling and associated Earthworks at 9 Banool Close, Metung.

The objective of the proposal is to develop the subject site with a modern, functional and attractive residential dwelling that will contribute to housing supply within an existing residential area of Metung.

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

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

Address	9 Banool Close, Metung
Site Description	Lot 12 on Plan of Subdivision 214612Q
Title Particulars	Volume 09869 Folio 699
Site Area	1391m ²
Proposal	Development of a Dwelling and associated Earthworks
Planning Scheme	East Gippsland Planning Scheme
Zone	General Residential Zone – Schedule 1
Overlays	Bushfire Management Overlay Design and Development Overlay – Schedule 11 Erosion Management Overlay Vegetation Protection Overlay – Schedule 3
Aboriginal Cultural Heritage	Identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 44.01-2 Erosion Management Overlay – Buildings and Works Clause 43.02-2 Design and Development Overlay – Buildings and Works Clause 44.06-2 Bushfire Management Overlay – Buildings and Works
Notice	Exempt from notice at Clause 44.06-7 and 44.01-7
Referrals	No referrals required
Work Authority Licence	No work authority licence on or immediately surrounding the site
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Settlement – Coastal settlements – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Erosion and landslip – Clause 13.04-2S Built environment and heritage – Clause 15 Housing – Clause 16 Bushfire Management Overlay – Clause 44.06 Design and Development Overlay – Clause 43.02 Erosion Management Overlay – Clause 44.01 Decision guidelines – Clause 65

2. SITE CONTEXT

Site

The subject site is located at 9 Banool Close, Metung. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is affected by a restrictive covenant registered as P852773T.

P852773T

The Covenant provides restrictions on building materials and uses of the land. The proposed dwelling does not contravene any condition set out in the above-mentioned covenant.

The subject site is irregular in shape with a total area of approximately 1,391m² and is currently vacant land.

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

The boundaries of the subject site are undefined, save for the southern boundary which is defined with post and wire fencing.

There is no formal access to the subject site. Informal access is via the northern boundary directly from Banool Close. Banool Close is a bitumen sealed road ending in a court bowl.

Banool Close traverses in a northeast to southwest direction at the site.

The subject site in relation to Metung as well as the surrounding land is shown in the

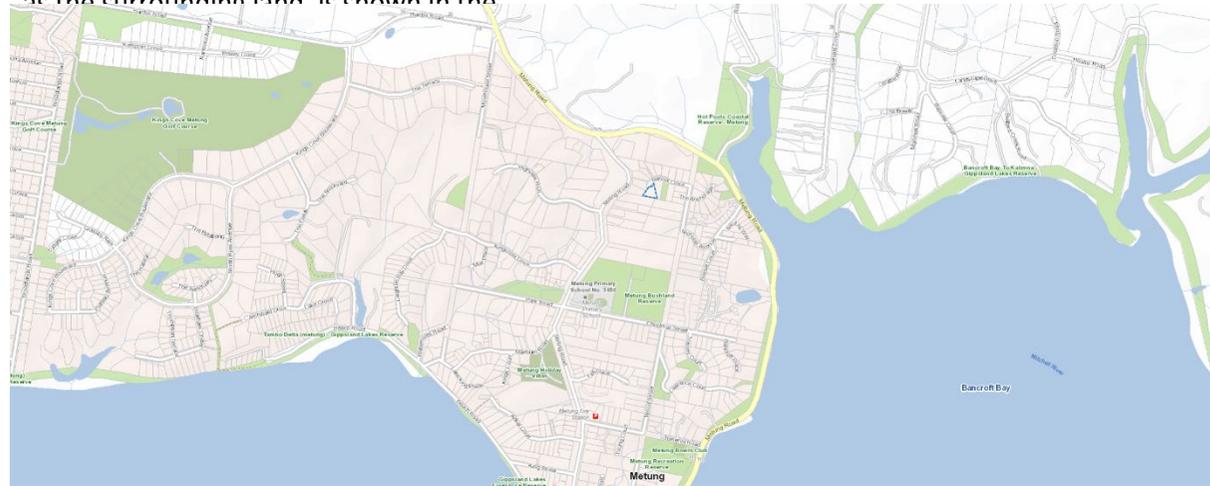


Figure 1 – Locality Plan – 9 Banool Close, Metung (source: mapshare.vic.gov.au)



Figure 2 – Locality Plan – 9 Banool Close, Metung (source: mapshare.vic.gov.au)

Surrounds

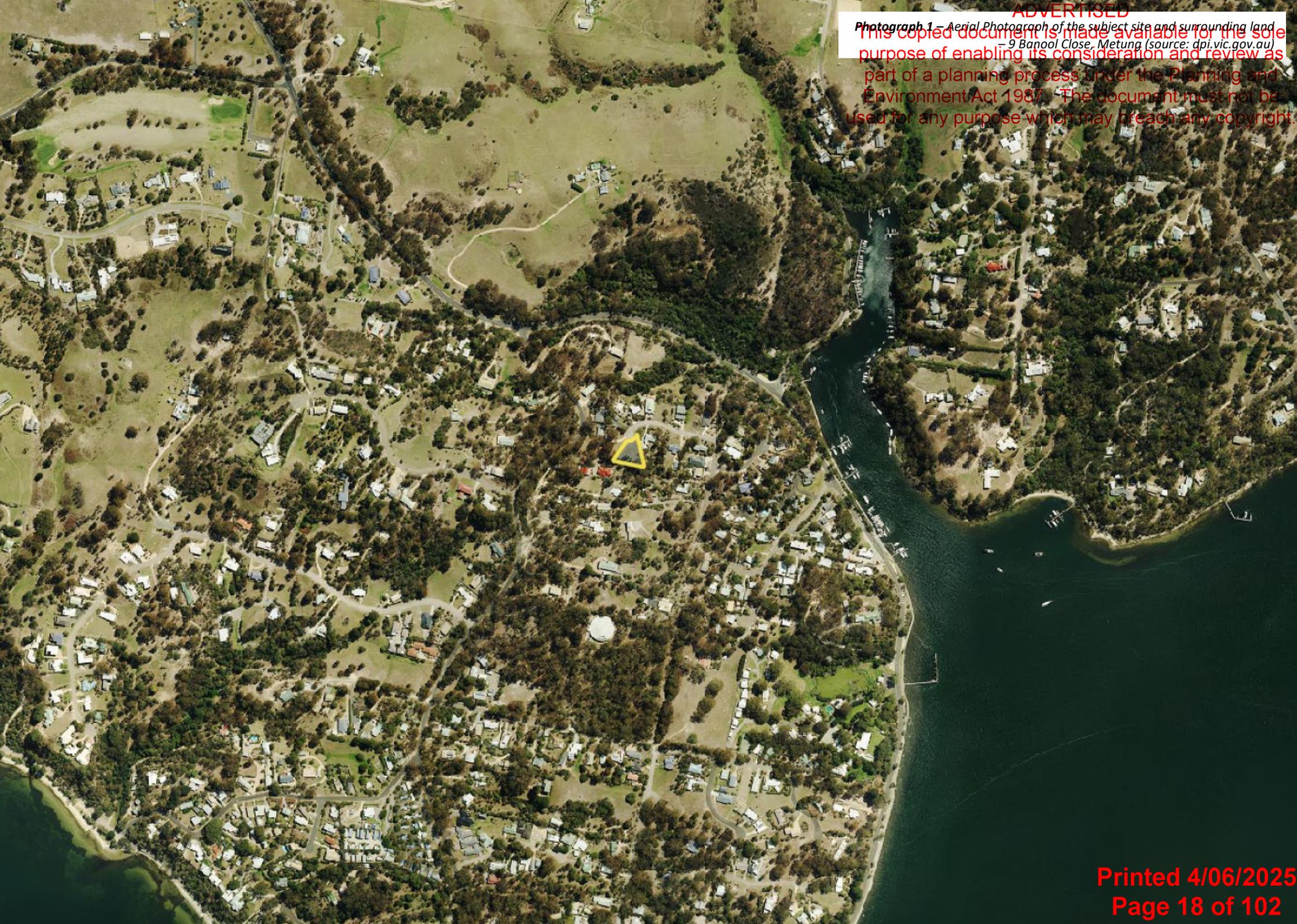
The land in this locality is a combination of public and residential land.

Adjoining the northern boundary of the subject site is Banool Close and further land containing existing dwellings and associated facilities. Land adjoining the eastern, southern and western boundaries comprises of existing residential dwellings and associated facilities.

Metung is a small village located on the Gippsland Lakes, centrally between Bairnsdale and Lakes Entrance. Metung is a significant fishing village with a focus on tourism and water sports. Metung has a suitable level of community and commercial services and facilities to support the existing residential component.

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





ADVERTISED
Photograph 1 – Aerial Photograph of the subject site and surrounding land
– 9 Banool Close, Metung (source: dpi.vic.gov.au)
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Photograph 2 – Subject site at 9 Banool Close, Metung.



Photograph 4 – Subject site facing northeast.



Photograph 6 – Subject site facing south.



Photograph 3 – Subject site facing north showing location of proposed access.



Photograph 5 – Subject site facing east.



Photograph 7 – Subject site facing west along southern boundary.



Photograph 8 – Neighbouring property to the northwest of the subject site at 13 Banool Close, Metung.



Photograph 10 – Neighbouring property adjoining the southern boundary at 126 Stirling Road, Metung.



Photograph 12 – Banool Close facing east.



Photograph 9 – Neighbouring property adjoining the eastern boundary at 7 Banool Close, Metung.



Photograph 11 – Neighbouring property adjoining the western boundary at 11 Banool Close, Metung.



Photograph 13 – Banool Close facing west.

3. THE PROPOSAL

This application seeks approval for the development of a dwelling and associated earthworks. The proposed development plans are contained in **Appendix B**.

The proposed dwelling will be located in the southern portion of the subject site with a setback of approximately 19.15 metres to the northern boundary being Banool Close, 11.38 metres to the eastern boundary, 2.93 metres to the southern boundary and 2.52 metres to the western boundary.

The proposed dwelling will have a total building footprint of approximately 313.8 and will be a double storey dwelling. The overall proposed height of the dwelling is 6.4 metres above natural ground level as indicated on the proposed development plans.

The finished materials and colours of the proposed dwelling will include a combination of face brickwork in the colour ‘steel river grey’, vertical metal sheeting will be in the colour ‘Monument’ and horizontal metal sheeting ‘Basalt.’ The roof will be finished with Colorbond metal sheeting in the Colorbond colour, ‘Wallaby.’ A full colour and material schedule is contained in the proposed development plans contained in **Appendix B**.

An extract of the proposed floor plan, north elevation and colour schedule are provided in **Figure 3** and in **Appendix B**.

Vehicle access to the site is proposed along the northern boundary, directly from Banool Close via a concrete crossover and driveway.

The proposed dwelling will connect to all available services including reticulated water, sewerage, electricity, telecommunications and the existing road network.

Drainage from the proposed dwelling will be directed to the 10,000 litre water tank dedicated for CFA purposes in the first instance with overflow directed to the legal point of discharge to the satisfaction of the responsible authority.



Figure 3 – Proposed Colour Schedule – Tom hardy Designs

The proposal will require earthworks that will exceed 1 metre. Retaining structures are proposed and are indicated on the proposed development plans. A Geotechnical Risk Assessment waiver is contained in **Appendix C**.

The subject site can achieve a BAL 29 rating, a Bushfire Management Report is contained in **Appendix D**.

Some vegetation will require removal to facilitate the proposed dwelling, however, the vegetation proposed to be removed is exempt from the need to obtain planning approval as it is within the defendable space area.

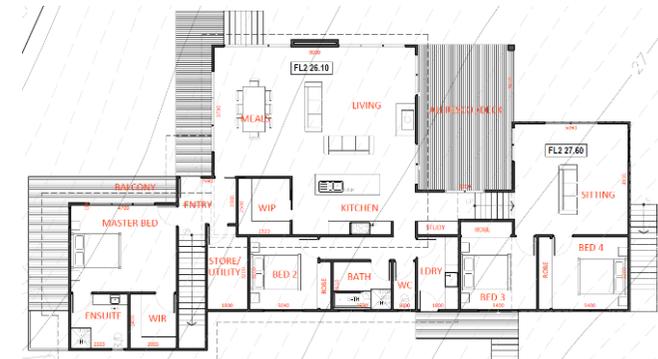


Figure 4 – Floor Plan – Tom hardy Designs

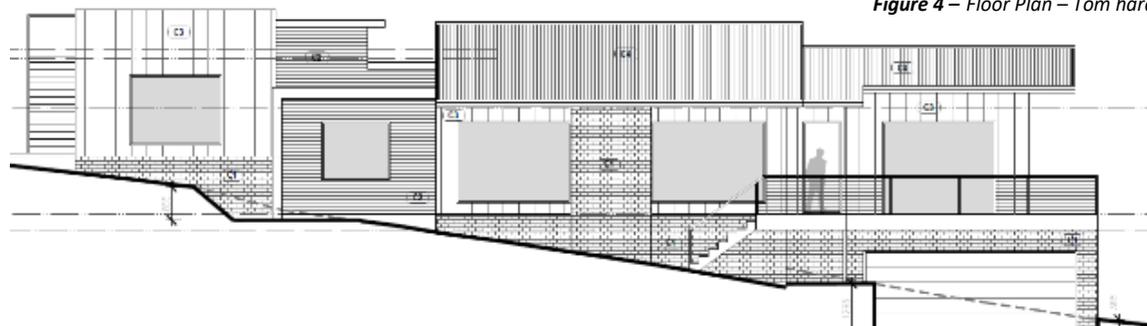


Figure 5 – North Elevation – Tom hardy Designs

4. ZONES AND OVERLAYS

General Residential Zone - Schedule 1

The purpose of the General Residential Zone is:

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

An extract of the General Residential Zone Map is provided in **Figure 6**.

A permit is not required for the use and development of one dwelling on a lot under the provisions of the General Residential Zone.

Clause 32.08-4 provides the minimum garden area for an allotment above 650m² is 35%. The proposal meets the garden area requirement.

As such a permit is not required, this is not addressed further.

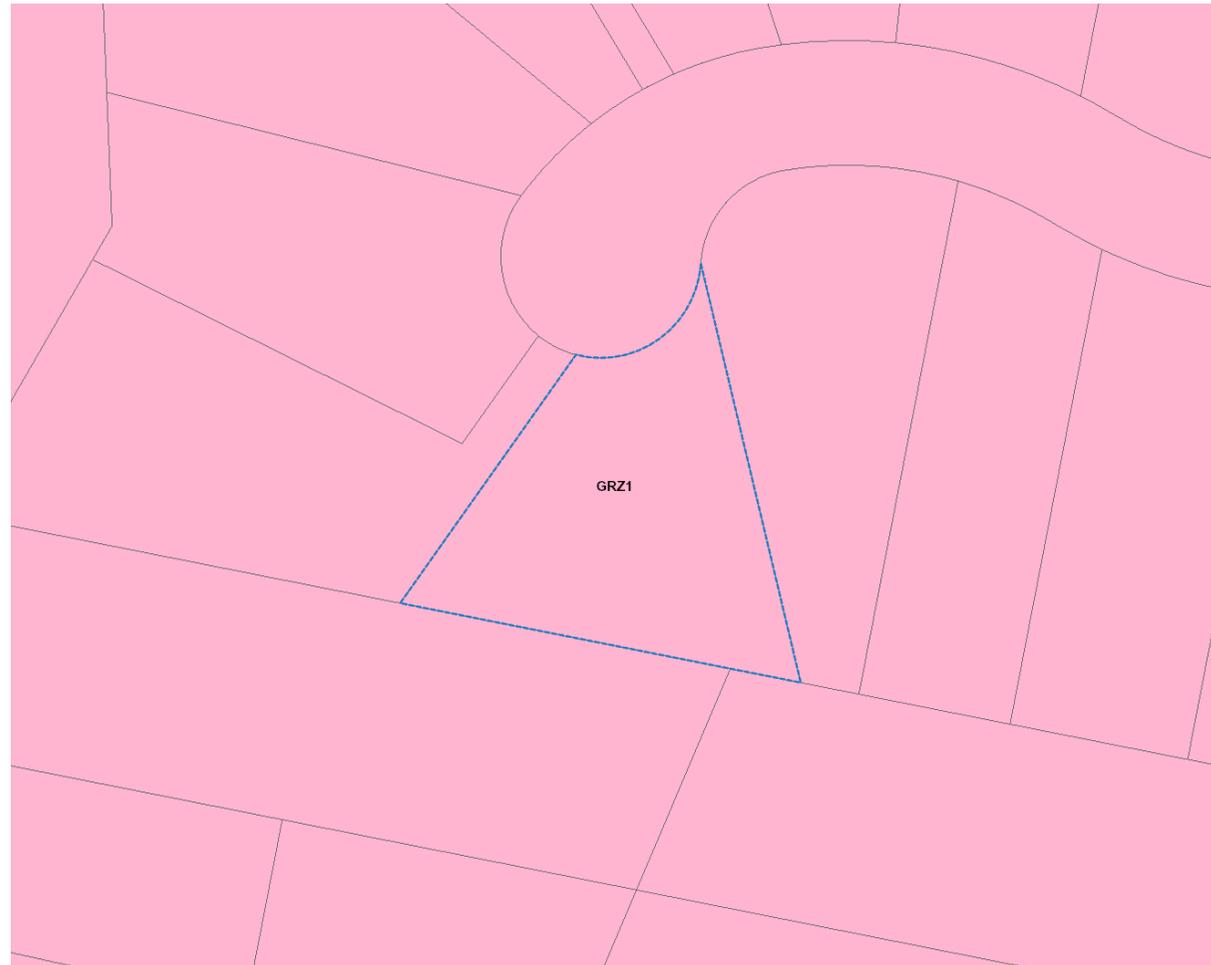


Figure 6 – General Residential Zone – (source - mapshare.vic.gov.au)

Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is:

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

An extract of the Bushfire Management Overlay Map is provided in **Figure 7**.

Clause 44.06-2 provides a permit is required to construct a building or construct or carry out works associated with accommodation.

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

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

The proposed dwelling requires planning approval under the provisions of the Bushfire Management Overlay and Clause 53.02-3.1 and as such the decision guidelines are addressed below in Section 5.

A Bushfire Management Report is contained in **Appendix D**.

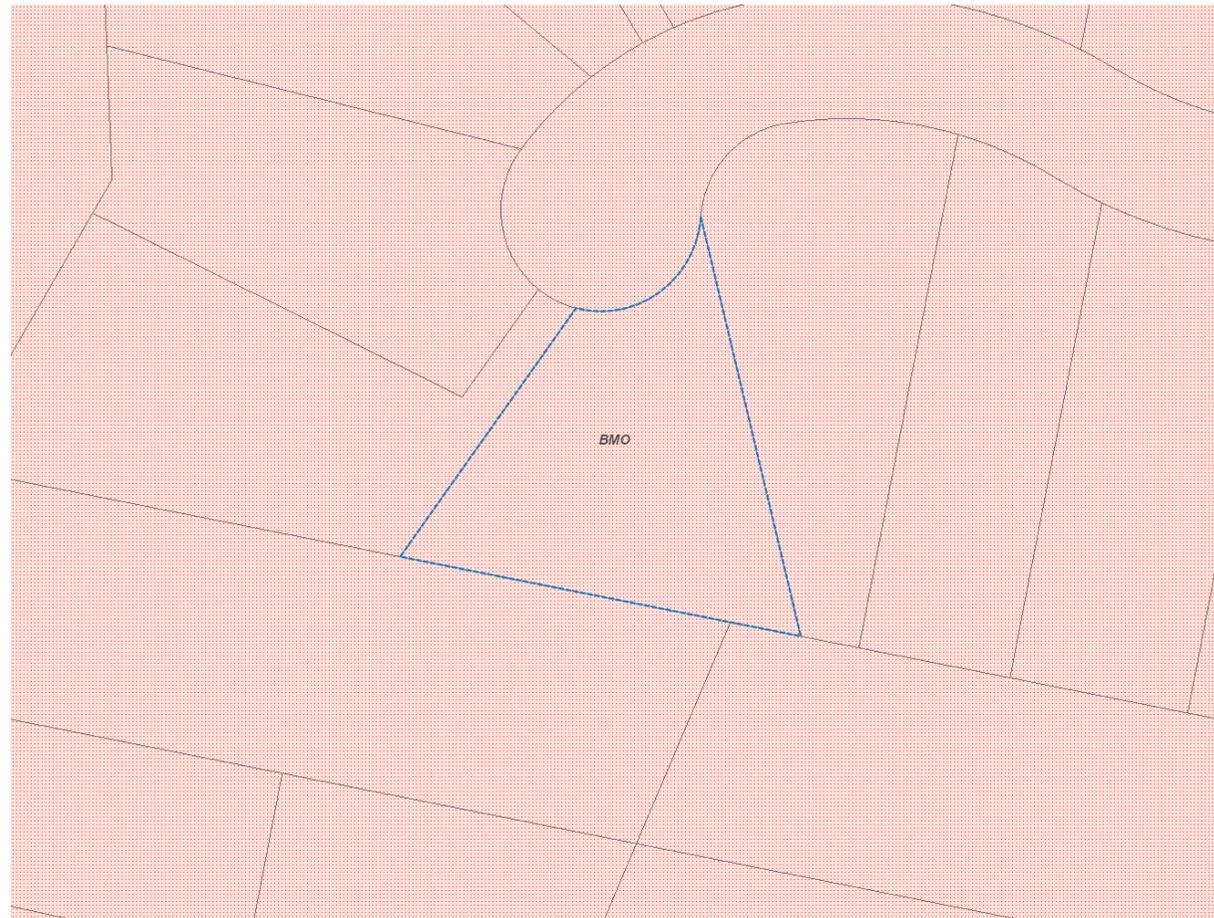


Figure 7 – Bushfire Management Overlay – (source - mapshare.vic.gov.au)

Design and Development Overlay – Schedule 11

The purpose of the Design and Development Overlay is:

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

An extract of the Design and Development Overlay Map is provided in **Figure 8**.

