

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	1997 Genoa-Mallacoota Road MALLACOOTA VIC 3892 Lot: 2 PS: 514854
The application is for a permit to:	Two Lot Subdivision, Vegetation Removal & Creation of Carriageway Easement Adjacent to Transport Zone 2
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
32.03-3 (LDRZ)	Subdivide land
42.02-2 (VPO)	Remove, destroy or lop vegetation
43.02-3 (DDO)	Subdivide land
44.06-2 (BMO)	Subdivide land
52.02	Proceeding under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement
52.17-1	Remove, destroy or lop native vegetation, including dead native vegetation
52.29-2	Create or alter access to a road in a Transport Zone 2
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2025.147.1

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

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

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

An objection must

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

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

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

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

April McDonald

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Friday, 9 May 2025 3:04 PM
To: Planning Unit Administration
Subject: Planning Permit application
Attachments: Planning_Permit_Application_2025_2025-05-09T15-04-07_24974626_0.pdf; 10. COT Vol11050 Fol137.pdf; 2. Proposed Subdivision Plan V3.pdf; 1. Planning Report.pdf; 3. Bushfire Planning Report - South Coast Bushfire Consultants 3 March 2025.pdf; 6. Vegetation Design Response V1.pdf; 7. Plan of Vegetation Removal V1.pdf; 8. Native Vegetation Removal Report 319_20250414_HLQ.pdf; 9. Report of Available Native Vegetation Credits Report ID 29314.pdf; 4. Bushfire Management Plan V1.pdf; 5. Design Response V1.pdf

Planning Permit Application

A "Planning Permit Application" has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Applicant name: Crowther & Sadler Pty Ltd

Business trading name: Crowther & Sadler Pty Ltd

Email address: contact@crowthersadler.com.au

Postal address : PO Box 722, Bairnsdale

Preferred phone number: 0351525011

Owner's name:

Owner's postal address:

Street number: 1997

Street name: Genoa-Mallacoota Road

Town: Mallacoota

Post code: 3892

Lot number: 2

Plan number: PS514854

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?: No

Will the proposal result in a breach of a registered covenant restriction or agreement?: No

Existing conditions : Vacant LDRZ land

Description of proposal : Two Lot Subdivision, Vegetation Removal & Creation of Carriageway Easement Adjacent to Transport Zone 2

Estimated cost of development: 0

Has there been a pre-application meeting: No

Your reference number: 20229

Full copy of Title: [10. COT Vol11050 Fol137.pdf](#)

Plans: [2. Proposed Subdivision Plan V3.pdf](#)

Planning report: [1. Planning Report.pdf](#)

ExtraFile: 7

1. Supporting information/reports: [3. Bushfire Planning Report - South Coast Bushfire Consultants 3 March 2025.pdf](#)

2. Supporting information/reports: [4. Bushfire Management Plan V1.pdf](#)

4. Supporting information/reports: [5. Design Response V1.pdf](#)

3. Supporting information/reports: [6. Vegetation Design Response V1.pdf](#)

5. Supporting information/reports: [7. Plan of Vegetation Removal V1.pdf](#)

6. Supporting information /reports: [8. Native Vegetation Removal Report 319_20250414_HLQ.pdf](#)

7. Supporting information/reports: [9. Report of Avilable Native Vegetation Credits Report ID 29314.pdf](#)

Invoice Payer: Crowther & Sadler Pty Ltd

Address for Invoice: PO Box 722, Bairnsdale

Invoice Email: contact@crowthersadler.com.au

Primary Phone Invoice: 0351525011

Declaration: Yes

Authority Check: Yes

Notice Contact Check: Yes

Notice check 2: Yes

Privacy Statement Acknowledge: Yes

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

Page 1 of 3

VOLUME 11050 FOLIO 137

Security no : 124124325993E
Produced 09/05/2025 02:51 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 514854B.
PARENT TITLE Volume 07678 Folio 188
Created by instrument PS514854B 25/01/2008

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE PS514854B 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: 1997 GENOA-MALLACOOTA ROAD MALLACOOTA VIC 3892

ADMINISTRATIVE NOTICES

NIL

eCT Control 21210T WARREN GRAHAM AND MURPHY PTY LTD
Effective from 22/12/2022

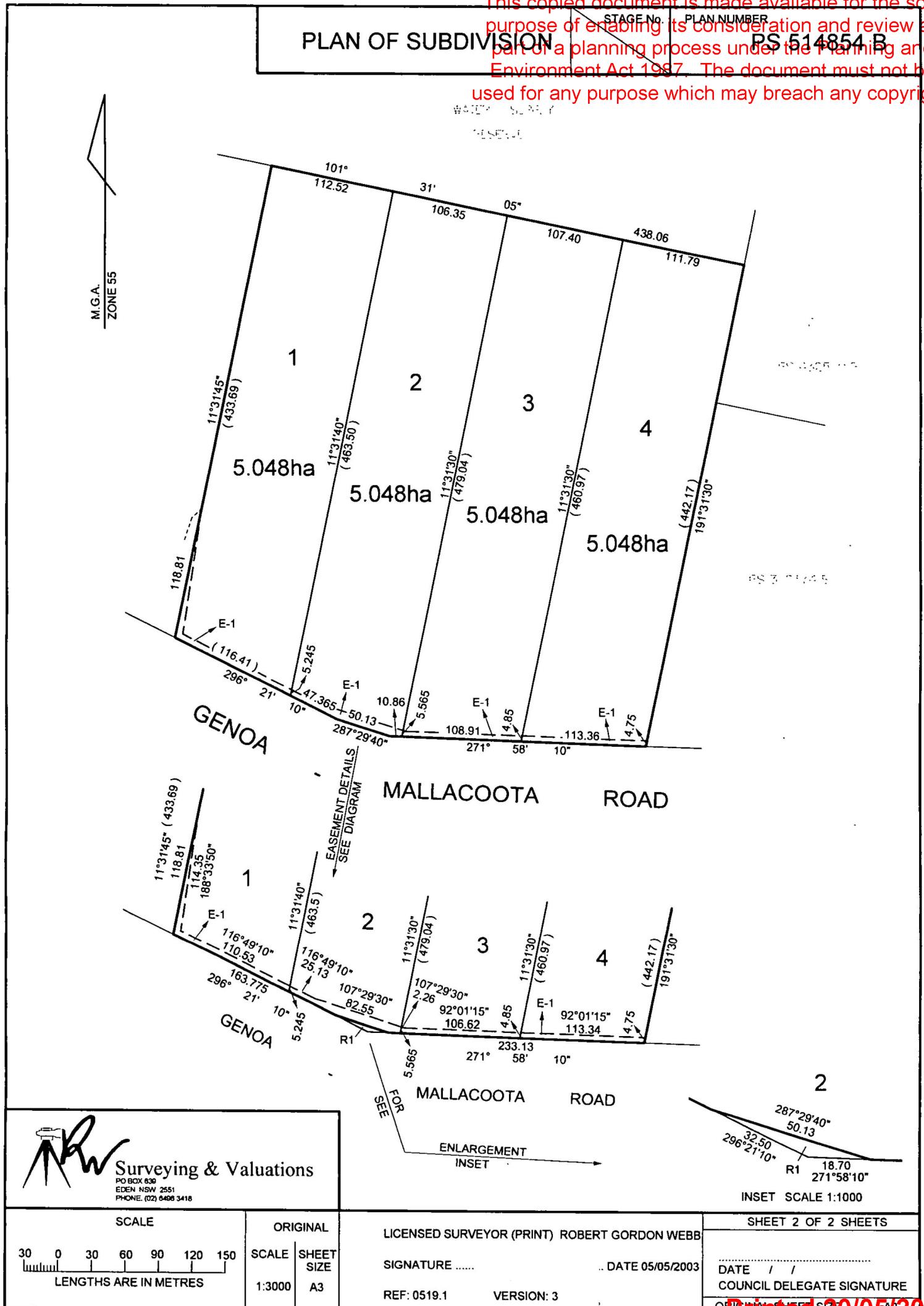
DOCUMENT END

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PLAN OF SUBDIVISION		STAGE	PLAN NUMBER
LOCATION OF LAND PARISH: MALLACOOTA TOWNSHIP:- SECTION:- CROWN ALLOTMENT: 25 CROWN PORTION:- LTO BASE RECORD: 3044 TITLE REFERENCE: VOL. 07678 FOLIO 188 LAST PLAN REFERENCE/S:OP 9259 POSTAL ADDRESS: 1 GENOA - MALLACOOTA ROAD MALLACOOTA VIC. 3892 MGA Co-ordinates E: 741250 ZONE: 55 (of approx. centre of N: 5840900 land in plan).		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL REF: 02/00494/DS 80/2006/CRT 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6 12/9/2006 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE: (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has / has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in stage Council Delegate Council Seal Date 7/12/2007 Re-certification under Section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date 7/12/2007	
VESTING OF ROAD AND / OR RESERVE			
IDENTIFIER	COUNCIL / BODY / PERSON		
R1	ROADS CORPORATION		
NOTATIONS			
STAGING		This is not a staged subdivision. Planning permit No. 02/00494/DS	
DEPTH LIMITATION: 15.24 METRES BELOW THE SURFACE APPLIES TO ALL OF THE LAND IN THIS PLAN			
SURVEY. THIS PLAN IS BASED ON SURVEY			
THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARK No.(s) PM 45 IN PROCLAIMED SURVEY AREA No. N/A			
EASEMENT INFORMATION			
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)			
LTO USE ONLY			
STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT			
RECEIVED ☒			
DATE 25/1/08			
LTO USE ONLY			
PLAN REGISTERED			
TIME 12:52			
DATE 25/1/08			
Assistant Registrar of Titles			
SHEET 1 OF 2 SHEETS			
 Surveying & Valuations PO BOX 830 EDEN NSW 2551 PHONE (02) 6496 3418		LICENSED SURVEYOR (PRINT) ROBERT GORDON WEBB SIGNATURE DATE 05/05/2003 REF: 0519.1 VERSION: 3	
DATE 7/12/2007 COUNCIL DELEGATE SIGNATURE		DATE 7/12/2007 COUNCIL DELEGATE SIGNATURE	

Printed 20/05/2025

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Report of available native vegetation credits

This report lists native vegetation credits available to purchase through the Native Vegetation Credit Register.

This report is **not evidence** that an offset has been secured. An offset is only secured when the units have been purchased and allocated to a permit or other approval and an allocated credit extract is provided by the Native Vegetation Credit Register.

Date and time: 14/04/2025 12:43

Report ID: 29314

What was searched for?

General offset

General habitat units	Strategic biodiversity value	Large trees	Vicinity (Catchment Management Authority or Municipal district)	
0.246	0.712	0	CMA	East Gippsland

Details of available native vegetation credits on 14 April 2025 12:43

These sites meet your requirements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
BBA-2323	6.019	86	East Gippsland	East Gippsland Shire	Yes	Yes	No	Bio Offsets, Ethos, VegLink
BBA-2843	15.103	903	East Gippsland	East Gippsland Shire	Yes	Yes	No	VegLink
TFN-C1621	1.387	1	East Gippsland	East Gippsland Shire	Yes	Yes	No	TFN
VC_CFL-3720_01	1.876	244	East Gippsland	East Gippsland Shire	Yes	Yes	No	Contact NVOR
VC_CFL-3767_01	19.320	1562	East Gippsland	East Gippsland Shire	Yes	Yes	No	Ethos, VegLink
VC_CFL-3767_01	0.576	0	East Gippsland	East Gippsland Shire	Yes	Yes	Yes	VegLink

These sites meet your requirements using alternative arrangements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
----------------	-----	----	-----	-----	------------	--------	-------------	-----------

There are no sites listed in the Native Vegetation Credit Register that meet your offset requirements when applying the alternative arrangements as listed in section 11.2 of the Guidelines for the removal, destruction or lopping of native vegetation.

These potential sites are not yet available, land owners may finalise them once a buyer is confirmed.

Credit Site ID	GHU	LT	CMA	LGA	Land Owner	Trader	Fixed price	Broker(s)
VC_CFL-3777_01	14.388	531	East Gippsland	East Gippsland Shire	Yes	Yes	No	Contact NVOR

LT - Large Trees

CMA - Catchment Management Authority

LGA - Municipal District or Local Government Authority

Next steps

If applying for approval to remove native vegetation

Attach this report to an application to remove native vegetation as evidence that your offset requirement is currently available.

If you have approval to remove native vegetation

Below are the contact details for all brokers. Contact the broker(s) listed for the credit site(s) that meet your offset requirements. These are shown in the above tables. If more than one broker or site is listed, you should get more than one quote before deciding which offset to secure.

Broker contact details

Broker Abbreviation	Broker Name	Phone	Email	Website
	Fully traded			
Abezco	Abzeco Pty. Ltd.	(03) 9431 5444	offsets@abzeco.com.au	www.abzeco.com.au
Baw Baw SC	Baw Baw Shire Council	(03) 5624 2411	bawbaw@bawbawshire.vic.gov.au	www.bawbawshire.vic.gov.au
Bio Offsets	Biodiversity Offsets Victoria	0452 161 013	info@offsetsvictoria.com.au	www.offsetsvictoria.com.au
Contact NVOR	Native Vegetation Offset Register	136 186	nativevegetation.offsetregister@deeca.vic.gov.au	www.environment.vic.gov.au/native-vegetation
Ecocentric	Ecocentric Environmental Consulting	0410 564 139	ecocentric@me.com	Not available
Ethos	Ethos NRM Pty Ltd	(03) 5153 0037	offsets@ethosnrm.com.au	www.ethosnrm.com.au
Nillumbik SC	Nillumbik Shire Council	(03) 9433 3316	offsets@nillumbik.vic.gov.au	www.nillumbik.vic.gov.au
TFN	Trust for Nature	8631 5888	offsets@tfn.org.au	www.trustfornature.org.au
VegLink	Vegetation Link Pty Ltd	(03) 8578 4250 or 1300 834 546	offsets@vegetationlink.com.au	www.vegetationlink.com.au
Yarra Ranges SC	Yarra Ranges Shire Council	1300 368 333	biodiversityoffsets@yarraranges.vic.gov.au	www.yarraranges.vic.gov.au

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For more information contact the DEECA Customer Service Centre 136 186 or the Native Vegetation Credit Register at nativevegetation.offsetregister@delwp.vic.gov.au

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Obtaining this publication does not guarantee that the credits shown will be available in the Native Vegetation Credit Register either now or at a later time when a purchase of native vegetation credits is planned.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes

Native Vegetation Removal Report

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NVRR ID: 319_20250414_HLQ

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the [Guidelines for the removal, destruction or lopping of native vegetation](#) (the Guidelines). This report is **not an assessment by DEECA** of the proposed native vegetation removal. Offset requirements have been calculated using modelled condition scores.

Report details

Date created: 14/04/2025

Local Government Area: EAST GIPPSLAND SHIRE

Registered Aboriginal Party:

Coordinates: 149.73031, -37.54760

Address: 1997 GENOA-MALLACOOTA ROAD MALLACOOTA
3892

Regulator Notes

Removal polygons are located:

Summary of native vegetation to be removed

Assessment pathway	Basic Assessment Pathway		
Location category	Location 1 The native vegetation extent map indicates that this area is not typically characterised as supporting native vegetation. It does not meet the criteria to be classified as Location Category 2 or 3. The removal of less than 0.5 hectares of native vegetation in this area will not require a Species Offset.		
Total extent including past and proposed removal (ha) <i>Includes endangered EVCs (ha): 0</i>	0.22	<i>Extent of past removal (ha)</i>	0
		<i>Extent of proposed removal - Patches (ha)</i>	0.220
		<i>Extent of proposed removal - Scattered Trees (ha)</i>	0.000
No. Large Trees proposed to be removed	0	<i>No. Large Patch Trees</i>	0
		<i>No. Large Scattered Trees</i>	0
No. Small Scattered Trees	0		



Offset requirements if approval is granted

Any approval granted will include a condition to secure an offset, before the removal of native vegetation, that meets the following requirements:

General Offset amount ¹	0.246 General Habitat Units
Minimum strategic biodiversity value score ²	0.712
Large Trees	0
Vicinity	East Gippsland CMA or EAST GIPPSLAND SHIRE LGA

NB: values within tables in this document may not add to the totals shown above due to rounding

The availability of third-party offset credits can be checked using the Native Vegetation Credit Register (NVCR) Search Tool - <https://nvcr.delwp.vic.gov.au>

1. The General Offset amount required is the sum of all General Habitat Units in Appendix 1.

2. Minimum strategic biodiversity value score is 80 per cent of the weighted average score across habitat zones where a General Offset is required.

Application requirements

Applications to remove, destroy or lop native vegetation must include all the below information. If an appropriate response has not been provided the application is not complete.

Application Requirement 1 - Native vegetation removal information

If the native vegetation removal is mapped correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 1.

Application Requirement 2 - Topographical and land information

This statement describes the topographical and land features in the vicinity of the proposed works, including the location and extent of any ridges, hilltops, wetlands and waterways, slopes of more than 20% gradient, low-lying areas, saline discharge areas or areas of erosion.

Application Requirement 3 - Photographs of the native vegetation to be removed

Application Requirement 3 is not addressed in this Native Vegetation Removal Report. All applications must include recent, timestamped photos of each Patch, Large Patch Tree and Scattered Tree which has been mapped in this report.

Application Requirement 4 - Past removal

If past removal has been considered correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 4.

Application Requirement 5 - Avoid and minimise statement

This statement describes what has been done to avoid and minimise impacts on native vegetation and associated biodiversity values.

Application Requirement 6 - Property Vegetation Plan

This requirement only applies if an approved Property Vegetation Plan (PVP) applies to the property
Does a PVP apply to the proposal?

Application Requirement 7 - Defendable space statement

Where the removal of native vegetation is to create defendable space, this statement:

- Describes the bushfire threat; and

- Describes how other bushfire risk mitigation measures were considered to reduce the amount of native vegetation proposed for removal (this can also be part of the avoid and minimise statement).

This statement is not required if, If the proposed defensible space is within the Bushfire Management Overlay (BMO), and in accordance with the 'Exemption to create defensible space for a dwelling under Clause 44.06 of local planning schemes' in Clause 52.12-5.

Application Requirement 8 - Native Vegetation Precinct Plan

This requirement is only applicable if you are removing native vegetation from within an area covered by Native Vegetation Precinct Plan (NVPP), and the proposed removal is not identified as 'to be removed' within the NVPP.

Does an NVPP apply to the proposal?

Application Requirement 9 - Offset statement

This statement demonstrates that an offset is available and describes how the required offset will be secured. The Applicant's Guide provides information relating to this requirement.

Next steps

Applications to remove, destroy or lop native vegetation must address all the application requirements specified in the Guidelines. If you wish to remove the mapped native vegetation you are required to apply for approval from the responsible authority (e.g. local Council). This Native vegetation removal report must be submitted with your application and meets most of the application requirements. The following requirements need to be addressed, as applicable.

Application Requirement 3 - Photographs of the native vegetation to be removed

Recent, dated photographs of the native vegetation to be removed **must be provided** with the application. All photographs must be clear, show whether the vegetation is a Patch of native vegetation, Patch Tree or Scattered Tree, and identify any Large Trees. If the area of native vegetation to be removed is large, provide photos that are indicative of the native vegetation.

Ensure photographs are attached to the application. If appropriate photographs have not been provided the application is not complete.

Application Requirement 6 - Property Vegetation Plan

If a PVP is applicable, it must be provided with the application.

Appendix 1: Description of native vegetation to be removed

General Habitat Units for each zone (Patch, Scattered Tree or Patch Tree) are calculated by the following equation in accordance with the Guidelines

General Habitat Units = extent without overlap x condition score x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)

The General Offset amount required is the sum of all General Habitat Units per zone.

Native vegetation to be removed

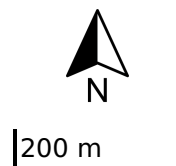
Information provided by or on behalf of the applicant			Information calculated by NVR Map							
Zone	Type	DBH (cm)	EVC code (modelled)	Bioregional conservation status	Large Tree(s)	Condition score (modelled)	Polygon extent (ha)	Extent without overlap (ha)	SBV score	General Habitat Units
1	Patch	-	EGL_0014, EGL_0016	Least Concern	-	0.792	0.102	0.102	0.890	0.115
2	Patch	-	EGL_0014	Least Concern	-	0.792	0.030	0.030	0.890	0.034
3	Patch	-	EGL_0014	Least Concern	-	0.790	0.087	0.087	0.890	0.097

Appendix 2: Images of mapped native vegetation

1. Property in context



- Proposed Removal
- Property Boundaries



2. Aerial photograph showing mapped native vegetation



Proposed Removal



45 m

3. Location Risk Map



Proposed Removal

Location 1

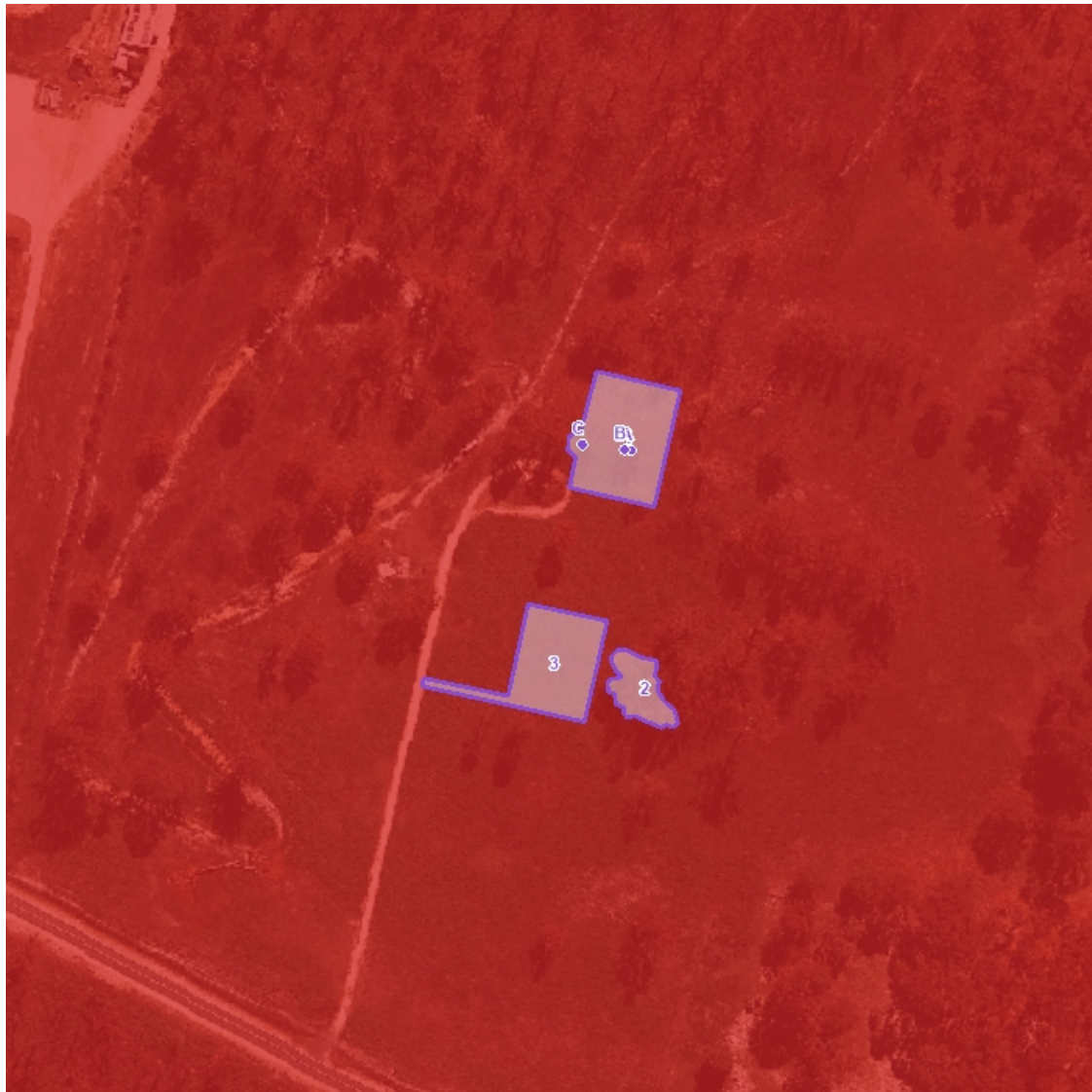
Location 2

Location 3

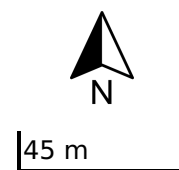
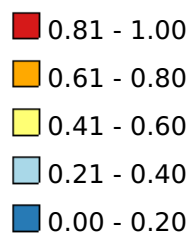


45 m

4. Strategic Biodiversity Value Score Map



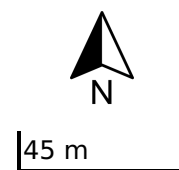
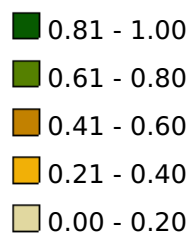
 Proposed Removal



5. Condition Score Map



Proposed Removal



6. Endangered EVCs

Not Applicable

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BUSHFIRE PLANNING REPORT – 1997 GENOA- MALLACOOTA ROAD, MALLACOOTA

REF: 2024-019

3rd March
2025

South Coast Bushfire Consultants

South Coast Bushfire Consultants

Principal Consultant – Kylie Steel

P.O. Box 721, Torquay, Vic 3228

Phone: Email: kylie@scbconsult.com.au

Qualifications / Accreditations:

- Accredited Bushfire Consultant (BPAD level 2) with the Fire Protection Association Australia (FPA) (2014)
- Preparing and assessing an application under the Bushfire Management Overlay – Planet (Department of Planning and Community Development) (2013)
- Postgraduate Certificate in Bushfire Planning and Management – The University of Melbourne (2013)
- Postgraduate Certificate in Business – The University of Notre Dame, Broome (2002)
- Bachelor of Science, Honours – The University of Melbourne (1998)
- Native Vegetation Planning Permit Applications – Planet (Department of Planning and Community Development) Training Seminar (2013)

Version Control

	Name	Date Completed	Comments
Report Version	Kylie Steel	02/05/24	Version 1
		17/06/24	Version 2
		03/03/25	Version 3
Field Assessment	Kylie Steel	10/01/24	
Report Review	Kylie Steel	02/05/24	
Mapping	Greg Jones	02/05/24	Version 1
		17/06/24	Version 2
		03/03/25	Version 3

Disclaimer

This report has been made with careful consideration and with the best information available to South Coast Bushfire Consultants 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. South Coast Bushfire Consultants do not guarantee that it is without flaw or omission of any kind and therefore disclaim all liability for any error, loss or other consequence that may arise from you relying on any information in this report.