Clause 43.02-2 – Buildings and works provides a permit is required to construct a building or construct or carry out works. The schedule provides a permit is required for: a building height greater than 7.5 metres, if the total building footprint exceeds 300m² and if the slope of the land is greater than 15 percent.

The proposed dwelling will exceed 300m² and as such a permit is required, the relevant decision guidelines are addressed in Section 5 of this submission.

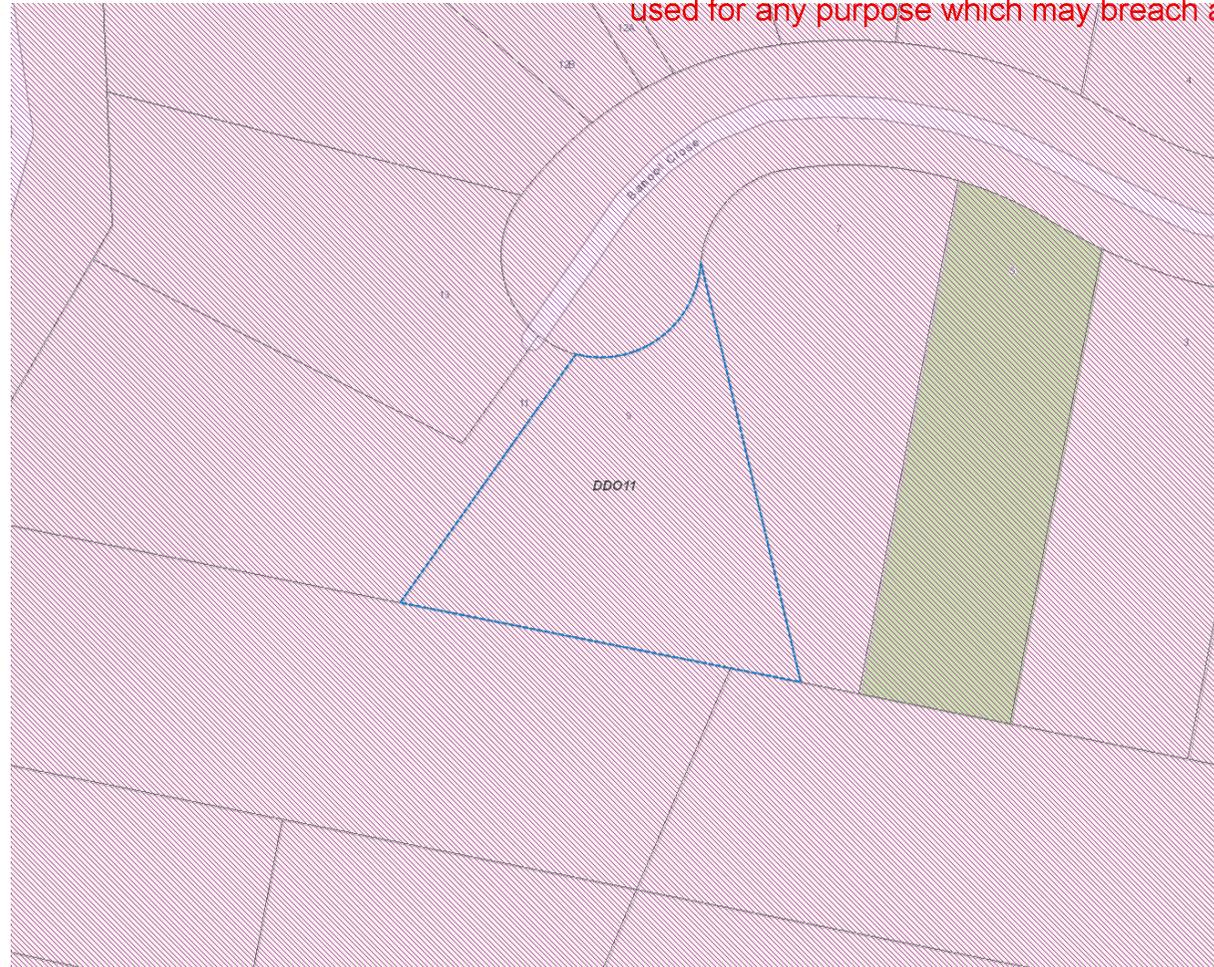


Figure 8 – Design and Development Overlay – (source - mapshare.vic.gov.au)

Design and Development Overlay – Schedule 11 continued:

Schedule 11 to the Design and Development Overlay relates to Residential Development in Coastal Settlements and contains the following design objectives:

- To protect and manage the township character of coastal settlements.
- To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.
- To ensure that new development is designed to minimise visual impacts on the natural landscape.
- To ensure that new development is visually and physically integrated with the site and surrounding landscape.
- To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.
- To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.
- To ensure that the scale and character of existing development in areas fronting Marine Parade in Marlo and on the lake frontage at Newlands Arm is preserved and that any new development should be consistent with the prevailing development form and height to retain the existing character and view corridors.
- To ensure that the subdivision of land within the Newlands Arm Estate is consistent with the Newlands Arm Estate Restructure Plan, Version 7 (March 2017).

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, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

An extract of the Erosion Management Overlay Map is provided in **Figure 9**.

Clause 44.01-2 provides a permit is required to construct a building or construct or carry out works. The schedule provides a permit is not required for the development of a dwelling however is required for earthworks that exceed 1 metre in depth.

The proposed earthworks will exceed 1 metre in depth and as such a permit is required, the relevant decision guidelines are addressed in Section 5.

A Geotechnical Risk Assessment Waiver is provided in **Appendix C**.



Figure 9 – Erosion Management Overlay – (source - mapshare.vic.gov.au)

Vegetation Protection Overlay – Schedule 3

The purpose of the Vegetation Protection Overlay is:

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

An extract of the Vegetation Protection Overlay Map is provided in **Figure 10**.

Clause 42.02-2 provides a permit is required to remove, destroy or lop any vegetation. The proposed vegetation requiring removal is exempt under the provisions of Clause 52.12-5 being an exemption to create defensible space for a dwelling. As such a permit is not required, this is not addressed further.



Figure 10 – Vegetation Protection Overlay – (source - mapshare.vic.gov.au)

Aboriginal Cultural Heritage

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

The development of a dwelling is an exempt activity, and as such a Cultural Heritage Management Plan is not required.

An extract of the Aboriginal Cultural Heritage Map is provided to the right in **Figure 11**.

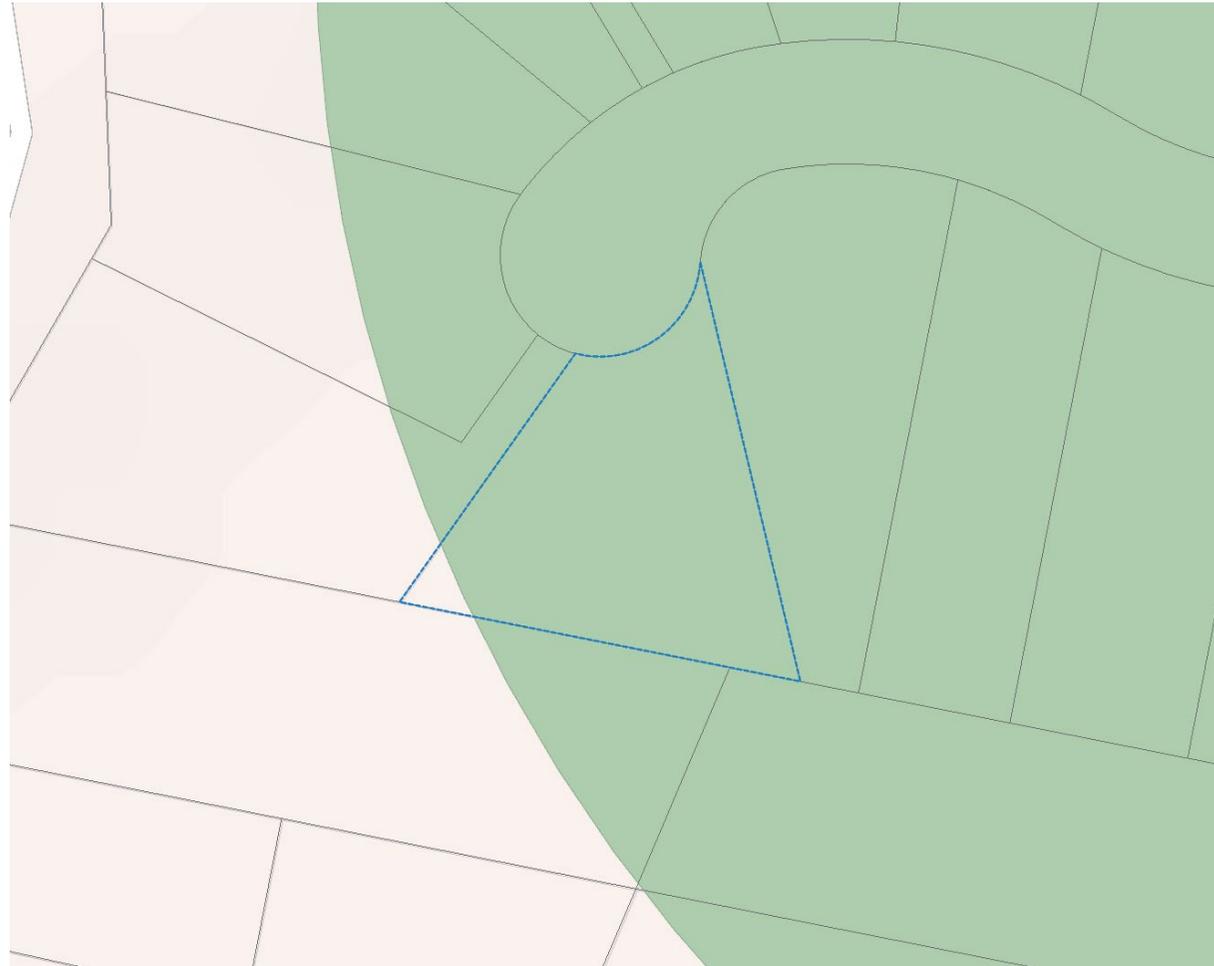


Figure 11 – Aboriginal Cultural Heritage Map – (source - mapshare.vic.gov.au)

5. PLANNING ASSESSMENT

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

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02** and the Planning Policy Framework at **Clause 10** providing for an appropriate residential dwelling that can be respectful of the existing surrounding development and the environment.
 - The proposal will contribute to a high standard of environmental sustainability, urban design and amenity by designing a dwelling to meet the constraints of the land reducing any potential negative environmental implications as sought to achieve by the relevant clauses including **Clause 02.03** and **Clause 11**.
 - **Clause 02.03-1** identifies Metung as a coastal settlement. The proposed dwelling will connect to all available services and infrastructure including reticulated water, sewerage, electricity, telecommunications and a good quality road network.
 - **Clause 13.04-2S** requires consideration of erosion and landslip. The subject site and proposed development are within an area identified as being susceptible to erosion.
- Earthworks exceeding one metre in depth will be required for the proposed dwelling. All preventative measures will be undertaken during the construction phase to ensure no erosion hazards occur. A Geotechnical Risk Assessment Waiver is contained in **Appendix C**.
- The proposal meets the objectives of **Clause 16** by providing an additional dwelling within an existing, mostly developed general residential area that will in turn support housing for the community.
 - **Clauses 02.03-3, 13.01-1S** and **44.06** require consideration of bushfire hazards and implications as a result of any proposed development. A Bushfire Management Report is provided in **Appendix D** which concludes the subject site can achieve a BAL29 rating. The proposed dwelling will be constructed to the requirements of the BAL29 rating. All approved bushfire protection measures have been incorporated into the proposal including defendable space for a distance of 50 metres or to the property boundary, whichever is lesser and a 10,000 litre water tank is to be located in the northern portion of the site in proximity to the northern boundary. **Clause 44.06-4** provides the application must meet the requirements of **Clause 53.02**. All of the approved measures set out in Clause 53.02-3 have been incorporated into the proposal and it is concluded the risks can be reduced to an acceptable level.
 - The proposal is consistent with the decision guidelines of the Design and Development Overlay at **Clause 43.02-6** which seeks to identify areas which are affected by specific requirements relating to the design and built form of new development.
 - The proposed dwelling will result in an appropriate double storey development that will be used for residential purposes that is not inconsistent with the surrounding residential development. The proposed development will not be visually obtrusive and will be appropriately setback from Banool Close.
 - The subject site and proposed development are located approximately 160 metres west of the Gippsland Lakes Bushland Reserve. The proposed development is unlikely to be visible from the water being Bancroft Bay, particularly given the existing vegetation and residential development surrounding the site
 - The proposed colours of the dwelling have been selected to ensure the development is not visually obtrusive and will be well integrated with the surrounding development and environment. The proposed colours are low reflective and muted in toning. A visual description of the

- proposed colours is provided within the development plans and in Section 3 of this submission.
- The area contains dwellings and associated buildings of various styles and heights.
 - The proposal does not contravene any condition set out in the restrictive covenant P852773T registered on title.
 - **Schedule 11** refers to residential development in coastal settlements and seeks to protect and manage the township character of the area and to ensure that development is visually and physically and integrated with the site and the landscape.
 - The application is seeking approval for the development of a double storey dwelling which is consistent with other development throughout the area. The dwelling will exceed 300m² in area, however is not considered to be visually obtrusive when viewed from the street or surrounding areas. The roof form of the proposed development will be below the prevailing tree canopy. No additional planting is proposed particularly given the bushfire hazards associated with the site. Earthworks will be required for the proposed development and will exceed 1 metre in depth. Some vegetation will require removal to facilitate the proposed development however is exempt from

requiring planning approval under the bushfire provisions.

- The proposal is consistent with the decision guidelines of the Erosion Management Overlay at **Clause 44.01** which seeks to protect areas prone to erosion, landslip, other land degradation.
- Disturbed ground will be appropriately battered and stabilised by structures as indicated on the proposed development plans. An earthworks plan is provided which indicates a maximum cut of approximately 2 metres.
- Access to the site is proposed along the northern boundary directly from Banool Close.
- A Geotechnical Risk Assessment waiver is contained in **Appendix C** that concludes the proposal is unlikely to contribute or cause additional erosion hazards provided standard erosion prevention measures are implemented during the construction phase. It is recommended that silt fences be placed during earthworks on the downslope side of works to protect downstream assets.
- This submission has addressed the decision guidelines of **Clause 65**, and the proposed development supports orderly planning of the area whilst taking into consideration the potential effect on the environment, human health and the amenity of the area.

- Access to the site is proposed along the northern boundary and will extend to the location of the proposed garage, there is unlikely to be any negative impact on the existing road network. The increased traffic as a result of the proposal is unlikely to generate any negative impact on the existing road network.
- There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.

6. CONCLUSION

This submission is in support of a planning permit application for the development of a dwelling and associated earthworks at 9 Banool Close, Metung.

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

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is consistent with the objectives of the Bushfire Management Overlay, Design and Development Overlay and the Erosion Management Overlay.
- The hazards associated with bushfire and erosion can be reduced to an acceptable level.
- The design of the proposed dwelling will be complimentary to the surrounding development and integrates with the character of the area.

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

Development Solutions Victoria

DSV Ref: 24150

Disclaimer:

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

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

2 December 2024

24303

Chloe Higgins
Development Solutions Victoria

GEOTECHNICAL WAIVER – EROSION MANAGEMENT OVERLAY 9 BANOOL CLOSE, METUNG, VIC, 3904

Introduction

Development Solutions Victoria has engaged DBM Geotech to undertake a geotechnical assessment for the proposed development at 9 Banool Close, Metung, VIC, 3904.

The site is within the East Gippsland Shire Council Erosion Management Overlay. This geotechnical assessment has been conducted to identify any areas prone to erosion or land instability.

Site conditions and proposed redevelopment

The site is a residential allotment located at the southern end of Banool Close. The vacant site is approximately 1400m² and the proposed dwelling is approximately 25m by 12m.

Design drawings provided by the client indicate that a split-level dwelling will be constructed at the site. Drawings indicate a site cut of up to about 2m in the area of the garage and that all cut except for one small section will be retained with retaining walls. No fill is proposed at the site.

Site Geology

The 1:250,000 Geological survey map on GeoVic indicates that the site is underlain by the Haunted Hills Formation.

Site Investigation

The fieldwork was carried out on 28 November 2024 and comprised the drilling of one borehole within the proposed building footprint on the supplied design drawings. The purpose of this borehole was to assess the nature of any fill and the underlying natural subsurface materials.

Reports of borehole BH1 are presented in Appendix A. A summary of the ground conditions is presented in Table 1.

Table 1: Summary of subsurface soils

Ground Profile	BH1 (m)
Clayey to Sandy SILT	0 – 0.4
Sandy CLAY	0.4 – 0.8
CLAY	0.8 – 1.2
Sandy CLAY	1.2 – 1.7
Clayey SAND	1.7 – 2.5

Geotechnical Waiver

An engineer from DBM Geotech visited the site on 28 November 2024 and observed the following:

- The site and surrounds are moderately sloping approximately 8 - 10 degrees.
- No evidence of erosion or landslip was observed at the site.

Given slope of the site and the nature of the proposed development we consider that the landslide risk at the site is low. Therefore, in accordance with Section 4 of the East Gippsland Shire Council Erosion management overlay we consider that a full geotechnical assessment is not necessary for the proposed development. We consider that standard design and construction practices can be adopted for construction of the proposed dwelling. Figure 1 presents a photo taken at the time of the site visit.



Figure 1: Site photo – looking south at the site from Banool Close.

2 December 2024

Although a full geotechnical assessment is not necessary, the soils at the site are likely susceptible to erosion when exposed during site works. Therefore, we recommend that the best practice erosion protections measures are implemented and maintained for the proposed development.

Erosion Protection Measures

We recommend that vegetation is left in place as long as possible. The removal of vegetation at the site should be kept to a minimum and any vegetation removal shall only be undertaken where it is necessary to construct driveways and building platforms. Furthermore, where stripping is undertaken across earthworks areas, re-vegetation and/or batter protection should be implemented as soon as possible to reduce the effects of erosion.

We recommend that adequate erosion control measures (i.e. silt fences, diversion banks) be implement during construction and be maintained until vegetation has been established across cleared areas. In addition, we recommend good drainage protection be implemented on batter slopes, roadways and behind retaining walls.

2 December 2024

Limitations

Your attention is drawn to the document – ‘Limitations’ which is attached to this letter report. The statements presented in this document are intended to advise you of what your realistic expectations of this report should be. The document is not intended to reduce the level of responsibility accepted by DBM Geotech, but rather to ensure that all parties who may rely on this report are aware of the responsibilities each assumes is so doing.