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

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

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DEFINITIONS, ABBREVIATIONS AND ACRONYMS

AS 3959-2018	Australian Standard AS 3959 -2018 Construction of buildings in bushfire-prone areas
CFA	Country Fire Authority
Clause	A clause relates to a specific piece within the planning scheme
Clause 44.06	Bushfire Management Overlay
Clause 53.02	Planning for Bushfire
Clause 13.02-1S	Environmental Risk – Bushfire
DEECA	Department of Energy, Environment and Climate Action
BAL	Bushfire Attack Level
BPA	Bushfire Prone Area
BMO	Bushfire Management Overlay
BPR	Bushfire Planning Report
FRV	Fire Rescue Victoria
Method 1	refers to methodology in AS 3959-2018 for determining a BAL with a number of predetermined inputs
Method 2	refers to methodology in AS 3959-2018 for determining a site specific BAL
Pathway 1	refers to an application pathway in Clause 53.02 of the planning scheme
Pathway 2	refers to an application pathway in Clause 53.02 of the planning scheme
Planning Practice Note	a guide for using various sections of the planning scheme prepared by DELWP
RA	Responsible Authority
SCBC	South Coast Bushfire Consultants
Total Fire Ban Day	is declared by CFA on days when fires are likely to spread rapidly and could be difficult to control

Bushfire Planning Report – 1997

Genoa-Mallacoota Road, Mallacoota

1. INTRODUCTION

This report has been prepared to accompany a planning permit application for a two-lot subdivision at Mallacoota. The site is within the Bushfire Management Overlay (BMO) and as such needs to demonstrate that the development has regard for the associated bushfire risk.

This report presents a comprehensive assessment of the hazards and suggests mitigation measures to improve the protection of life and property for the proposed development.

The site is within the Low-Density Residential Zone and proposes a subdivision application. The proposed development requires a pathway 3 application to meet the objectives and approval measures of Clause 53.02 of the East Gippsland Shire Planning Scheme.

The report includes the following components:

- A site analysis considering localised hazards, defensible space and the bushfire attack level.
- Assessment of the landscape risk.
- The bushfire management plan and proposed permit conditions.
- The sites response to the relevant approval measures in Clause 53.02 from the East Gippsland planning scheme.
- The development's response to Clause 13.02-1S Bushfire Planning.

The development is located within an existing low density rural residential area of Mallacoota. To the north and south are areas of forest vegetation. West is the existing water treatment plant and one low density residential zone. East of the site are two other large low density residential allotments and the interface of the existing township area.

The development can demonstrate compliance with the objectives of the BMO and associated Clause 53.02 Bushfire Planning, including defensible space within the property boundary, the provision of a 10,000L static water supply on each allotment and each lot will provide access for emergency services. The proposed building envelopes can provide defensible space for a BAL of 12.5 and a construction standard of a BAL 29 is recommended.

2. SUMMARY

This Bushfire Planning Report (BPR) 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 associated Clause 53.02 *Bushfire Protection: Planning Requirements* (known from this point on as Clause 53.02).

The mitigation measures associated with the proposed development include the following:

Mitigation Measure	Site Response
Defendable Space	The proposed development will manage defendable space to meet a BAL of 12.5 for the two proposed building envelopes. The building envelopes on each lot have been located to enable one large managed area centrally within the site to provide maximum separation distance from the surrounding bushfire hazards. The defendable space will be managed in accordance with table 6 to Clause 53.02-5 and is wholly contained within the property boundary.
Construction Standard	The site will provide defendable space for a BAL of 12.5, however, it is recommended that all construction be compliant with a BAL of 29. Construction to a BAL of 29 will provide an enhanced resilience to the likely ember attack and considers the remote nature of the township of Mallacoota.
Static Water Supply	Each allotment will provide 10,000L of static water. The static water will be compliant with table 4 and the 'Fire Authority Requirements' from Clause 53.02-5.
Access	The access enables emergency service vehicles access to the site and the static water supply.

3. METHODOLOGY

The methodology used to satisfy the requirements of the BMO include the following:

- A Bushfire Hazard Landscape Assessment
- A Bushfire Hazard Site Assessment
- A method 1 BAL Assessment
- A Bushfire Management Plan
- A Bushfire Management Statement:
 - Sites Responses to applicable sub clauses of 53.02
- Response to Clause 13.02-1S.

4. PLANNING AND BUILDING CONTROLS

4.1 Planning zones and overlays

Clause Number	Name	Purpose
LOCAL GOVERNMENT AREA PLANNING SCHEME		
Planning Policy:		
13.02-1S	Bushfire Planning	To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
13.01-1S	Natural Hazards and Climate Change	To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning. <u>Strategies:</u> - Consider the risks associated with climate change in planning and management decision making processes. - Identify at risk areas using the best available data and climate change science. - Integrate strategic land use planning with emergency management decision making. - Direct population growth and development to low-risk locations. - Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time. - Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented. - Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards. - Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.
Planning Zone:	To implement the Municipal Planning Strategy and the Planning Policy Framework.	
32.03	Low Density Residential Zone (LDRZ) Schedule	To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.
Planning Overlay:	To implement the Municipal Planning Strategy and the Planning Policy Framework.	
43.02	Design and Development Overlay (DDO) Schedule 12	To identify areas which are affected by specific requirements relating to the design and built form of new development.
42.02	Vegetation Protection Overlay (VPO) Schedule 8	To implement the Municipal Planning Strategy and the Planning Policy Framework. To protect areas of significant vegetation.

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		To ensure that development minimises loss of vegetation. To preserve existing trees and other vegetation. To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance. To maintain and enhance habitat and habitat corridors for indigenous fauna. To encourage the regeneration of native vegetation.
44.06	Bushfire Management Overlay (BMO)	<i>To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.</i> <i>To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.</i> <i>To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.</i>
Planning Provisions		
53.02	Bushfire Planning	<i>To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.</i> <i>To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.</i> <i>To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.</i> <i>To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.</i>

5. BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

The Bushfire Hazard Landscape Assessment includes a plan that describes the bushfire hazard of the general locality surrounding the site (Map 1).

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

5.1 Vegetation extent in the broader landscape

The vegetation in the broader landscape is extensive. There are large areas of forest vegetation that surround the township. The forest extends for a long distance to the north, north west and south west.

The forest vegetation to the south west is described as Banksia Woodland with patches of riparian scrub or swampy woodland in low lying areas along creek lines. North of the site the vegetation is described as Lowland Forest and this vegetation extends to the edge of the Mallacoota lake system to the north.

These vegetation types are in accordance with the Ecological Vegetation Classes (EVC's) for the East Gippsland Lowlands and all vegetation types that would be expected to have fuel loads consistent with a forest vegetation classification of 35 tons/ha.

The vegetation within the local context of the site (ie within 400m) this rural interface area is variable within adjacent lot owners to the west and east largely managing their properties to a 'modified vegetation' or low threat condition.

The water treatment plant is located to the north west of the site and provides two large ponds. The pond sizes are approximately; pond 1 = 158x80m and pond 2 93x87m. These large ponds would play a role in mitigating the impacts of radiant heat exposure from a north western approaching bushfire. They are unlikely to mitigate ember attacks.

The township to the east is largely managed to a low threat condition.

5.2 Surrounding Road Network

The road network at this site includes a wide-open sealed road that allows travel into the central township areas of Mallacoota. There are a number of ways to access the township and the interface of the Mallacoota lake system.

5.3 Bushfire History of the Area

Gippsland has a history of large bushfires as there are extensive areas of forest in relatively unpopulated areas.

The Forest Fire Victoria website describes the historical bushfires that have occurred in the regions. The website described the following: 'On the worst fire-weather days, hot north-westerly winds cause bushfires to grow rapidly, pushing the fire-front downwind. A wind-change can then trigger a sudden shift in fire behavior, with the entire flank of the fire becoming a much larger fire-front. In dry years, multiple fires join into 'campaign' fires that continue for months'. It was this fire behavior pattern that was seen during the Black Summer bushfires of 2019.

The Black Summer bushfires of 2019 significantly impacted the township of Mallacoota.

The 2019/2020 bushfires in Gippsland were a result of drought conditions, where Gippsland recorded its driest three-year period on record. These bushfires significantly impacted the township of Mallacoota and impacted the study site.

The site was not managed to a low fuel state prior to the 2019/20 fire season. Properties to the east that were developed and were managed to a low threat condition were not destroyed by the 2019/20 bushfires. The properties shown to be destroyed (as per nearmap image dated 23/02/2020) are in close proximity to the forest interface.

5.4 Bushfire Risk

The bushfire risk to this site is high due to the extensive forest vegetation in the surrounding landscape. The risk to the township is enhanced due to the remote nature of the township. The town of Mallacoota has limited access and egress as the township only has one evacuation road and travel to a surrounding area that can provide protection from a bushfire requires significant travel and is not recommended during a bushfire emergency. An area considered to be able to provide protection is a location outside of the Bushfire Prone Area of the State.

The likely bushfire scenarios that may impact this development is from a bushfire starting under a hot north westerly wind or from the south west as did the 2019/20 bushfires. In the 2019/20 bushfire an existing fire front that was started under a north westerly wind direction was influenced by the south westerly cold front, this turned the flank (edge) of an existing fire into a long fire front. The large fire front causes spot fires in and around the township as the bushfire approached and these spot fires caused complex fire activity.

The lake system at Mallacoota is extensive and provides large areas where the township population and visitors can seek protection from a large landscape bushfire.

The proposed development is surrounded by other low density residential properties and travel to the lake or township can be achieved via a number of different routes. The Nearmap images post the 2019/20 bushfires show the dwellings and developments within this area of Mallacoota survived the bushfire attack. These larger allotments, particularly to the east, had well managed gardens and had significant setbacks from the forest interface, similar to what is being proposed for this application.

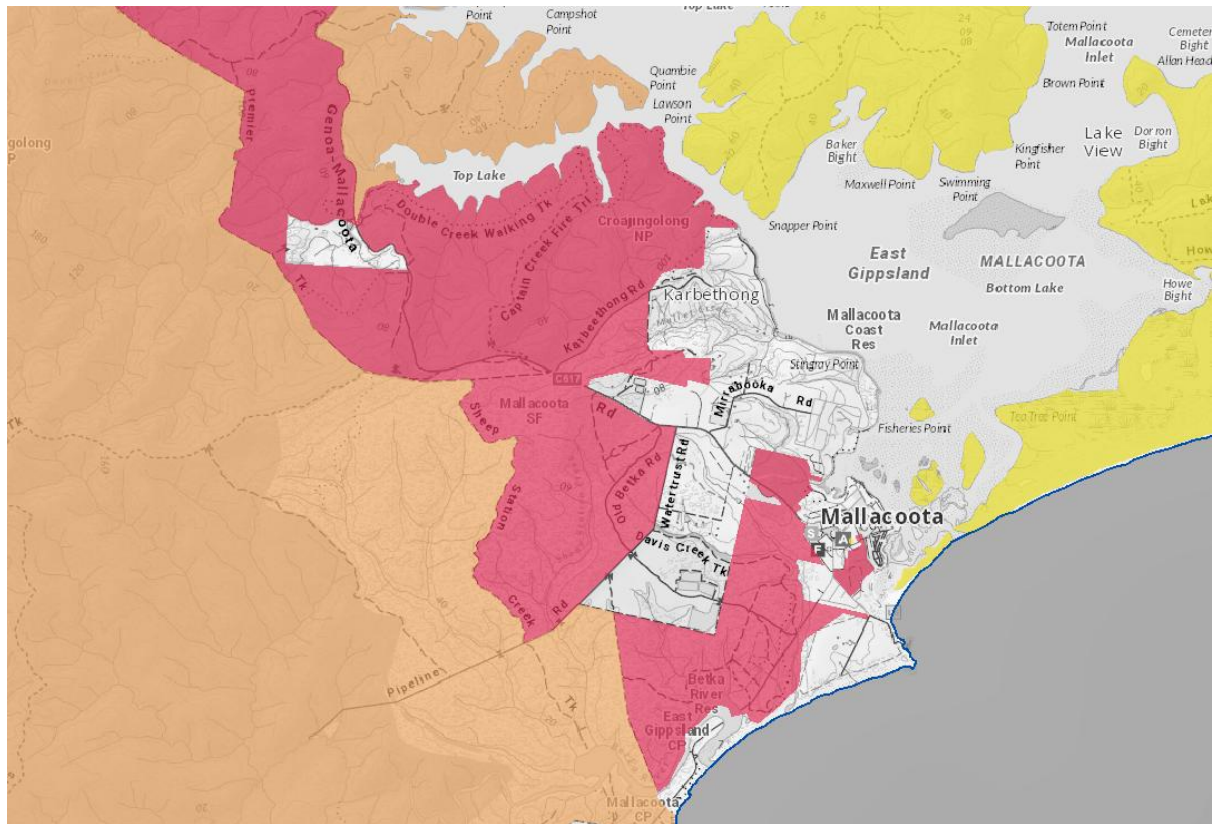
The forest to the north and south is within the 'Asset Protection Zone' which is described by Forest Fire Management Victoria (FFMV) as being an area where FFMV 'reduce fuels using intensive planned burning'. There is no assurance that these works will be continually undertaken, however, it provides consideration to the surrounding landscape risk.

The landscape surrounding Mallacoota can be seen in Map 1 and shows the different types of fuel management intended to be undertaken by FFMV in the surrounding landscape where the dark pink area is the most intensive management.

The topography in the local (1km) surroundings is undulating but is not mountainous and would not significantly increase bushfires intensity. The broader landscape (50km) is hilly with complex topography and would enable a complex fire front to develop. The terrain to the west is and north west is largely inaccessible to fire fighters and makes suppression activities difficult.

Map 1 – Fuel Management Strategy Forest Fire Management Victoria.

(<https://bushfireplanning.ffm.vic.gov.au/gippsland/>). (Red (Dark Pink) - Asset Protection Zone, Orange – Bushfire Moderation Zone and Yellow – Landscape Management Zone.



5.5 Landscape Type

This report uses landscape types to respond to the objectives of Clause 53.02 and 13.02-1S *Bushfire Planning*. The methodology to determine the landscape risk is described in *Planning Permit Applications Bushfire Management Overlay Technical Guide* (DELWP 2017).

Landscape types range from 1 to 4, and consider the likely bushfire scenarios, the potential for neighbourhood scale destruction and the availability and access to safer areas.

5.4.1 Landscape Type Description

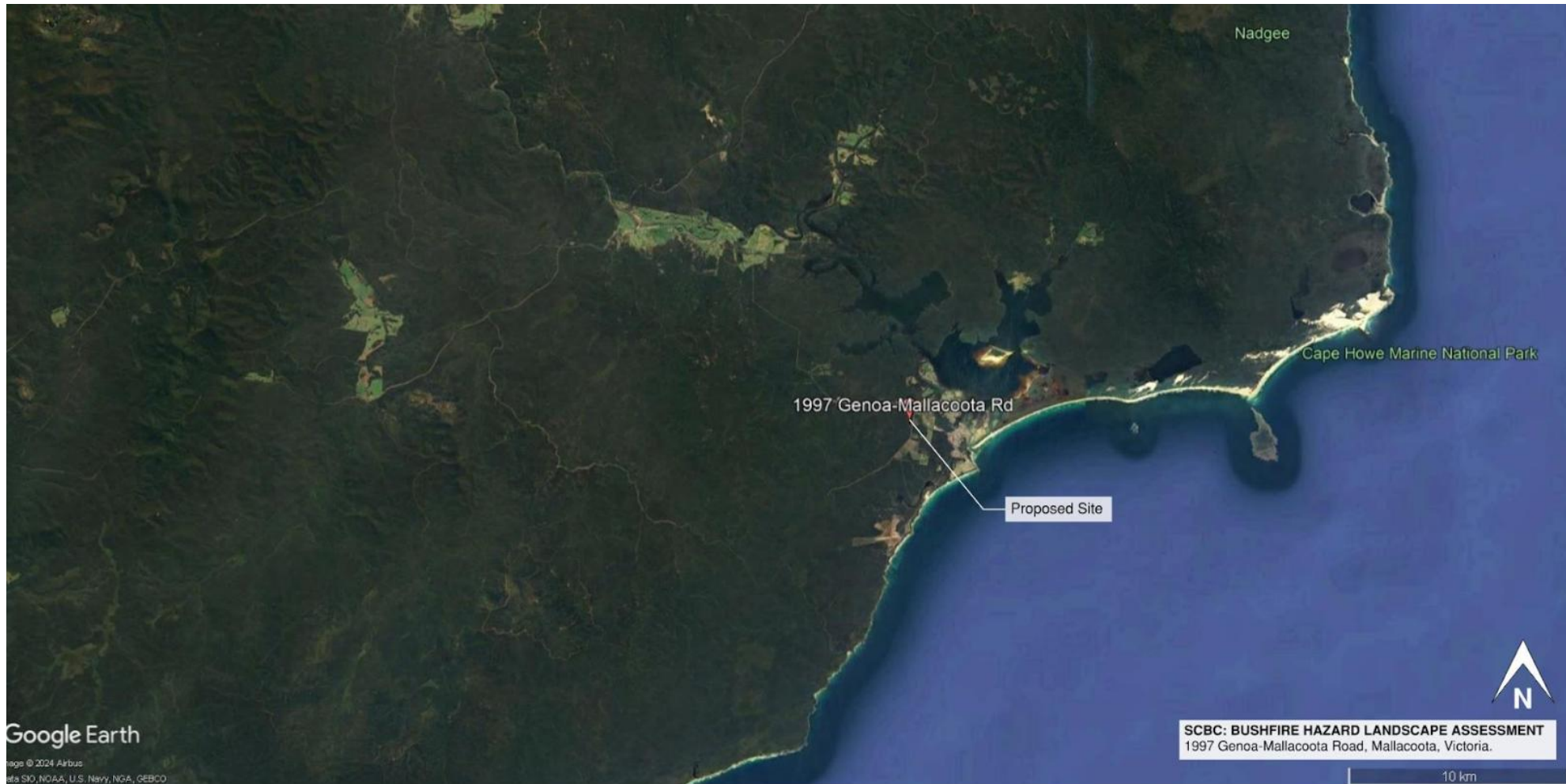
Description of Landscape Types (DELWP 2017)		Response
The broader landscape and the potential size or scale of a bushfire is an important consideration in the assessment of a planning application. The likelihood of a bushfire, its severity and intensity, and the potential impact on life and property varies depending on where a	Broader Landscape Type One - There is little vegetation beyond 150 metres of the site (except grasslands and low threat vegetation). - Extreme bushfire behaviour is not possible. - The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property.	Not applicable.

site is located in the surrounding landscape. To determine these requirements models are used to predict radiant heat from a fire front based on specific inputs and assumptions. Considering the surrounding landscape in bushfire decisions is important because the accuracy of the models in reflecting bushfire exposure on a particular site, varies in different landscapes. This is because the scale of a bushfire and its potential destructive power is driven by the characteristics of broader landscape, rather than those characteristics within 150 metres of the site.	Immediate access is available to a place that provides shelter from bushfire.	
	Broader Landscape Type Two - The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site. - Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition. - Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.	Not applicable.
	Broader Landscape Type Three - The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site. - Bushfire can approach from more than one aspect and the site is located in an area that is not managed in a minimum fuel condition. - Access to an appropriate place that provides shelter from bushfire is not certain.	The site was found to have a landscape type 3. There are extensive areas of forest vegetation to the north, west and south of the site. Neighbourhood-scale destruction is possible due to the extensive areas of forest in the surrounding landscape. A number of dwellings were destroyed in the Mallacoota township as a result of the 2019 bushfires. As a result of these bushfires, replacement dwellings have been constructed. The new dwellings have a higher construction standard and property owners are required to manage areas of defendable space. These mitigation responses will likely reduce the likelihood of neighbourhood-scale destruction. Bushfires can approach this site from the north, west and south. Extensive areas of defendable space can be managed within the property to the

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		north and south. West of the site is an exiting rural residential allotment and further west the towns water and sewerage treatment plan. Access to the interface of the Mallacoota Inlet and the built up township are likely to provide shelter from a bushfire.
	<u>Broader Landscape Type Four</u> • <i>The broader landscape presents an extreme risk.</i> • <i>Fires have hours or days to grow and develop before impacting.</i> • <i>Evacuation options are limited or not available.</i>	<i>Not applicable.</i>

5.6 Map 2 - Bushfire Hazard Landscape Assessment



6. BUSHFIRE HAZARD SITE ASSESSMENT

The Bushfire Hazard Site Assessment includes a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard is prepared in accordance with AS 3959-2018 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2 (Vegetation Exclusions).

6.1 Site Details

Address:	1997 Genoa-Mallacoota Road, Mallacoota
Lot and Plan Number:	Lot 2 PS514854
Municipality:	East Gippsland
BMO Schedule:	Not applicable
Existing Dwellings:	Vacant Land
Private Bushfire Shelter:	Not applicable
Application Pathway:	Pathway 3 - Subdivision
Directory Reference:	Vicroads 70 D6

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6.2 Map 3 – Bushfire Hazard Site Assessment



6.3 Vegetation

The vegetation within the 150 metre assessment area was classified according to AS 3959-2018, Practice note AS (DPE 2014) and the 'Overall fuel hazard assessment guide' (DSE 2010).

The AS 3959-2018 approach uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas: No.7 Native Vegetation) classification system. According to this method, vegetation can be classified into seven categories. Each category indicates a particular type of fire behavior and these categories or classifications are then used to determine bushfire intensity.

Table 1 – Vegetation Assessment

Vegetation Classification	Vegetation Type (AS 3959-2018 Description)	Site Description
Forest	<u>Tall Open Forest/Tall Woodland:</u> Trees over 30m high; 30%-70% foliage cover (may include understory ranging from rainforest species and tree ferns to low trees and tall shrubs). Found in areas of high reliable rainfall. Typically dominated by eucalypts with sub-dominant tree layer. <u>Open Forest/Low Open Forest:</u> Trees 30m high; 30%-70% foliage cover (may include understory of sclerophyllous low trees or shrubs). Typically dominated eucalypts, melaleuca or callistemon (may include riverine and wetland environments) and callitris. Includes eucalypt plantations. <u>Pine Planation:</u> Trees 30m in height at maturity, generally comprising Pinus species or other softwood species, planted as a single species for the production of timber.	The forest vegetation in the surrounding landscape supports a variety of eucalypt species with a dense understorey. The forest vegetation to the south west is described as Ecological Vegetation Class (EVC) Banksia Woodland with patches of riparian scrub or swampy woodland in low lying areas along creek lines. North of the site the vegetation is described as EVC Lowland Forest and this vegetation extends to the edge of the Mallacoota lake system to the north. Due to the 2019 bushfires the forest is currently in a high fuel state as a part of the regeneration cycle.

Figure 1 – Forest vegetation beyond the woodland to the north of the property.



Figure 2 – Forest vegetation beyond the managed grassland on the property to the south.



Woodland	<u>Woodland/Low Woodland:</u> Trees 10-30m high; 10-30% foliage cover dominated by eucalypts and/or	The vegetation on the properties to the east and west have been conservatively classified as woodland. These properties largely support grassland that is likely to be managed during the fire danger period. There are some trees on these sites, the density of trees varies and is generally quite
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callistris with a prominent grassy understorey. May contain isolated shrubs.

sparse. Based on a conservative assessment the vegetation has been classified a woodland.

Figure 3 – Woodland vegetation on the property to the west.



Figure 4 – Woodland vegetation on the property to the east.



6.4 Topography

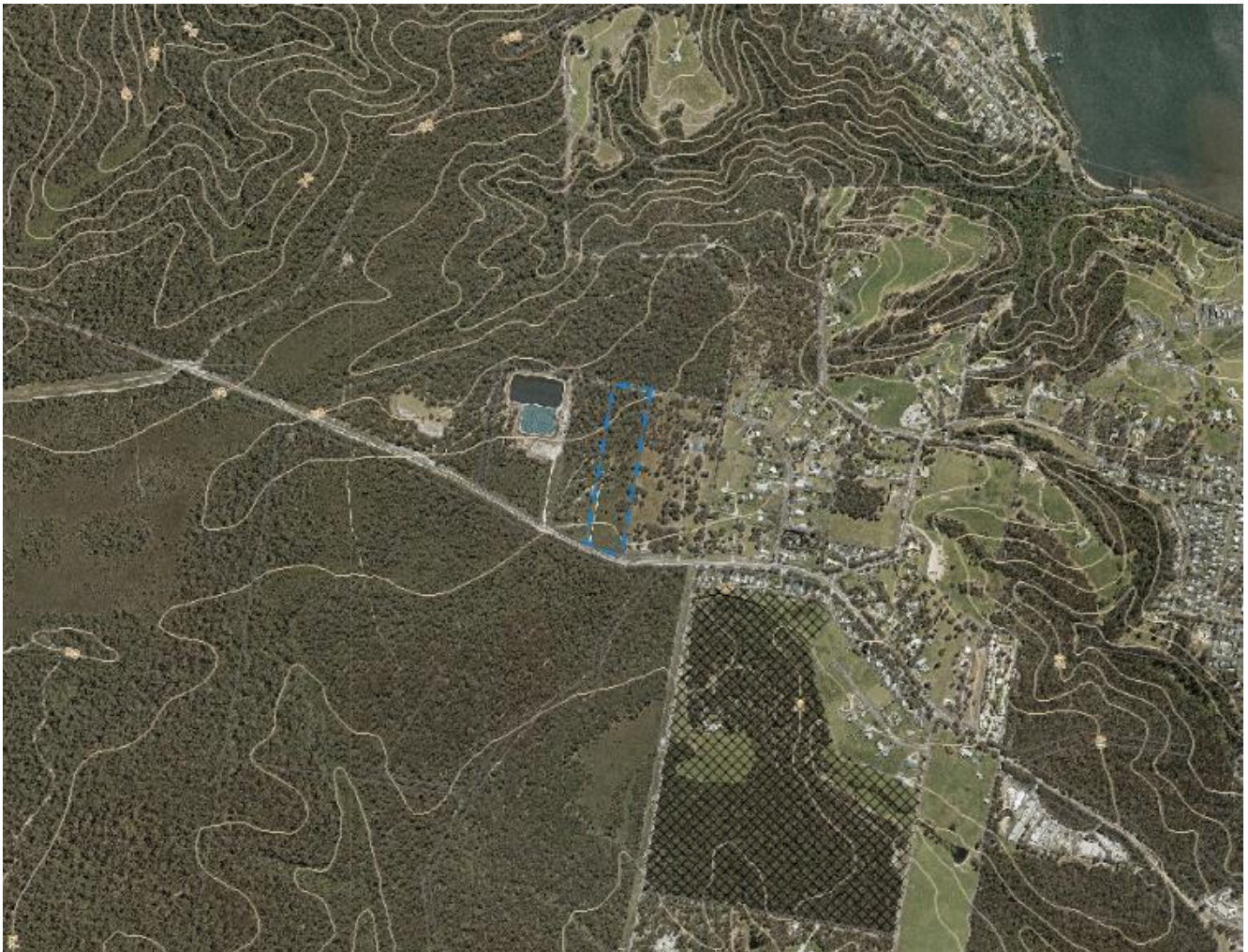
Topography of the land surrounding a site is particularly important as the topography influences the rate of spread and intensity of a fire. Fire burns faster uphill, as the slope increases so does the speed of the fire and its intensity. As a general rule for every increase 10° up a slope, the fire will double its speed and conversely down a slope. Fires tend to move more slowly as the slope decreases.

The topography of the surrounding landscape is undulating. The topography in the immediate surroundings is not hilly or mountainous and is not expected to exceed the assumptions in Clause 53.02 or AS 3959-2018.

The severity of the fires in 2019/2020 were exacerbated by extreme dryness in the surrounding forests and the remoteness of the surrounding landscape. In the broader landscape within a 50km radius the topography is complex and is mountainous as it forms part of the Great Dividing Range. The complexity

The topography within the local (400m) and site analysis (150m) context is relatively flat and does not include downslopes that would intensify an approaching bushfire.

Map 3 - Topography of the surrounding area



6.5 Bushfire Attack Level (BAL) 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 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.

In accordance with Clause 13.02-1S the site can meet a BAL of 12.5.

Table 2 – BAL determination

Orientation	Highest threat vegetation	Slope under classifiable vegetation	Distance to classifiable vegetation	Defendable Space for a BAL of 12.5	Construction Standard – BAL
North	Forest	Flat	>100m	48m	BAL 12.5
East	Woodland	Flat	33m	33m	BAL 12.5
South	Forest	Flat	>100m	48m	BAL 12.5
West	Woodland	Flat	33m	33m	BAL 12.5

7. BUSHFIRE MANAGEMENT PLAN AND STANDARD PERMIT CONDITIONS

Bushfire Management Plan – 1997 Genoa-Mallacoota Road, Mallacoota Prepared By SCBC – 3rd March 2025, Version 3	
	Construction Standards All construction works need to comply with a BAL 29 from AS 3959-2018. Defendable space will be managed for 48m or to the property boundary, whichever is the lesser. A minimum defendable space distance of 33m will be provided to the east and west. Vegetation Management requirements include: - Grass must be short cropped and maintained during the declared fire danger period. - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period. - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building. - Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building. - Shrubs must not be located under the canopy of trees. - Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres. - Trees must not overhang or touch any elements of the building. - The canopy of trees must be separated by at least 5 metres. - 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. - Existing cleared areas must remain as grassland and be managed to a low threat condition. Water Supply Each lot is required to have 10,000 Litres of water supply for fire fighting purposes which meets the following requirements: - Be stored in an above ground water tank constructed of concrete or metal. - All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal. - Include a separate outlet for occupant use. - Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA 3 thread per inch male fitting). - Be located within 60m of the outer edge of the approved building. - The outlet/s of the water tank must be within 4m of the accessway and be unobstructed. - Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority. - Any pipework and fittings must be a minimum of 65mm (excluding the CFA coupling). Access Where tailored access is required and driveway is more than 100m, the following requirements need to be met: - All-weather construction. - A load limit of at least 15 tonnes. - Curves must have a minimum inner radius of 10m. - The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m. - Have a minimum trafficable width of 3.5m of all- weather construction. - Be clear of encroachments for at least 0.5m on each side and 4m above the accessway. - Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle. - Incorporate a turning area for fire fighting vehicles close to the building.

8. BUSHFIRE MANAGEMENT STATEMENT – SITES RESPONSE TO APPLICABLE SUB CLAUSES OF 53.02

Clause 53.02 contains a range of sub clauses with objectives, approved measures (AM), alternative measures (AltM) and decision guidelines. The table below details which clauses are relevant to this application. The following section demonstrates how the requirements have been met for the relevant standards.

8.1 53.02-3 Dwellings in existing settlements – Bushfire protection objective		
<i>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.</i>		
Measure	Requirement	Response
AM 1.1	A building is sited to ensure the site best achieves the following: • The maximum separation distance between the building and the bushfire hazard. • The building is in close proximity to a public road. • Access can be provided to the building for emergency service vehicles.	Not applicable.
AM 1.2	A building provides the defendable space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. 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 53.02-5, or	Not applicable.

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	The next lower bushfire attack level that corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5 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.	
AM 1.3	A building is provided with: • A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5	Not applicable.
8.2 53.02-4.1 Landscape, siting and design objectives <i>Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.</i> <i>Development is sited to minimise the risk from bushfire.</i> <i>Development is sited to provide safe access for vehicles, including emergency vehicles.</i> <i>Building design minimises vulnerability to bushfire attack.</i>		
Measure	Requirement	Response
AM 2.1	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.	The bushfire risk to the township of Mallacoota is high due to the extensive areas of forest vegetation that surrounding the township.

		The vegetation surrounding the proposed dwelling in the local context is either managed or modified. The surrounding low density residential properties have managed and/or modified vegetation and the fuel loads are not consistent with forest or woodland classifications. Using the precautionary principle the vegetation has been classified as woodland on neighbouring properties. The water treatment plant to the north east is another influencing feature within the landscape. This site has large holding ponds that are likely to reduce the intensity of a landscape bushfire approaching from the north west. To address the surrounding bushfire risk the proposed development proposes to provide defensible space to ensure that future residential development is not exposed to radiant heat loads that exceed 12.5kW/m² of radiant heat. The inputs to calculate the defensible space are based on a forest and woodland fuel load. Additional areas of separation from the forest fuel load can also be achieved to reduce a future dwellings impact from radiant heat. In addition to the provision of defensible space the proposal recommends an increase in the construction standard to a BAL of 29. This will improve a buildings resilience to ember attack and account for the remote nature of the Mallacoota township.
AM 2.2	A building is sited to ensure the site best achieves the following: • The maximum separation distance between the building and the bushfire hazard. • The building is in close proximity to a public road. • Access can be provided to the building for emergency service vehicles.	A number of considerations have been made in determining the appropriate siting for the building envelopes within this site. The following inputs and considerations have been made in determining the building envelope locations. • A 100m setback has been provided from the forest vegetation to the south. If the land is continued to be managed in a low threat condition within the property the radiant heat exposure to a future dwelling from the south

		based on an FFD of 100 will be considered to be a BAL of Low. Based on a forest fuel type the defensible space requirement to the south is 48m. • The properties to the east and west are largely modified where the grass is cropped, and the density of trees is reduced to the southern portions of the site. These properties have conservatively been classified as woodland vegetation due to the increased density of trees on the northern parts of these sites. A distance of 33m of defensible space is required to be managed to the east and west to ensure that future development is not exposed to radiant heat loads greater than 12.5kW/m². • A distance of 19m has been proposed between each development and the shared property boundary dividing the two properties. This provides a separation distance of 38m. The distance of 19m is proposed to enable lot owners to have an enhanced control of their risk in the unlikely event that the neighbor does not manage their grassland or garden strictly in accordance with Table 6 to Clause 53.02-5. • The building envelope on the northern lot can provide 48m of defensible space to the north to mitigate against the forest vegetation beyond the property boundary to the north. The vegetation on the northern aspect of the allotment has a managed understory and is cropped, the fuel load and tree density increases to the northern aspect of the site. • As per figure 4 in section 10 of this document the building envelopes have been sited to reduce the biodiversity impacts associated with defensible space. The building envelopes are within 150m of the public road to the south (Genoa-Mallacoota Road). There are areas of forest fuels to the south and by providing a minimum setback of 100m from the
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		forest to the south, future buildings will have a reduced exposure to radiant heat exposure from the south. The allotment is deep (approximately 470m) and there is sufficient distance to enable vegetation management to reduce the radiant heat exposure to future development. The allotment is constricted in width (approximately 106m) and the setbacks of 33m to the east and west require 66m of this width to be managed as defensible space. The siting of the building envelopes and defensible space also provide a significant area of managed vegetation that will reduce the likelihood of a fire gaining intensity as it approaches the township from the west. The access from each allotments will be at least 4.5m in width and will be compliant with Table 5 to Clause 53.02-5 and allow the CFA and other emergency services access to the site and the static water supply.
AM 2.3	A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.	The buildings for these sites have not been developed at the time of writing this report. It is recommended that future building design follow the 'Bushfire best practice guide' prepared by the CSIRO https://research.csiro.au/bushfire/. It is also recommended that all landscaping be compliant with Table 6 to Clause 53.02 and be designed following the design principles outlined in the CFA Guide 'Landscaping for Bushfire' https://www.cfa.vic.gov.au/plan-prepare/how-to-prepare-your-property/landscaping.

8.3 53.02-4.2 Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

Measure	Requirement	Response
AM 3.1	A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with defendable space in accordance with: • Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or • If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5. The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.	Both lots are able to meet defendable space objectives and can meet setbacks in accordance with Table 2 to Clause 53.02 Column A. It is recommended that future dwellings are constructed to a BAL of 29 in accordance with AS 3959-2018.
AM 3.2	A building used for accommodation (other than a dwelling or dependent person's unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is: • Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land. • Constructed to a bushfire attack level of BAL 12.5.	Not applicable.

AltM 3.3	Adjoining land may be included as defensible space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.	Not applicable.
AltM 3.4	Defensible space and the bushfire attack level is determined using Method 2 of AS3959:2018 <i>Construction of buildings in bushfire prone areas</i> (Standards Australia) subject to any guidance published by the relevant fire authority.	Not applicable.
AltM 3.5	A building used for a dwelling (including an extension or alteration to a dwelling) may provide defensible space to the property boundary where it can be demonstrated that: • The lot has access to urban, township or other areas where: - Protection can be provided from the impact of extreme bushfire behaviour. - Fuel is managed in a minimum fuel condition. - There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat. • Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. • The dwelling is constructed to a bushfire attack level of BAL FZ. This alternative measure only applies where the requirements of AM 3.1 cannot be met.	Not applicable.

AltM 3.6	A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that: • An integrated approach to risk management has been adopted that considers: - The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency. - The intended frequency and nature of occupation. - The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation. • Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.	Not applicable.
8.4 53.02-4.3 Water supply and access objectives <i>A static water supply is provided to assist in protecting property.</i> <i>Vehicle access is designed and constructed to enhance safety in the event of a bushfire.</i>		
Measure	Requirement	Response

AM 4.1	A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with: • A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.	Each lot will need to provide a static water supply of 10,000L in accordance with Table 4 to Clause 53.02-5 as detailed in the Bushfire Management Plan. The driveway will be greater than 100m by less than 200m and will need to be compliant with Table 5 to Clause 53.02-5 as described in the Bushfire Management Plan.
AM 4.2	A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with: • A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5. • An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.	Not applicable.

8.5 53.02-4.4 Subdivision objectives <i>To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.</i> <i>To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.</i>		
Measure	Requirement	Response
AM 5.1	An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting: • The defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5. • The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.	Not applicable.
AM 5.2	An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows: • Each lot satisfies the approved measure in AM 2.1. • A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defensible space in accordance with: - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.	The land is within the Low Density Residential Zone and AM 5.2 applies. A building envelope on each lot has been proposed that complies with AM 2.2 and provides defensible space to achieve a BAL of 12.5 in accordance with Column A to Table 2 of Clause 53.02-5. The defensible space is wholly contained within the boundaries of the proposed subdivision. Defensible space is proposed to be shared between lots to provide a larger area of defensible space for the two future dwellings.

	The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope. • Defendable space wholly contained within the boundaries of the proposed subdivision. • Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space. • Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure. • Water supply and vehicle access that complies with AM 4.1.	The defendable space is proposed to be managed in accordance with Table 6 to Clause 53.02-5. The allotments will each provide a 10,000L static water supply and the access will be compliant with table 5 to Clause 53.02-5. Due to the remote location of Mallacoota and the extent of the surrounding forest vegetation it is proposed that the future dwellings be constructed to a BAL of 29 in accordance with AS 3959-2018.
AM 5.3	An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.	Not applicable.
AM 5.4	A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.	No areas of public open space or communal areas are proposed.
AltM 5.5	A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defendable space in accordance with Table 2 Column C and Table 6 to Clause 53.02-5 where it can be demonstrated that:	Not applicable.

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	• All other requirements of AM 5.2 have been met. • Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.	
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9. RESPONSE TO CLAUSE 53.02 – DECISION GUIDELINES

9.1 53.02-4.5 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

Consideration	Response
The Municipal Planning Strategy and the Planning Policy Framework.	The planning policy framework and its requirement to address bushfire risk has been addressed through this response to Clause 44.06 and Clause 53.02 from the local planning scheme.
The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	This report includes: - Bushfire hazard landscape assessment - Bushfire hazard site assessment - Bushfire Management Plan - Bushfire Management Statement
The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.	There are a number of State, regional and local bushfire management and preventative actions that are undertaken around the township of Mallacoota. This site is surrounded by an Asset Protection Zone as seen in Map 1 of this report. The Asset Protection Zone is managed by Forest Fire Management Victoria (FFMV). The vegetation management in this zone will assist in protecting the township and also critical infrastructure at the water treatment plant to the north west of the site. The bushfire mitigation works undertaken by FFMV and other agencies such as Regional Roads Victoria and the East Gippsland Council are considered, however, they have not been relied upon in undertaking this assessment.
Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be	The proposed development can meet the objectives of Clause 53.02-4 through providing defendable space in accordance with Table 2 to Clause 53.02-5, providing a static water supply and compliant access.

available, including private bushfire shelters, community shelters and the presence of places of last resort.	The siting of the building envelopes considers all of the surrounding hazards and proposes a location where future dwellings can be located in a position to reduce the impacts of surrounding bushfire hazards. The site does not rely upon a private bushfire shelter or community shelter.
Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	The proposed bushfire mitigation measures can be practically implemented and maintained.
Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.	No alternative measures are relevant to this proposal.
If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.	All of the objectives within Clause 53.02-4 can be met.
Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	The risk from the broader landscape is high due to the extensive areas of unmanaged vegetation that surround the township and the remoteness of the township. The topography of the landscape within a 1 km radius of the site is undulating but not extreme, the fuel loads are high but are not likely to exceed the assumption of 35 tons per hectare and there are no features within the landscape that would suggest a fire would exceed the assumptions of radiant heat exposure as assumed in AS 3959-2018. This assessment considers the surrounding bushfire hazards and proposes a compliant response to the Approval Measures within Clause 53.02-4. For subdivisions less than 10 lots AM 5.2 allows radiant heat exposures up to 29kW/m². This application is

	proposing to manage defensible space so that future development will not be exposed to radiant heat exposures greater than 12.5kW/m². The risk from the broader landscape is acknowledged and an enhanced construction standard to a BAL of 29 is proposed, this is largely to address ember attack. The radiant heat exposure to the site is likely to be mitigated through vegetation management and setbacks from the surrounding forest and woodland vegetation. The impacts of ember attack can be mitigated through an enhanced construction standard to a BAL of 29. The development is at the interface of the existing township and a retreat to the central areas of the township or Mallacoota lake system is likely to be achieved in the event of a bushfire.
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10. RESPONSE TO CLAUSE 13.02-1S – BUSHFIRE PLANNING

10.1 Policy Application

Clause 13.02-1S must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area,
- Subject to a Bushfire Management Overlay, or
- Proposed to be used or developed in a way that may create a bushfire hazard.

10.2 Objective

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

10.3 Strategies: Protection of human life

Give priority to the protection of human life by:

Strategy	Consideration
<i>Prioritising the protection of human life over all other policy considerations.</i>	The proposed development considers the best approach for a two lot subdivision at this site and does not include considerations of other planning considerations.
<i>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.</i>	The site is within an existing residential allotment within Mallacoota. The township of Mallacoota is not within a low risk location of the State, however, the site does allow access to the central township areas of Mallacoota and the lake interface where human life can be better protected from the effects of bushfire.
<i>Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.</i>	This report responds to bushfire risk at the planning stage.

10.4 Strategies: Bushfire Hazard Identification and Assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

Strategy	Consideration
<i>Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard</i>	The best available science has been applied to this application.
<i>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</i>	The site is within the Bushfire Prone Area of the state.
<i>Applying the Bushfire Management Overlay in planning schemes to areas where the extent of vegetation can create an extreme bushfire hazard</i>	The BMO is applied to the site.
<i>Considering and assessing the bushfire hazard on the basis of:</i> • <i>Landscape conditions – meaning conditions in the landscape within 20 km (and potentially up to 75km) of a site.</i> • <i>Local conditions – meaning conditions in the area within approximately 1km of a site.</i> • <i>Neighbourhood conditions – meaning conditions in the area within 400m of a site.</i> • <i>The site for the development.</i>	Section 5 and 6 of this report address the landscape, local and neighbourhood conditions.
<i>Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.</i>	Emergency services have not been consulted at this stage. Consultation will occur through the planning permit process.
<i>Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan</i>	The application includes bushfire protection measures in accordance with the Approval Measures within Clause 53.02.

approvals properly assess bushfire risk and include appropriate bushfire protection measures.	The proposed development is able to meet the approval measures for a subdivision less than 10 lots in residential area and proposed some enhanced mitigation measures including construction to a BAL of 29 and the management of defendable space to a BAL of 12.5.
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.	The relevant policies have been addressed. The performance measures in Clause 53.02 have been met and future dwellings will be compliant with a construction standard of BAL 29 in accordance with AS 3959-2018. The sites will manage defendable space in accordance with Table 6 to Clause 53.02-5.

10.5 Strategies: Settlement Planning

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

Strategy	Consideration
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).	The proposed development is for a two lot subdivision in an existing residential area of Mallacoota. The site is not considered a low risk location, however, the proposed development is not exposed to radiant heat exposures greater than 12.5kW/m². There are a number of dwellings on allotments to the east with a similar risk profile that were not destroyed by the 2019/20 bushfires.

<i>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, 2009) where human life can be better protected from the effects of bushfire.</i>	The site is within an existing settlement area that cannot provide areas of BAL Low. The closest area that would be considered a BAL Low would be along the shoreline of the lake or at the boat ramp in the central area of the township.
<i>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.</i>	The proposed development will not increase the risk to future residence. The lot is currently managed to a low threat condition and the understory and grassland vegetation is cropped. The lot was previously heavily vegetated and understory grassland was not cropped to a low threat condition. The development of this site and consequential ongoing management of vegetation will improve the resilience of the surrounding dwellings and the interface of the township.
<i>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.</i>	The proposed development would enable a second allotment and thus a second dwelling. This allows for a larger area of defendable space to be managed which as a result provides a greater degree of mitigation and protection for those existing developments to the east.
<i>Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behavior it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.</i>	The bushfire hazards to the proposed site have been addressed through the BMO.
<i>Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.</i>	Not applicable.
<i>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).</i>	Not applicable.

10.6 Strategies: Areas of biodiversity conservation value

Strategy	Consideration
<i>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 important areas of biodiversity.</i>	The proposed development has been sited to minimise the biodiversity impacts. The building envelopes and defendable space have been sited to ensure they do not fall within a 'Location 3' which indicates a more significant or highly valued vegetation typology. (See further information in 10.7 below).

10.7 Use and development control in a Bushfire Prone Area

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

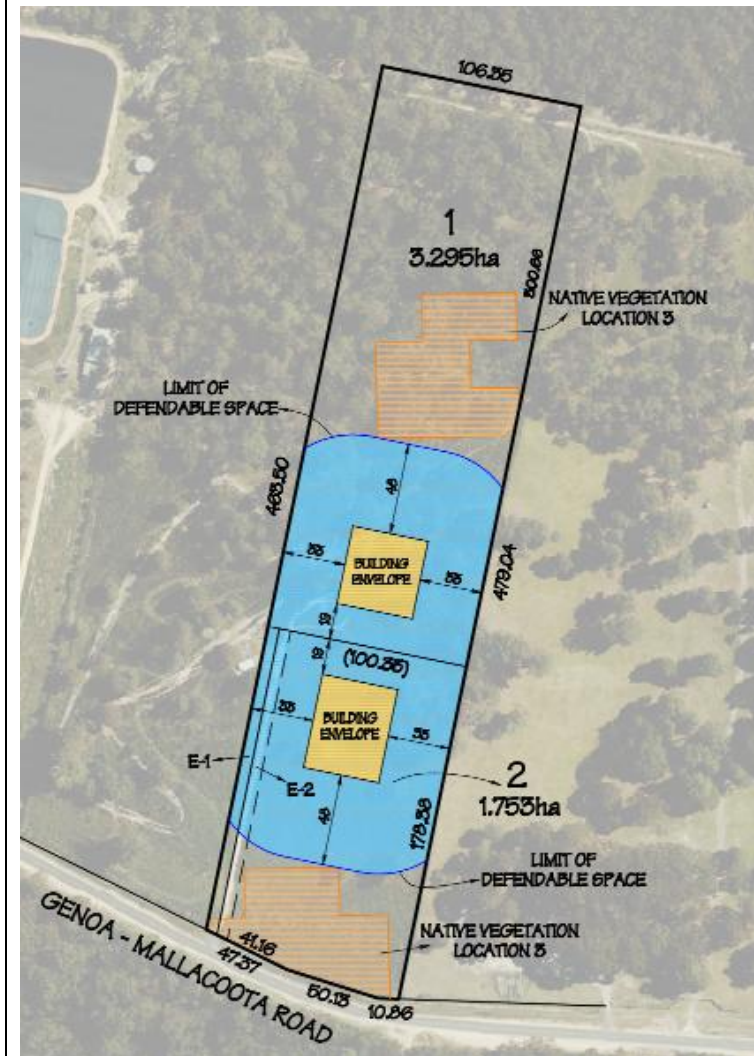
- *Subdivisions of more than 10 lots.*
- *Accommodation.*
- *Child care centre.*
- *Education centre.*
- *Emergency services facility.*
- *Hospital.*
- *Indoor recreation facility.*
- *Major sports and recreation facility.*
- *Place of assembly.*

Any application for development that will result in people congregating in large numbers. When assessing a planning permit application for the above uses and development:

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Strategy	Consideration
<i>Consider the risk of bushfire to people, property and community infrastructure.</i>	Bushfire risk has been considered in addressing the BMO.
<i>Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.</i>	Bushfire protection measures have been proposed in addressing the BMO.
<i>Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.</i>	The proposed development has been sited to minimise the biodiversity impacts. The building envelopes and defensible space have been sited to ensure they do not fall within a 'Location 3' which indicates a more significant or highly valued vegetation typology. Map 4 below shows the location of areas identified as Native Vegetation Location 3 in accordance with the National Vegetation Regulation (NVR) Map (DEECA). All other areas of the site are within 'Location 1' and do not have the same ecological value.

Map 4 – Native Vegetation Location 3 areas within the site.



10.8 Policy Guidelines

Consider as relevant:

- Any applicable approved state, regional and municipal fire prevention plan.

10.9 Policy Documents

Consider as relevant:

- AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).
- Building in bushfire-prone areas – CSIRO and Standards Australia (SAA HB36-1993, 1993)
- An bushfire prone area map prepared under the Building Act 1993 or regulations made under the Act.

11. REFERENCES

CFA (2011). FSG LUP 0003 Assessing vegetation in a bushfire management overlay (BMO). Country Fire Authority, Burwood East, Victoria.

CFA (2011). Landscaping for Bushfire: Garden design and plant selection. Country Fire Authority, Burwood East, Victoria.

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Leonard, J. and Blanchi, R. (2005) Investigation of bushfire attack mechanisms involved in house loss in the ACT bushfire 2003. Bushfire CRC report CMIT©-2005-377

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Standards Australia (2007) Australian Standard AS 1530.8.2 Methods for fire tests on building materials, components and structures – Tests on elements of construction for buildings exposed to simulated bushfire attack – Large flaming sources AS 1530.

Standards Australia (2018). AS 39359-2018 Construction of Buildings in Bushfire Prone Areas. Standards Australia, North Sydney, New South Wales.