Yours sincerely,

DBM Geotech Consulting Pty Ltd



Bill Wang
BEng (Hons) MEngSc (Res) MIEAust CPEng NER
EA Membership number: 2099569
ABN 69 666 900 643

Appendices

Appendix A

Reports of Boreholes

Explanation of abbreviations and descriptive terms used on borehole and test pit logs

Appendix B

Limitations

Appendix A

Reports of Boreholes

Explanation of abbreviations and descriptive terms used on borehole and test pit logs

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

REPORT OF BOREHOLE: BH1

DBM GEOTECH

Job No : 24303
 Client : Development Solutions Victoria
 Project : 9 Banool Close, Metung
 Location : 9 Banool Close, Metung
 Contractor :

Easting : 0.00
 Northing : 0.00
 UTM :
 Drill Rig : Push Tube
 Inclination :

Sheet : 1 OF 1
 Logged : Sam Young
 Logged Date : 28/11/2024
 Checked :
 Checked Date : 28/11/2024

Drilling Method	Water	Depth (m)	Graphic Log	Classification Code	Material Description	Moisture	Consistency/Density	Samples	Testing	Shear Strength
		0.4		ML	Clayey to sandy SILT ML: firm to stiff, low plasticity, dark brown grey, fine grained sand, moist.	M	F-St			
		0.8		CI	Sandy CLAY CI: stiff to very stiff, medium plasticity, mottled light grey orange brown, fine to coarse grained sand, trace fine sized gravel, moist to dry.	M-D	St-VSt			
		1.2		CI	CLAY CI: very stiff, medium plasticity, orange brown, trace fine sized gravel, trace medium to coarse grained sand, moist to dry.		VSt			
		1.7		CI	Sandy CLAY CI: very stiff, medium plasticity, orange brown, fine to medium grained sand, trace fine sized gravel, moist to dry.					
		2.0		SC	Clayey SAND SC: light grey orange, dense to very dense, medium plasticity clay, fine to medium grained, moist to dry.		D-VD			
BH1 Terminated at 2.5m										





EXPLANATION OF ABBREVIATIONS AND DESCRIPTIVE TERMS USED ON BOREHOLE AND TEST PIT LOGS

DRILLING/EXCAVATION METHOD

AD	Auger Drilling	EX	Tracked Hydraulic Excavator
HA	Hand Auger	BH	Backhoe
W	Washbore	HAND	Excavated by Hand Methods

WATER

	Water level shown at date		Water Inflow
GROUNDWATER NOT OBSERVED	The observation of groundwater, weather present or not, was not possible due to drilling water, surface seepage or cave in of the borehole/test pit		
GROUNDWATER NOT ENCOUNTERED	The borehole/test pit was dry soon after excavation. However, groundwater could be present in less permeable strata. Inflow may have been observed had the borehole/test pit been left open for a longer period.		

SAMPLING AND TESTING

SPT	Standard Penetration Test
DS	Disturbed sample
BDS	bulk disturbed sample
W	water sample
FP	field permeability test over section noted
FV	field vane shear tests expressed as uncorrected shear strength
U50	thin walled tube sample
PP	pocket penetrometer test expressed as instrument reading in kPa

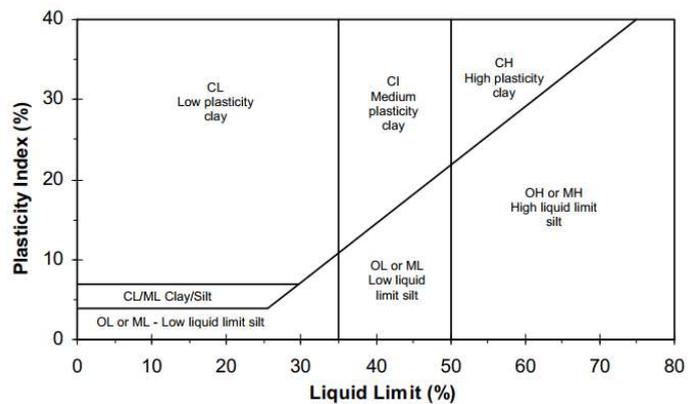
CLASSIFICATION AND INFERRED STRATIGRAPHY

Soil and Rock is classified and describe in Report of Boreholes and Test pits using the preferred method given in AS1726 – 2017, Appendix A. The material properties are assessed in the field by visual/tactile methods.

Particle Size

Major Division	Sub Division	Particle Size
BOULDERS		> 200 mm
COBBLES		63 to 200 mm
GRAVEL	Coarse	20 to 63 mm
	Medium	6.0 to 20 mm
	Fine	2.0 to 6.0 mm
SAND	Coarse	0.6 to 2.0 mm
	Medium	0.2 to 0.6 mm
	Fine	0.075 to 0.2 mm
SILT		0.002 to 0.075 mm
CLAY		< 0.002 mm

Plasticity Properties



MOISTURE CONDITION

Symbol	Term	Description
D	Dry	Sand and gravels are free flowing. Clays & silts may be brittle or friable and powdery.
M	Moist	Soils are darker than in the dry condition and may feel cool. Sands and gravels tend to cohere.
W	Wet	Soils exude free water. Sands and gravels tend to cohere.

CONSISTENCY AND DENSITY

Symbol	Term	Undrained Shear strength	Symbol	Term	Density index %
VS	Very Soft	0 to 12 kPa	VL	Very Loose	Less than 15
S	Soft	12 to 25 kPa	L	Loose	15 to 35
F	Firm	25 to 50 kPa	MD	Medium Dense	35 to 65
St	Stiff	50 to 100 kPa	D	Dense	65 to 85
VSt	Very Stiff	100 to 200 kPa	VD	Very Dense	Above 85
H	Hard	Above 400 kPa			

In the absence of test results, consistency and density may be assessed from correlations with the observed behaviour of the material.

ROCK MATERIAL WEATHERING

RS	Residual Soil	Soil developed on extremely weather rock; the mass structure and substance fabric are no longer evident; there is a large change in volume but the soil has not been significantly transported.
EW	Extremely weathered	Rock is weathered to such an extent that it has soil properties – i.e. it either disintegrates or can be remoulded, in water.
HW	Highly weathered	The whole of the rock material is discoloured to the extent that the colour of the original rock is not recognizable. Rock strength is significantly changed by weathering.

Appendix B

Limitations



LIMITATIONS

This Document has been provided by DBM Geotech Consulting Pty Ltd (DBM Geotech) subject to the following limitations:

This Document has been prepared for the particular purpose outlined in DBM Geotech's proposal and no responsibility is accepted for the use of this document, in whole or in part, in other contexts for any other purpose.

This Document is provided for use solely by DBM Geotech's Client and persons acting on the Client's behalf, such as its professional advisers. No responsibility whatsoever for the contents of this Document will be accepted to any person other than the Client. Any use which a third party makes of this Document, or any reliance on or decisions to be made on it, is the responsibility of such third parties. DBM Geotech accepts no responsibility for damages, if any, suffered by any third party as a result of decision made or actions based on this Document.

The scope and the period of DBM Geotech's Services are as described in DBM Geotech's proposal and are subject to restrictions and limitations. DBM Geotech did not perform a complete assessment of all possible conditions or circumstances that may exist at the site referenced in the Document. If a service or other work is not expressly referred to in this Report, do not assume that it has been provided or performed. If a matter is not addressed in this Report, do not assume that any determination has been made by DBM Geotech in regards to it.

Conditions may exist which were undetectable given the limited nature of the enquiry DBM Geotech was retained to undertake. Variations in conditions may occur between investigation locations, and there may be special conditions pertaining to the site which have not been revealed by the investigation and which have not therefore been taken into account in the Document. Accordingly, additional studies and actions may be required.

DBM Geotech accepts no responsibility for and makes no representation as to the accuracy or completeness of the information provided to it by or on behalf of the Client or sourced from any third party. DBM Geotech has assumed that such information is correct unless otherwise stated and no responsibility is accepted by DBM Geotech for incomplete or inaccurate data supplied by its Client or any other person for whom DBM Geotech is not responsible. DBM Geotech has not taken account of matters that may have existed when the Report was prepared but which were only later disclosed to DBM Geotech.

Having regard to the matters referred to in the previous paragraphs on this page in particular carrying out the Service has allowed DBM Geotech to form no more than an opinion as to the actual conditions at any relevant location. That opinion is necessarily constrained by the extent of the information collected by DBM Geotech or otherwise made available to DBM Geotech. Further, the passage of time may affect the accuracy, applicability or usefulness of the opinions, assessments or other information in this Document. This Document is based upon the information and other circumstances that existed and were known to DBM Geotech when the Services were performed and this Document was prepared. DBM Geotech has not considered the effect of any possible future development included physical changes to any relevant location or change to any laws or regulations relevant to such location.

By date, or revision, the Document supersedes any prior report or other document issued by DBM Geotech dealing with any matter that is addressed in the Document.

Our Ref: 24166

8th April 2025

Petra Wood
Statutory Planning Officer
East Gippsland Shire Council
PO Box 1618
Bairnsdale Vic 3875

Dear Petra,

**Re: Application for Planning Permit No: 5.2024.435.1
9 Banool Close, Metung
Development of a Dwelling**

We act on behalf of _____ the applicant of the land at 9 Banool Close, Metung.

In response to your correspondence dated 23rd January 2025, requesting further information in relation to the above application we offer:

- Revised Development Plans, including an alternative dwelling location.
- Revised Bushfire Management Plan.
- Revised Tree Assessment Report identifying the vegetation to be removed.

While the dwelling location has not significantly changed, it is suggested that, due to the shape of the allotment, developing the dwelling closer to the front of the subject site would not be practical. Furthermore, given that vegetation removal would be required to facilitate any development on the property, the revised proposed location is considered to be a suitable and acceptable outcome.

It is acknowledged that some vegetation will need to be removed to facilitate the development. However, as noted by Roots 2 Leaves Tree Services, the trees identified for removal are non-native species, consisting primarily of lemon, wattle, and other planted or self-sown trees. Therefore, a planning permit is not required for their removal, as these trees do not exceed 2 metres in height or 10 years of age.

It is further acknowledged that there is one large sugar gum on site that will be retained and encroached by the proposed development. However, considering this encroachment has been calculated to remain under 10% there will be no detrimental impact to the Tree Protection Zone. Although vegetation removal within 10 meters of the dwelling is exempt under the BMO, planning approval would not be required if the tree were somehow impacted.

We trust that this information is sufficient to enable the application to proceed and a permit to be granted.

Should you require any further information or wish to discuss any element of the above further, please do not hesitate to contact our office on 03 5152 4858.

Regards

Courtney Campbell
Development Solutions Victoria



Euca Planning

Bushfire Specialists



Bushfire Planning Report Version 1.2

(Including Bushfire Management Statement)

Lot 12 LP214612
9 Banool Close Metung 3904
Traditionally the land of GunaiKurnai People
April 2nd, 2025

Euca Planning Pty Ltd

PO Box 570, Warragul 3820.

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

Director & Principal Consultant: Deanne Smith

Qualifications/Accreditations:

- Masters of Planning (Professional) – Deakin University
- Postgraduate Diploma in Bushfire Planning and Management – The University of Melbourne (2017)
- Graduate Diploma of Applied Science (Agricultural Studies) – Charles Sturt University
- Graduate Certificate in Public Sector Management – Flinders University
 - Bachelor of Science – University of Melbourne (1996)
- Memberships
 - Member of Planning Institute of Australia (MPIA)
- Corporate Bronze Member of Fire Protection Association of Australia

Acknowledgement of Country

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

Disclaimer

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

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

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

Conditions of Use

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Version Control

	Name	Date Completed	Comments
Field Assessment	Courtney Campbell	27 November 2024	
Mapping	Kelly Hedley	11 December 2024	
Initiate report	Charisma Langbid	2 December 2024	
Draft report	Kelly Hedley	11 December 2024	
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Amendment V1.2	Kelly Hedley	2 April 2025	Addressing impacts of biodiversity and BMPV3 dated 02/04/2025

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Executive Summary

This report has been prepared to accompany a planning permit application for a development of a dwelling at 9 Banool Close Metung. The site is within the Bushfire Management Overlay (BMO) and is required to demonstrate that the development has regard for the surrounding bushfire hazards.

This report presents a comprehensive assessment of the hazards and suggests mitigation measures to improve the protection of life and property for the development of a dwelling at 9 Banool Close Metung. The site is within the General Residential Zone (GRZ1) and as such can elect to undertake a Pathway 1 application to meet the objectives and approval measures of Clause 53.02 of the East Gippsland Shire Planning Scheme.

This report includes the following components:

- A **Clause 13.02-1S assessment** considering the intent of the East Gippsland Planning Scheme.
- A **Bushfire Hazard Site Assessment** considering localised hazards, defensible space and the bushfire attack level.
- A **Bushfire Management Statement** detailing the design response to the relevant approval measures in Clause 53.02 from the East Gippsland Planning Scheme.
- The **Bushfire Management Plan** that responds to the site and the proposed development, including the standard CFA permit conditions.

The development site is located in the residential area of Metung. The proposed development of a dwelling is on a lot that is vacant. The immediate surrounds of the development area can be classified as forest and modified vegetation. The Bushfire Management Statement demonstrates that the defensible space objectives can be met for a site classification with a BAL of 29 aligning to modified vegetation. Water supply will be provided and access for emergency services vehicles will be available from Banool Close.

Due to the bark hazard of the trees and distance from the unmanaged vegetation the proposed development of a dwelling is expected to be affected by ember attack in the event of a bushfire fire, and radiant heat due to the proximity to the vegetation. Achieving separation of Table 1 to Clause 53.02-5 is deemed appropriate and the siting of the proposal achieves the best separation from the hazard.

The site can meet the approval measures within Clause 53.02 for a separation from the hazard of Table 1, Modified vegetation, BAL of 29 based on an FFDI of 100 and a flame temperature of 1090K.

1.0 Introduction

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

The statement contains these components:

- A **Clause 13.02-1S assessment** considering the intent of the East Gippsland Planning Scheme.
- A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard has been prepared in accordance with Section 2.2.3 to 2.2.5 of *AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia)* and is supported by photographs to assist in describing the bushfire hazard.
- A **bushfire management statement (BMS)** describing how the proposed development responds to the requirements of Clause 44.06 and 53.02.
- A **bushfire management plan (BMP)** that responds to the site and the proposed development, including the standard CFA permit conditions.

1.1 Application Details

Municipality	East Gippsland
Title description	Lot 12 LP214612
Overlays	Bushfire Management Overlay (BMO) Design And Development Overlay - Schedule 11 (DDO11) Erosion Management Overlay Schedule (EMO) Vegetation Protection Overlay - Schedule 3 (VPO3)
Zoning	General Residential Zone - Schedule 1 (GRZ1)

1.2 Site Description

Site shape	Irregular
Site Dimensions	The property has a road frontage to Banool Close and a property depth of approximately 39.19 metres and 55.30 metres.
Site area	1,391m ²
Existing use and siting of buildings and works on and near the land	Vacant land and limited vegetation
Existing vehicle arrangements	From Banool Close
Nearest fire hydrant	Not applicable; however, located to the front of 9 Banool Close Metung
Private bushfire shelter	Not proposed
Any other site features relevant to bushfire risk	Forest and modified throughout the residential settlement. Designated bushfire prone area.

1.3 Site Location

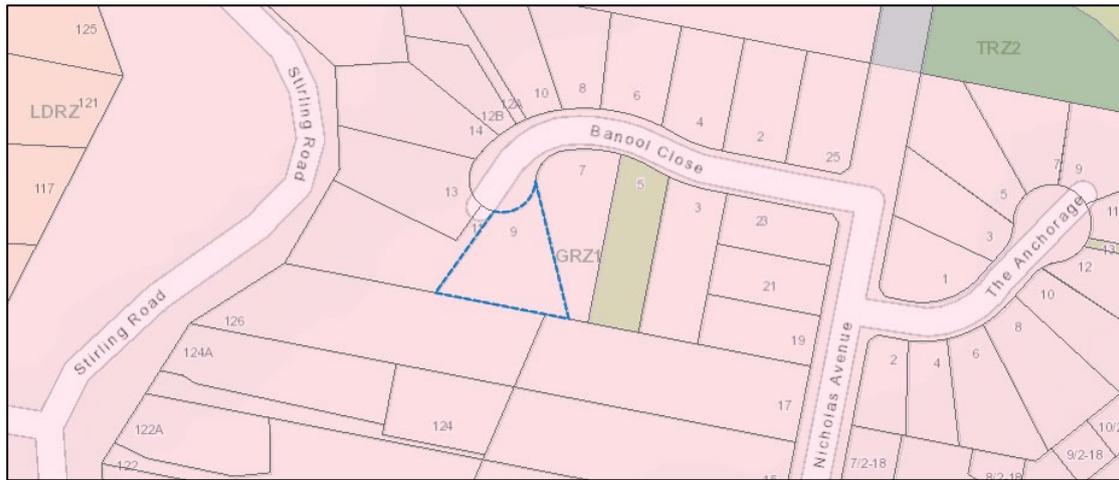


Figure One – Property Location – identified with the blue dashes central to the map (VicPlan, 2024)



Figure Two – Property Location – 9 Banool Close Metung (Nearmaps, 2024)

2.0 Planning Policy Framework

2.1 Planning Policy Framework

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

Planning authorities and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations.

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

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

[Emphasis added]

Clause 13.02-1S includes a number of strategies to achieve that objective.

Broadly these strategies include:

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

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

Give priority to the protection of human life by:

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

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

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*

- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Considering and assessing the bushfire hazard on the basis of:*
 - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*
 - *Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;*
 - *Neighbourhood conditions – meaning conditions in the area within 400 metres of a site; and*
 - *The site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

Importantly in relation to settlement planning, clause 13.02-15 includes the following requirements:

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

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.*
- *Assessing and addressing the bushfire hazard posed to the settlement*

and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighborhood and site scale, including the potential for neighbourhood-scale destruction.

- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).

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

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

... Accommodation

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

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

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

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

2.2 Planning Policy Framework Assessment

2.2.1 Objective

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

2.2.2 Application

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

Bushfire Prone Area and Bushfire Management Overlay

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

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

2.2.3 Strategies

Protection of human life

<i>Give priority to the protection of human life by:</i>	<i>Response</i>
Prioritising the protection of human life over all other policy considerations.	<ul style="list-style-type: none"> - This proposal provides for a development of a dwelling that responds to the risk of bushfire through siting and construction. - The proposal can be undertaken in a manner that provide safety to the residents.
Directing population growth and development to low risk locations and ensuring the availability of, and safe	<ul style="list-style-type: none"> - The lot has existed for many years and is part of an established residential estate with many lots

<p>access to, areas where human life can be better protected from the effects of bushfire.</p>	<p>containing established dwellings.</p> <ul style="list-style-type: none"> - Existing dwellings exist adjacent to this development and the development of a dwelling is sited in an area of the site that is substantially cleared. - The existing road network facilitates egress towards the established Metung and Swan Reach Townships. - Access and egress are facilitated to Metung Road in one direction. Whilst not ideal, this is an existing situation.
<p>Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.</p>	<ul style="list-style-type: none"> - An application to develop land needs to articulate how the design responds to the identified bushfire risk. - The development of a dwelling has been designed and sited to respond to bushfire with the assessment of the bushfire risk being undertaken to ensure the development of a dwelling maximises the separation from the hazard and achieves a radiant heat exposure no greater than 29kW/m² as assigned for modified vegetation.

Bushfire hazard identification and assessment

<i>Identify bushfire hazard and undertake appropriate risk assessment by:</i>	<i>Response</i>
<p>Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.</p>	<ul style="list-style-type: none"> - The East Gippsland Planning Scheme relies on the planning proposal to respond to bushfire based on current assessment methods. - Clauses 13.02-1S, 44.06 and 53.02 are to be considered for proposal. - Clause 71.02-3 <i>Integrated Decision Making</i> strengthens the importance of bushfire planning as an appropriate tool to reconcile potential conflicts in design and vision. - The assessment method aligns with AS3959-2018 and is provided in this report (see Section 4).
<p>Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the <i>Building Act 1993</i> or regulations made under that Act.</p>	<ul style="list-style-type: none"> - Consistent with the revised Clause 13.02-1S, the planning proposal responds to the Bushfire Prone Area and the Bushfire Management Overlay. - This report demonstrates that

	<p>sufficient setbacks from the vegetation can be achieved to meet Table 1 of Clause 53.02 for modified vegetation, which is an appropriate benchmark for this development.</p> <ul style="list-style-type: none"> - Detailed design and consideration of the development application is reinforced by the preliminary planning drawings.
Applying the Bushfire Management Overlay in planning schemes to areas where the extent of vegetation can create an extreme bushfire hazard	<ul style="list-style-type: none"> - The BMO does apply to this land recognising that the land is in an area of high bushfire hazard. The BMO is addressed in Sections 3 to 5 of this report.
<p>Considering and assessing the bushfire hazard on the basis of:</p> <ul style="list-style-type: none"> • Landscape conditions – meaning conditions in the landscape within 20 kilometres and potentially up to 75 kilometres from a site; • Local conditions - meaning conditions in the area within approximately 1 kilometre from a site; • Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and • The site for the development. 	<ul style="list-style-type: none"> - An assessment of Clause 13.02 is provided in Section 3.0 of this report. - As it is a dwelling in an established area the site conditions are considered through the Bushfire Hazard Site Assessment. - The landscape considerations show that BAL29 is sufficient in this neighbourhood to encourage settlement resilience.
Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.	<ul style="list-style-type: none"> - It is expected that this development would be referred to CFA for consideration as it is in the Bushfire Management Overlay.
Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures	<ul style="list-style-type: none"> - The content of this report provides a solid foundation for the design and subsequent approval of the planning proposal, with regard to bushfire risk. - Assessing the site-based bushfire risk and including appropriate bushfire protection measures (e.g. managed land, BALs, separation from the hazard) enables the achievement of the direction of the Planning Scheme.
Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied, or	<ul style="list-style-type: none"> - This element of the revised Clause 13.02-1S is the most important element and empowers the Responsible Authority to not approve a permit application until it is satisfied with the bushfire

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<p>bushfire protection measures can be adequately implemented.</p>	<p>protection measures being implemented.</p> <ul style="list-style-type: none"> - This report demonstrates that the risk of bushfire should not be a reason for refusal.
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Figure Three (a) above – Bushfire Hazard Landscape Assessment

The development site will experience bushfire scenarios from the north and south. A fire approaching from the north has the potential for a grass fire run into the Metung settlement. A fire from this direction can bring embers to the site and ignite localised fuels providing radiant heat. This fire is not a landscape fire however it will proceed through the settlement propagated by vegetation and building to building fire spread. A fire approaching from the south has the potential for a short fire run from the reserve with coastal winds driving the fire. A fire from this direction can bring embers to the site and ignite localised fuels providing radiant heat. This fire is not a landscape fire however it will proceed through the settlement propagated by vegetation and building to building fire spread.