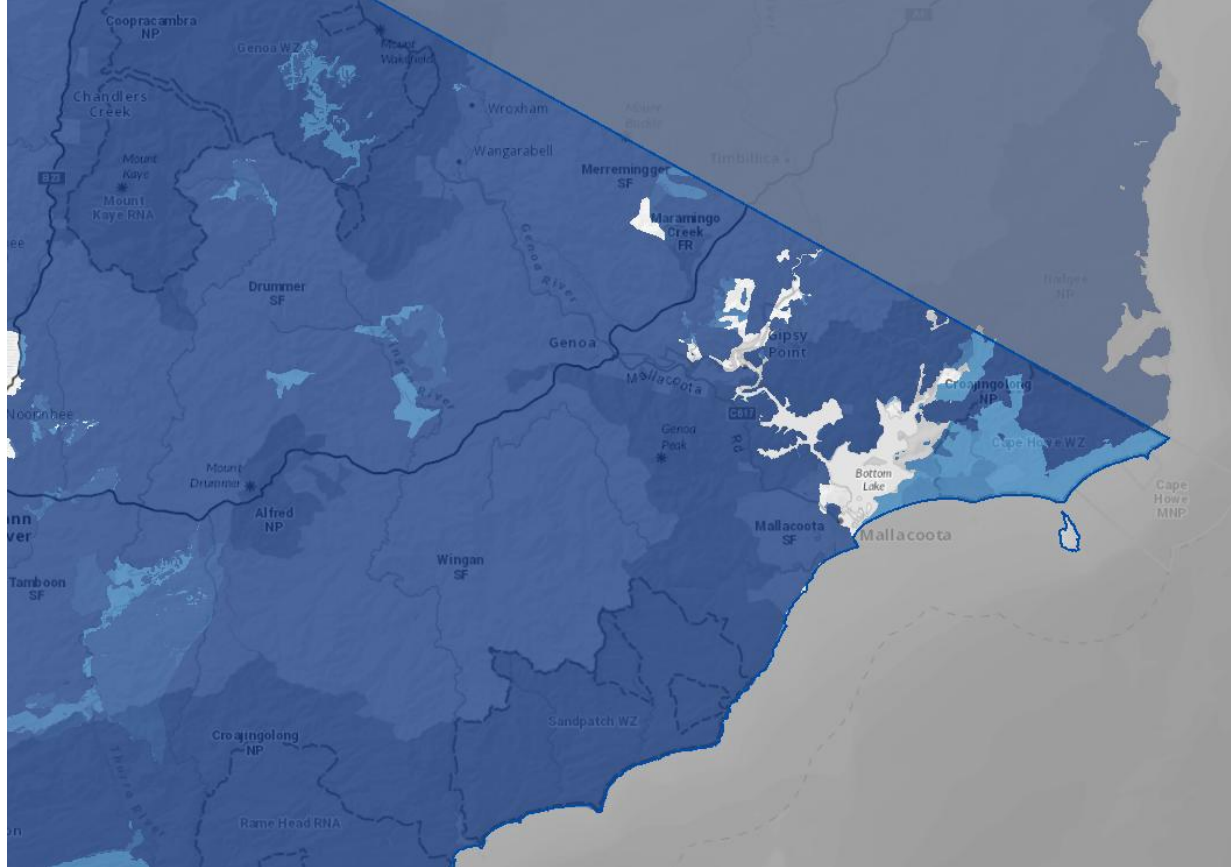
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12.APPENDICES

12.1 Appendix 1 – Bushfire History

Forest Fire Management Victoria (FFM). Natural Bushfires in the area since 1939.

<https://bushfireplanning.ffm.vic.gov.au>



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Planning Report

Two Lot Subdivision, Vegetation Removal & Creation of Carriageway Easement Adjacent to Transport Zone 2

1997 Genoa-Mallacoota Road, Mallacoota

Our reference – 20229

5 May 2025



FS 520900



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	Proposed Subdivision Plan (Version 3)	
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	Bushfire Management Plan (Version 1, dated 2/05/2025)	
	Design Response Plan (Version 1, dated 2/05/2025)	
	Vegetation Design Response (Version 1, dated 2/05/2025)	
	Plan of Vegetation Removal (Version 1, dated 22/04/2025)	
	Native Vegetation Removal Report ID: 319_20250414_HLQ	
	Report of Available Native Vegetation Credits Report ID: 29314	
	Copy of Title (Lot 2 on PS514854)	

Note: Applicable Planning Application fee is \$2,812.90

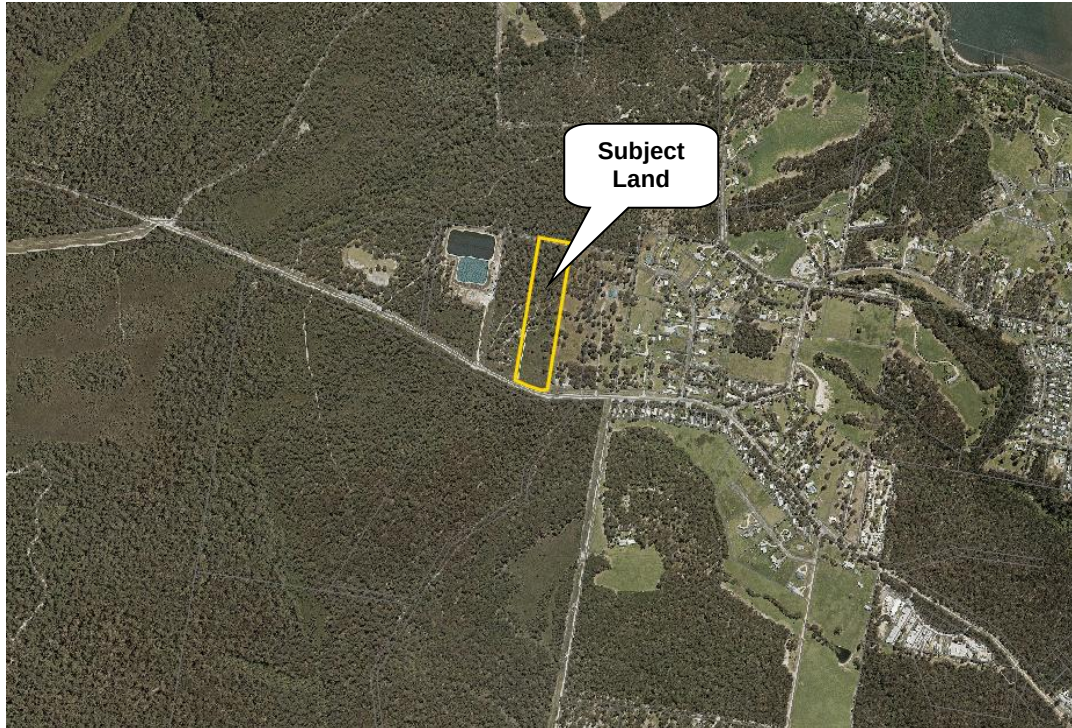
Class 19 – Subdivision (\$1,453.40)

Class 22 – Alteration of Access (\$1,453.40//2=\$726.70)

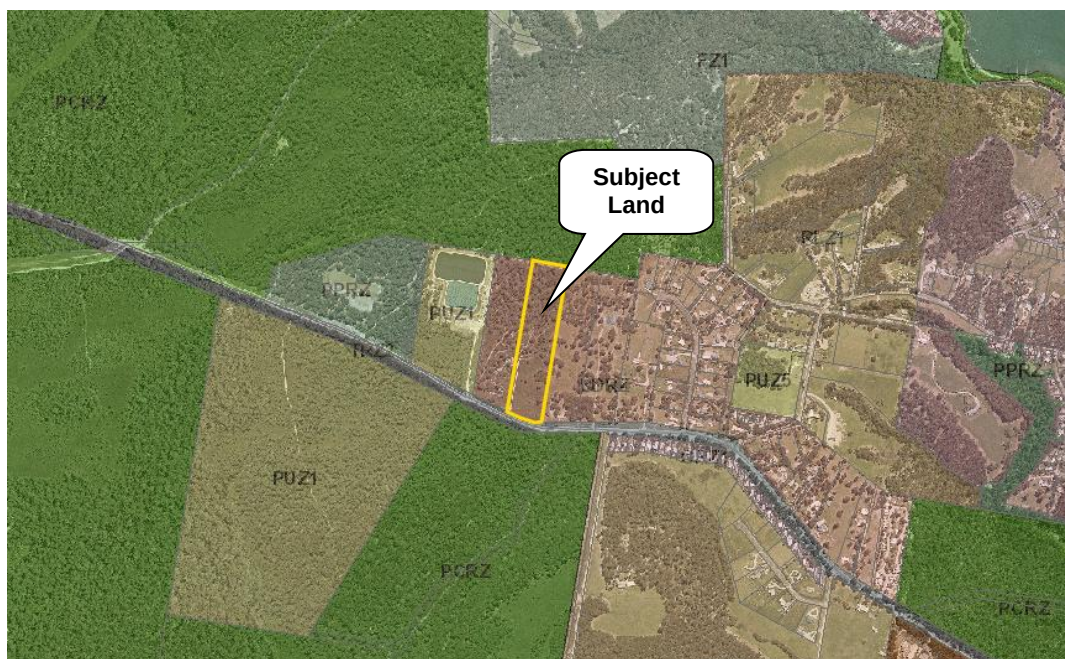
Pre-Application discussions/meetings held with: CFA 24/10/23 & DTP 25/11/2022

1. Introduction

This Planning Report is prepared in support of proposed Two Lot Subdivision, Vegetation Removal & Creation of Carriageway Easement Adjacent to Transport Zone 2 at 1997 Mallacoota Genoa Road, Mallacoota. The Report addresses the provisions of the Low Density Residential Zone, Design & Development Overlay – Schedule 12, Bushfire Management Overlay & Vegetation Protection Overlay – Schedule 8 as contained within the *East Gippsland Planning Scheme*.



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



Zone mapping and aerial of subject land and surround precinct – Source: VicPlan

2. Subject Land & Surrounding Context

The subject land is formally described as Lot 2 on PS514854 and is approximately 5.06ha in area. It is commonly known as 1997 Genoa-Mallacoota Road and is located at the entranceway to the township of Mallacoota.



View north from Genoa-Mallacoota Road over subject land

The landform across the site and surrounding area is flat relatively flat and there is no existing development contained on the land. The northern portion of the property is well vegetated with native vegetation and there are some scattered trees established on the southern portion of the land.



Looking north towards existing vegetation contained on the northern portion of the site

An existing gravel crossover facilitates vehicle access to the land from Genoa-Mallacoota Road to the south which is mapped Transport Zone 2 – Principal Road Network.



Looking south at existing access to Genoa-Mallacoota Road from subject land

The property is affected by the provisions of the Low Density Residential Zone, Bushfire Management Overlay, Design & Development Overlay – Schedule 12 & Vegetation Protection Overlay – Schedule 8 of the *East Gippsland Planning Scheme*.

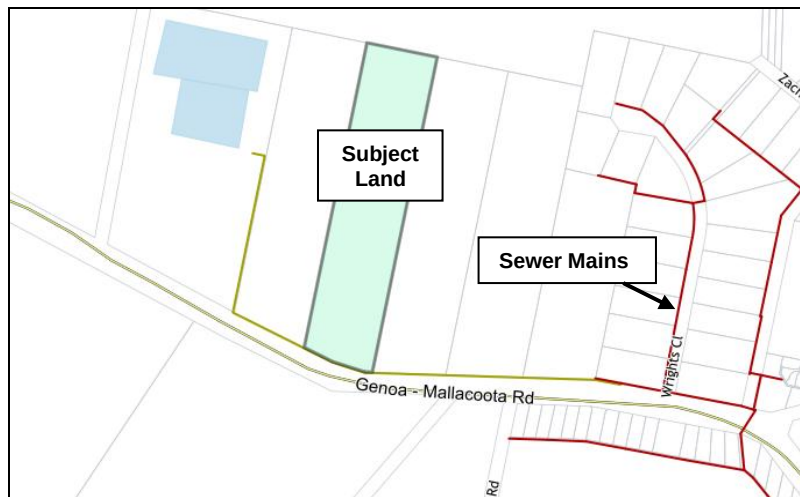
Historically the property has been well managed and maintained with regular slashing however it was impacted during the 2019/2020 bushfire events along with much of the Mallacoota township area. Regrowth established on the property post bushfire activity however has since been removed under applicable exemptions (regrowth less than 10 years old).

Properties immediately to the east and west of the subject land are also contained within the Low Density Residential Zone and also enjoy the presence of established native trees. Neither of these properties are currently developed with dwellings.



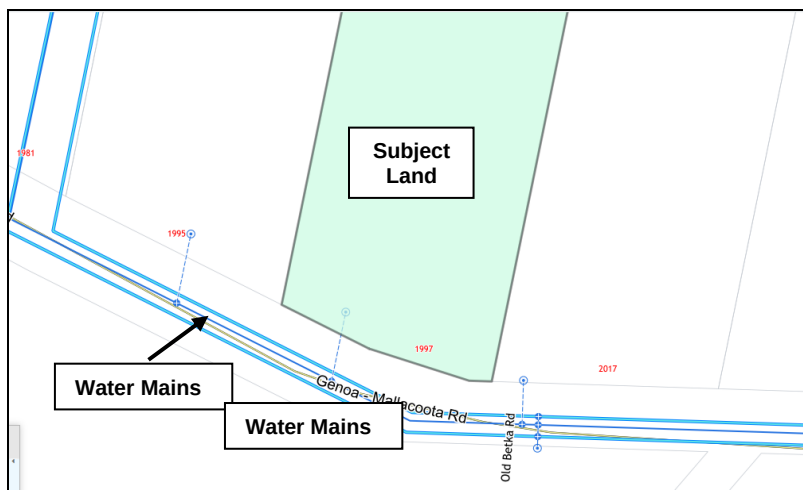
View north over adjoining property to the west from Genoa-Mallacoota Road

Despite being contained within a residential zone the subject land does not currently have connection to reticulated sewer. Reticulated sewer is established further to the east terminating at the eastern boundary of number 17 Genoa-Mallacoota Road, approximately 332 metres from the subject land.



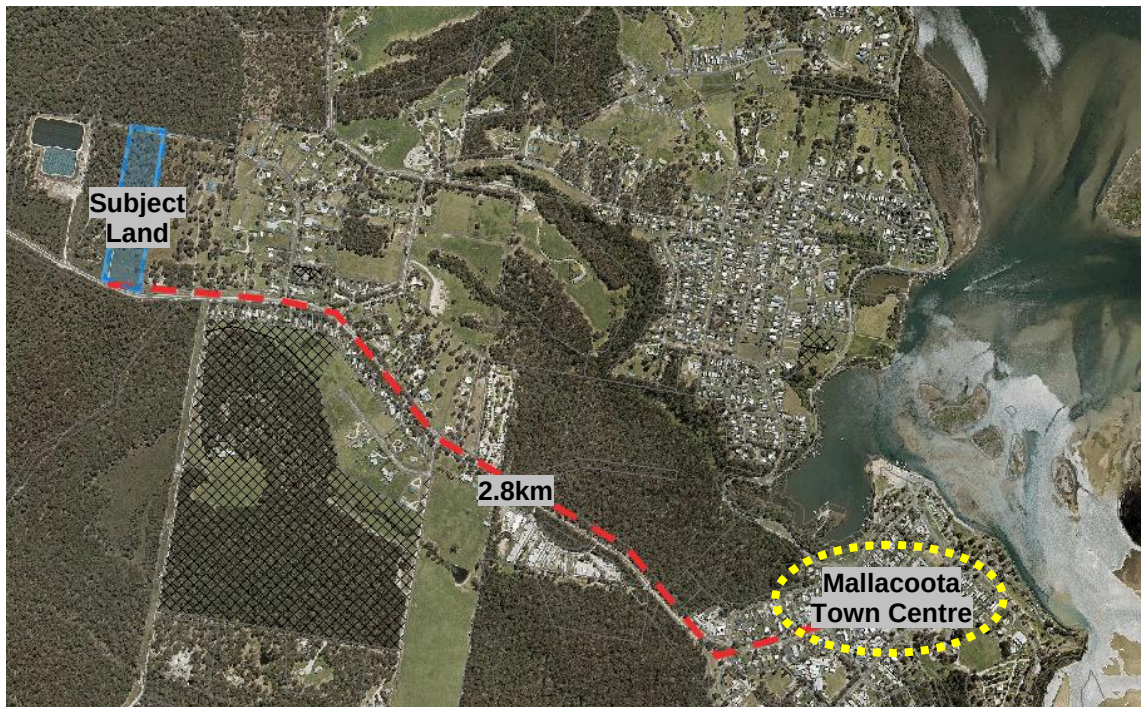
Sewer Gravity Mains – Source: East Gippsland Water

An existing water main is established on the northern side of Genoa-Mallacoota Road and an existing connection point is already established to the subject land. Power is also provided overhead on the northern side of Genoa-Mallacoota Road.



Water mains and connections – East Gippsland Water

The subject land is located at the entry to the Mallacoota township and is approximately 2.8km from the commercial centre of town which provides for common goods and services.



Locality Plan – Source: VicPlan

Mallacoota is located on the coast at the eastern tip of the State adjacent to the Mallacoota Inlet. It is a popular destination for tourists as it provides good opportunity for water-based activities like fishing and boating.

3. The Application & Proposal

The Application seeks approval for a Two Lot Subdivision, Removal of Vegetation & Creation of Carriageway Easement as shown on the accompanying Plan Set.

The subdivision will result in the creation of Lot 1 of approximately 3.295ha and Lot 2 of approximately 1.753ha.



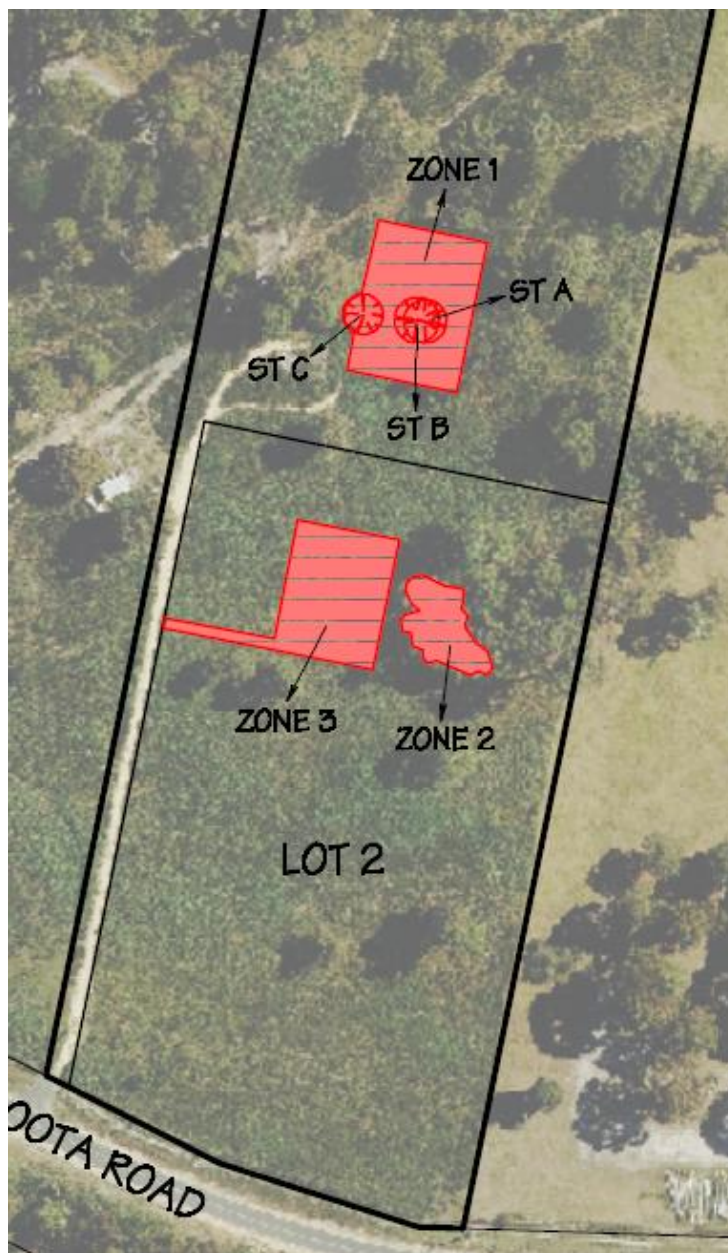
Extract of Proposed Subdivision Plan (Version 3)

Whilst mathematically under the Low Density Residential Zone the land has the potential to accommodate much higher yield, the proposed Two Lot Subdivision strikes a good planning balance having regard to environmental values of the land, bushfire controls and safe vehicle access.

Vegetation Removal

Selected vegetation removal also forms part of the proposal to ensure that there is sufficient area available within both proposed allotments to accommodate Building Envelopes and defendable space which responds to the surrounding bushfire risk.

The total extent of vegetation loss equates to 0.22ha which comprises of X3 patches of native vegetation as identified on the accompanying Plan of Vegetation Removal. The vegetation earmarked for removal is limited to native grasses and some small stringy bark trees. The proposal has been designed to ensure no large trees will be removed.



Extract from Vegetation Removal Plan (Version 1)

As the removal of native vegetation forms part of the Application, a Native Vegetation Removal Report ID: 319_20250414_HLQ has been provided. This report confirms that the Application follows a Basic Assessment Pathway and sets out the criteria for suitable vegetation offsets to accommodate losses.

Basic Assessment Pathways apply to applications where the amount of native vegetation is very small, and the vegetation is not considered to be highly sensitive. The vegetation being removed incurs a General Offset which is a lower level of biodiversity compensation compared to that required under Intermediate and Detailed Assessment Pathways.

Summary of native vegetation to be removed

Assessment pathway	Basic Assessment Pathway		
Location category	Location 1 The native vegetation extent map indicates that this area is not typically characterised as supporting native vegetation. It does not meet the criteria to be classified as Location Category 2 or 3. The removal of less than 0.5 hectares of native vegetation in this area will not require a Species Offset.		
Total extent including past and proposed removal (ha) <i>Includes endangered EVCs (ha): 0</i>	0.22	Extent of past removal (ha)	0
		Extent of proposed removal - Patches (ha)	0.220
		Extent of proposed removal - Scattered Trees (ha)	0.000
No. Large Trees proposed to be removed	0	No. Large Patch Trees	0
		No. Large Scattered Trees	0
No. Small Scattered Trees	0		

Offset requirements if approval is granted

Any approval granted will include a condition to secure an offset, before the removal of native vegetation, that meets the following requirements:

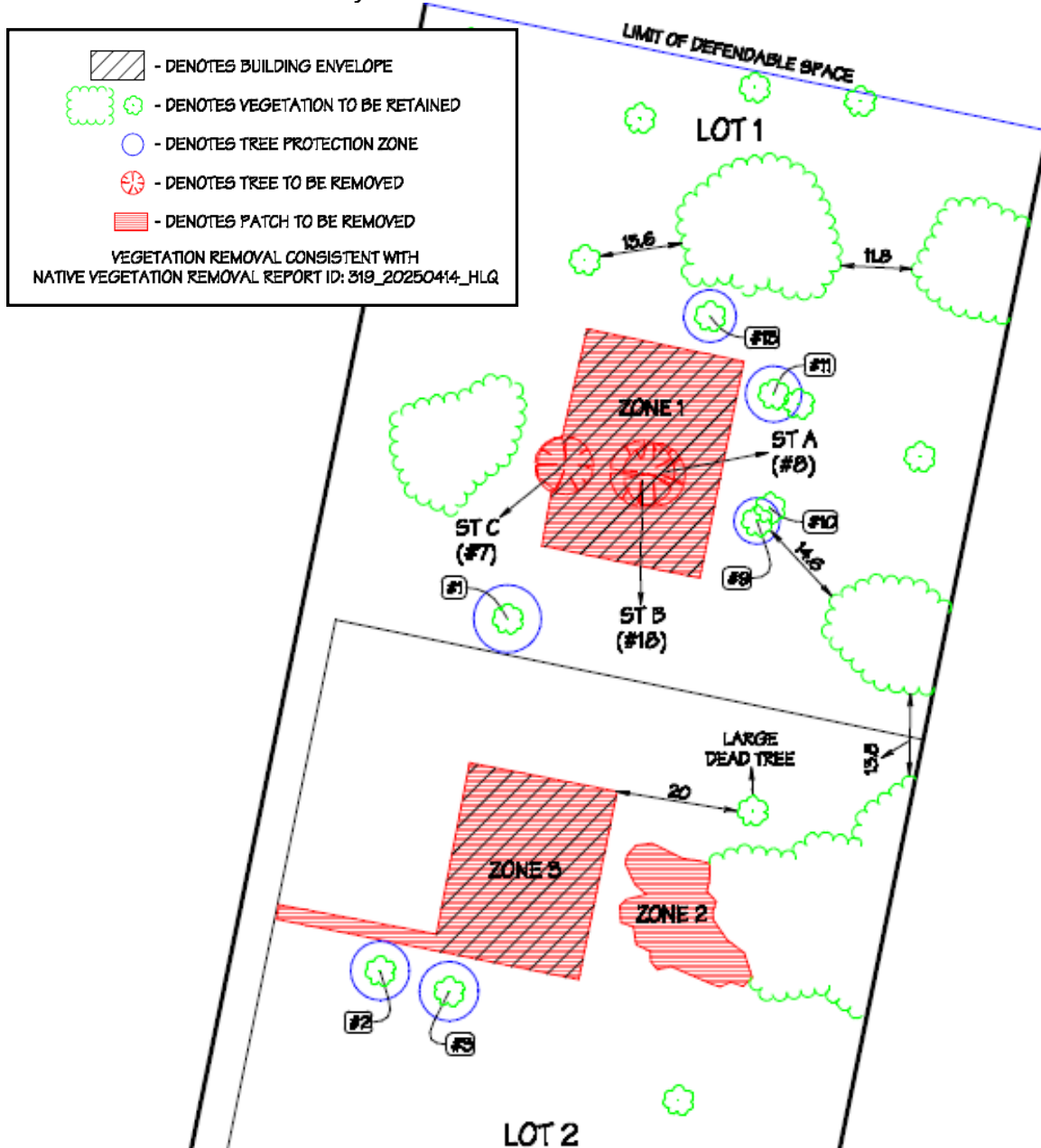
General Offset amount ¹	0.246 General Habitat Units
Minimum strategic biodiversity value score ²	0.712
Large Trees	0
Vicinity	East Gippsland CMA or EAST GIPPSLAND SHIRE LGA

Extracts from Native Vegetation Removal Report ID: 319_20250409_AS6

The proposal has followed the three-step approach to avoid and minimise impacts to native vegetation by adopting boundaries and Building Envelopes which respond to the specific site conditions.

Vegetation Design Response Plan (Version 1) demonstrates how the proposal responds to the existing vegetation and significant environmental values of the land.

The Building Envelopes for both Lots have been specifically designed to avoid impacts to nearby trees (Tree Nos. 2, 3, 9, 11 & 13) and to ensure the trees will not be unnecessarily assumed lost.



Extract from Vegetation Design Response Plan (Version 1)

The extent of vegetation proposal for removal has been carefully considered having regard to the vegetation management requirements prescribed at Table 6 to Clause 53.02-5.

To strike a balance between preserving the environmental values of the land and the need to reduce the risk to life and property from bushfire specific trees/vegetation has been nominated for retention.

Bushfire

As the subject land is affected by the provisions of the Bushfire Management Overlay it is expected that the mandatory Condition prescribed at Clause 44.06-5 will be imposed on Permit. The Condition will require the need for a Section 173 Agreement to be entered into which will negate the need for landowners to obtain planning approval for a dwelling under the provisions of the Bushfire Management Overlay, provided it is located within the nominated Building Envelope.

The Application has been supported by Bushfire Planning Report prepared by *South Coast Bushfire Consultants* (dated 3 March 2025) which includes an assessment of the bushfire risk and responds to the controls of the Bushfire Management Overlay and Clause 53.02 *Bushfire Planning*.

Whilst the Bushfire Planning Report includes a Bushfire Management Plan a separate Bushfire Management Plan prepared by our firm has been lodged in support of the Application which is expected to be referenced within the Section 173 Agreement.

This Bushfire Management Plan replicates mitigation measures identified within the Bushfire Planning Report however adopts reduced Building Envelopes and nominates specific trees and small clusters of trees for retention to further avoid and minimise impacts to native vegetation.

The trees to be retained have good separation from the building envelope with the small tree 'clusters' also being well separated from one another as demonstrated by the Vegetation Design Response Plan (V1).

Wastewater

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

Having regard to the soil type and profile the site is unsuitable for primary treatment only and incurs the need to secondary treatment to be provided which is typically achieved by a sand filter system or wastewater treatment plant.

Both proposed allotments contain sufficient area and dimensions to cater for future residential development and associated wastewater disposal and defensible space as demonstrated on the accompanying Design Response Plan. Concept LAA's of 180m² in area have been provided on the plan which demonstrate that wastewater associated with a four-bedroom home can easily be accommodated.

Access

Preliminary discussions were held with the *Department of Transport & Planning* to discuss the matter of access given that Genoa-Mallacoota Road is Transport Zone 2 – Principal Road Network.

Within these discussions it was determined that it would be necessary to maintain a single access shared by both allotments and consequently a series of carriageway easements have been provided to facilitate the use of shared access arrangements.

E-1 has been nominated over the southern portion of Lot 1 which provides right of access to Lot 2 whilst E-2 has been provided over the western portion of Lot 2 to provide rights of access to Lot 1.

Whilst access is already established to the subject land from Genoa-Mallacoota Road it is anticipated that a condition on permit will require it to be upgraded to ensure consistency with Vic Roads standard drawing GD4010 *Typical Access to Rural Properties*.

Planning Scheme Clause No.	Description of what is Proposed
32.03-3 (LDRZ)	Subdivide Land
42.02-2 (VPO)	Remove, Destroy or Lop Vegetation
43.02-3 (DDO)	Subdivide Land
44.06-2 (BMO)*	Subdivide Land
52.02	Create, Vary or Remove an Easement
52.17-1	Remove, Destroy or Lop Native Vegetation
52.29-2*	Alter Access to a Road in a Transport Zone 2

Notice & Review Exemptions

- Always exempt matters are marked with an asterisk (*).
- Conditionally exempt matters are marked with a plus (+).

Referrals

The Application will require referral to the Relevant Fire Authority (CFA) as they are a recommending Referral Authority due to the site's inclusion within the Bushfire Management Overlay.

Application will also need to be referred to the *Department of Energy, Environment & Climate Action* (DEECA) for comment given the Application triggers consideration under the provisions of the Vegetation Protection Overlay. It is noted that DEECA are not a recommending referral Authority under the native vegetation provisions (Clause 52.17) as the application does not follow a detailed assessment pathway.

Pursuant to Clause 52.29-4 the Application will need to be referred to the *Department of Transport & Planning* as the subdivision will result in alteration of access to a road in a Transport Zone 2.

To consider the matter of onsite wastewater disposal and drainage we also anticipate Council will undertake internal referrals to their Environmental Health and Engineering Departments.

The subdivision does not require referral under the provisions of Clause 66.01 *Subdivision Referrals*. A permit must include mandatory Conditions at Clause 66.01-1.

Conditions

The mandatory Conditions prescribed at Clause 66.01-1 relating to telecommunications and the need to enter into agreements with the relevant authorities for the provision of services is expected to be imposed on Permit.

The mandatory Condition prescribed at Clause 44.06-5 relating to a Section 173 Agreement which references the Bushfire Management Plan to be included on Permit is also expected to be imposed.

It is anticipated that the standard permit conditions prescribed by the Assessor's handbook *Applications to remove, destroy or lop native vegetation* (DELWP, Dec 2017) relating to vegetation offsets will be imposed on Permit, to read:

*To offset the removal of **0.22** hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation as specified below:*

*A general offset of **0.246** general habitat units:*

- *Located within the East Gippsland Shire Council municipal district*
- *With a minimum strategic biodiversity score of at least **0.712***
- ***With 0 large trees***

Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:

- An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
- Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

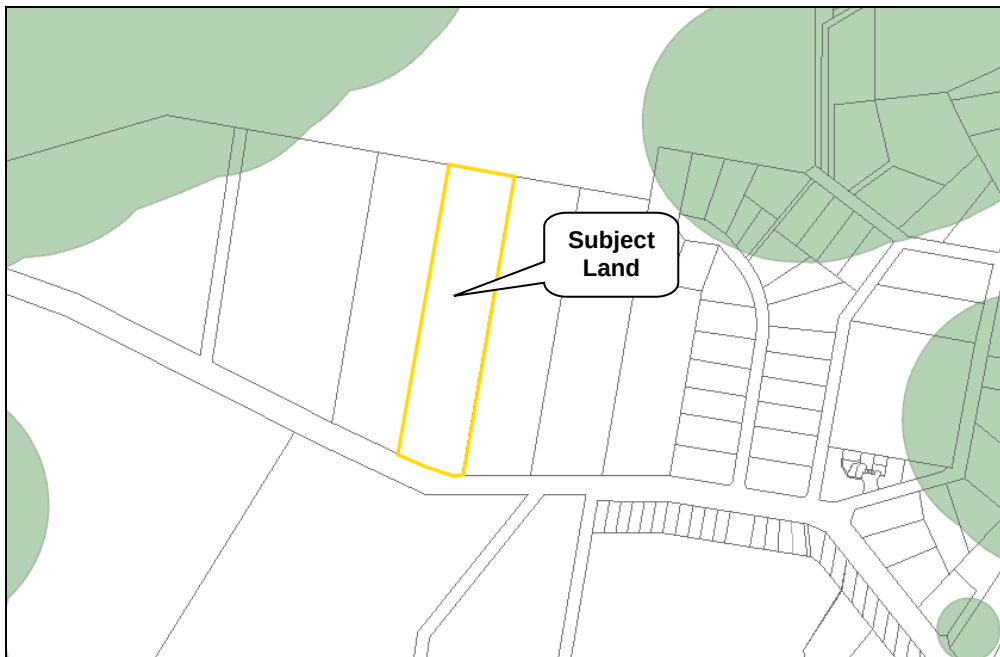
A copy of offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action.

In the event that a security agreement is entered into as per condition XX, the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

4. Cultural Heritage

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

- all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and
- all or part of the activity is a high impact activity.



Cultural Heritage Sensitivity Mapping – Source: VicPlan

The subject land is not identified as being within an area of cultural heritage sensitivity and the subdivision of land into two lots is not identified as being a high impact activity (Reg 49). There is therefore no mandatory requirement to provide a CHMP.

5. Planning Policy

5.1 Municipal Planning Strategy

Clause 02.03-1 *Settlement and housing* recognises Mallacoota as being a Coastal Settlement which is a popular holiday location and a retirement area, a base for eco-tourism and the centre of the abalone industry in Victoria. Council's strategic directions include the minor expansion of existing areas in Mallacoota and the proposal is considered to respond positively given its zoning and access to servicing.

Clause 02.03-2 *Environmental & Landscape Values* identifies that Council's strategic vision is to restore and maintain biodiversity, protect areas of value, balance development with wildlife corridors and areas of rural or natural landscape and to protect sites of significance by encouraging sensitive development.

The proposal responds well as it seeks to balance the anticipated residential use of the land with the environmental values. This has been achieved by limiting the proposal to a Two Lot Subdivision and nominating Building Envelopes that can accommodate suitable defensible space through selective vegetation removal that avoids the loss of larger trees and significantly mapped vegetation.

Clause 02.03-3 *Environmental risks and amenity* outlines that Council's plays an important role in managing and mitigating environmental risks associated with erosion, bushfire and salinity. Whilst the site is not affected by an Erosion Management Overlay or Salinity Management Overlay it is affected by the provisions of the Bushfire Management Overlay.

The broader context does provide a significant bushfire threat despite being on the edge of an existing residential precinct and as a consequence the subdivision has been designed carefully to ensure future development is designed and sited appropriately to mitigate the risk. This has been achieved by nominating a minimum construction level of BAL-29 and enhancement of defensible space to be consistent with Column A of Table 2 to Clause 53.02.

5.2 Planning Policy Framework

Clause 11-01-1S relating to *Settlement* seeks to promote sustainable growth and development and deliver choice and opportunity for all Victorians through a network of settlements. The proposal responds positively as the subject land, is capable of sustaining the proposed development and is zoned appropriately and has access to services.

The accompanying Design Response Plans demonstrate how the land is capable of accommodating future development having regard for the site characteristics and constraints.

Clause 11.03-4L *Mallacoota* applies to all land within the Mallacoota Framework Plan including the subject land. The proposal responds to associated strategies as the size and configuration of the lots can accommodate future development that can be designed and sited in a manner which respects the coastal character of the area.

The Building Envelopes have been well setback into the site which will ensure that future development will not dominate in appearance when being viewed from the road network and the associated defensible space has been designed with minimal impact to existing site vegetation (Basic Assessment Pathway).

The proposal has considered Clause 13.02-1S *Bushfire Planning* as the whole of the subject land is contained within a Designated Bushfire Prone area and the Bushfire Management Overlay.

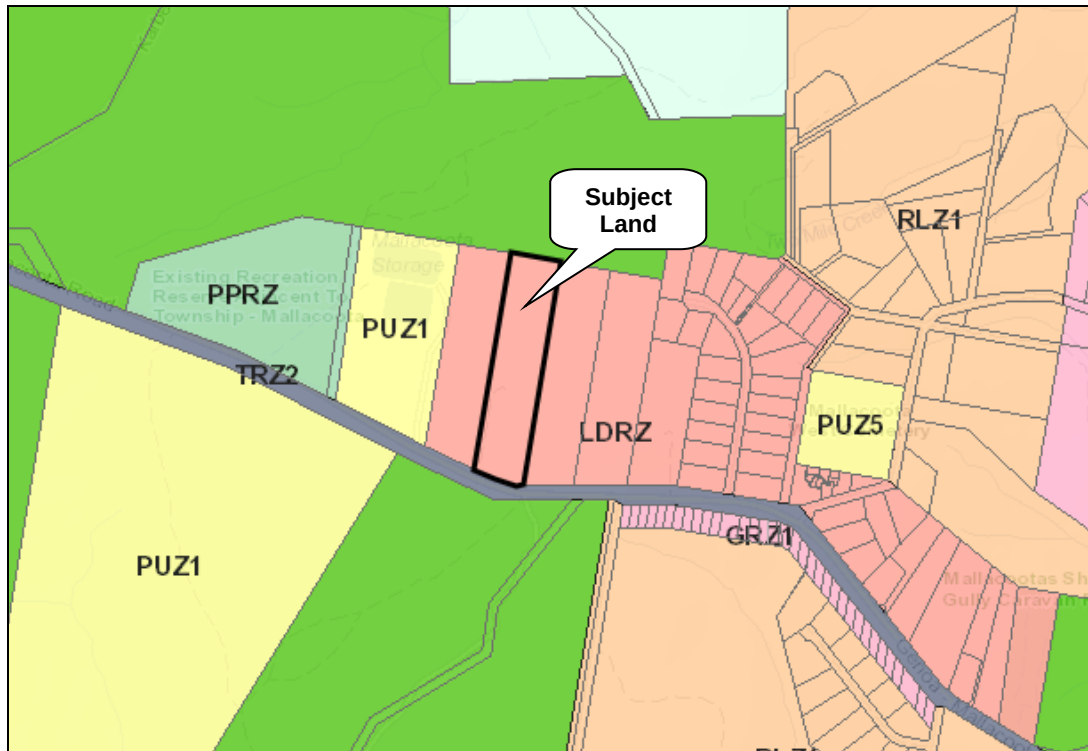
The proposal has prioritised human life through ensuring appropriate separation distances are established from classifiable vegetation and ensuring future development is constructed to minimum BAL-29.

Clause 15.01-3S relating to *Subdivision Design* seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision adheres to this objective as the accompanying Design Response Plans demonstrate that the proposed allotments can easily accommodate future residential development that respects the vegetated landscape.

6. Planning Elements

6.1 Low Density Residential Zone

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



Zone Mapping – Source: VicPlan

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

Whilst under the Low Density Residential Zone mathematically there is the ability to apply for up to 12 allotments based on the site area and absence of reticulated sewer, the nomination of two allotments which respond to site constraints and features is considered to result in a better planning balance.

Application Requirements Clause 32.03-5

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

In the absence of reticulated sewerage, include a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the <i>Environment Protection Act 2017</i>.	Given the absence of reticulated sewer the Application has been accompanied by a Land Capability Assessment Report (LCAR) prepared by <i>Chris O'Brien & Company Pty Ltd</i>. The LCAR confirms the site's ability to treat and retain wastewater associated with future development of Lots 1 & 2 through the use of secondary treatment systems. A Land Application Area (LAA) of 180m² has been shown on the Design Response Plan to demonstrate the suitable area available for onsite wastewater disposal however further investigations and detailed design of the wastewater system will need to be undertaken at time of development.
Show for each lot: • A building envelope and driveway to the envelope. • Existing vegetation. • In the absence of reticulated sewerage, an effluent disposal area.	Accompanying the Application is a Design Response Plan which demonstrates the ability to accommodate future residential development on both proposed allotments having regard for the site's constraints and characteristics. Building Envelopes have been designed having regard for the surrounding bushfire risk and can accommodate onsite wastewater disposal and suitable defensible space wholly within the site boundaries without incurring the need to remove any site vegetation contained within 'Location 3'.
Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.	The subject land and adjoining properties immediately to the east and west are contained within the Low Density Residential Zone. These adjoining properties have similar area and dimensions as the subject land and do not contain existing development. It is reasonable to expect that the adjoining residential parcels of land will be developed with dwellings into the future however similarly to the subject land their subdivision potential is limited by the presence of existing vegetation and controls of the Bushfire Management Overlay.
If a staged subdivision, show how the balance of the land may be subdivided.	Staging is not proposed.

Decision Guidelines

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

- The subdivision has been designed to provide both allotments with sufficient area to accommodate future residential development that enjoys the vegetated context. This has been achieved by nominating Building Envelopes in the clearer sections of the site which incur the need for only minimal vegetation removal to establish defensible space.
- The Building Envelopes and associated defensible space were selectively located outside of the 'Location 3' mapping. It was considered prudent to avoid any impacts to vegetation within the 'Location 3' mapping as it models potential for more significant habitat for rare or threatened species.
- Whilst the site is contained within the Low Density Residential Zone which enables the creation of allotments within a minimum size of 4000m² in area, the site vegetation and surrounding bushfire threat limits any opportunity to maximise the allotment yield.
- The presence of well established and significantly mapped vegetation on the northern portion of the property severely limits any opportunity to further subdivide proposed Lot 1. Whilst Lot 2 is clearer and of sufficient area to accommodate future subdivision, it would require detailed consideration of access and servicing.
- Nomination of the allotments greater than 4000m² in area provides a good level of assurance that native vegetation contained within the property boundaries will not be compromised due to the subdivision. Further planning approval would be triggered for the removal of any native vegetation given the allotments will be greater than 4000m² in area.
- Power, water and telecommunications are already provided within the precinct and will be connected to each of the proposed allotments as part of the subdivision project.

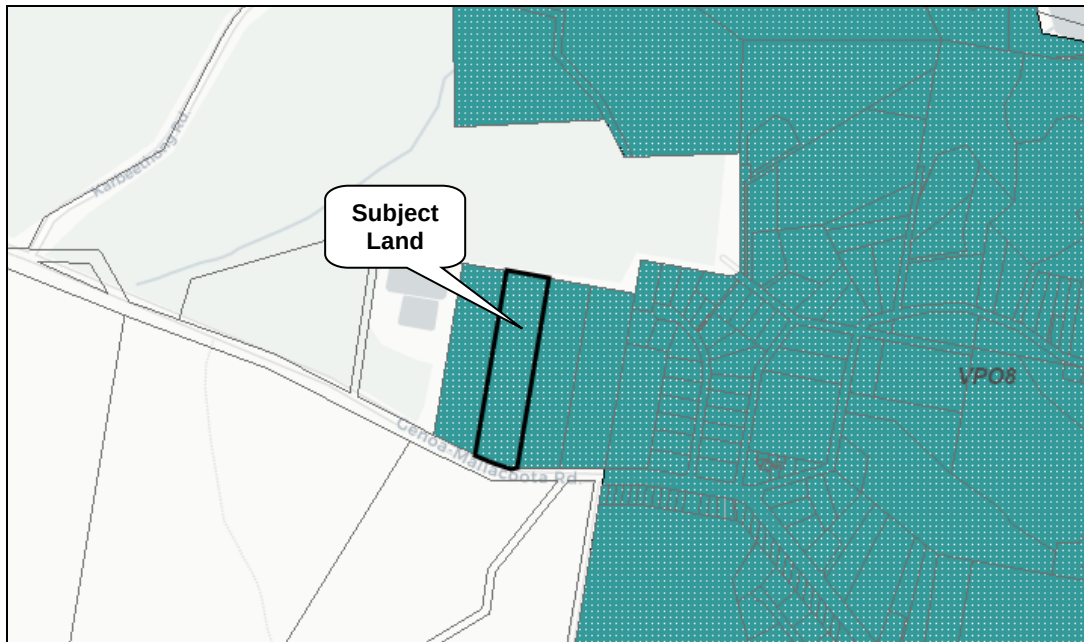
The proposed subdivision responds positively to Clauses 56.07-1 to Clause 56.07-4 relating to Integrated Water Management:

- Reticulated water is already provided within the precinct which has the ability to service both proposed allotments.
- Overhead powerlines are provided on the northern side of Genoa-Mallacoota Road which can service the proposed allotments. As both allotments have direct frontage to the road, they are expected to be provided with individual points of supply thereby avoiding any need for group metering.
- Use of reused and recycled water options will be dependent upon residents of the site.

- The subdivision has been designed to ensure future wastewater management will be sufficiently managed on site. The Design Response Plan demonstrates how both allotments can easily achieve the requisite Land Application Area consistent with findings within the Land Capability Assessment Report.
- Given the zoning of the land, it is envisaged that future dwellings will effectively drain onsite with the use of soak pits, as is typical for low density residential allotments where no reticulated drainage is available.

6.2 Vegetation Protection Overlay

The subject land is contained within the Vegetation Protection Overlay – Schedule 8 relating to *Mallacoota Vegetation Protection Area*.

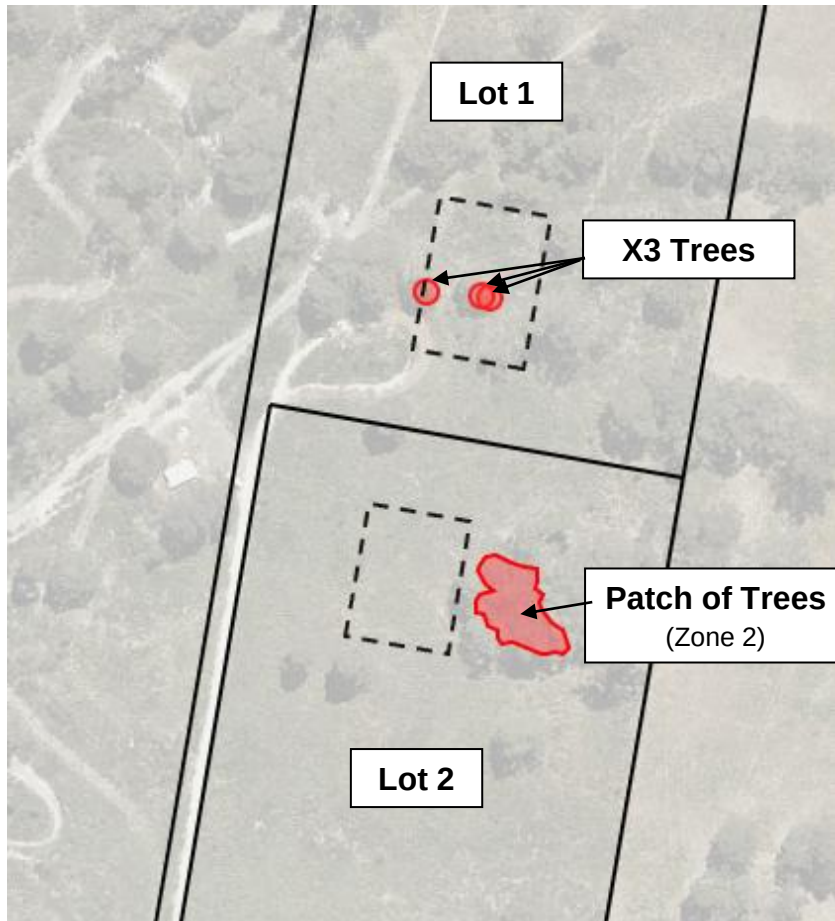


Vegetation Protection Overlay Mapping – Source: VicPlan

Planning approval is required at Clause 42.02-2 for the removal of vegetation greater than 2.0 metres in height in accordance with the Vegetation Protection Overlay – Schedule 8.

The vegetation being considered under the provisions of the Vegetation Protection Overlay includes:

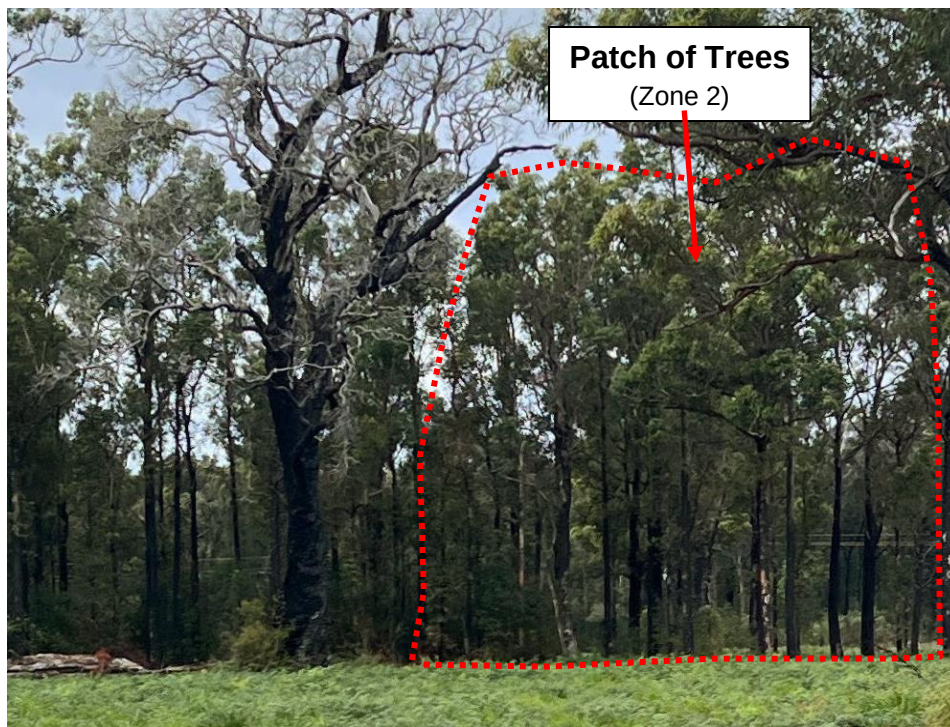
Lot 1	X3 trees (Tree #7, #8 & #18) to accommodate the Building Envelope and defensible space.
Lot 2	A patch of trees (Zone 2) for defensible space purposes.



Vegetation requiring approval for removal under the VPO



Looking south towards the X3 trees within Lot 1



Looking south towards the patch of trees within Lot 2

The Statement of nature and significance of the vegetation to be protected identifies that the Mallacoota area contains substantial areas of remnant native vegetation which contributes aesthetically to the area.

The associated objectives of the Overlay seek to conserve the vegetation of high conservation value and vegetation within high aesthetic land values, preserve existing vegetation, enhance fauna and fauna corridors and reduce the risk of soil erosion all by minimising vegetation loss.

Clause 42.02-4 *Application Requirements* specifies that an application must be accompanied by any information specified in a Schedule to the Vegetation Protection Overlay however there are *none specified* at Clause 4.0 *Application Requirements* under Schedule 8.

Clause 42.02-5 Decision Guidelines	
The Municipal Planning Strategy and the Planning Policy Framework.	See section 5 of this report.
The statement of the nature and significance of the vegetation to be protected and the vegetation protection objective contained in a schedule to this overlay.	The Overlay identifies species such as Rough-barked Angophora, Red Bloodwood and Mallacoota Gum as being of high conservation value providing important fauna habitat.  <i>Example of Rough-barked Angophora</i> Source: Google Images  <i>Example of Red Bloodwood</i> Source: Google Images  <i>Example of Mallacoota Gum</i> Source: Google Images

The vegetation proposed to be removed has been identified as White Stringybark and is clearly not one of the high conversation species listed under the Overlay.



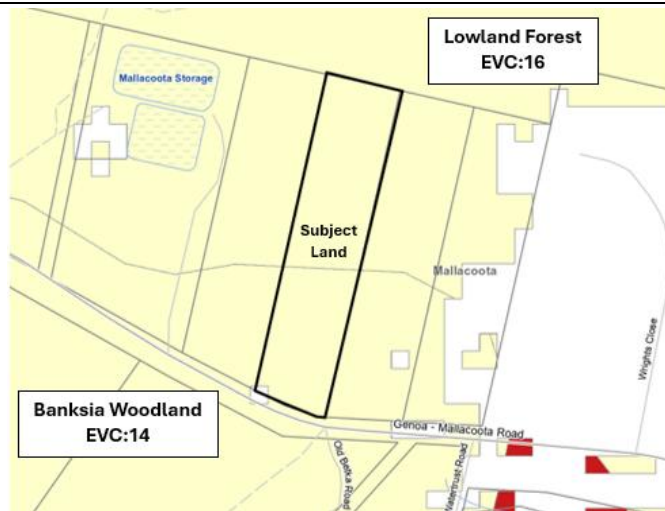
Flowering White Stringybark on the subject land



White Stringybark contained within the subject land

The Statement of Significance recognises that some areas of Mallacoota contain Ecological Vegetation Classes (EVC's) which are rare or threatened on a national basis such as Swamp Scrub.