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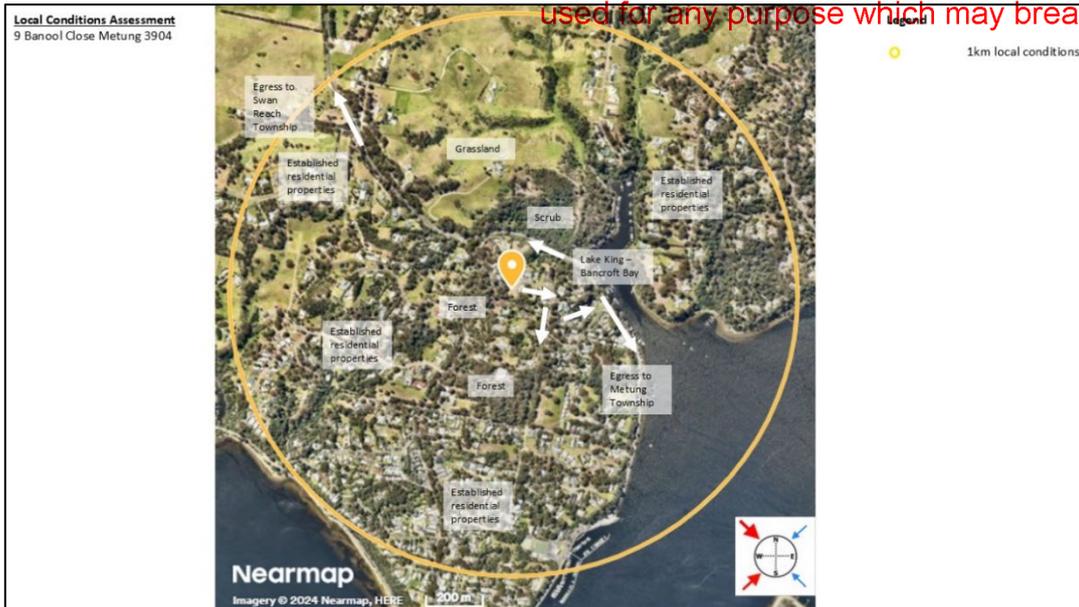


Figure Three (b) above – Local conditions within 1km



Figure Three (c) above – Neighbourhood conditions within 400m

Settlement Planning

<i>Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:</i>	<i>Response</i>
Directing population growth and development to low-risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metres under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards	<ul style="list-style-type: none"> - Recognising the land is an established lot in an area that is at high risk from bushfire, development of land with a dwelling should only proceed where all elements of the BMO are achieved. - This report demonstrates that this goal is achieved including the

<p>Australia, 2018).</p>	<p>provision of the greatest separation from the hazard and an increased level of construction.</p> <ul style="list-style-type: none"> - The development of a dwelling has a siting that has been assessed as having a radiant heat flux of less than 29kW/m² under AS3959-2018 as assigned for modified vegetation.
<p>Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire</p>	<ul style="list-style-type: none"> - The nature of the settlement of Metung provides ready access with a 4-minute drive to areas of greater Metung township but travel further afield is required for BAL-LOW. The nearest Neighbourhood Safer Place is Swan Reach, 10-minute drive north.
<p>Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.</p>	<ul style="list-style-type: none"> - The establishment and maintenance of defensible space will accompany the approval of a dwelling. The increased level of vegetation management will reduce the risk of bushfire to the existing residents.
<p>Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.</p>	<ul style="list-style-type: none"> - The proposed building and works will implement the current regulations pertaining to bushfire construction. This measure has been implemented in the design of the building and will be carried out through to the completion of the building.
<p>Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.</p>	<ul style="list-style-type: none"> - An assessment is provided in Section 3.0 and 4.0 of this report. - As it is a dwelling in the BMO, all scales of consideration are applied. - The site conditions are best considered through the Bushfire Hazard Site Assessment methodology.
<p>Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.</p>	<ul style="list-style-type: none"> - The proposed development of a dwelling is in a vacant lot in an established residential area close to the town centre.
<p>Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS3959-2018.</p>	<ul style="list-style-type: none"> - The proposal is a statutory planning application only.

Areas of high biodiversity conservation value

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

Assessment of the development

- The assessment of the vegetation has been undertaken, by Root 2 Leaves Trees Service and responded to, in the *Tree Assessment Report*, identifying and assessing 7 trees that are within the property boundary.
- The lot shape and narrowness to front of lot, is not suitable to accommodate a proposed dwelling. The proposed location almost central to lot, minimises the direct impact to the vegetation, trying to limit impact on neighbouring trees.
- If the large tree (tree 1) is to be retained, it will be impacted by the proposed dwelling, however, the impact from the proposed development is under 10% and within the acceptable threshold by the arborist. The bushfire conditions will require the tree to have its canopy pruned to prevent overhanging of the dwelling. The arborist has confirmed that the tree is in poor health.

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for accommodation.

Assessment of the proposal's response: As the proposal is to develop a dwelling, and 'dwelling' is a nested term in the 'single dwelling' of Clause 13.02-1S is relevant.

When assessing a planning permit application for the above uses and development:	Response
Consider the risk of bushfire to people, property and community infrastructure.	Consistent with Clause 13.02-1S, Clause 53.02 of the Scheme has been used as a guide and is supported by a landscape analysis that demonstrates that the risk to people, property and the asset can be appropriately mitigated by its inherent design features in this specific location – specifically siting, separation from the hazard, building construction, and defensible space.
Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.	The development provides a siting from the vegetation that meets Table 1 of Clause 53.02-5 for modified vegetation from the hazard in all directions, and the design of the development of a dwelling is in accordance with BAL29 of AS3959.

<p>Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.</p>	<p>Specific reports are provided that address bushfire risk (his report) and arborist report by Roots 2 Leaves Tree Services. Both reports provide an integrated outcome.</p>
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2.2.4 Policy Guidelines

<p>Planning must consider as relevant:</p>	<p>Response</p>
<p>Any relevant approved State, regional and municipal fire prevention plan.</p>	<p>Fire prevention measures of the East Gippsland Shire Municipal Fire Prevention Plan ensure the roadsides and fire breaks in the area are managed. Management of the public land occurs as part of the township protection.</p>
<p>AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).</p>	<p>This is relevant through the derivation of Bushfire Attack Levels, and is considered when referring to BAL29.</p>
<p>Building in bushfire-prone areas - CSIRO & Standards Australia (SAA HB36-1993, May 1993).</p>	<p>This is the handbook to AS3959 and does not need to be considered directly by the planning proposal. Current standard is AS3959-2018.</p>
<p>Any Bushfire Prone Area map prepared under the Building Act 1993 or regulations made under that Act.</p>	<p>The updated Bushfire Prone Area map has been considered in this report.</p>

3.0 Bushfire Hazard Site Assessment

The Bushfire Hazard Site Assessment (Figure Four) includes a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard is prepared in accordance with AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia, 2018) excluding paragraph (a) of section 2.2.3.2 (Vegetation exclusions).

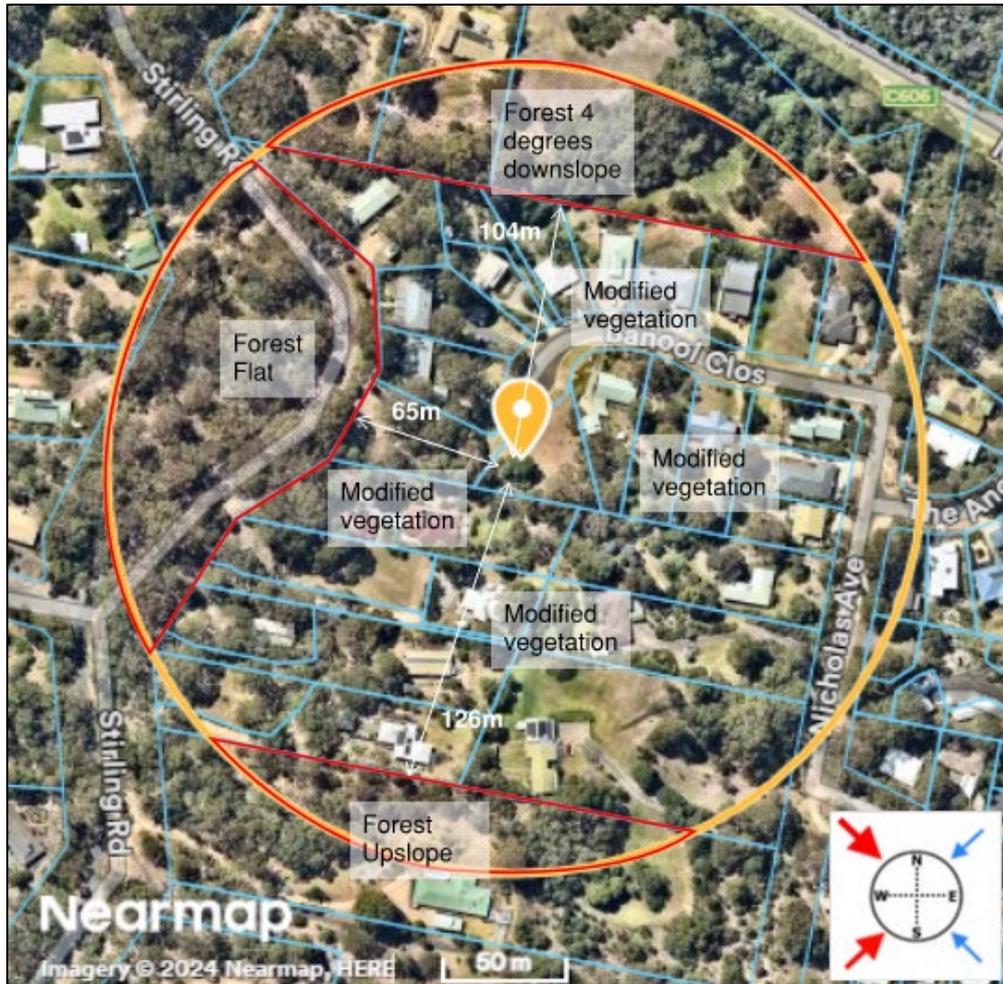


Figure Four – Bushfire Hazard Site Assessment

3.1 Vegetation

The vegetation in the broader landscape is forest north of the Princes Highway, grassland along the highway corridor and south with coastal forest and woodlands. Vegetation immediate and surrounding the site is predominantly forest and modified vegetation, and scrub along the waterways (see Figure 5).



Figure Five – NatureKit Map of surrounds with subject site central to the image showing, Warm Temperate Rainforest (black), Limestone Box Forest (light yellow), Plains Grassy Forest (light orange), Shrubby Damp Forest (green), Herb-rich Woodlands (olive green), and Salt-tolerant and/or succulent Shrublands (light grey) (Naturekit, 2024)

The vegetation within the 150-metre assessment area was classified according to AS3959:2018, Technical Guide: Planning Permit Applications Bushfire Management Overlay (i.e DELWP 2017) and the Overall Fuel Hazard Assessment Guide (DSE, 2010).

The Standard AS3959 approach uses a generalised description of vegetation based on the AUSLIG Australian Natural Resources Atlas” No.7 Native Vegetation classification system. According to this method, vegetation can be classified into seven categories. Each category indicates a particular type of fire behaviour and these categories or classifications are then used to determine bushfire intensity.

Vegetation Classification: Forest

AS3959:2018 Definition:

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

Site Description:

The development site has forest located within the 150-metre assessment area. To the north forest is 4 degrees downslope, initially sharp decline from the court and then descends gentle, approximately 104 metres and associated to public and private land. Forest to the south is upslope, approximately 126 metres and is associated to private land. To the west forest is flat, approximately 65 metres and associated to public land.



Image – Typical Forest, photo taken looking in the direction of no 13 with nominated forest in the background (site inspection, 2024)

Vegetation Classification: Modified vegetation

Planning Scheme Definition:

Modified vegetation is vegetation that doesn't fit into the vegetation classifications in AS3959:2018 Construction of buildings in bushfire prone areas (the standard) because it:

- Has been modified, altered or is managed due to urban development, or gardening,
- Has different fuel loads from those assumed in the standard,
- Has limited or no understorey vegetation, or
- Is not low-threat or low-risk vegetation as defined in the standard.

Site Description

The development site has modified vegetation in all directions due to the existing dwellings located in this well-established settlement. Forest and woodland forms the basis of the modified vegetation closer to the development site and throughout the settlement and scrub along the waterways.



Image – Modified vegetation, photo taken looking at adjacent property no 14 (site inspection, 2024)



Image – Modified vegetation, photo taken looking east of Banool Close (site inspection, 2024)

3.2 Topography

The topography of the site and the surrounding area is upslope to the south and downslope to the north (See Figure 6).



Figure Six – Topography of area around the site (VicPlan, 2024)

3.3 Separation and Bushfire Attack Level for the Proposed Development

The bushfire attack level (BAL) is a means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per meter squared. The BAL is also the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire. The maximum separation from the hazard determines siting, and all attempts should be made to derive the greatest separation.

The highest BAL determines the construction requirements for the dwelling. A reduction of one BAL level may be applied if facades of the house are shielded from the bushfire hazard.

The BAL for this site has been calculated using a Forest Fire Danger Index (FFDI) of 100 and a Flame Temperature of 1090K. These parameters are in accordance with the risk parameters set in Clause 53.02.

Table 1 – BAL Assessment (without creation of defensible space)

Orientation	Classified vegetation	Slope under classifiable vegetation	Separation distance	Separation from the hazard achieved
North	Forest	4 degrees downslope	104 metres	Column A 57 metres
	Modified vegetation	Not applicable	Not applicable	Table 1 of Clause 53.02-5
East	Modified vegetation	Not applicable	Not applicable	Table 1 of Clause 53.02-5
South	Forest	Upslope	126 metres	Column A 48 metres
	Modified vegetation	Not applicable	Not applicable	Table 1 of Clause 53.02-5
West	Forest	Flat	65 metres	Column A 48 metres
	Modified vegetation	Not applicable	Not applicable	Table 1 of Clause 53.02-5

Table 2 – BAL determination – with implementation of defensible space for Table 1 to Clause 53.02, Modified vegetation (BAL29)

Orientation	Highest threat vegetation	Slope under classifiable vegetation	Defensible space required
North	Modified vegetation	Not applicable	50 metres or to the property boundary whichever is the lesser
East	Modified vegetation	Not applicable	50 metres or to the property boundary whichever is the lesser
South	Modified vegetation	Not applicable	50 metres or to the property boundary whichever is the lesser
West	Modified vegetation	Not applicable	50 metres or to the property boundary whichever is the lesser

The BAL determination has been made based on the following assumptions:

- The vegetation onsite will be managed to defensible space requirements.
- The adjacent lots containing existing dwellings and have a lot of disturbance in the vegetation reflecting modified vegetation.
- Defensible space 50 metres applied in all directions or to the property boundary whichever is the lesser derived from modified vegetation.
- Given the presence of modified vegetation within the assessment area and throughout the settlement in the broader landscape, it is appropriate and achievable for the development of a dwelling to meet the requirements of BAL29.

4.0 Bushfire Management Plan

A Bushfire Management Plan is provided in Appendix One for endorsement with the planning permit.

4.1 Proposed Planning Permit Conditions

The following are the expected planning permit conditions.

- The Bushfire Management Plan [Ver.3 02/04/2025], included in the Bushfire Management Statement prepared by Euca Planning P/L, must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
- The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

4.2 Design Response Against Clause 53.02

A selection of the sub clauses and associated objectives, approved measures (AM), alternative measures (AltM) and decision guidelines applies to this application. Table 3 details which clauses are relevant to this application and the following pages demonstrate how the requirements have been met for each relevant standard.

Table 3 – Relevant Subclauses

Clause	Approved Measure	Achieved	Justification
Clause 53.02-3 Dwelling in existing settlements – Bushfire protection objective	AM 1.1	Applicable	The siting of the development of a dwelling is limited by the lot’s constraints. Emergency vehicles can easily access the development of a dwelling and water supply from Banool Close.
	AM 1.2	Applicable	The development of a dwelling is provided with the defendable space in accordance with Table 1 to Clause 53.02-5 and Table 6.
	AM 1.3	Applicable	The development of a dwelling will be provided with a minimum 10,000 litre static water supply for firefighting and property protection purposes specified in Table 4 to Clause 53.02-5, located approximately 12 metres north of the development of a dwelling and accessible from Banool Close.

Clause 53.02-4.1 Landscape, siting and design objectives	AM 2.1	Not applicable	The development of a dwelling is in an existing settlement as described in Clause 53.02.
	AM 2.2	Not applicable	The development of a dwelling is in an existing settlement as described in Clause 53.02.
	AM 2.3	Not applicable	The development of a dwelling is in an existing settlement as described in Clause 53.02.
Clause 53.02-4.2 Defendable space and construction objectives	AM 3.1	Not applicable	
	AM 3.2	Not applicable	
	AltM 3.3	Not applicable	
	AltM 3.4	Not applicable	
	AltM 3.5	Not applicable	
	AltM 3.6	Not applicable	
Clause 53.02-4.3 Water supply and access objectives	AM 4.1	Not applicable	
	AM 4.2	Not applicable	
Clause 53.02-4.4 Subdivision objectives	AM 5.1	Not applicable	
	AM 5.2	Not applicable	
	AM 5.3	Not applicable	
	AM 5.4	Not applicable	
	AltM 5.5	Not applicable	

Clause 53.02-3 Dwellings in existing settlements - Bushfire Protection objective

To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.

Approved Measure	Requirement
AM 1.1	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> • The maximum separation distance between the building and the bushfire hazard • The building is in close proximity to a public road • Access can be provided to the building for emergency services vehicles. <p>Response:</p> <p>The development site is an existing lot on the peninsula area, north of the main township of Metung. The land is vacant, and the proposed development of a dwelling is to be located towards the rear of the lot. Banool Close is a well-maintained road that provides local movement through the area. Access can be provided to the dwelling and water supply for emergency vehicles from Banool Close.</p>
AM 1.2	<p>A building provides the defendable space in accordance with Column A, B, C, D or E of Table 1 to Clause 53.02-3 and Table 6 to</p>

Clause 53.02-3. Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.

A building is constructed to the bushfire attack level:

- That corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-3, or
- The next lower bushfire attack level that corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-3 where all of the following apply:
 - A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling.
 - A minimum bushfire attack level of BAL12.5 is provided in all circumstances.

Response:

The development site has modified vegetation in all directions and forest to the north, south and east. Forest and woodland dominate the broader landscape, along with scrub associated with waterways. BAL29 is appropriate benchmark for this development given the presence of modified vegetation in the assessment area and through the settlement. Defendable space is applied for 50 metres in all directions or to the property boundary, whichever is the lesser. The building materials used respond to the location in the landscape.

AM 1.3

A building is provided with:

- A static water supply for firefighting and property protection purposes specified in Table 4 to Clause 53.02-3. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-3.

Response:

The development of a dwelling will be provided with a new static water supply by a concrete or metal water tank located 12 metres north of the dwelling that has a minimum of 10,000 litres of water. Firefighting vehicles can access the property from Banool Close and will be able to access within 4 metres of the water supply outlet.

5.0 References

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

The State of Victoria Department of Environment, Land, Water and Planning (2024) NatureKit.

The State of Victoria (2024) VicPlan

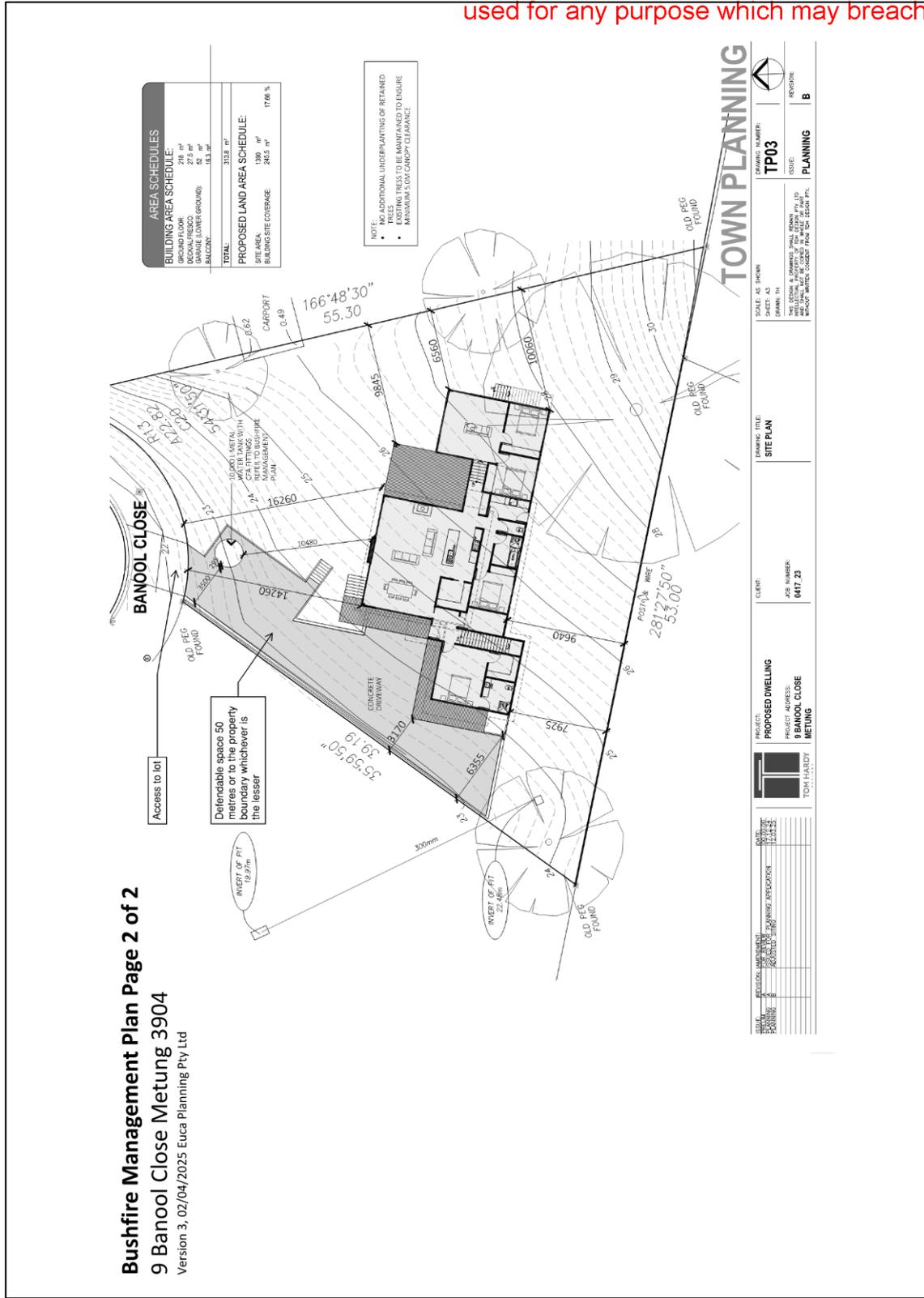
The State of Victoria Technical Guide: Planning Permit Applications Bushfire Management Overlay (DELWP 2017)

6.0 Appendices

Appendix One – Bushfire Management Plan

<p style="text-align: center;">Bushfire Management Plan Page 1 of 2 9 Banool Close Metung 3904 Version 3, 02/04/2025 Euca Planning Pty Ltd</p> <p>BUSHFIRE PROTECTION MEASURES</p> <p>Mandatory Condition</p> <p>The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed</p> <p>Construction Standard</p> <p>Building design and all construction works need to comply with a minimum BAL of BAL29 from AS 3959.</p> <p>Defendable space</p> <p>Defendable space extending around the dwelling for a distance of 50 metres (or to the property boundary where lesser) will be managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> • Grass must be short cropped and maintained during the declared fire danger period. • All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period. • Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building. • Plants greater than 10 cm in height must not be placed within 3m of a window or glass feature of the building. • Shrubs must not be located under the canopy of trees. • Individual and clumps of shrubs must not exceed 5sq. metres in area and must be separated by at least 5 metres. • Trees must not overhang or touch any elements of the building. • The canopy of trees must be separated by at least 5 metres. • There must be a clearance of at least 2 metres between the lowest tree branches and ground level. 	<p>Water supply</p> <p>Provide 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:</p> <ul style="list-style-type: none"> • Be stored in an above ground water tank constructed of concrete or metal. • Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal. • Include a separate outlet for occupant use. <p>The water supply must also-</p> <ul style="list-style-type: none"> • Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority. • Be located within 60 metres of the outer edge of the approved building. • Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting). • The outlet/s of the water tank must be within 4m of the accessway and be unobstructed. • Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling). <p>Access</p> <p>Access is required, and the following design and construction requirements apply:</p> <ul style="list-style-type: none"> • All-weather construction. • A load limit of at least 15 tonnes. • Provide a minimum trafficable width of 3.5 metres. • Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically. • Curves must have a minimum inner radius of 10 metres. • The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20% (11.3°) for no more than 50 metres. • Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
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9 Banool Close Metung 3904
 Version 3, 02/04/2025 Euca Planning Pty Ltd

Bushfire Management Plan Page 1 of 2

9 Banool Close Metung 3904

Version 3, 02/04/2025 Euca Planning Pty Ltd

BUSHFIRE PROTECTION MEASURES

Mandatory Condition

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

Construction Standard

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

Defendable space

Defendable space extending around the dwelling for a distance of 50 metres (or to the property boundary where lesser) will be managed in accordance with the following requirements:

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

Water supply

Provide 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

The water supply must also-

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access

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

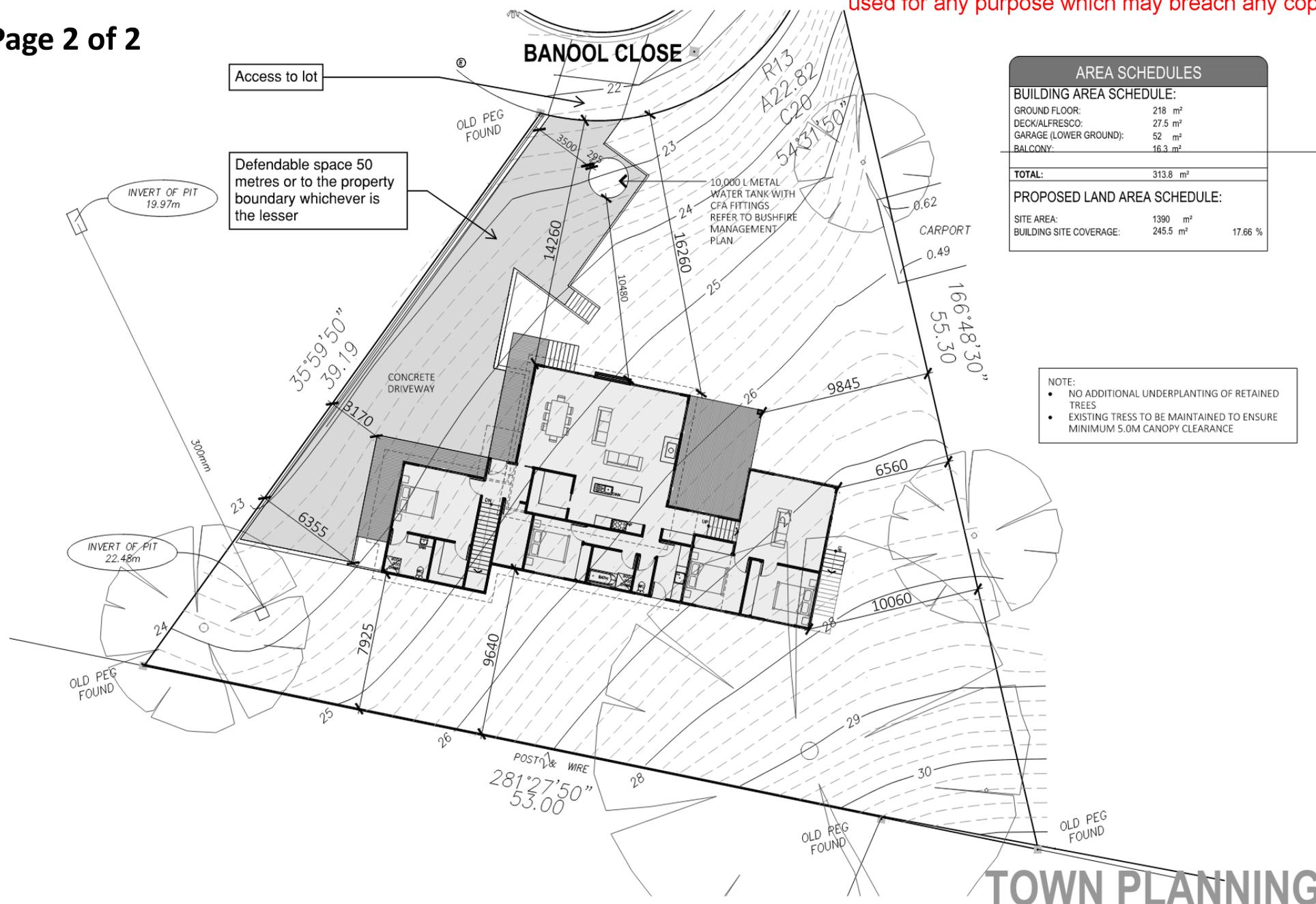
- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20% (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

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Bushfire Management Plan Page 2 of 2

9 Banool Close Metung 3904

Version 3, 02/04/2025 Euca Planning Pty Ltd



AREA SCHEDULES	
BUILDING AREA SCHEDULE:	
GROUND FLOOR:	218 m ²
DECK/FRESCO:	27.5 m ²
GARAGE (LOWER GROUND):	52 m ²
BALCONY:	16.3 m ²
TOTAL:	313.8 m²
PROPOSED LAND AREA SCHEDULE:	
SITE AREA:	1390 m ²
BUILDING SITE COVERAGE:	245.5 m ² 17.66 %

NOTE:

- NO ADDITIONAL UNDERPLANTING OF RETAINED TREES
- EXISTING TREES TO BE MAINTAINED TO ENSURE MINIMUM 5.0M CANOPY CLEARANCE

ISSUE:	REVISION:	AMENDMENT:	DATE:
PRELIM	A	FOR REVIEW	00.00.00
PLANNING	A	ISSUED FOR PLANNING APPLICATION	17.12.24
PLANNING	B	ADJUSTED SITING	12.03.25



PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOOL CLOSE
METUNG**

CLIENT:

JOB NUMBER:
0417_23

DRAWING TITLE:
SITE PLAN

SCALE: AS SHOWN
SHEET: A3
DRAWN: TH

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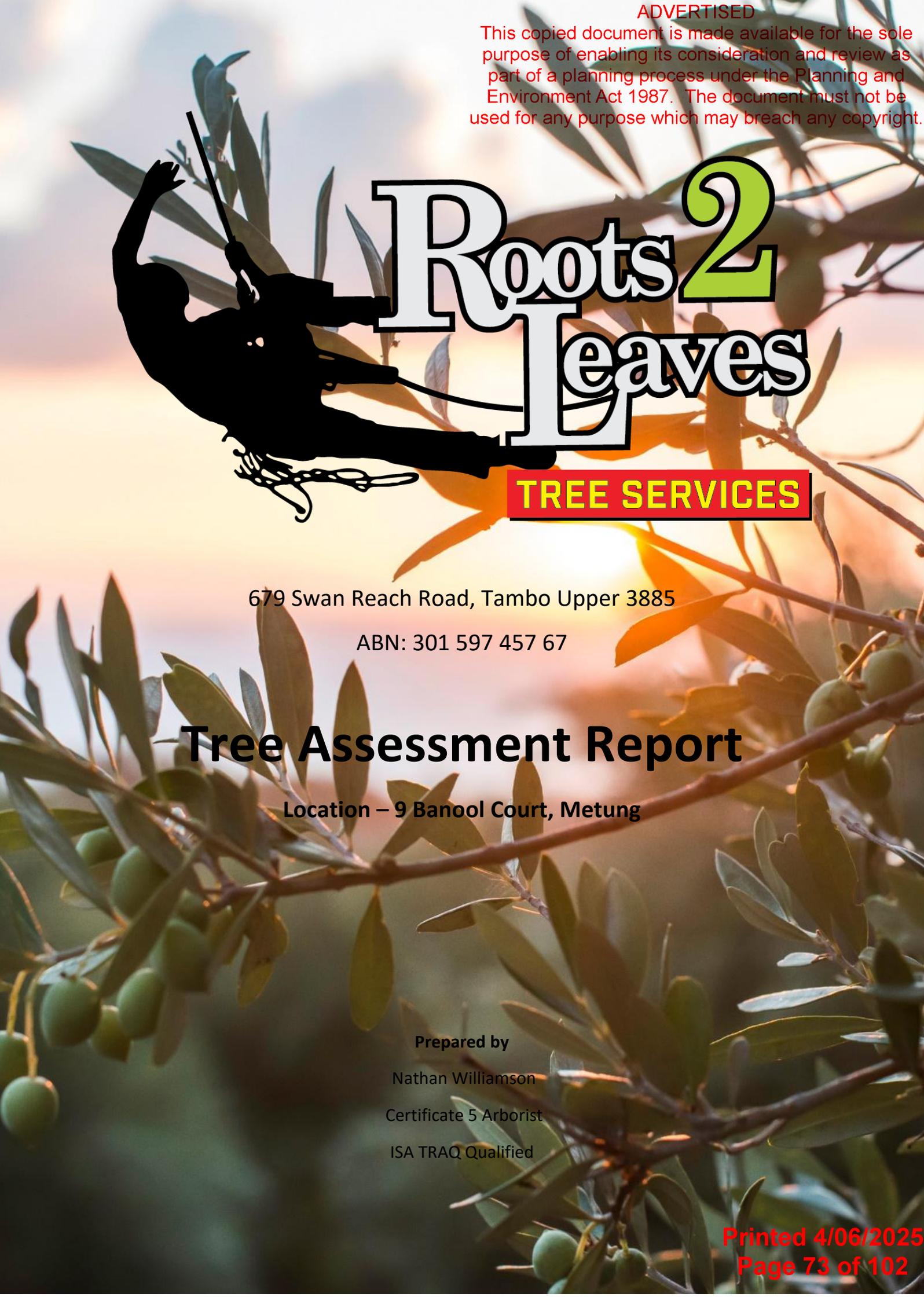
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PLANNING

REVISION:
B



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Roots 2 Leaves

TREE SERVICES

679 Swan Reach Road, Tambo Upper 3885

ABN: 301 597 457 67

Tree Assessment Report

Location – 9 Banool Court, Metung

Prepared by

Nathan Williamson

Certificate 5 Arborist

ISA TRAQ Qualified

Printed 4/06/2025
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Executive Summary

In July 2024, Roots 2 Leaves Tree Services conducted a Development Site Report on a number of trees located 9 Banool Court, Metung.

All trees have been assessed using the Tree Risk Assessment Qualified system (TRAQ) to identify risk, Visual inspections have been conducted using VTA.

In total 7 trees have been assessed directly and have their data recorded.

Several small shrubs and small trees have been identified on the site that will not trigger a planning permit if chosen to be removed due to being planted species and/or non-native species.

It is advised that Tree 1 may require further in-depth investigation, a large ant colony was observed, and the included bark gives a higher than normal potential of failure, the tree may trigger a planning permit for removal, it is possible that it could be pruned or braced Aswell.

This report outlines all relevant data required for developing with trees and how to work around them as per Australian standards.

Introduction

Brief

- This report has been commissioned by _____ has requested Roots 2 Leaves Tree Services conduct a tree survey on the trees located within the property and along the Nature Strip that may or may not affect permit applications, development and design.
- This report has been prepared by Roots 2 Leaves Tree Services Pty Ltd and authorized by its employee, Nathan Williamson, Consulting Arborist.
- A Site inspection was carried out on the 2nd of August by Nathan Williamson. Data entry has been provided by Nathan Williamson of Roots 2 Leaves Tree Services.
- Trees are a lovely part of our environment and without them we would lose out on many great advantages including shade, aesthetics, and most importantly our existence. However, it is necessary that trees in key areas, such as high traffic areas, are assessed for health, structure, and any associated risks. Trees on development sites where possible should be incorporated into designs.

Scope of works

Complete a development site report on all trees located within the site – following information was recorded

- Tree species
- Tree location
- Tree dimensions
- Development measurements
- ULE & Retention Value

Methodology

Onsite meeting and data collection

2/08/2024

Conduct final report

6/08/2024

Inspection method

The site inspection was carried out unaccompanied during sunny and still conditions. The trees were inspected from the ground and observations were made of the growing environment and surrounding area. The following inspection tools were used.

- Wood density and extent of decay was determined using a mallet where appropriate.
- This assessment has been conducted using the (VTA) method for assessment Level 1. This method has been slightly modified to include a walk around the trunk.
- The content of this report has been prepared based on the arborist's experience within the tree industry. Data Collected was stored using tree plotter and Arrow by Global 4D for GPS positioning.
- All information that has been given to the arborist has been included in this report.

Report amendments.

Report amended for updated plans and additional information on trees being removed – 26/03/2025 by Nathan Williamson

Discussion

Site Map

- The following site map shows all trees inspected that triggered a scope requirement for assessment.
- The site map shows tree species on the right-hand side of the image and each tree number.
- The legend outlines tree species and their representative color on the map.
- Circles around tree location represent Tree Protection Zone.

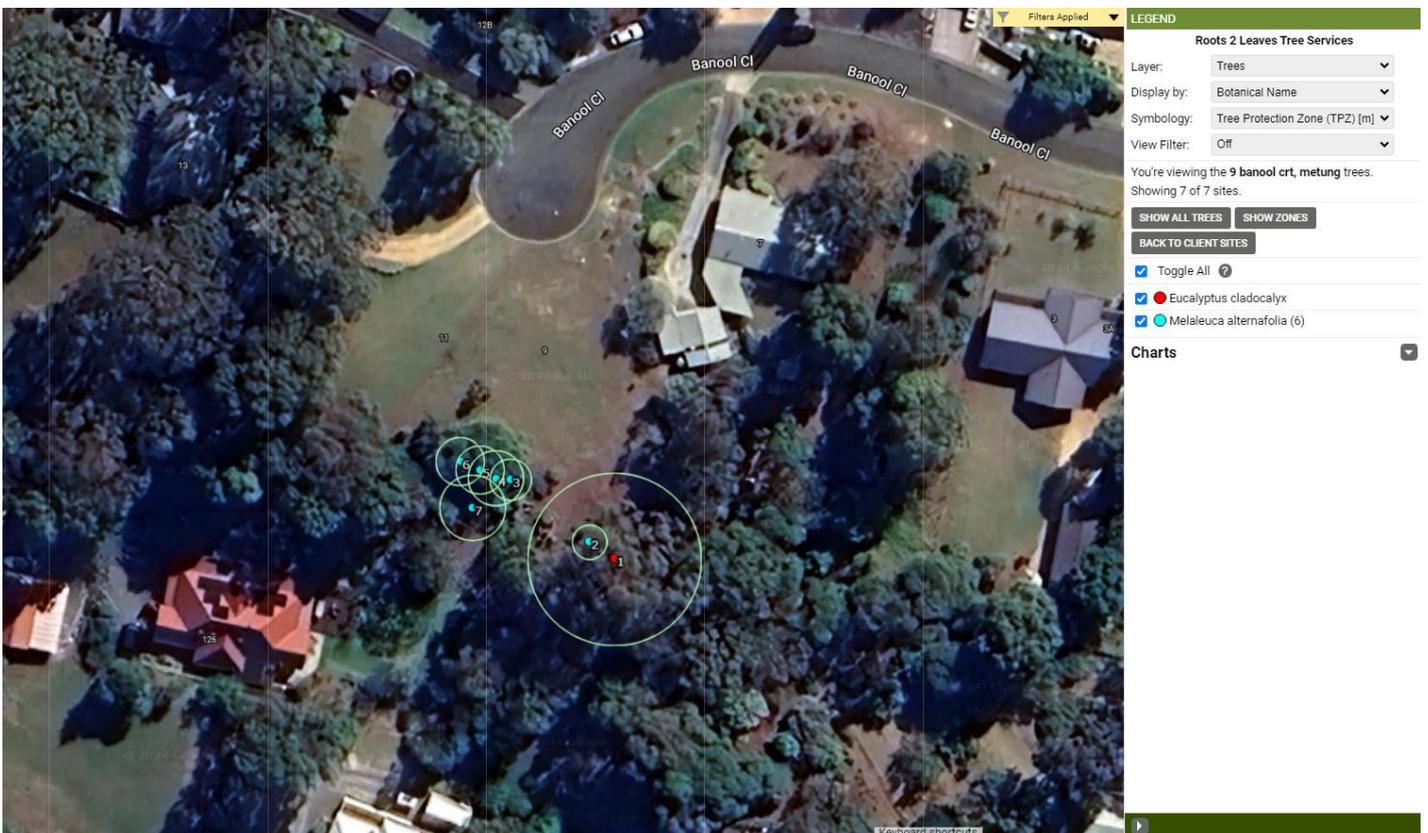


image 1 – Site map – Sub meter Accuracy.