EVC mapping indicates the site is representative of EVC 16: Lowland Forest and EVC: 14 Banksia Woodland both of which have a Bioregional Conservation Status of 'Least Concern'. The high dominance of Stringybark trees and Bracken fern is consistent within the EVC mapping.

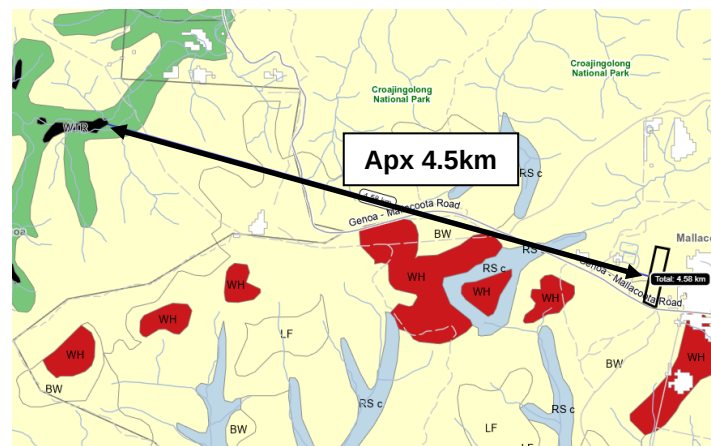


EVC Mapping – Source: NatureKit

The Native Vegetation Removal Report also stipulates that there are no endangered EVC's impacted.

The township area of Mallacoota is recognised as encompassing the Shady Gully reserve, which provides habitat for a number of vulnerable, rare and threatened species and the remnant warm temperate rainforest of Develins Gulch.

The remnant patches of warm temperate rainforest in Develins Gulch are in gullies with high rainfall and characterised by a dense canopy of non-eucalypt tree species, an understorey of climbers, shrubs, ferns and herbaceous groundcover and comprise a high diversity of species. The closest section of the EVC 32: Warm Temperate Rainforest is located approximately 4.5km to the west of the subject land.



EVC mapping – Source: NatureKit

EVC

The subject land is not characteristic or mapped as comprising Warm Temperate Rainforest.

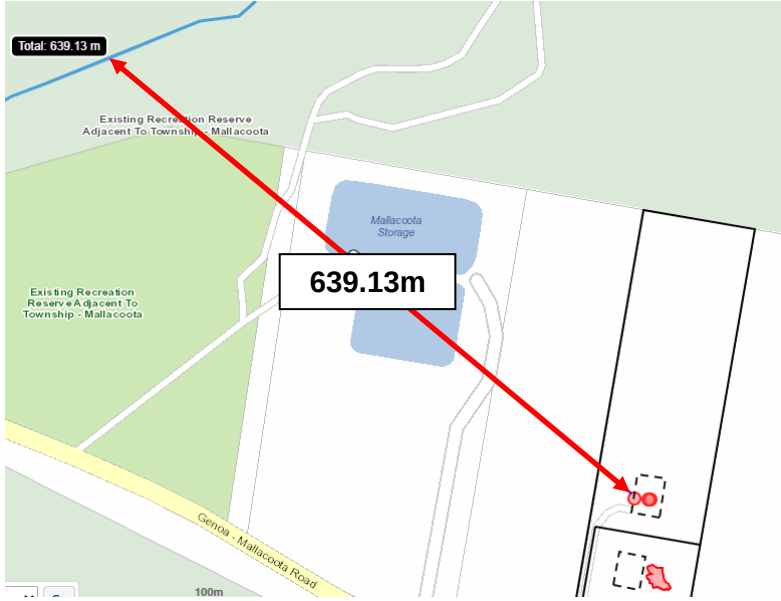
The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected.	The vegetation earmarked for removal consists of small Stringybark trees which are not otherwise identified as being of significance under the Overlay. The vegetation is not representative or mapped as comprising rare or threatened EVC's, it is not located within a gully and does not comprise the specific species identified within the Overlay.
The role of native vegetation in conserving flora and fauna.	The vegetation within the front portion of the subject land is quite sparse whilst the rear portion of the property contains more established and intact vegetation. The proposed subdivision has therefore been designed to ensure future development occurs on the front portion of the property and has limited impact to existing vegetation. This has avoided any impact on the more established vegetation on the northern portion of the property which provides connection to larger forested areas.
The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.	There are no VBA Species Survey records of threatened fauna or flora contained on the subject land. <i>Threatened Fauna Mapping – Source: NatureKit</i> <i>Threatened Flora Mapping – Source: NatureKit</i>
The need to retain vegetation which prevents or limits adverse effects on ground water recharge.	The accompanying Land Capability Assessment Report identifies that the site has good site drainage and run off and very good groundwater (seasonable water table depth).

The need to retain vegetation: - Where ground slopes exceed 20 percent. - Within 30 metres of a waterway or wetland. - On land where the soil or subsoil may become unstable if cleared. - On land subject to or which may contribute to soil erosion, slippage or salinisation. - In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance. - Which is of heritage or cultural significance.	The need to remove the selected site vegetation has been considered in depth: • The subject land is quite flat in grade and the vegetation removal is not being undertaken on a slope exceeding 20%. • The nearest waterway is located over 60m from the subject land. • The site is flat and there is no evidence of erosion occurring on the property. It does not consist of highly erodible soils and has good grass coverage. • The subject land is not mapped as being an area of cultural heritage sensitivity.
The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.	The subdivision has been designed to balance the need to protect environmental values of the land whilst responding to the provisions of the Bushfire Management Overlay and surrounding bushfire risk. The vegetation removal is required to establish defensible space. The Building Envelopes have been formulated having regard to need to establish defensible space within the property boundaries however have otherwise been sited to limit impacts to established trees. Whilst Table 6 to Clause 53.02-5 specifies vegetation management requirements inclusive of the separation of tree canopies by 5 metres, the proposal has sought to limit vegetation impacts by nominating separation between clusters of trees.
Any relevant permit to remove, destroy or lop vegetation in accordance with a land management plan or works program.	There is no Land Management Plan applying to the land.
Whether the application includes a land management plan or works program.	The Application does not propose a Land Management Plan.
Whether provision is made or is to be made to establish and maintain vegetation elsewhere on the land	The subdivision has been specifically designed to ensure the more established vegetation on the northern portion of the property with connection to larger forested areas is retained and will not be impacted by the proposal.

Clause 5.0 Decision Guidelines

The extent to which the vegetation sought to be removed or cleared contributes towards the need to:

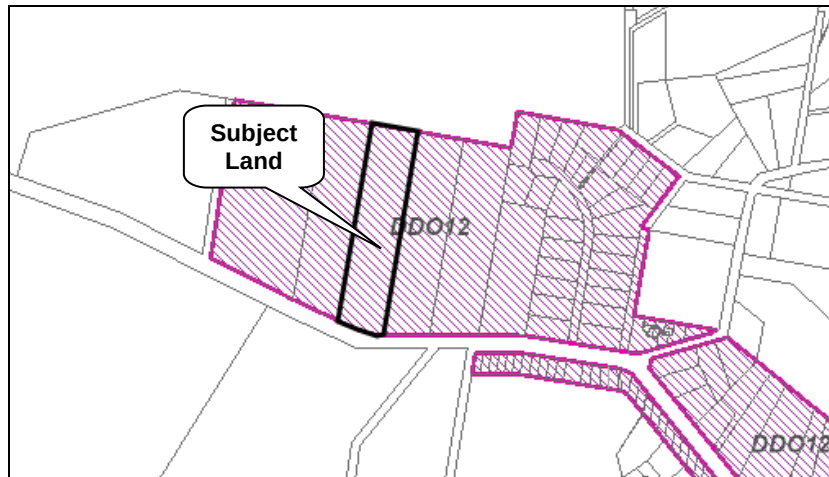
Conserve and enhance areas of high conservation value vegetation, as determined by the Draft East Gippsland Native Vegetation Plan	The Draft East Gippsland Native Vegetation Plan prioritises the protection and conservation of vegetation types into 4 levels (very high, high, medium and low). For EVC 16: Lowland Forest and EVC 14: Banksia Woodland of the East Gippsland Lowlands Bioregion the East Gippsland Catchment Management Authority priority for management is identified as 'low' (see page 62, Draft East Gippsland Native Vegetation Plan).
Conserve and enhance fauna habitat and habitat corridors	The proposal has sought to conserve the vegetation on the northern portion of the property which has direct connection to wider forested areas. The vegetation earmarked for removal is more removed from the larger more established vegetation and doesn't contribute as highly for fauna habitat.
Protect and enhance the visual amenity and landscape quality of the area	The limited extent of vegetation loss 'Basic Assessment Pathway' ensures that the proposal will not have a detrimental impact on the visual amenity of the landscape. The vegetation earmarked for removal is setback generously into the site (well over 100m) and the backdrop of vegetation will still be present when viewing the property from the adjoining road network. <i>Proposed vegetation removal shown 'red'</i> Source: VicPlan

	 <i>View over subject land from Genoa-Mallacoota Road</i> Source: Google Earth 5/2023
Minimise the risk of soil erosion, sedimentation and degradation of water quality.	The environmental risks associated with the removal of the vegetation is limited given the small extent of vegetation removal on flat land which is well over 60m from existing waterways. The nearest waterway known as Mullet Creek is located approximately 639.13 metres to the west of the proposed vegetation removal.  <i>Waterway Mapping – Source: VicPlan</i>
The need to work towards the State Government's policy of achieving a net gain in the extent and quality of native vegetation throughout Victoria	A detailed response has been provided against the native vegetation controls prescribed at Clause 52.17 which ensures there is no net loss to biodiversity as a result of the proposal. Vegetation offsets will be provided via third party arrangements to ensure that the vegetation removal is otherwise accounted for.

Whether there are alternative options regarding the removal of vegetation, to better achieve the Overlay objectives.	Several subdivision options were considered during the design phase with the proposal considered to strike the best balance between use of the land, bushfire controls and retention of environmental values. The zoning of the land provides the ability to apply for a much higher yield however the presence of site vegetation and inclusion within the Bushfire Management Overlay have dictated the design. The siting and design of the Building Envelopes has been adjusted throughout the design phase to reduce impacts on site vegetation. Initially the Building Envelopes were much larger and if adopted would have incurred further impacts to site vegetation. The presence of the Bushfire Management Overlay has been the trigger to include vegetation removal within the Application. Vegetation removal simply can't be avoided given the need to respond appropriately to the bushfire controls and protect life and property.
Whether there is a need to undertake revegetation with appropriate indigenous species to offset any loss of environmental values resulting from the works or development, or to replace key non-indigenous vegetation where this is important to the aesthetic values of a particular site.	Given the presence of the Bushfire Management Overlay there is limited ability to undertake any enhancement or replacement planting within the expansive areas of defendable space. It is however expected that the better quality and more established vegetation on the northern portion of the property will be retained and will not be compromised by the proposal. This will ensure the vegetated backdrop will be retained and will not otherwise have an adverse impact on aesthetics when the property is viewed from the adjoining road network.
Whether the vegetation is planted vegetation that blocks views from adjoining properties.	The vegetation proposed to be removed has not been planted.

6.3 Design & Development Overlay

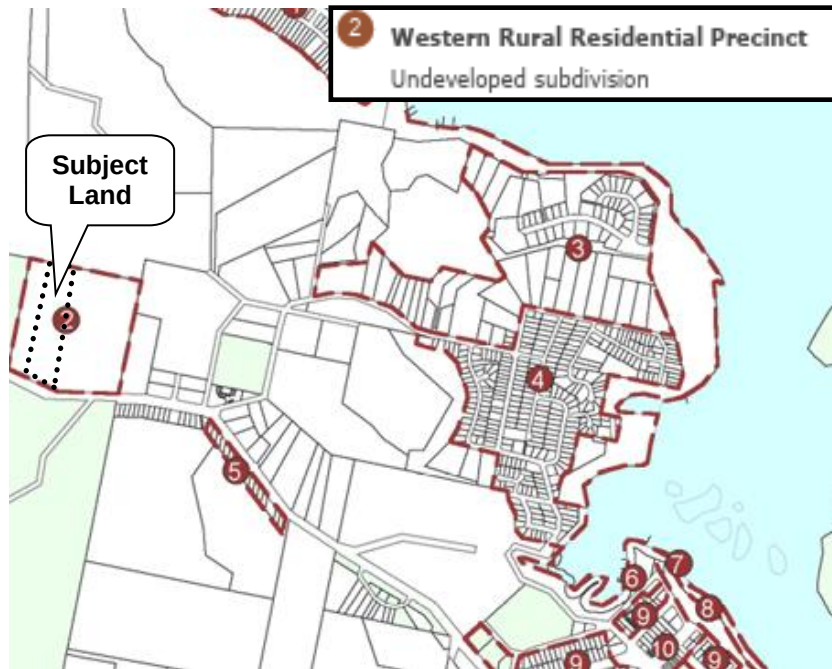
The whole of the subject land is affected by Schedule 12 of the Design & Development Overlay, relating to *Residential Development in Coastal Settlements: Mallacoota* which triggers planning approval at Clause 43.02-3 for subdivision of land.



Design & Development Overlay Mapping – Source: VicPlan

Design Objectives – All Areas	Response
To protect and manage the township character of coastal settlements.	The subdivision will result in the creation of generous sized residential allotments which have the capacity to provide for future development that is sympathetic to the coastal surrounds.
To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.	Future residential development will need further consideration against the provisions of the Design & Development Overlay.
To ensure that new development is designed to minimise visual impacts on the natural landscape.	There is no development proposed however the design of the subdivision ensures there is ample opportunity for future dwellings to integrate with the natural landscape.
To ensure that new development is visually and physically integrated with the site and surrounding landscape.	As the proposal will result in generous sized residential allotment there is good opportunity for future development to be integrated into the landscape. Both Building Envelopes have been generously setback from Genoa-Mallacoota Road and retention of established trees will provide a natural backdrop.
To ensure that new development is sited and designed to be visually unobtrusive through and above the surroundings tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.	As the landform is relatively flat there is good opportunity for future dwellings to be established beneath the existing tree line which will aid in ensuring it won't be dominant when viewed from Genoa-Mallacoota Road. Any future building above 7.5 metres above natural ground level or development where the total building area is greater than 300m ² in area will incur further planning consideration and approval under the Design & Development Overlay.

To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.	The subdivision has sought to protect the vegetated character of the area by providing Building Envelopes for both allotments on the southern clearer portion of the land.
To conserve and enhance views to the Inlet from public places in the town centre character area.	Given the site is setback from Mallacoota Inlet and is surrounded by a mixture of vegetated and developed land, the site is not identifiable from key public places other than from along Genoa-Mallacoota Road.



Extract from Mallacoota Design Guidelines – Source: Mallacoota Urban Design Framework

Design Objectives – Western rural residential (Area 2)	Response
To ensure new buildings have a minimal footprint and are designed to high standards of energy efficiency.	The design of future dwellings is unknown at this time however Council would be afforded the opportunity to critique against the provisions of the Design & Development Overlay should: - Any future building be proposed above 7.5 metres above natural ground level; or - The total building area be greater than 300m² in area. The Application only seeks approval for subdivision however otherwise provides good opportunity for future development to respond well to the design objectives of Design & Development Overlay – Schedule 12.
To encourage consistent use of materials such as corrugated iron and timber cladding on lightweight framing, and use of natural colours.	
To avoid standard suburban style homes that use extensive external masonry and mock period style buildings.	
To minimise the amount of hard surfacing in garden spaces.	
To encourage the use of indigenous planting in private gardens.	

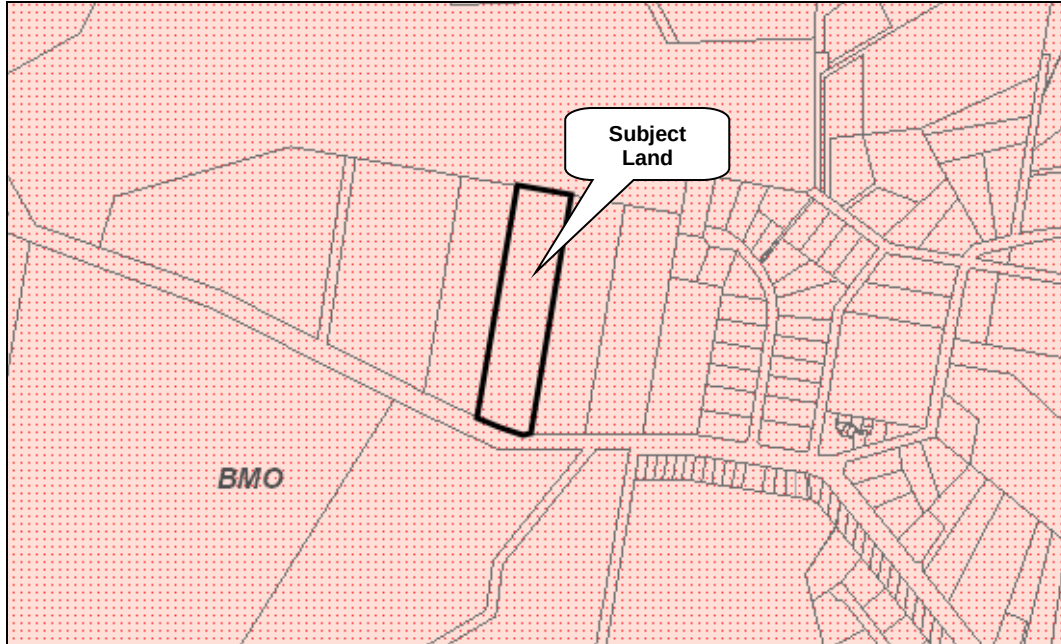
Decision Guidelines	Response
In relation to a proposed subdivision:	
The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area, including the effect on streamlines, foreshores, wetlands, areas of remnant vegetation or areas prone to erosion.	The subdivision has been carefully designed having regard for the environmental values of the land. Whilst mathematically the land has the capacity under the Low Density Residential Zone to yield more allotments, the subdivision has been designed within the principals of the three-step approach of <i>Avoid, Minimise, Offset</i>. The limitation of the subdivision to the creation of two allotments only has invoked minimal vegetation removal. It has also avoided any impact to 'Location 3' vegetation which is modelled as having the potential to be more environmentally significant. The site is relatively flat and is not contained within the Erosion Management Overlay. There are also no waterways contained on the land or immediately abutting.
The need to contribute, where practicable, to the development of pedestrian walkways, to link residential areas and to provide access to community focal points, public land and activity areas such as commercial or community precincts, recreation areas or foreshore areas.	There are no existing pedestrian pathways established within Genoa-Mallacoota Road within proximity to the subject land.
Whether the proposed subdivision layout provides for the protection of existing natural vegetation, drainage lines, wetland areas and sites of cultural or heritage significance.	The subject land is not identified by mapping as being cultural heritage sensitive and the subdivision has been designed to balance the protection of existing native vegetation with the need to mitigate the bushfire risk.
Whether the potential for wildlife corridors through the area has been retained or created by limiting fencing and maintaining indigenous and native vegetation.	The rear portion of the site is generally well vegetated and is connected to larger vegetated areas. The subdivision has been designed to restrict future development to the front portion of the land thereby ensuring the more significant site vegetation will not be compromised by the proposal.
The provision for water sensitive urban design.	There is the opportunity for the principals of water sensitive urban design to be adopted.
Provision in the design for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas.	The subject land is setback from the coastline on elevated land and is excluded from the Erosion Management Overlay, Land Subject to Inundation Overlay and Floodway Overlay.
Whether the allotment frontage width is consistent with the typical width of existing allotments in the locality.	Whilst existing allotments within Genoa-Mallacoota Road are generally provided with generous road frontage, the width varies having regard to the applicable zone and provision of infrastructure.

	The subdivision design is limited to a battle-axe arrangement as Genoa-Mallacoota Road is Transport Zone 2 and the Department of Transport & Planning have indicated that they would not be accepting of any additional vehicle access points.
Whether the proposed subdivision layout relates sympathetically to the topography of the site and the surrounding land uses.	The subject land is relatively flat and is adjoining land parcels to the east and west are also zoned for residential development through inclusion within the Low Density Residential Zone.

Decision Guidelines	Response
Western rural residential (Area 2)	
The extent to which the development minimises building footprint and provides a high standard of energy efficiency.	The proposal doesn't incorporate any development however the subdivision has been designed in a manner which provides good opportunity for future dwellings to respond well to the provisions of the Design & Development Overlay.
Whether the proposed development uses materials that give the appearance of lightweight construction and natural colours.	
Whether the proposed design of any buildings avoids the use of extensive areas of masonry and mock heritage architecture.	
Whether the amount of hard surfacing in any new development enables the retention of adequate garden space.	
The extent to which the development incorporates the planting of new indigenous vegetation.	The subdivision has been designed to enable the retention of the more significant site vegetation and established tree backdrop. Given the sites inclusion within the Bushfire Management Overlay any landscaping around future dwellings will need to abide by the vegetation management requirements prescribed within the Bushfire Management Plan which mirror Table 6 to Clause 53.02-5.

6.4 Bushfire Management Overlay

The subject land is contained within the Bushfire Management Overlay which triggers approval at Clause 44.06-2 for subdivision of land.



Bushfire Management Overlay Mapping – Source: VicPlan

The purpose of the Bushfire Management Overlay is 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 and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The Application is considered to satisfy the purpose of the Bushfire Management Overlay with the risk to life and property able to be reduced to an acceptable level through implementation of mitigation measures prescribed in Clause 53.02.

This has been achieved by nominating Building Envelopes which achieve onsite separation distances consistent with Column A to Table 2 of Clause 53.02-5 and by nominating a minimum BAL-29 construction standard.

Application Requirements Clause 44.06-3

Bushfire Hazard Site Assessment

Accompanying the Application is Bushfire Planning Report prepared by South Coast Bushfire Consultants (3 March 2025) which includes a Bushfire Hazard Site Assessment (page 17).

The Bushfire Hazard Site Assessment provides detail on the site and the immediate surrounds. The landform and vegetation classifications within the surrounding 150 metre assessment area has been considered in the calculations for separation distances and associated Bushfire Attack Level (BAL-29).



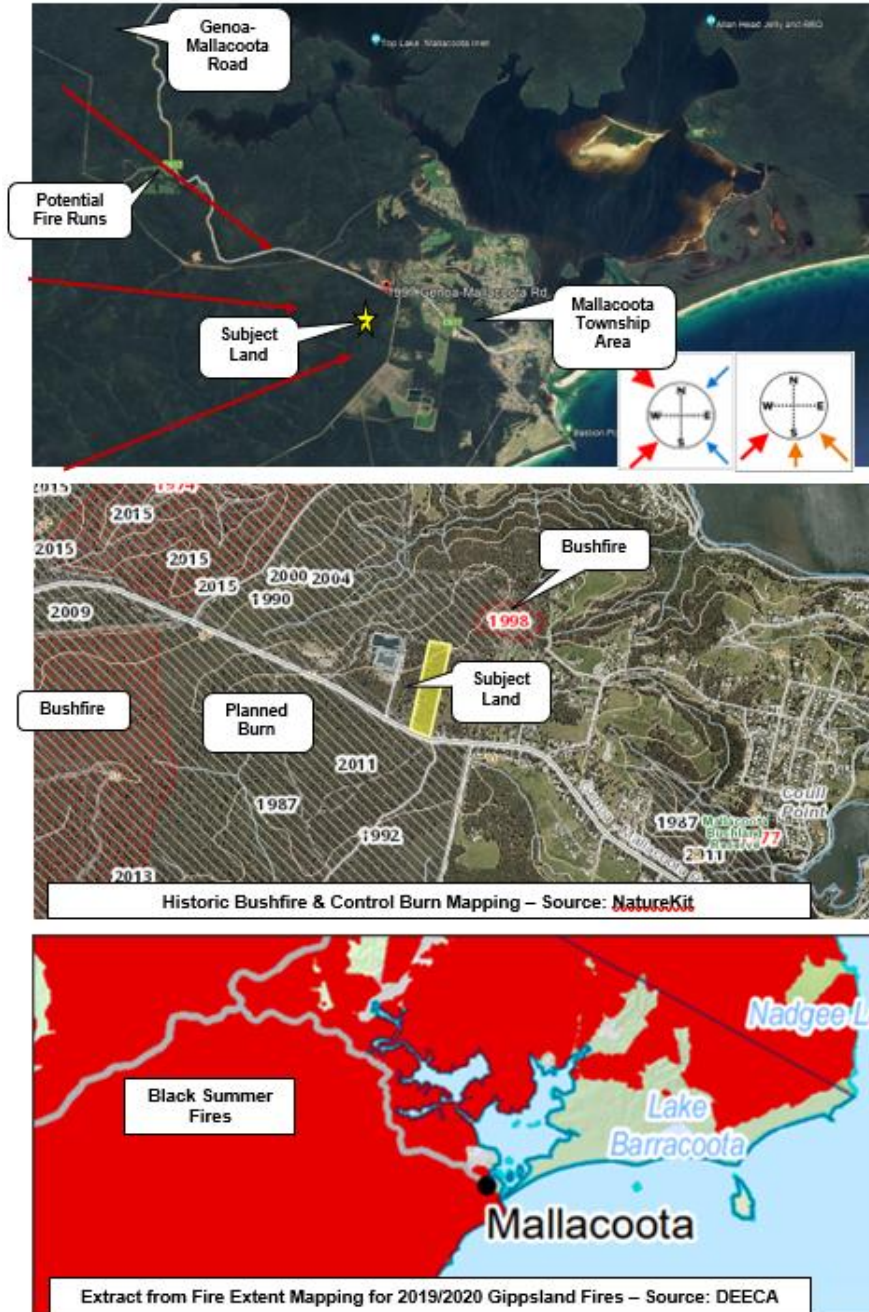
Extract from Bushfire Hazard Site Assessment Plan
Source: Bushfire Planning Report - South Coast Bushfire Consultants (3 March 2025)

Bushfire Hazard Landscape Assessment

A Bushfire Hazard Landscape Assessment describing the bushfire hazard in the wider landscape (>150 metres from the site) has also been provided as part of the Bushfire Planning Report prepared by *South Coast Bushfire Consultants* (3 March 2025).

Additional diagrams as provided below provide a further assessment of the surrounding landscape.

Bushfire Hazard Landscape Assessment



The Bushfire Hazard Landscape Assessment determined the site has a Broader Landscape Type: Type 3.

Bushfire Management Statement	A Bushfire Management Statement has also been included within the Bushfire Planning Report prepared by <i>South Coast Bushfire Consultants</i> (3 March 2025) which provides a detailed response to each of the Approved Measures at Clause 53.02-4 <i>Bushfire Protection Objectives</i> .
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Mandatory Condition (Clause 44.06-5)

As the proposal seeks approval for subdivision a permit must include the mandatory Condition prescribed at Clause 44.06-5 of the Bushfire Management Overlay.

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the East Gippsland Planning Scheme.*
- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

The mandatory Condition will invoke the need for a Section 173 Agreement to be entered into which will refer to a plan prepared in response to Clause 53.02-4.4 and exempt a future dwelling from requiring a planning permit under the provisions of the Bushfire Management Overlay.

Included within the Bushfire Planning Report prepared by *South Coast Bushfire Consultants* (3 March 2025) is a Bushfire Management Plan however a separate Bushfire Management Plan as provided by our firm also supports the Application.

Both Bushfire Management Plans were prepared in response to Clause 53.02-4.4 *Subdivision Objectives* and prescribe a minimum construction standard of BAL-29, defendable space, water supply and access requirements however the Plan prepared by our firm is expected to be endorsed as part of Permit.

The Bushfire Management Plan prepared by our firm replicates detail pertaining to minimum construction standards, water supply and access however seeks to achieve a more appropriate response to the biodiversity values present on the land by adopting Building Envelopes which are slightly smaller in size and nominates specific trees and small tree clusters for retention.

Retaining specific trees and small clusters of trees for retention reduces impacts on the environment values of the land whilst otherwise responding appropriately to the surrounding bushfire risk. Suitable separation has been provided between the trees and small tree 'clusters' as demonstrated on the Vegetation Design Response Plan.

If in the event future dwellings were to be established outside of the Building Envelopes nominated on the Bushfire Management Plan or were to be constructed to a lower standard of construction than BAL-29, there would be requirement for further planning approvals to be obtained under the provisions of the Bushfire Management Overlay.

6.5 Particular Provisions

6.5.1 Native Vegetation

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

Application Requirements

Information including plans and photos accompanying the application satisfy the Application Requirements specified within the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation, December 2017* ('the Guidelines').

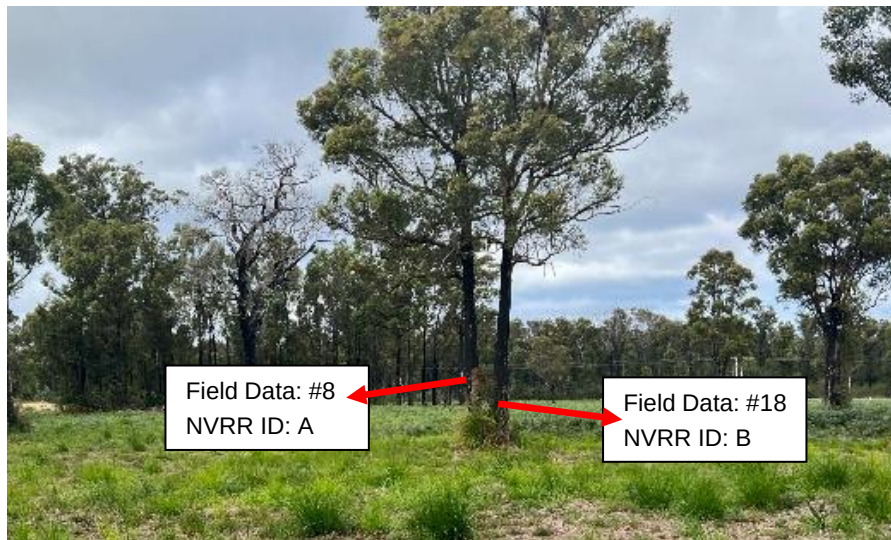
Accompanying the Application is a Native Vegetation Removal Report (NVRID: 319_20250414_HLQ) which confirms the assessment pathway (Basic Assessment Pathway), details of the vegetation to be removed, mapping and offset requirements, along with other details required by Table 4 of the Guidelines.

The extent of vegetation removal being considered under the provisions of Clause 52.17 includes 3 patches of native vegetation (NVRID: Zone1, Zone 2 & Zone 3).

The percentage of native perennial understorey coverage varies across the subject land with much of it exceeding the 25% threshold being representative of a native vegetation patch.

Zone 1 corresponds with the nominated Building Envelope on Lot 1 to ensure that any future vegetation losses within are adequately accounted for. Whilst Zone 1 predominantly comprises native understorey, there are also X3 small trees (Trees A, B & C).

NVR ID 319_20250414_HLQ	Tree # Based off Field Data	Circumference (in cm) at Breast Height (1.3m above ground level)	Large or Small Tree
A	8.	96cm	Small
B	18.	110cm	Small
C	7.	92cm	Small

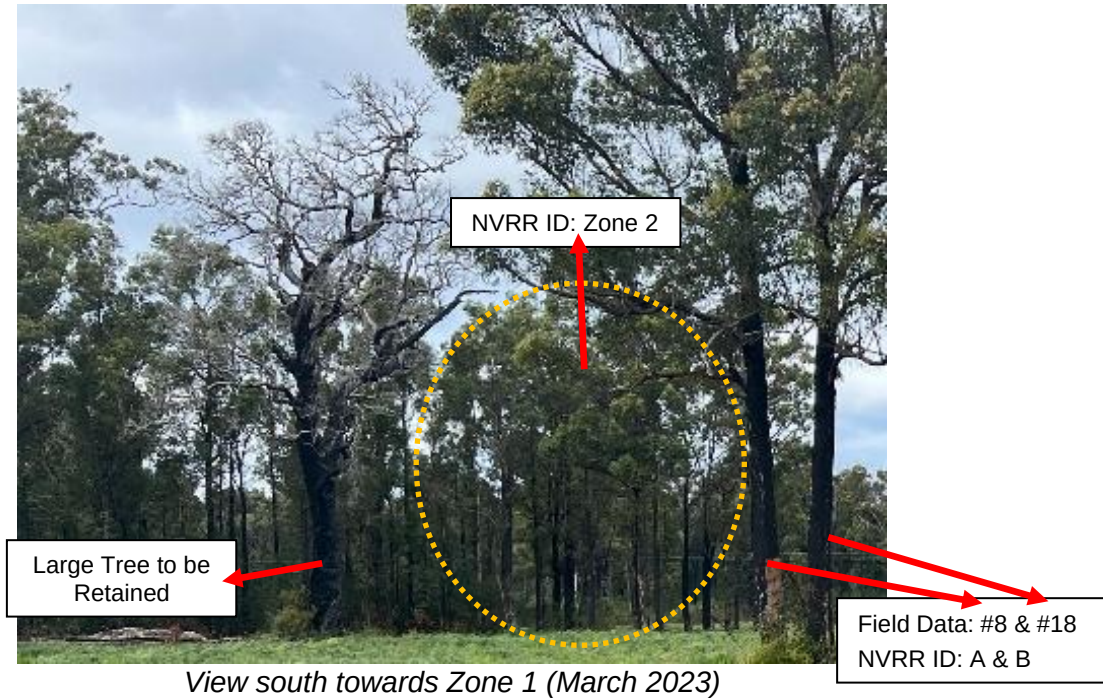


View south towards trees A & B (March 2023)

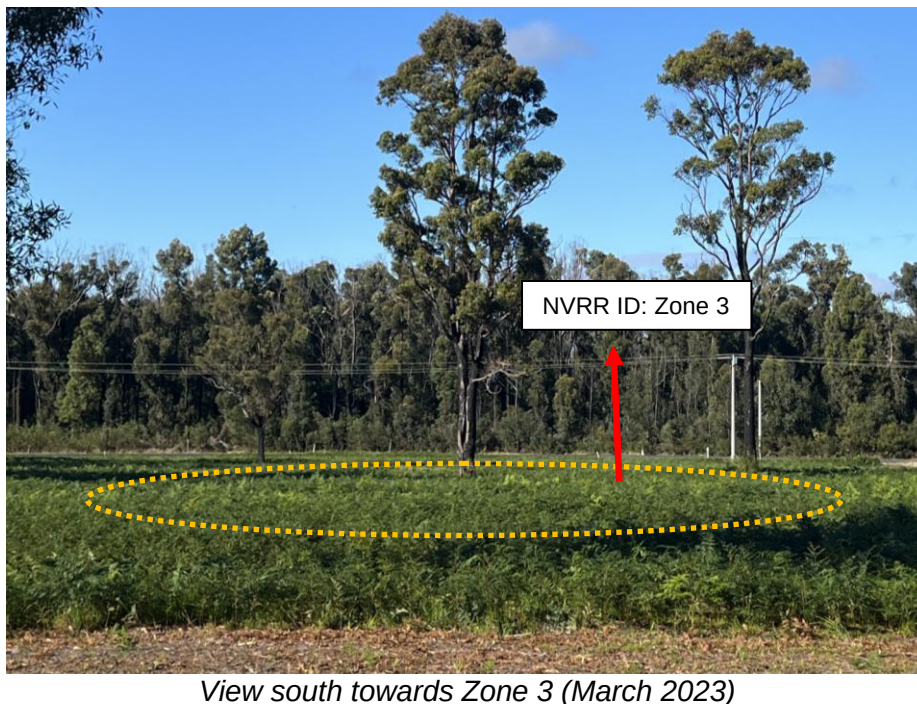


View south towards tree C (March 2023)

Zone 2 is native vegetation to be removed to ensure adequate separation is provided between a future dwelling on Lot 2 and classifiable vegetation. Zone 2 comprises of several small trees and native understory and does not include any large trees.



Zone 3 comprises understory species only with a high proportion of Bracken Fern. It generally corresponds with the nominated Building Envelope on Lot 2 however also provides opportunity to establish a driveway.



To compensate for the impacts to native vegetation, a third-party offset will be secured to ensure no net loss of biodiversity, in accordance with the requirements of Clause 52.17-5. Search results from the Native Vegetation Credit Register have been provided in support of the Application which confirm the availability of the required offsets on the current market with all necessary attributes (Report ID: 29286).

In response to the application requirements specified at Table 4 of the Guidelines we offer the following comments.

	Application Requirement	Response/Comment
1.	Vegetation to be removed	The accompanying Native Vegetation Removal Report includes adequate information to address this Application Requirement. The total extent of vegetation removal is 0.22ha which triggers a Basic Assessment Pathway. A total offset amount of 0.246 general habitat units with a minimum strategic biodiversity value of 0.712 and 0 large trees within the East Gippsland Catchment Management Authority or East Gippsland Shire Council will be required.
2.	Topographic and land information	The landform within proximity to the proposed vegetation removal is flat and does not contain any steep slopes.
3.	Photographs	Photographs of the existing vegetation have been included within this report.
4.	Past Removal	There are no records on Council's ePathways system of any removal of native vegetation from the subject land within the past 5 years.
5.	Avoid and minimise statement	An avoid and minimise statement has been included later within this report.
6.	Property Vegetation Plan	Not applicable.
7.	Defendable space statement	The subject land is contained within the Bushfire Management Overlay which has the impact of requiring defendable space to be established around the proposed Building Envelopes. The proposal has nominated specific trees for removal and retention to provide a balance between defendable space and protection of life and property with the need to avoid and minimise impacts to native vegetation.
8.	Native Vegetation Precinct Plan	The Application is not being made under the provisions of Clause 52.16.
9.	Offset statement	As a Permit is required to remove native vegetation the biodiversity impacts from the removal must be offset in accordance with the Guidelines. It is anticipated that the standard Conditions will be imposed on Permit which specify the offset requirement and the timing to secure the offset.

		There is no ability to provide a first party offset in this instance given that the subject land forms part of an existing residential precinct. It is therefore necessary that vegetation offsets be achieved through third party arrangements. A Report of Available Native Vegetation Credits ID: 29314 has been provided in support of the proposal which confirms suitable offsets are available to compensate for the proposed vegetation removal.
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	Decision Guidelines	Response/Comment
1.	Efforts to avoid and minimise vegetation removal to be commensurate with the biodiversity and other values.	Efforts to avoid and minimise impacts to native vegetation are considered commensurate to the biodiversity values of the area as detailed in the below avoid and minimise statement. The extent of vegetation removal is quite limited (Basic Assessment Pathway), and the allotment yield and subdivision design has sought to avoid and minimise impacts to native vegetation. The impacted vegetation has not been identified as being of significance as it is mapped as being within Location 1 and is not contained within an endangered EVC.
2.	Water courses, land degradation and groundwater.	The vegetation proposed to be removed is considered to play a minimal role in protecting water quality and preventing land degradation given the flat nature of the landform and generous separation from watercourses.
3.	Identified landscape values.	The subject land is affected by the Vegetation Protection Overlay – Schedule 8 Mallacoota Vegetation Protection Area. The values of the Overlay have been recognised by the proposal through careful selection of vegetation removal as shown on the accompanying Plan of Vegetation Removal. There are no Environmental Significance or Character Overlays applying to the site or immediate surrounds.
4.	Aboriginal Heritage Act 2006.	The vegetation to be removed is not protected under the <i>Aboriginal Heritage Act 2006</i> .
5.	Defendable space.	The purpose of the proposed vegetation removal is to provide sufficient area to accommodate future residential development and achieve vegetation management requirements for the establishment of defendable space. The sites inclusion within the Bushfire Management Overlay and the site's location on the edge of a forested area invokes the need to provide a robust response to the surrounding bushfire hazard.
6.	Property Management Plan.	N/A There is no Property Management Plan applying.
7.	Offsets	There is the ability to obtain and secure vegetation offsets which meet the offset requirements in accordance with the Guidelines. This has been demonstrated through the inclusion of a Report of Available Native Vegetation Credits ID: 29314.
8.	Clause 52.16	N/A The Application is not being made under the provisions of Clause 52.16.

9.	Impacts on biodiversity	As outlined on the accompanying Native Vegetation Removal Report the removal of less than 0.5ha of native vegetation in Location category 1 will not require a Species Offset. The area to which the vegetation removal applies has not been modelled as being an endangered EVC (Page 12, NVR report).
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Avoid & Minimise Statement

The subject land is located within the Low Density Residential Zone which anticipates residential occupation of the land. It is also affected by the provisions of the Bushfire Management Overlay, Design & Development Overlay – Schedule 12 and Vegetation Protection Overlay – Schedule 8 of the *East Gippsland Planning Scheme*.

The proposal is consistent with strategic documentation which identifies the subject land as being within the Mallacoota settlement boundary and for low density residential purposes. The surrounding context and presence of existing servicing further enhances this expectation.

Whilst mathematically the subject land can achieve a significantly higher allotment yield having regard to the minimum Lot size of 4000m² under the Low Density Residential Zone, the presence of site vegetation and inclusion within the Bushfire Management Overlay limit the subdivision opportunities.

The sites proximity to an expansive forested area presents a high bushfire risk and is therefore included within the Bushfire Management Overlay. For subdivisions within the Bushfire Management Overlay it is necessary to demonstrate the ability for future dwellings to achieve appropriate defensible space to reduce the bushfire risk to life and property.

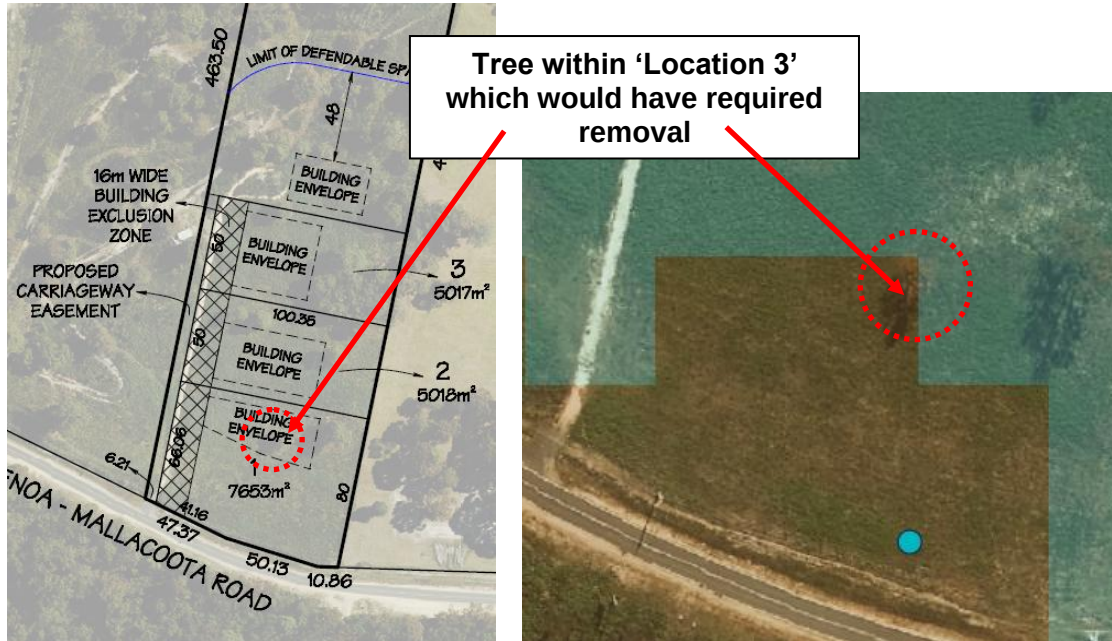
To limit the impacts on existing site vegetation and to also respond appropriately to the controls of the Bushfire Management Overlay, the subdivision has been restricted to the creation of two allotments only.

It was considered necessary to restrict the Building Envelopes on both allotments to the southern portion of the subject land where the vegetation is considerably cover is reduced.

Whilst the restriction of future development to the southern portion of the site avoids any impact on the more established vegetation located on the northern portion of the property, there is the need for suitable defensible space to be established within the property boundaries surrounding the Building Envelopes.

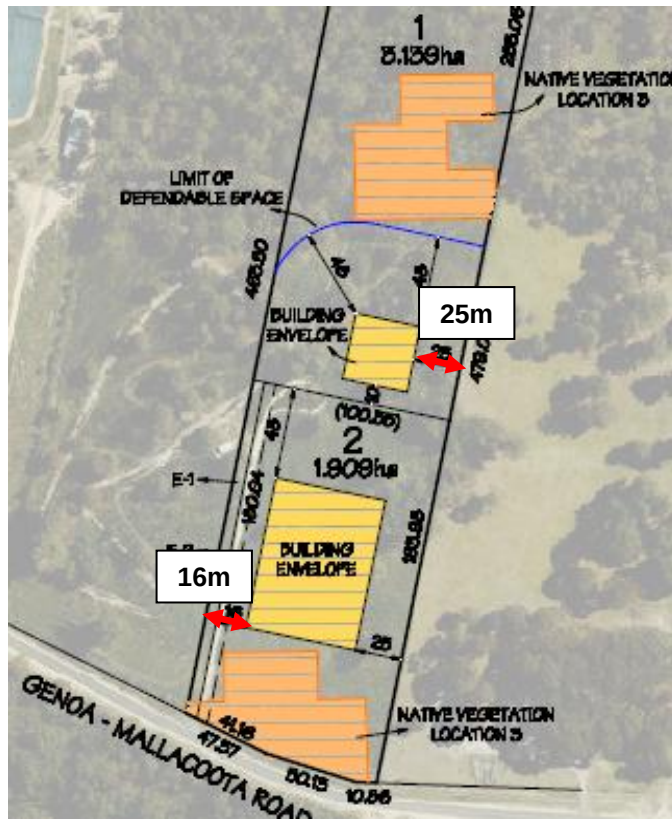
This means that the Building Envelopes are restricted to the mid-section of the southern portion of the land and can't be positioned close to existing boundaries without compromising the bushfire response.

The initial subdivision concept attempted to achieve a higher allotment yield however it was determined inappropriate as it would have invoked removal of significantly mapped vegetation contained within native vegetation 'Location 3'.



Subdivision Concept (V1, dated 15/11/2022) &
Extract from NVR Map

Consideration was then given to a subdivision concept which sought to ensure Building Envelopes would be located entirely outside of the more significant 'Location 3' mapping. This concept however maximised Building Envelopes which would have required the removal of numerous trees to enable their establishment in addition to vegetation removal to accommodate defendable space requirements.



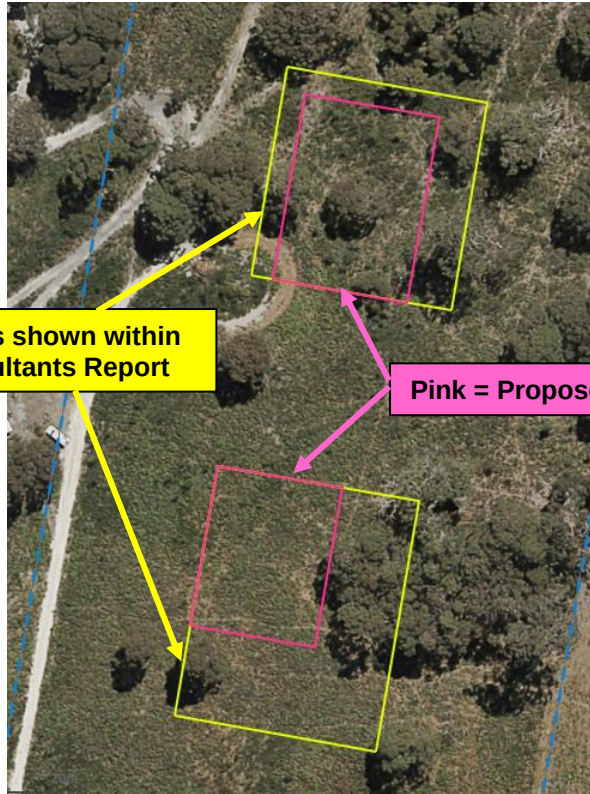
Subdivision Concept Option A (V1 8/09/2023)

The Bushfire Planning Report was subsequently prepared by *South Coast Bushfire Consultants* which included a Bushfire Management Plan which pruned back the Building Envelopes to enhance defensible space and in doing so reduced impacts to vegetation.



Bushfire Hazard Site Assessment – South Coast Bushfire Consultants

Consideration has been given to avoid and minimise the extent of vegetation removal by further reducing the size of the Building Envelopes. The below diagram demonstrates how this has been achieved by showing Building Envelopes consistent with those within the *South Coast Bushfire Consultants Report* against the revised Building Envelope layout adopted.



Yellow = Building Envelopes shown within South Coast Bushfire Consultants Report

Pink = Proposed Building Envelopes

Extract from VicPlan demonstrating reduction in Building Envelopes

Only two scattered trees (Trees A & B) are required to accommodate the Building Envelope on Lot 1. Another tree (Tree C) has also been nominated for removal for defensible space purposes.

There are now no trees to be removed from within the Building Envelope on Lot 2 albeit the patch of native vegetation (Zone 1) is earmarked for removal to ensure there is sufficient separation between future development and the patch of vegetation to the east to reduce bushfire risk.

The patch of vegetation earmarked for removal (Zone 1) has been carefully selected to ensure it includes the removal of small trees only. We confirm the large dead tree present on the site has been earmarked for retention.

In formulating the final layout design consideration was given to the Tree Protection Zones (TPZ's) of existing trees within proximity to the nominated Building Envelopes. The accompanying Vegetation Design Response Plan provides a visual representation of TPZ's which are all impacted by the Building Envelopes by less than 10%.

Tree # Based off Field Data	Circumference (in cm) at Breast Height (1.3m above ground level)	NVR ID 319_20250414_HLQ	DBH (cm)	TPZ (m)	% TPZ Impacted
1.	148		47.1	5.65m	0%
2.	129		41.1	4.93m	0%
3.	130		41.4	4.97m	0%
7.	92cm	C	29cm	N/A	100%
8.	96cm	A	31cm	N/A	100%
9.	101		32.15	3.86m	0%
10.	113		36cm	4.32m	0%
11.	123		39.15cm	4.7m	0%
13.	115		36.6	4.39m	0%
18.	110cm	B	35cm	N/A	100%

TPZ Calculations – Source: Vegetation Design Response Plan (V1)

The proposal has deviated from the standard vegetation management requirement for canopy trees to be separated by at least 5 metres prescribed at Table 6 to Clause 53.02-5. To further limit impacts to native vegetation the Bushfire Management Plan nominates specific scattered trees and small tree 'clusters' for retention which otherwise have good separation from one another. If the more standard approach were taken the proposal would incur considerably more vegetation removal.

The proposal has sought to find an acceptable balance between the need to protect life and property from bushfire while avoiding and minimising impacts to native vegetation.

6.5.2 Land Adjacent to the Principal Road Network

Given that Genoa-Mallacoota Road is Transport Zone 2 consideration has been given to the Particular Provisions relating to *Land Adjacent to the Principal Road Network*.

Whilst there are no additional points of vehicle access proposed and the subdivision only seeks approval for a Two Lot Subdivision, planning approval is technically required to alter access to a road in a Transport Zone 2.

The existing vehicle crossing from Genoa-Mallacoota Road will be upgraded consistent with GD4010 *Typical Access to Rural Properties* to cater for vehicle movements to and from both proposed allotments.

The upgrade to the crossing constitutes works (roadworks) which is exempt pursuant to Clause 62.02-2 however the upgrade of the crossing has the effect of altering access to the land the front boundary thereby triggering approval at Clause 52.29-2.

Decision Guidelines

The proposed subdivision has been designed to ensure no new additional points of access are required from Genoa-Mallacoota Road and the upgrade of the existing access will provide safe and convenient access for both proposed allotments.

There is good sight distances provided from the existing point of access and there is ample area provided to facilitate the upgrade consistent with GD4010 Typical Access to Rural Properties.