Planted species.

When identifying whether or not a tree is planted there are a few key items that are checked, the following dot points outlines those key items.

- Non-Native Species.
- Non-Endemic Species.
- Straight row plantings
- Garden bed installed plants.
- Mass plantings.
- Tree Species (Some may be native but variations)
- Tree Locations.
- Tree Staking

The Following imagery has been recorded from google earth and was taken in 2018 – The 7 trees with data collection are present in these images how ever all other small shrubs and plants are not, due to the types of species observed (lemons, wattles etc) it's a clear indication that the smaller shrubs are planted species and may be removed with a permit if required.



Continuing on with the map outlining that all other plants on the property are considered planted or self-sown trees that do not trigger a planning permit the following images have been supplied.

Reasons for these not triggering a planning permit are as follows:

- Under 2m in height
- Under 10 years of age
- Considered planted plants for agricultural purposes (fruit trees)



Fruit trees and small shrubs along eastern boundary – images taken in 2024

Combination of low shrubs, acacias, salt bush etc. under 2m in height and 10 years of age

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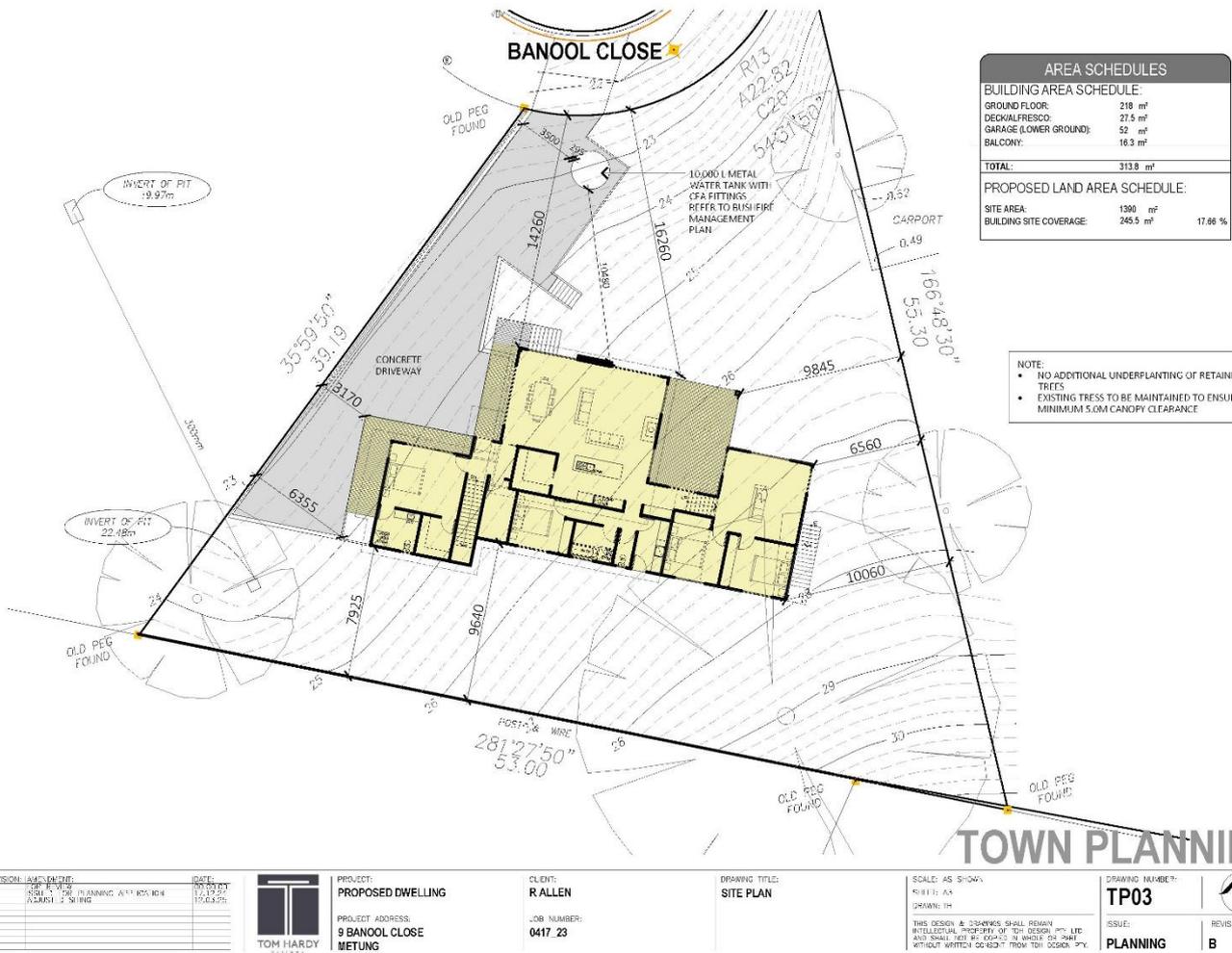
Trees Requiring removal.

The current design will impact trees 2 - 7, and these will require removal. The large tree in question may be impacted depending on the site cut plans. If any excavation is to be carried out it is likely it will be impacted and will require removal.

If removal is not required, then further investigation should still be carried out to reduce potential failures from impacting the new house development.

All other trees on the plan do not require a permit for removal and can be removed if requested.

For all other trees being retained development site protection measures must be followed when working around trees being retained.



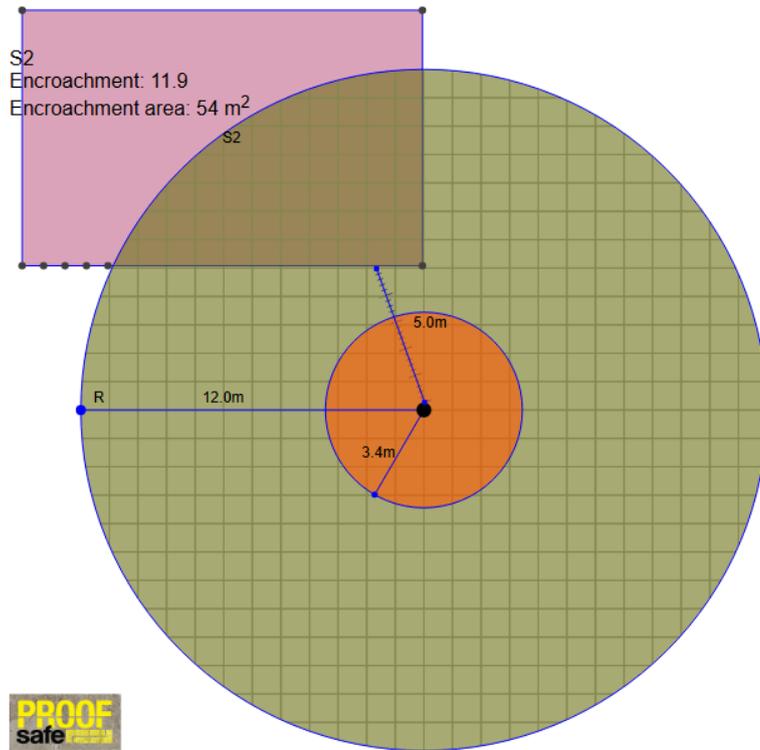
Impacted trees being retained

The large sugar gum that's being retained will be encroached by the proposed plan however the total impacts are calculated to be under 10% by using the plan to determine distance from trunk to house. And additional buffer of 1.4m has also been added to allow for slight alterations, this calculates to be a total distance of 5m from trunk to house and a total impact of 11.9%. This is well within acceptable threshold and no further maintenance will be required in regard to the excavation.

The following outlines the methodology.

Tree 1

TPZ radius = 12.0m
 TPZ area = 452.4m²
 SRZ radius = 3.4m (R)



Title:	Tree 1
DAB (cm):	110
DBH (cm):	100
DAB (cm):	
Multiple stems (cm):	1 100
S1 label:	S1
S2 label:	S2

Details ▾

DBH (cm):	100
TPZ radius (m):	12
TPZ area (m ²):	452.39
DAB (cm):	110
SRZ radius (m):	3.44
SRZ area (m ²):	37.27
Encroachment % (S2):	11.93
Encroachment area (S2):	53.98
Overlap area (TPZ, S1, S2):	0

Properties ▾

- Contours
- DBH
- TPZ radius
- TPZ area (m²)
- Canopy radius
- Canopy region
- DAB
- SRZ radius
- SRZ area (m²)
- Encroachment % (S1)
- Encroachment area (S1)
- Encroachment % (S2)
- Encroachment area (S2)
- Overlap area (TPZ, S1, S2)
- Dots on TPZ
- Dots on canopy

Development Protection Measures

For all trees within the development area or outside of the development area that are to be retained, the following protection measures must be adhered to.

- No go Zones must be incorporated into the site to prevent machinery, personnel, or people into areas of tree protection, this can be done by use of temp fencing or bunting.
- No compaction, excavation or chemical use should be conducted within the TPZ of any tree that is not to be removed without arborist guidance and onsite consultation. The minimum qualification required for this guidance is AQF Consulting Arborist
- It is advised that the development should Arrange for a Project Arborist to be available for any works that will be conducted within the TPZ or SRZ of any tree or when potential to impact any tree may occur.
- Examples of signage and mapping can be found below.



Tree Protection Fencing.
Trees on development site protection



Tree Data Field

Tree Id	Common Name	Botanical Name	Health	Structure	Tree Age	Canopy Spread [m]	DBH [cm]	Tree Height (Estimated) [m]	Tree Protection Zone (TPZ) [m]	Useful Life Expectancy	Retention Value
1	Sugar Gum	Eucalyptus cladocalyx	Fair	Very Poor	Mature	12	100	25	12	6-10 years	Medium
2	Tea tree	Melaleuca alternifolia	Fair	Very Poor	Mature	5	20	6	2.4	1-5 years	Medium
3	Tea tree	Melaleuca alternifolia	Fair	Poor	Mature	3	24	6	2.88	1-5 years	Low
4	Tea tree	Melaleuca alternifolia	Fair	Poor	Mature	3	32	6	3.84	1-5 years	Low
5	Tea tree	Melaleuca alternifolia	Fair	Poor	Mature	3	28	6	3.36	1-5 years	Low
6	Tea tree	Melaleuca alternifolia	Fair	Poor	Mature	3	28	6	3.36	1-5 years	Low
7	Tea tree	Melaleuca alternifolia	Fair	Poor	Mature	6	38	7	4.56	1-5 years	Low

Conclusion

All data that was within the scope has been included in this report excluding the tree summary report, a Tree Summary Report will be generated separate to this report.

All other trees are considered planted and do not require a permit for removal.

References

Australian Standards 4970 – 2009 Protection of trees on development sites

Australian Standards 4373 – 2007 Pruning of amenity trees

Costermans, L. 2008. Native Trees and Shrubs of South-Eastern Australia

Council Arboriculture Victoria, Arboricultural Reporting Guidelines

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Hayes, E. 2002. Tree Risk Assessments & Tree Mechanics.

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Appendices 1

Testimony

I am a Qualified Consulting Arborists with over 8 years in the industry directly and many more years spent learning about trees and arboriculture, I have Studied both my Cert 3 in Arboriculture and Cert 5 in Arboriculture at Wodonga institute of Tafe, under the instruction of some reputable industry leaders including Rod Hall.

As an arborist in the Field, I have extensive knowledge of trees and multiple situations and locations including remote/ Forest settings to Cityscapes/urban settings.

Appendices 2

Limitations of Tree Risk Assessments

It is important for the tree owner or manager to know and understand that all trees pose some degree of risk from failure or other conditions. The information and recommendations within this report have been derived from the level of tree risk assessment identified in this report, using the information and practices outlined in the International Society of Arboriculture's Best Management Practices for Tree Risk Assessment, as well as the information available at the time of the inspection. However, the overall risk rating, the mitigation recommendations, or any other conclusions do not preclude the possibility of failure from undetected conditions, weather events, or other acts of man or nature.

Trees can unpredictably fail even if no defects or other conditions are present. It is the responsibility of the tree owner or manager to schedule repeat or advanced assessments, determine actions, and implement follow up recommendations, monitoring and/or mitigation. Roots 2 Leaves Tree Services can make no warranty or guarantee whatsoever regarding the safety of any tree, trees, or parts of trees, regardless of the level of tree risk assessment provided, the risk rating, or the residual risk rating after mitigation.

This information is solely for the use of the tree owner and manager to assist in the decision-making process regarding the management of their tree or trees. Tree risk assessments are simply tools which should be used in conjunction with the owner or tree manager's knowledge, other information and observations related to the specific tree or trees discussed, and sound decision making.

Glossary

Tree risk Assessment has a unique set of terms with specific meanings. Definitions of all specific terms may be found in the International Society of Arboriculture's Best Management Practice for Tree Risk Assessment. Definitions of some of these terms used in this report are as follows:

The likelihood of failure may be categorized as imminent meaning that failure has started or could occur at any time; probable meaning that failure may be expected under normal

weather conditions within the next 3 years; possible meaning that failure could occur but is unlikely under normal weather conditions during that time frame; and improbable meaning that failure is not likely under normal weather conditions and may not occur in severe weather conditions during that time frame.

The likelihood of the failed tree part impacting a target may be categorized as high meaning that a failed tree or tree part will most likely impact a target; medium meaning that a failed tree or tree part may or may not impact a target with equal likelihood; low meaning that the failed tree or tree part is not likely to impact a target; and very low meaning that the chance of a failed tree or tree part impacting the target is remote.

The Likelihood of Failure and Impact is defined by Table 1, the Likelihood Matrix:

Likelihood of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

The consequences of a known target being struck may be categorized as severe meaning that impact could involve serious personal injury or death, damage to high value property, or disruption to important activities; significant meaning that the impact may involve personal injury, property damage of moderate to high value, or considerable disruption; minor meaning that impact could cause low to moderate property damage, small disruptions to traffic or a communication utility, or minor injury; and negligible meaning that impact may involve low value property damage, disruption that can be replaced or repaired, and do not involve personal injury.

Targets are people, property, or activities that could be injured, damaged, or disrupted by a tree failure

Levels of assessment

- 1) *Limited visual assessments* are conducted to identify obvious defects.
- 2) *Basic assessments* are visual inspections done by walking around the tree looking at the site, buttress roots, trunk, and branches. It may include the use of simple tools to gain information about the tree or defects.
- 3) *Advanced assessments* are performed to provide detailed information about specific tree parts, defects, targets of site conditions. Drilling to detect decay is an advanced assessment technique.

Tree Risk Ratings are terms used to communicate the level of risk rating. They are defined in Table 2, the Risk Matrix, as a combination of Likelihood and Consequences:

Likelihood of Failure & Impact	Consequences of Tree Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

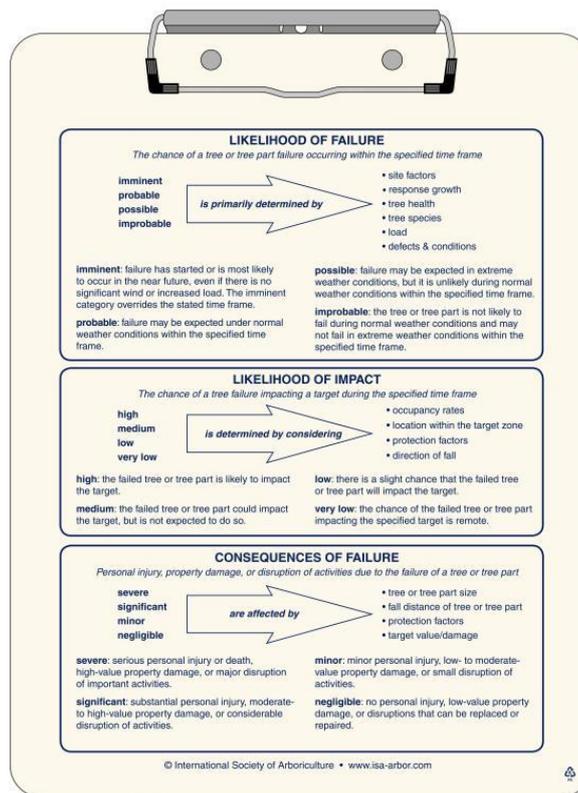
Overall tree risk rating is the highest individual risk identified for the tree. The residual risk is the level of risk the tree should pose after the recommended mitigation. Mitigation priority 1 is defined as mitigation activities that should be scheduled prior to the next growing season. Mitigation Priority 2 can be scheduled on the next routine maintenance cycle.

Information and likelihoods are observed and depending report type written, this image shows the likelihoods and site factors etc observed on site.

Visual Tree Assessment (VTA)

VTA is a visual tree inspection method which, guided by the principles of biomechanics and based on the “Axiom of Constant Stress” (Mattheck, 1993), considers, and complies with the current jurisdiction (Breloer and Mattheck, 1992). The VTA procedure is composed of three steps:

1. Visual inspection for diagnostic symptoms of defects and visual inspection of the tree’s vitality. No further steps are taken when there are no indications that the tree presents a significant hazard.
2. Thorough examination of any defects which have been indicated in step 1.
3. Measurement and analysis of defects which turn out to be critical. Evaluation of the tree’s residual strength.



Appendices 3

Arboriculture Descriptors (from Table 1) Taken from Cameron McGregor May 2018

a) Tree Name

Provides botanical name (genus, species, variety, and cultivar) according to accepted international taxonomic classification, and common name

b) Tree Type

Describes the general geographical origin of the species and its type e.g., deciduous or evergreen.

Category	Description
Native Evergreen	evergreen Occurs within Australia and typically retains its leaves year-round Exotic deciduous
Exotic deciduous	Occurs outside Australia and typically sheds its leaves during Winter

c) Height & Width

Indicates the height and width of individual trees. Measurement is expressed in meters. Height was determined using a Clinometer and width was paced.

d) DBH

Diameter at Breast Height (1.4 meters from ground level). Measurements were taken using a diameter tape and is expressed in millimetres.

e) Age

Relates to the physiological stage of the tree's life cycle.

Category	Description
Semi-mature (SM)	Tree rapidly increasing in size and yet to achieve expected size
Mature (M)	Tree at expected Size in situation, with reduced incremental growth

f) Health

Assesses various attributes to describe the overall health and vigour of the tree

Descriptor	Vigour/extension growth	Decline symptoms/deadwood	Foliage density, size, colour	Pest & disease
Good	Above typical	None or Minimal	Better than typical	None or minimal

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Fair	Typical	Typical or expected	Typical	Typical, within damage threshold
Fair to Poor	Below Typical	More than typical	Exhibiting deficiencies	Exceeds damage thresholds
Poor	Minimal	Excessive and large amount/size	Exhibiting severe deficiencies	Extreme and contributing decline

g) Structure

Assesses principal components of tree structure

Descriptor	Root plate and lower stem	Trunk	Primary Branch support	Outer Crown and roots
Good	No damage, disease or decay, obvious basal flare, stable in ground	No damage, disease, or decay, well tapered	Well formed, attached, spaced, and tapered	No disease, decay, or structural defect
Fair	Minor damage or decay, basal flare present	Minor damage or decay	Typically formed, spaced, and tapered	Minor damage, disease, or decay; minor branch end weight or over extension
Fair to Poor	Moderate damage or decay; minimal basal flare	Moderate damage or decay, approaching recognised thresholds	Weak decayed or with acute branch attachments, previous branch failure evidence	Moderate damage, disease, or decay fungal fruiting bodies present; major branch end weight or over extension
Poor	Major damage, disease, or decay; fungal fruiting bodies present. Excessive lean placing pressure on root plate	Major damage, disease or decay exceeds recognised thresholds, fungal fruiting bodies present. Acute lean, stump resprout.	Decayed cavities or has acute branch attachments with included bark; excessive compression flaring, failure likely	Major damage, disease, or decay; fungal fruiting bodies present, major branch end weight or over extension

Appendices 4

Occupancy rates in target zones (Taken directly from TRAQ 2013)

The amount of time one or more targets is within the target zone- its occupancy rate- is a primary component of assessing the likelihood of a target being impacted. Not all targets may be always present in the target zone. Occupancy rates can be classified as constant, frequent, occasional, or rare. Static targets, represent a constant occupancy, while movable and mobile targets can be in any of the following four classifications:

Constant Occupancy

Constant occupancy indicates that a target is present at nearly all times, 24 hours a day, 7 days a week. Examples include, buildings, constant steady stream of traffic, constant steady stream of pedestrians. Each person or vehicle may occupy the target area for a very short time but, in aggregate, they represent constant occupancy.

Frequent Occupancy

If the target zone is occupied for a large portion of a day or week, the use is classified as frequent. Suburban streets that receive moderate volumes of traffic, car parks for facilities that are open during the daytime only, footpaths in shopping areas, and busy delivery areas are examples of frequent occupancy.