The nomination of carriageway easements will facilitate access to both allotments whilst ensuring both allotments are provided with frontage to Genoa-Mallacoota Road.



Looking east and west along Genoa-Mallacoota Road from existing access

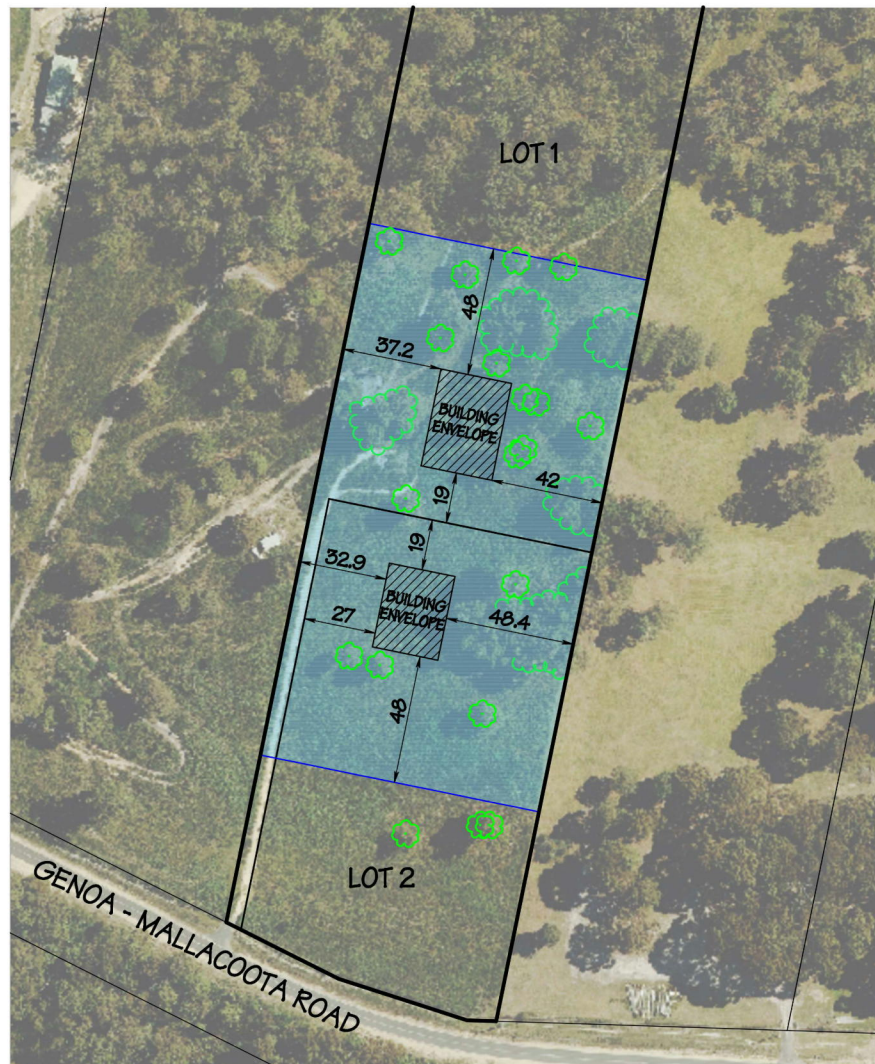
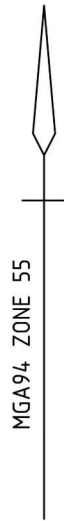
7. Conclusion

The proposed Two Lot Subdivision, Vegetation Removal & Creation of Carriageway Easement Adjacent to Transport Zone 2 at 1997 Genoa-Mallacoota Road, Mallacoota is considered to accord with all relevant provisions of the Low Density Residential Zone, Bushfire Management Overlay, Design & Development Overlay – Schedule 12, Vegetation Protection Overlay – Schedule 8 and Particular Provisions of the *East Gippsland Planning Scheme*. The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

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

Crowther & Sadler Pty Ltd
5 May 2025

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- DENOTES VEGETATION TO BE RETAINED

BUSHFIRE MANAGEMENT PLAN

1997 GENOA - MALLACOOTA ROAD, MALLACOOTA

Crowther & Sadler Pty. Ltd.

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PARISH OF MALLACOOTA
CROWN ALLOTMENT 25 (PART)

LOT 2 ON PS514854

MANAGEMENT OF VEGETATION WITHIN THE AREA OF DEFENDABLE SPACE SHOWN

DEFENDABLE SPACE FOR A DISTANCE OF 48 METRES AROUND THE PROPOSED BUILDING (OR TO THE PROPERTY BOUNDARY, WHICHEVER IS THE GREATER DISTANCE) MUST BE PROVIDED WHERE VEGETATION (AND OTHER FLAMMABLE MATERIALS) WILL BE MODIFIED AND MANAGED TO COMPLY 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 10m OF A BUILDING, FLAMMABLE OBJECTS MUST NOT BE LOCATED CLOSE TO THE VULNERABLE PARTS OF THE BUILDING.
- PLANTS GREATER THAN 10cm 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 5m² IN AREA AND MUST BE SEPARATED BY AT LEAST 5m.
- TREES MUST NOT OVERHANG OR TOUCH ANY ELEMENTS OF THE BUILDING.
- THE CANOPY OF TREES MUST BE SEPARATED BY AT LEAST 5m.
- THERE MUST BE A CLEARANCE OF AT LEAST 2m BETWEEN THE LOWEST TREE BRANCHES AND GROUND LEVEL.

VEHICLE ACCESS

ACCESS FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS;

- ACCESS MUST HAVE A LOAD LIMIT OF AT LEAST 15 TONNES.
- CURVES MUST HAVE A MINIMUM INNER RADIUS OF 10m.
- THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.4%) (8.1°) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20%) (11.3°) FOR NO MORE THAN 50M.
- HAVE A MINIMUM TRAFFICABLE WIDTH OF 3.5. OF ALL-WEATHER CONSTRUCTION.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST 0.5M ON EACH SIDE AND 4M ABOVE THE ACCESSWAY.
- DIPS MUST HAVE NO MORE THAN 1 IN 8 (12.5%) (7.1°) ENTRY AND EXIT ANGLE.
- INCORPORATE A TURNING AREA FOR THE FIRE FIGHTING VEHICLES CLOSE TO THE BUILDING BY ONE OF THE FOLLOWING:
 - A TURNING CIRCLE WITH A MINIMUM RADIUS OF 8m.
 - A DRIVEWAY ENCIRCLING THE DWELLING.
 - THE PROVISION OF OTHER VEHICLE TURNING HEADS - SUCH AS A T OT Y HEAD - WHICH MEETS THE SPECIFICATION OF AUSTRROADS DESIGN FOR AN 8.8m SERVICE VEHICLE.

WATER SUPPLY

10,000LT OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS:

- IS STORED IN AN ABOVE GROUND WATER TANK CONSTRUCTED OF CONCRETE OR METAL.
- ALL FIXED ABOVE-GROUND WATER PIPES AND FITTINGS REQUIRED FOR FIRE FIGHTING PURPOSES MUST BE MADE OF CORROSIVE RESISTANT METAL.
- INCLUDE A SEPARATE OUTLET FOR OCCUPANT USE.
- INCORPORATE A BALL OR GATE VALVE (BRITISH STANDARD PIPE (BSP) 65mm) AND COUPLING (64mm CFA 3 THREAD PER INCH MALE FITTING).
- BE LOCATED WITHIN 60m OF THE OUTER EDGE OF THE APPROVED BUILDING.
- THE OUTLET/S OF THE WATER TANK MUST BE WITHIN 4m OF THE ACCESSWAY AND BE UNOBSTRUCTED.
- BE READILY IDENTIFIABLE FROM THE BUILDING OR APPROPRIATE IDENTIFICATION SIGNAGE TO THE SATISFACTION OF CFA MUST BE PROVIDED.
- ANY PIPEWORK AND FITTINGS MUST BE A MINIMUM OF 65mm (EXCLUDING THE CFA COUPLING).

CONSTRUCTION

THE BUILDING MUST COMPLY TO A MINIMUM BUSHFIRE ATTACK LEVEL OF 29 (BAL-29).

SCALE (SHEET SIZE A3)

PLAN REF.

1 : 2000

20229

VERSION 1 - DRAWN BY

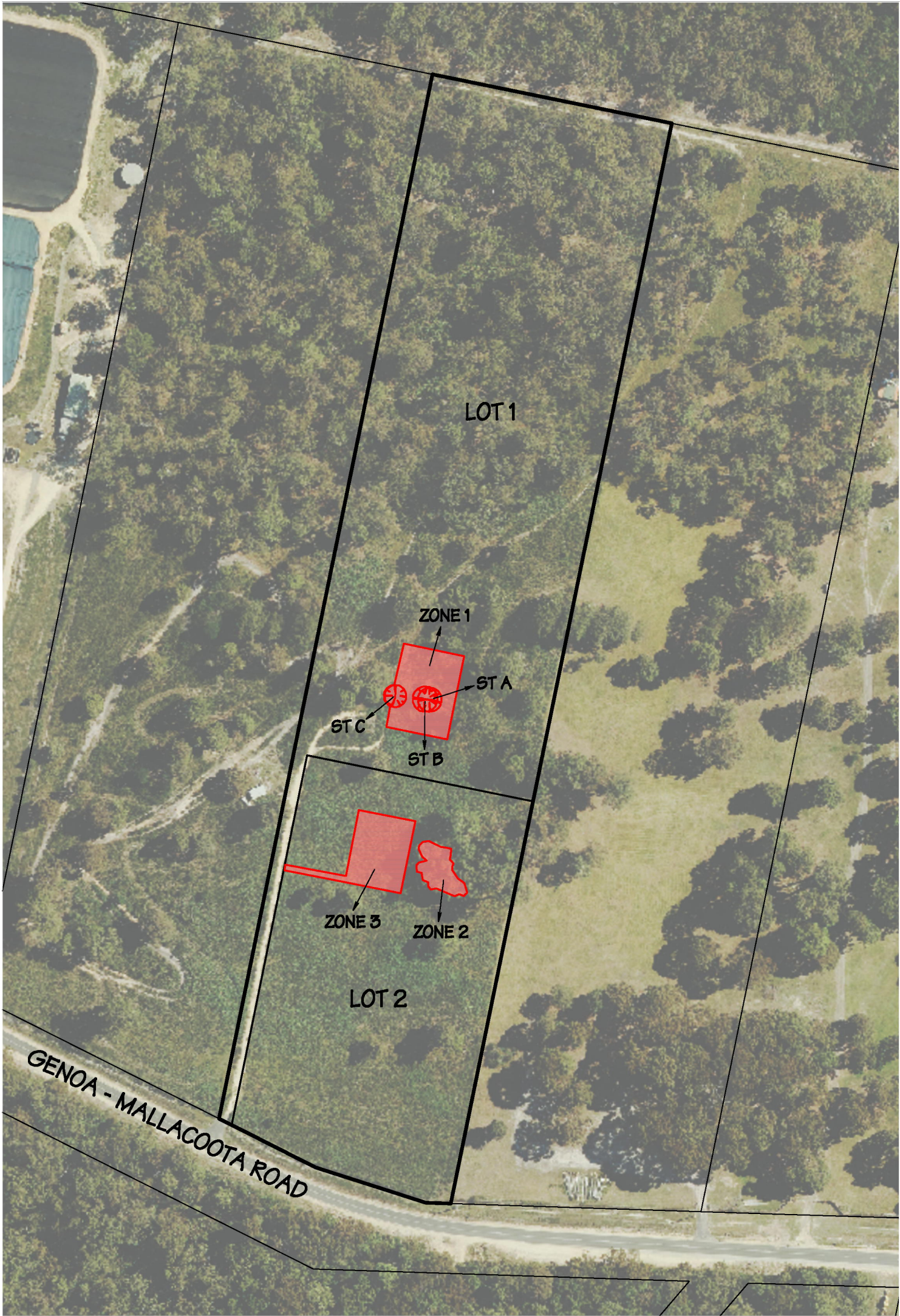
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PLAN OF VEGETATION REMOVAL

PARISH OF MALLACOOTA
CROWN ALLOTMENT 25 (PART)

LOT 2 ON PS514854

MGA2020 ZONE 55



1997 GENOA - MALLACOOTA ROAD, MALLACOOTA

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NOTATIONS

  - DENOTES VEGETATION TO BE REMOVED

VEGETATION REMOVAL CONSISTENT WITH
NATIVE VEGETATION REMOVAL REPORT ID: 319_20250414_HLQ

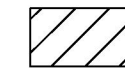
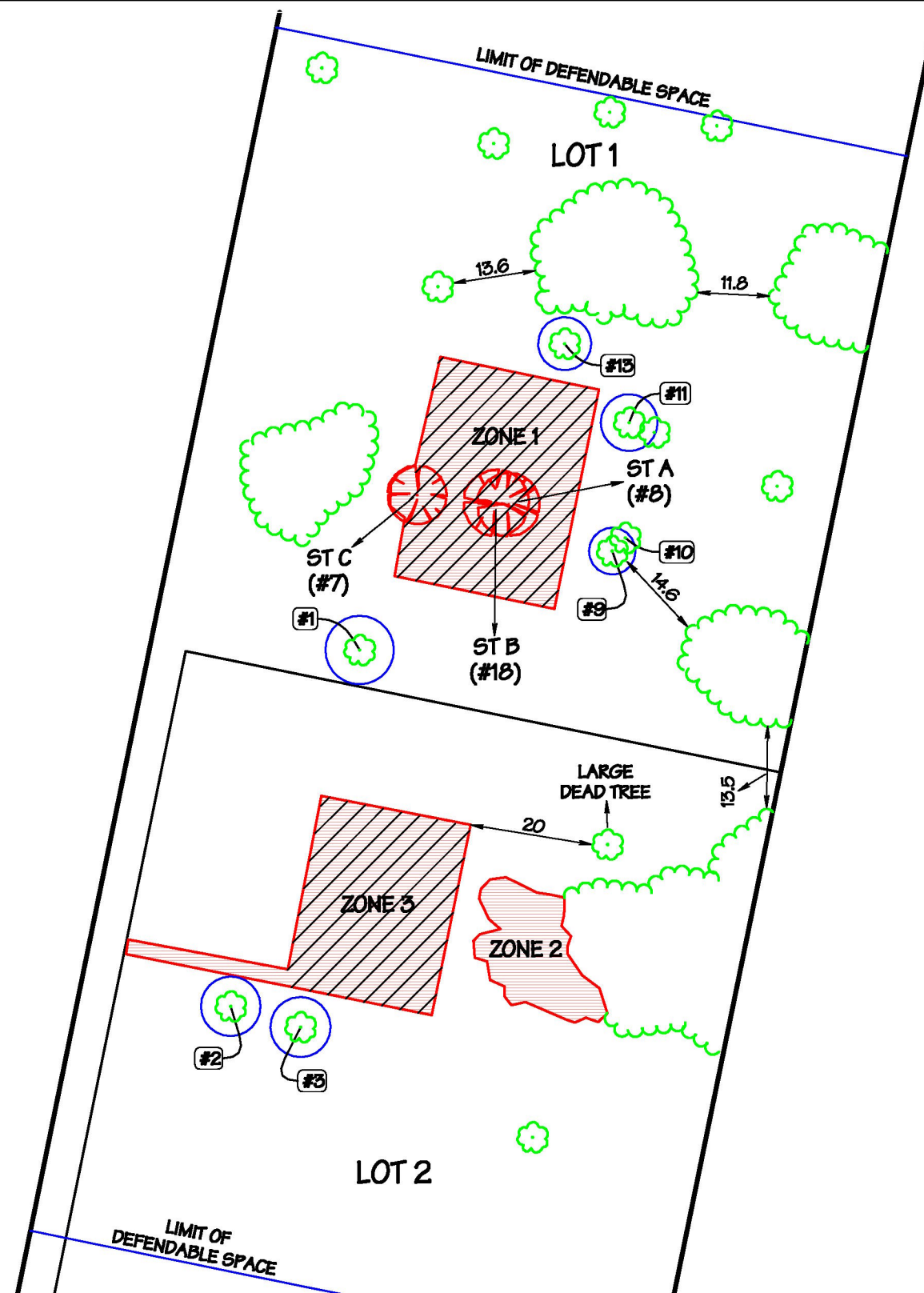
SCALE (SHEET SIZE A3)

SURVEYORS REF.

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20229

VERSION 1 - DRAWN 22/04/2025



- DENOTES BUILDING ENVELOPE



- DENOTES VEGETATION TO BE RETAINED



- DENOTES TREE PROTECTION ZONE



- DENOTES TREE TO BE REMOVED



- DENOTES PATCH TO BE REMOVED

VEGETATION REMOVAL CONSISTENT WITH
NATIVE VEGETATION REMOVAL REPORT ID: 319_20250414_HLQ

Tree # Based off Field Data	Circumference (in cm) at Breast Height (1.3m above ground level)	NVR ID 319_20250414_HLQ	DBH (cm)	TPZ (m)	% TPZ Impacted
1.	148		47.1	5.65m	0%
2.	129		41.1	4.93m	0%
3.	130		41.4	4.97m	0%
7.	92cm	C	29cm	N/A	100%
8.	96cm	A	31cm	N/A	100%
9.	101		32.15	3.86m	0%
10.	113		36cm	4.32m	0%
11.	123		39.15cm	4.7m	0%
13.	115		36.6	4.39m	0%
18.	110cm	B	35cm	N/A	100%

1997 GENOA - MALLACOOTA ROAD, MALLACOOTA

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NOTATIONS

SCALE (SHEET SIZE A3)

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SURVEYORS REF.

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VERSION 1 - DRAWN 02/05/2025

VEGETATION DESIGN RESPONSE PLAN

PARISH OF MALLACOOTA
CROWN ALLOTMENT 25 (PART)

LOT 2 ON PS514854

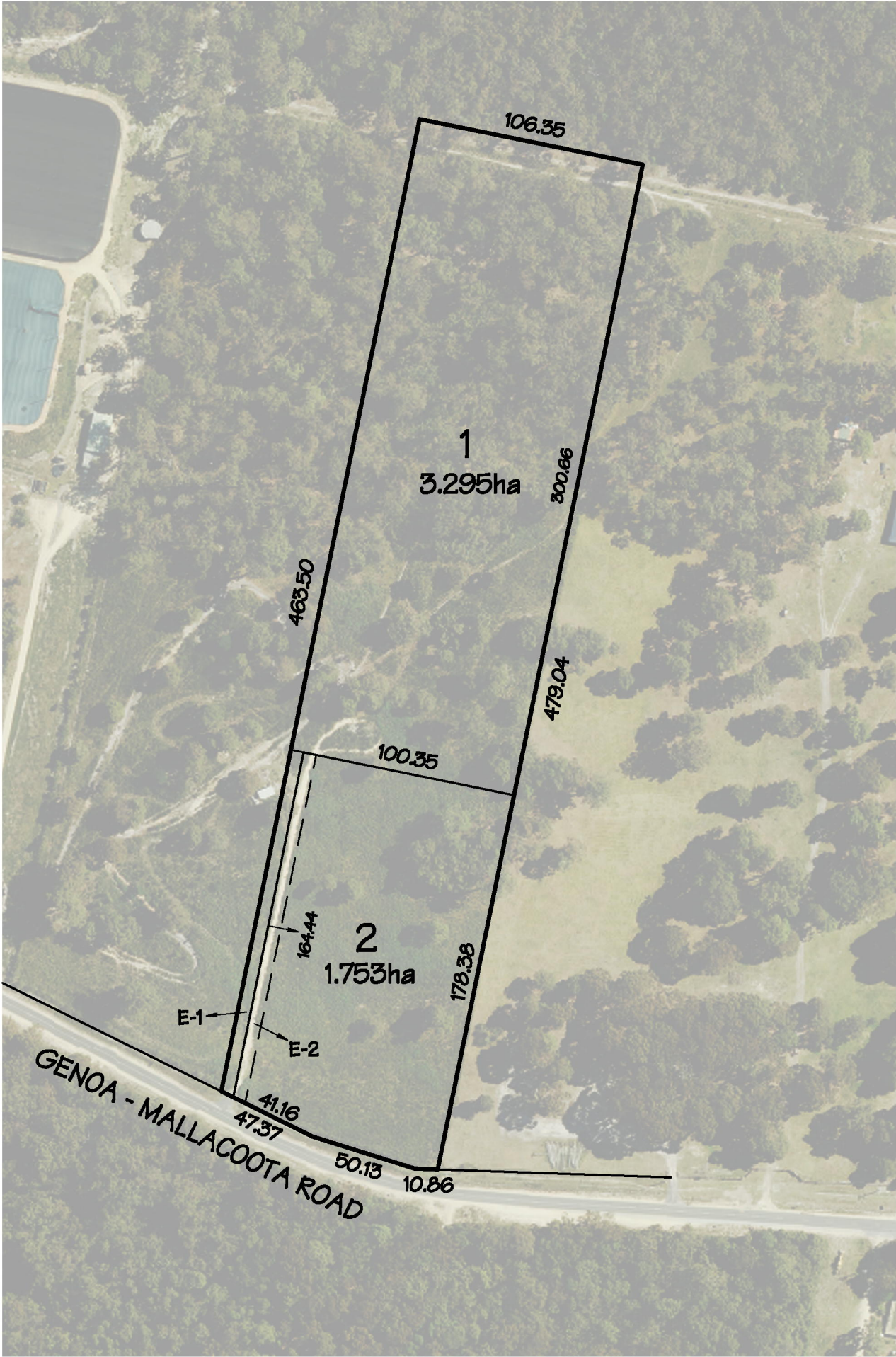


MGA2020 ZONE 55

PROPOSED SUBDIVISION

PARISH OF MALLACOOTA
CROWN ALLOTMENT 25 (PART)

LOT 2 ON PS514854



NOTATIONS	
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	SCALE (SHEET SIZE A3)
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	20229 VERSION 3 - DRAWN 11/04/2025

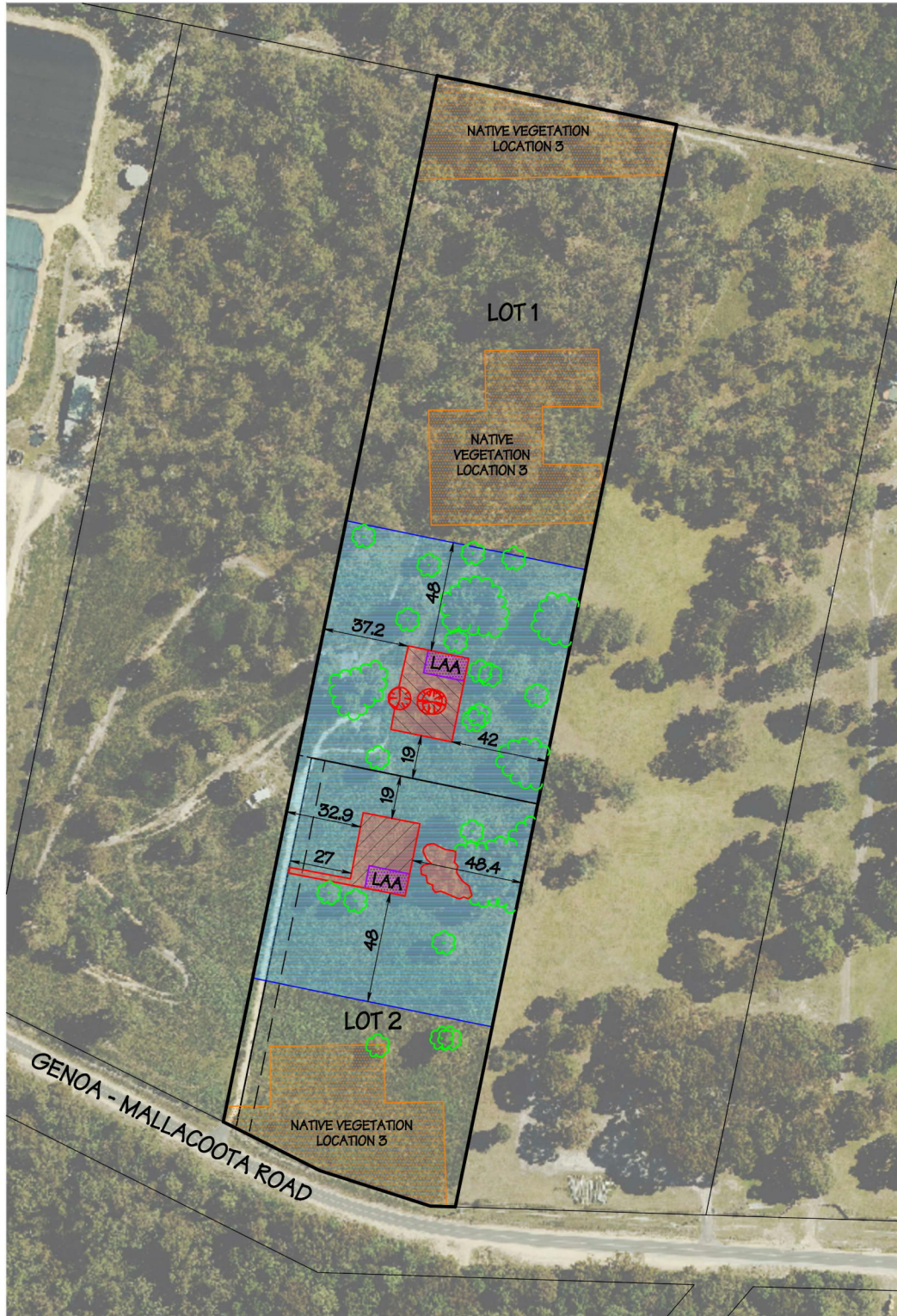
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MGA2020 ZONE 55

DESIGN RESPONSE PLAN

PARISH OF MALLACOOTA
CROWN ALLOTMENT 25 (PART)

LOT 2 ON P5514854



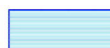
NOTATIONS



- DENOTES BUILDING ENVELOPE
& LAA (180m²)



- DENOTES VEGETATION
TO BE RETAINED



- DENOTES DEFENDABLE SPACE



- DENOTES VEGETATION
TO BE REMOVED

SCALE (SHEET SIZE A3)

SURVEYORS REF.

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