Occasional Occupancy

Occasionally used sites can be defined as those that are occupied by people or targets infrequently or irregularly. Examples include country roads, low use footpaths, and low use sections of parks. In some instances, a seldom-used area may be heavily used for short periods. Examples might include cemeteries, a field surrounded by trees that is used for special event parking, or trails and access roads used only when an event is under way. The client or tree manager may define whether the risk assessment is to consider low- or high use times or both.

Rare Occupancy

This category is for sites that are not commonly used by people. Backcountry trails, fenced areas that are well away from more actively used parts of a site, remote parts of an estate, and gardens through which neither workers nor visitors typically pass would all have a rare occupancy. The client or tree manager may decide, as a matter of policy, that the risk in these areas is so low that risk assessments is not justified.

Assumptions and Limiting Conditions

- No responsibility is assumed by Roots 2 Leaves Tree Services Pty Ltd for matters legal in nature related to this manual. Any legal or technical description given is assumed to be correct.
- All care has been taken to obtain reasonable and relevant information from qualified and reliable sources in the preparation of this document.
- Visual material within this manuals such as sketches, diagrams, photographs, etc. are not necessarily to scale and should not be construed as engineered data for construction.
- This document has been prepared utilising accepted contemporary standards of tree care and maintenance, evaluation and assessment procedures, diagnostic and reporting techniques and sound arboriculture practices as recommended by the sources listed in the 'References' section.

Our Ref: 24166

15th May 2025

Petra Wood
Statutory Planning Officer
East Gippsland Shire Council
PO Box 1618
Bairnsdale Vic 3875

Dear Petra,

**Re: Application for Planning Permit No: 5.2024.435.1
9 Banool Close, Metung
Development of a Dwelling and Associated Earthworks**

In response to your correspondence dated 9 April 2025, the request for further additional information relates to the dwelling siting and the need to remove native vegetation. Following further clarification in our meeting on 24th April 2025 we believe the following information in addition to the revised plans will address your concerns.

As previously outlined, the unique shape of the allotment makes it impractical to position the dwelling closer to the front of the site. The proposed siting has been carefully chosen to accommodate the clients' preference for a north-facing living room, which would be compromised if the dwelling were relocated. Furthermore, shifting the position forward would result in significantly reduced side setbacks, which would negatively impact the overall functionality of the dwelling and may impose on surrounding development.

Under the provisions of Clause 52.12-5 of the East Gippsland Planning Scheme, I would like to draw your attention to an exemption from the need to obtain planning approval for the removal of vegetation, on land zoned General Residential and affected by the Bushfire Management Overlay.

Clause 52.12-5 – **Exemption to create defendable space for a dwelling under Clause 44.06 of this planning scheme** provides the following:

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to enable the construction of a dwelling, or the alteration or extension of an existing dwelling, and create its defendable space if all of the following requirements are met:

- *Land is in the Bushfire Management Overlay.*
- *Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Housing Choice and Transport Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.*

- *The removal, destruction or lopping of vegetation:*
 - *Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or*
 - *Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.*

With the following Note:

The effect of clause 52.12-5 is that if an application for building and works is made and all requirements of the clause are met, that application is not required to be accompanied by a permit application to remove the vegetation covered by this clause.

The subject site and proposed dwelling are on land being contained within the General Residential Zone and affected by the Bushfire Management Overlay.

Given the surrounding vegetation, the BAL assessment provided by a suitably qualified BPAD Level 3 Accredited Practitioner, has been determined at a BAL29 requiring defensible space for 50 metres or to the boundary of the site, whichever is lesser. The Bushfire Planning Report as provided by EUCA Planning also refers to the “retained tree that will be pruned slightly to prevent overhanging”- this is in reference to Tree 1 and would require slight trimming and maintenance of excessive branches should any overhang occur.

Additionally, in reference to Tree 1 and as confirmed by Roots 2 Leaves Tree Services and Tom Hardy Design, the proposed encroachment has been calculated to remain below 10%, ensuring no detrimental impact to the Tree Protection Zone. Our clients are committed to preserving as many trees as reasonably possible, and this proposal reflects their intent to maintain and protect the site's vegetation.

This proposal is not required to seek approval for the removal of native vegetation, as such, it is considered excessive and contrary to the Bushfire Management Overlay requirements to provide a Landscape Management Plan to address re-vegetation.

We have provided extensive information and supporting documentation addressing our intent to retain as much vegetation as possible, well beyond what is required by the East Gippsland Planning Scheme, given this exemption. Nonetheless, please find attached further supporting documentation being written advice on the tree health from an accredited Arborist and revised Development Plans.

We trust that this information is sufficient to enable the application to proceed and a permit to be granted.

Should you require any further information or wish to discuss any element of the above further, please do not hesitate to contact our office on 03 5152 4858.

Regards

Courtney Campbell
Development Solutions Victoria

Olivia Zagami - Development Solutions Victoria

From:
Sent: Wednesday, 7 May 2025 4:44 PM
To: Olivia Zagami - Development Solutions Victoria
Subject: 9 Banool Close, Metung

EXTERNAL EMAIL WARNING: This email is from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

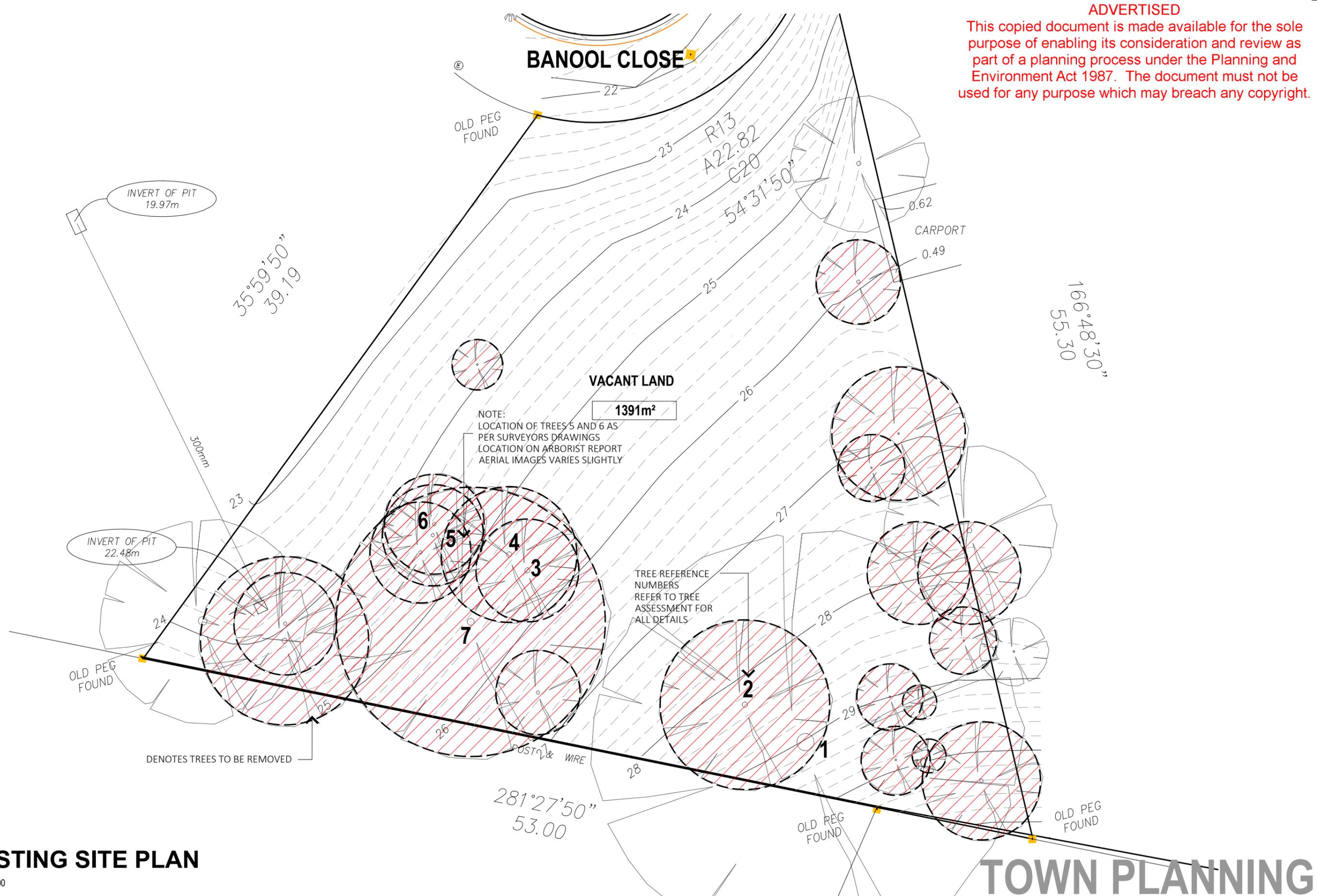
It's understood that EGSC has requested additional information on the trees at 9 Banool Close, Metung. Roots 2 Leaves Tree Services believes that the remaining trees that have been identified in the survey do not warrant further identification and assessment as they do not meet planning permit requirements. These plants have one or multiple of the following criteria - Under 10 years of age, planted citrus or fruit trees, under 2 meters in height or dead but under 400mm DBH.

Due to these exemptions they were not included in the arborist report.

--
Regards,

Nathan Williamson
Director - Roots 2 Leaves Tree Services PTY LTD
Director - Roots 2 Leaves Equipment Hire PTY LTD
Director - SharpARB
Consulting Arborist - AQF 5 Arborist - ISA TRAQ





EXISTING SITE PLAN

SCALE 1:200

TOWN PLANNING

ISSUE:	REVISION:	AMENDMENT:	DATE:
PRELIM	A	FOR REVIEW	00.00.00
PLANNING	A	ISSUED FOR PLANNING APPLICATION	17.12.24
PLANNING	B	ADJUSTED SITING	12.03.25
PLANNING	C	TREE NUMBER ADDED	14.05.25



PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOO CLOSE
METUNG**

CLIENT:

JOB NUMBER:
0417_23

DRAWING TITLE:
EXISTING SITE PLAN

SCALE: AS SHOWN
SHEET: A3
DRAWN: TH

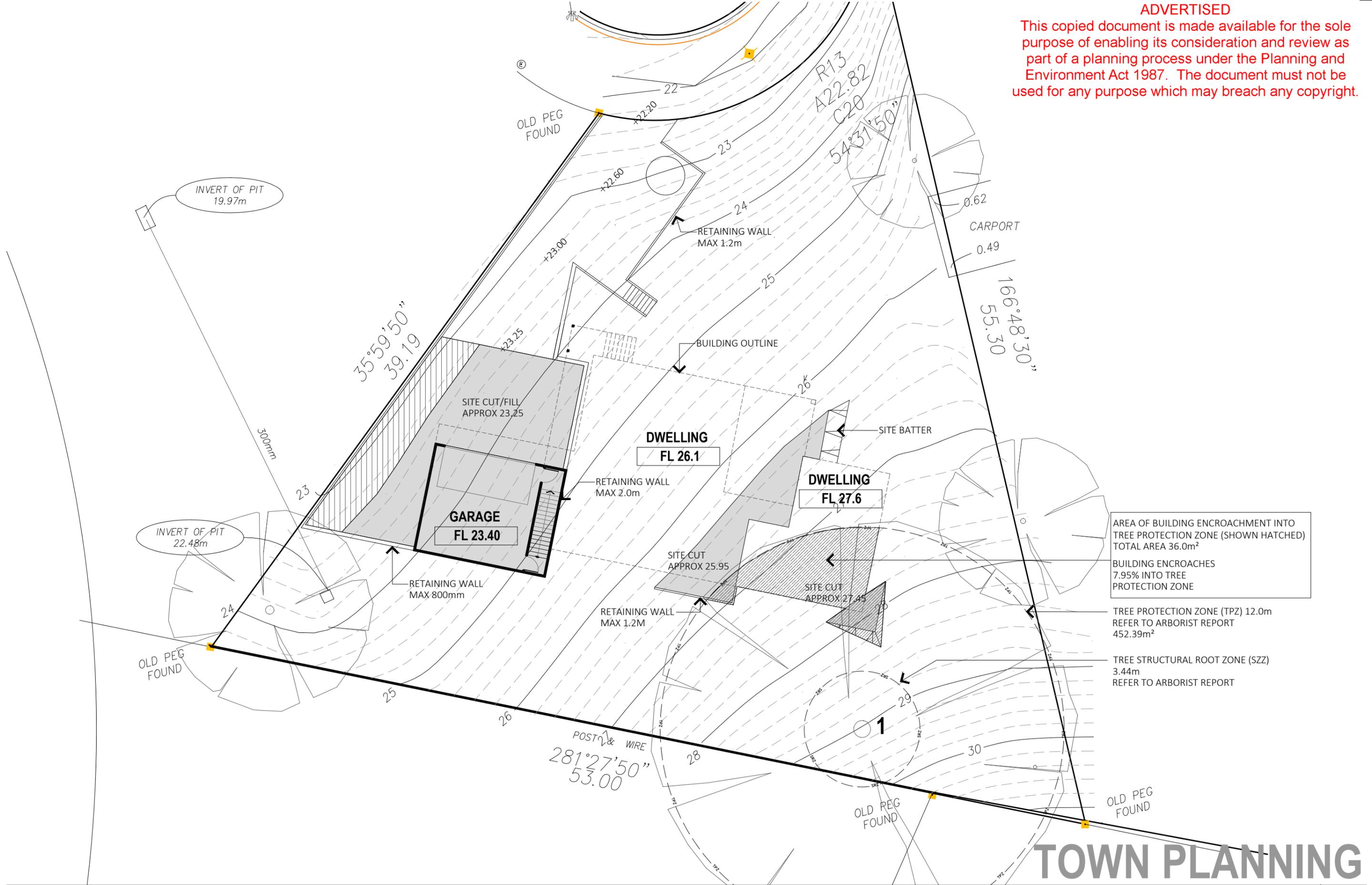
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AREA OF BUILDING ENCROACHMENT INTO TREE PROTECTION ZONE (SHOWN HATCHED) TOTAL AREA 36.0m²
 BUILDING ENCROACHES 7.95% INTO TREE PROTECTION ZONE
 TREE PROTECTION ZONE (TPZ) 12.0m REFER TO ARBORIST REPORT 452.39m²
 TREE STRUCTURAL ROOT ZONE (SRZ) 3.44m REFER TO ARBORIST REPORT

TOWN PLANNING

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PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOOL CLOSE
 METUNG**

CLIENT:

JOB NUMBER:
0417_23

DRAWING TITLE:
CUT PLAN

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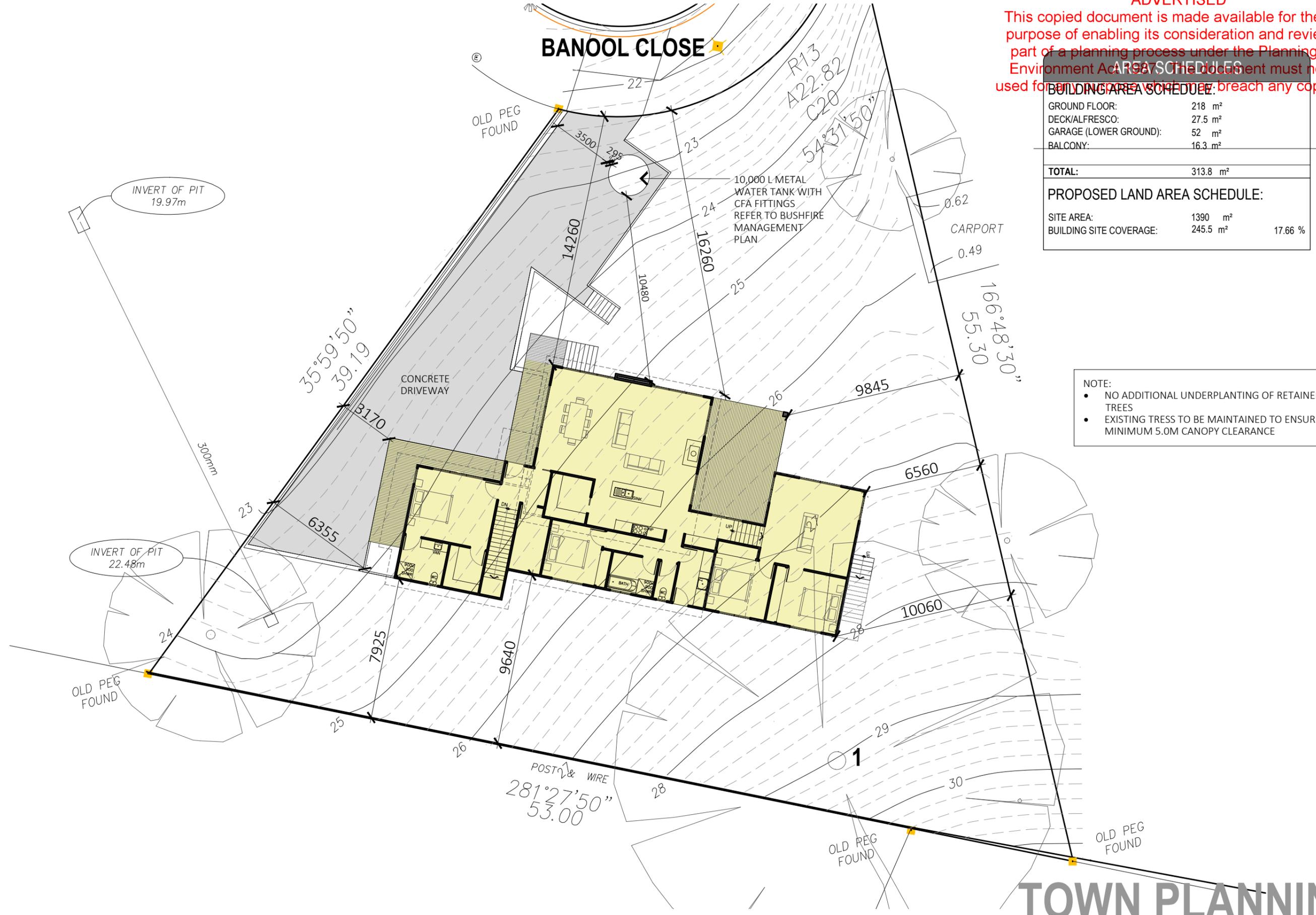
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BUILDING AREA SCHEDULE:		
GROUND FLOOR:	218 m ²	
DECK/ALFRESCO:	27.5 m ²	
GARAGE (LOWER GROUND):	52 m ²	
BALCONY:	16.3 m ²	
TOTAL:	313.8 m²	
PROPOSED LAND AREA SCHEDULE:		
SITE AREA:	1390 m ²	
BUILDING SITE COVERAGE:	245.5 m ²	17.66 %

NOTE:

- NO ADDITIONAL UNDERPLANTING OF RETAINED TREES
- EXISTING TREES TO BE MAINTAINED TO ENSURE MINIMUM 5.0M CANOPY CLEARANCE

TOWN PLANNING

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PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOOL CLOSE
METUNG**

CLIENT:

JOB NUMBER:
0417_23

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SITE PLAN

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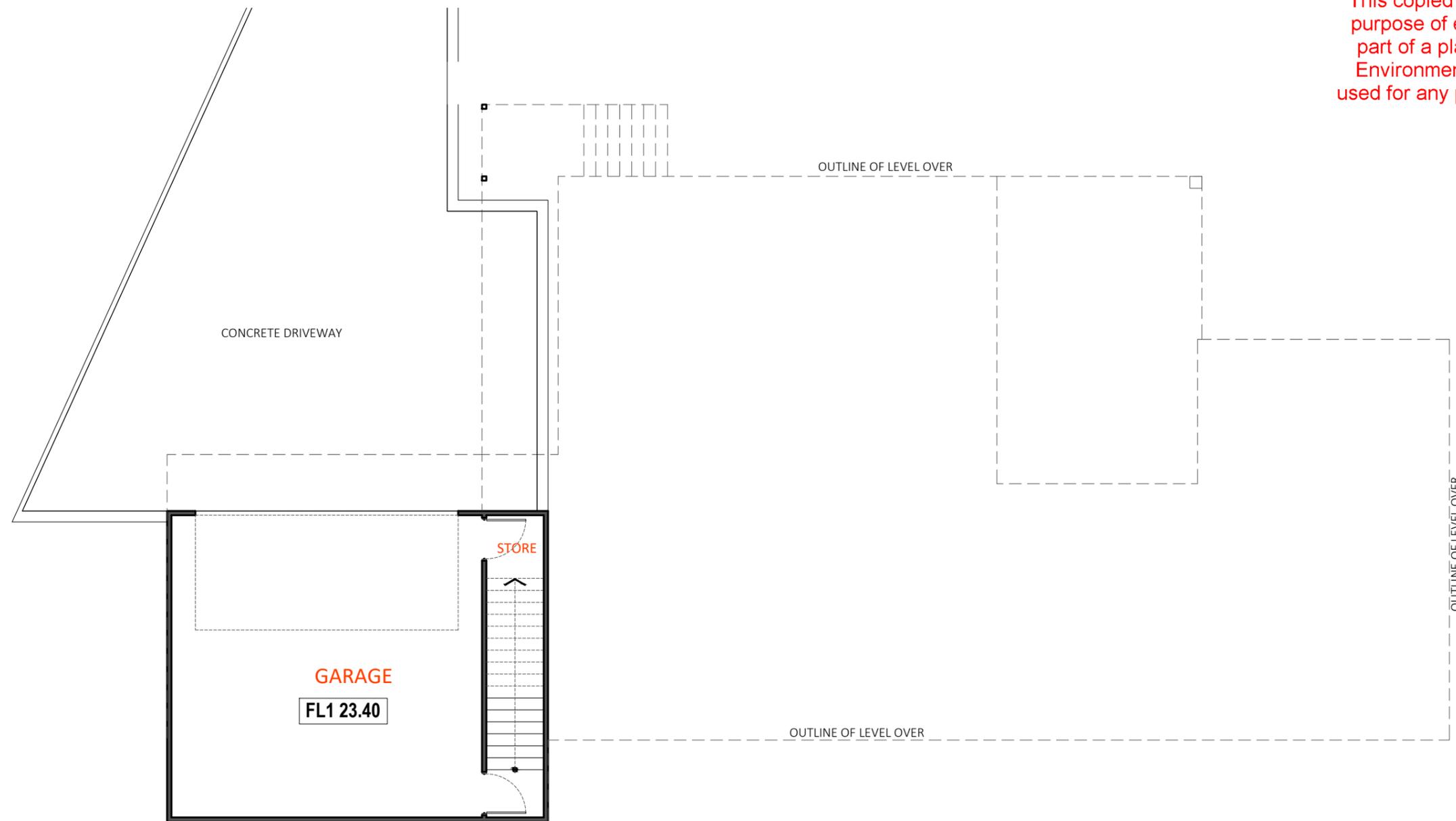
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GARAGE FLOOR PLAN

SCALE 1:100

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PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOOL CLOSE
METUNG**

CLIENT:

JOB NUMBER:
0417_23

DRAWING TITLE:
GARAGE FLOOR PLAN

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SHEET: A3
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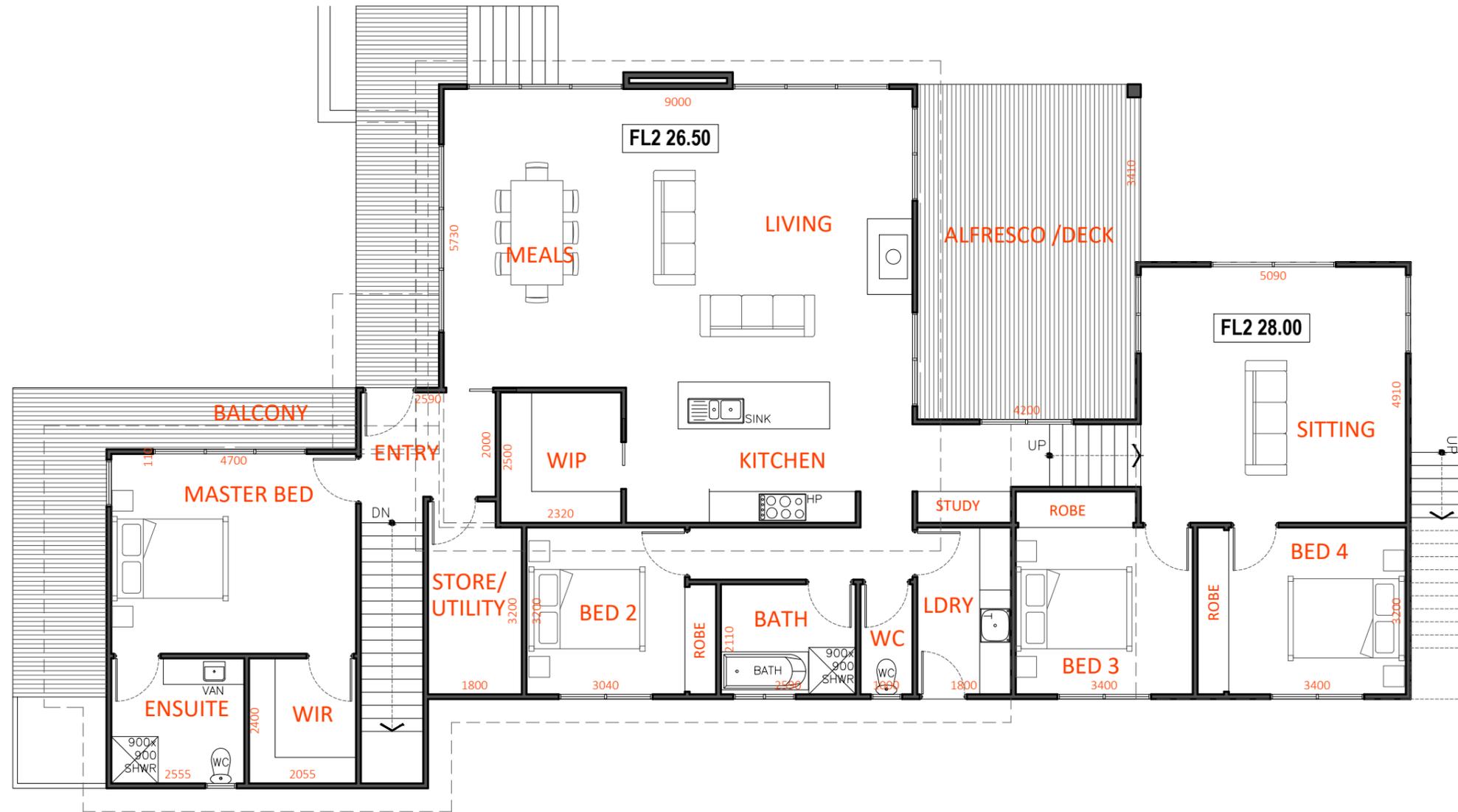
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GROUND FLOOR PLAN

SCALE 1:100

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PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOOL CLOSE
METUNG**

CLIENT:

JOB NUMBER:
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FLOOR PLAN

SCALE: AS SHOWN
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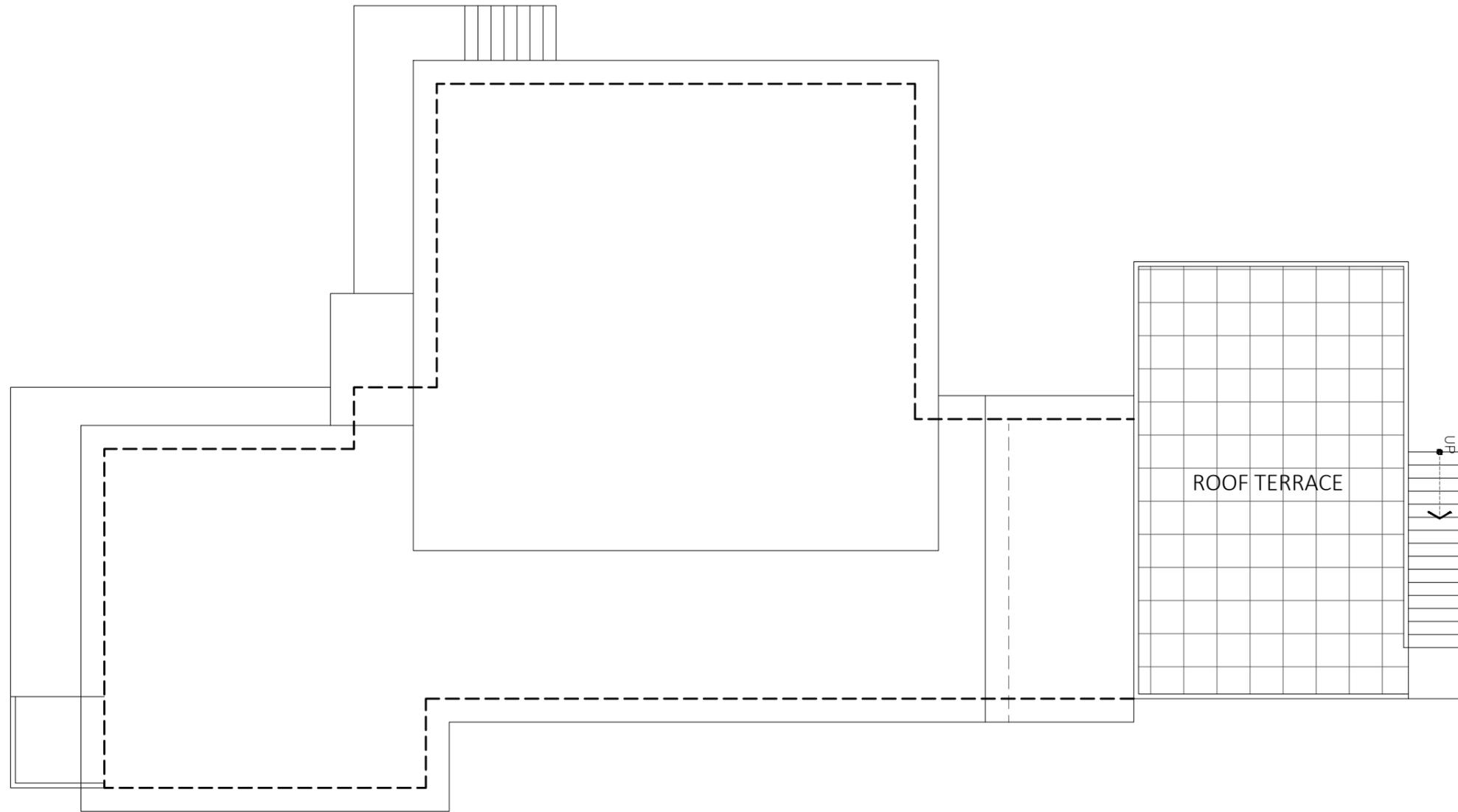
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ROOF PLAN

SCALE 1:100

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PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOOL CLOSE
METUNG**

CLIENT:

JOB NUMBER:
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DRAWING TITLE:
ROOF TERRACE PLAN

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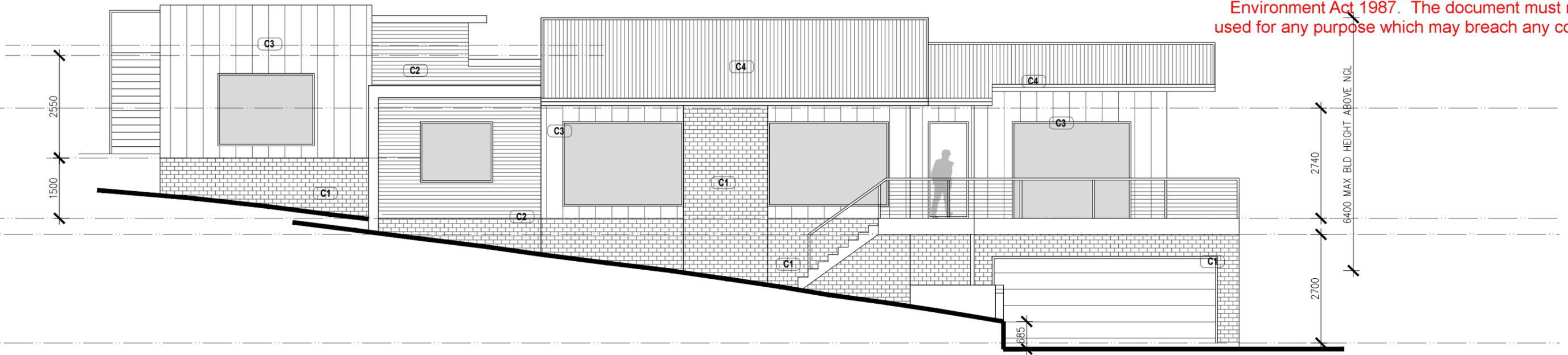
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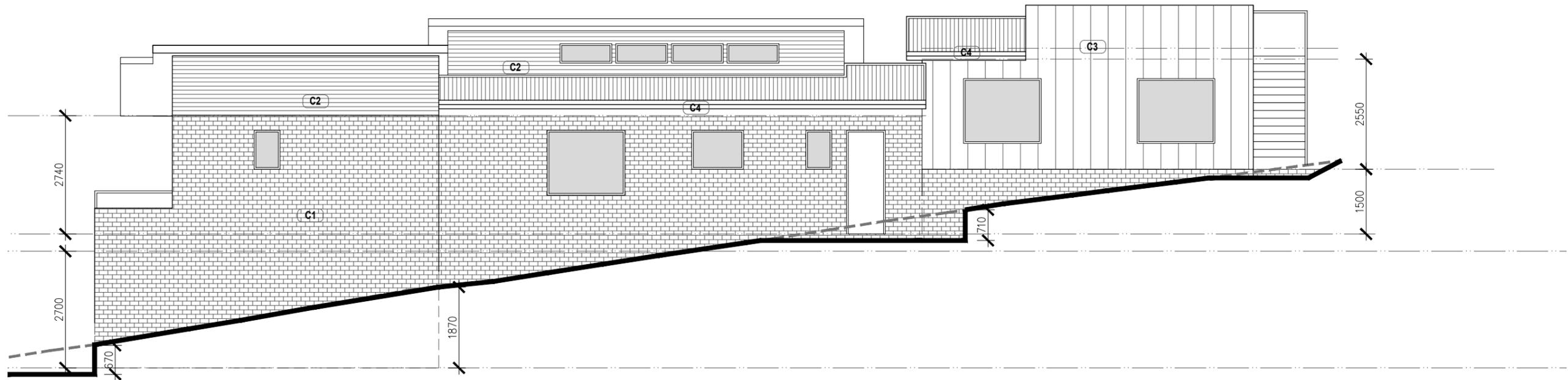


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NORTH ELEVATION 1:100



SOUTH ELEVATION 1:100

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PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOOL CLOSE
METUNG**

CLIENT:

JOB NUMBER:
0417_23

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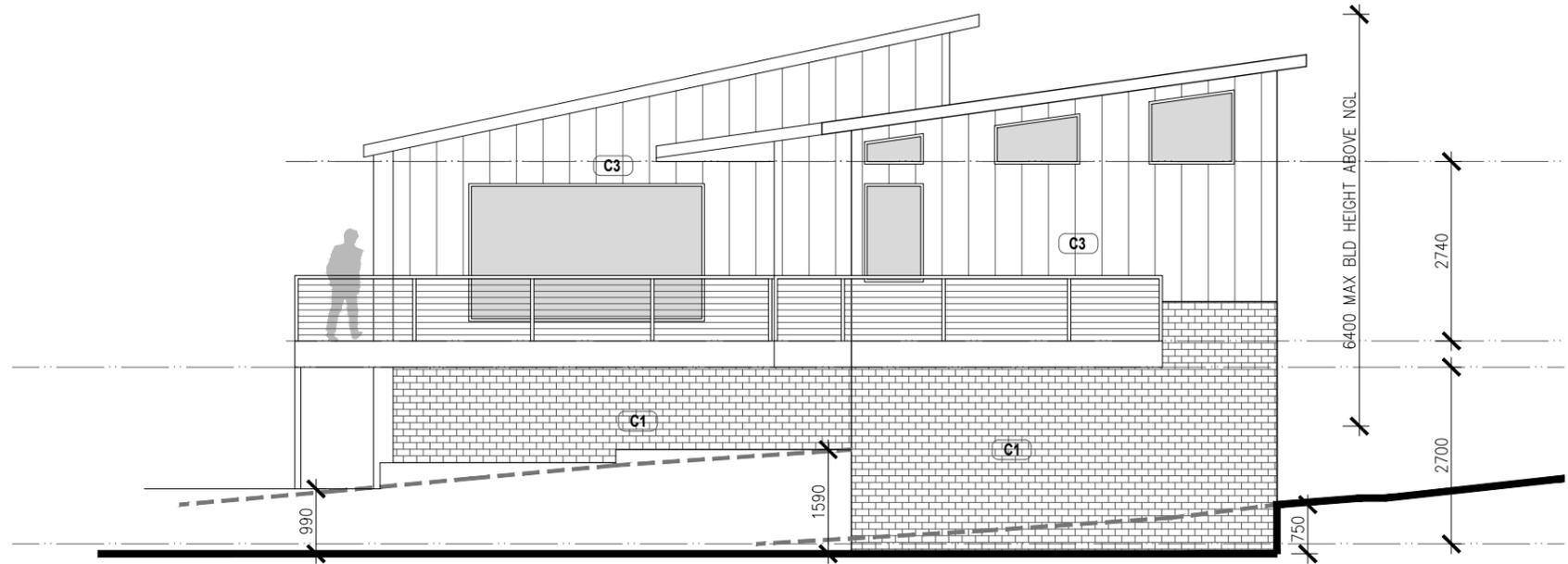
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PLANNING C

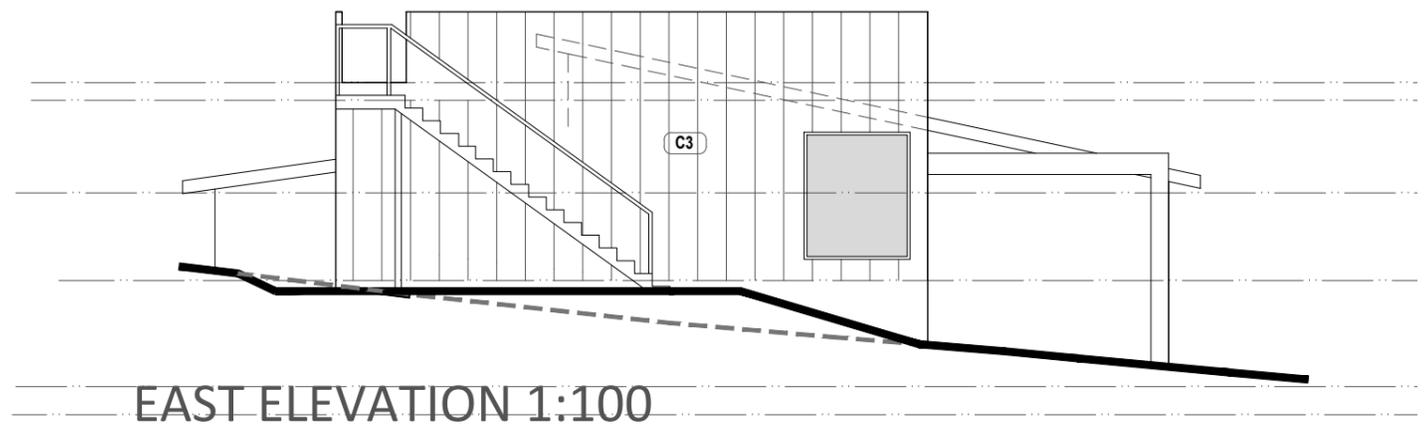
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- EXTERNAL MATERIALS AND FINISHES**
- C1 CLADDING 1 - FACE BRICK / BLOCKWORK
 - C2 CLADDING 2 - SELECTED METAL CLADDING TYPE 1
 - C3 CLADDING 3 - SELECTED METAL CLADDING TYPE 2
 - C4 CLADDING 4 - SELECTED METAL ROOFING

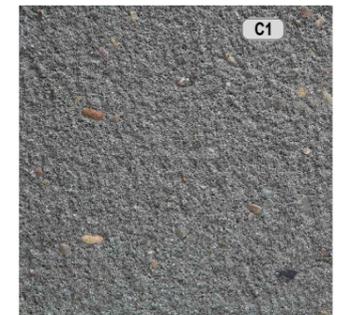


WEST ELEVATION 1:100

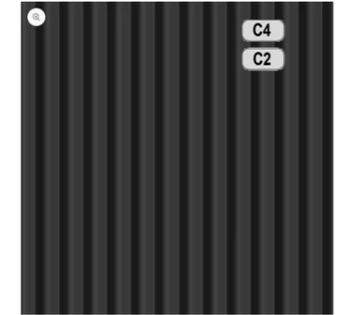


EAST ELEVATION 1:100

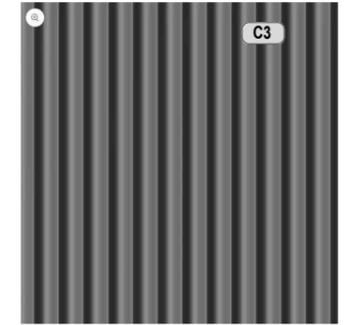
COLOUR SCHEDULE



BRICKWORK - STEEL RIVER GREY



COLORBOND MONUMENT



COLORBOND BASALT

TOWN PLANNING

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PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**9 BANOOL CLOSE
METUNG**

CLIENT:

JOB NUMBER:
0417_23

DRAWING TITLE:

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