

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	200 Old Orbost Road SWAN REACH VIC 3903 Lot: 1 TP: 555292
The application is for a permit to:	Use and development of rural industry and solid fuel depot
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
35.07-1 (FZ)	Use of land for rural industry and solid fuel depot
35.07-4 (FZ)	Construct or carry out a building or works for use of a rural industry and solid fuel depot
44.06-2 (BMO)	Construct a building or construct or carry out works
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2026.313.1

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

April McDonald

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Tuesday, 8 September 2026 4:20 PM
To: Planning Unit Administration
Subject: Planning Permit application
Attachments: 21639 BEMP.pdf; 21639 Report.pdf; COT Vol10492 Fol552.pdf; 21639 Site Plan V1.pdf; 21639 Floor & Elev V1.pdf; Planning_Permit_Application_2026-09-08T16-19-39_36929786_0.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:

Business trading name: Crowther & Sadler Pty Ltd

Email address: contact@crowthersadler.com.au

Postal address : PO Box 722, Bairnsdale Vic 3875

Preferred phone number: 0351525011

Owner's name:

Owner's postal address:

Street number: 200

Street name: Old Orbost Road

Town: Swan Reach

Post code: 3903

Lot number: 1

Plan number: TP555292

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 land

Description of proposal : Use of land for a Rural industry and solid fuel depot and buildings and works

Estimated cost of development: 0

Has there been a pre-application meeting: Yes

Officer's name: Andrew Bates

Your reference number: 21639

Full copy of Title: [COT Vol10492 Fol552.pdf](#)

Plans: [21639 Site Plan V1.pdf](#)

Planning report: [21639 Report.pdf](#)

ExtraFile: 2

1. Supporting information/reports: [21639 Floor & Elev V1.pdf](#)

2. Supporting information/reports: [21639 BEMP.pdf](#)

Invoice Payer:

Address for Invoice:

Invoice Email:

Primary Phone Invoice:

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 10492 FOLIO 552

Security no : 124138292063T
Produced 04/09/2026 02:29 PM

LAND DESCRIPTION

Lot 1 on Title Plan 555292Y.
PARENT TITLE Volume 06141 Folio 186
Created by instrument W465486K 14/12/1999

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

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 TP555292Y 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: 200 OLD ORBOST ROAD SWAN REACH VIC 3903

DOCUMENT END

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

TITLE PLAN		EDITION 1	TP 555292Y						
Location of Land Parish: BUMBERRAH Township: Section: Crown Allotment: 60B(PT) Crown Portion: Last Plan Reference: Derived From: VOL 10492 FOL 552 Depth Limitation: 15.24 m		ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 06/07/2000 VERIFIED: P.C.							
<table border="1"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CA 60B (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 60B (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CA 60B (PT)									
LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets							

Planning Report

Rural Industry & Solid Fuel Depot
200 Old Orbost Road, Swan Reach

Our reference – 21639

August 2026



FS 520900

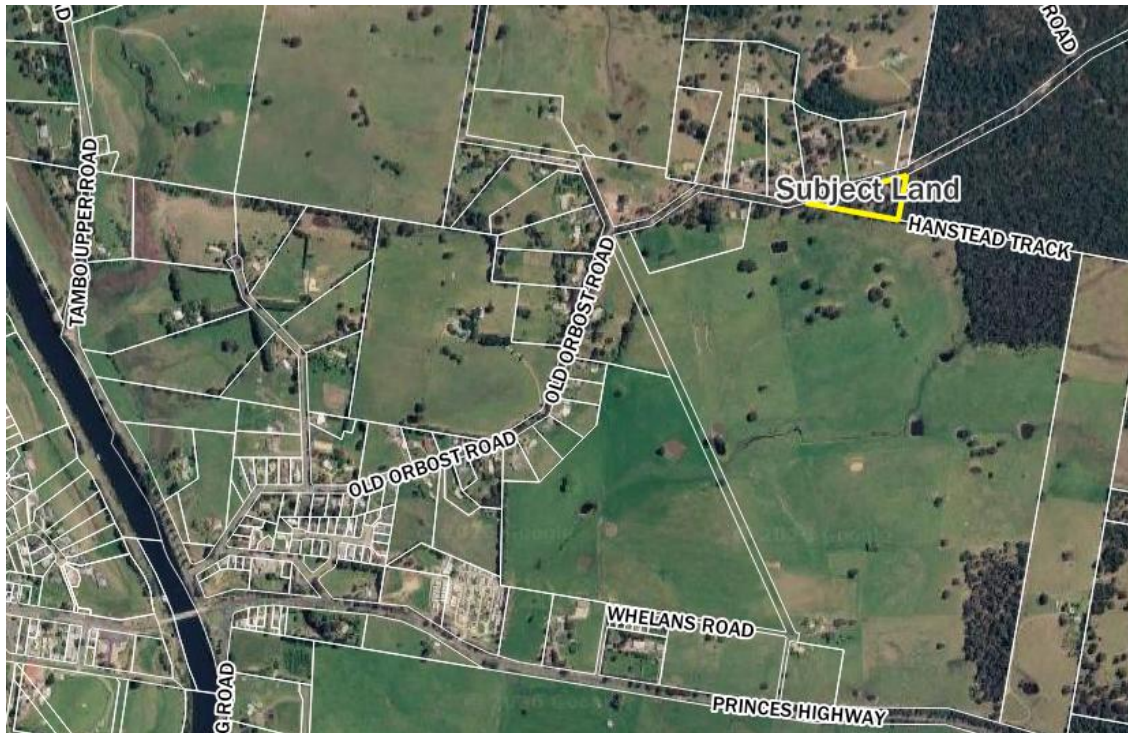


Contents

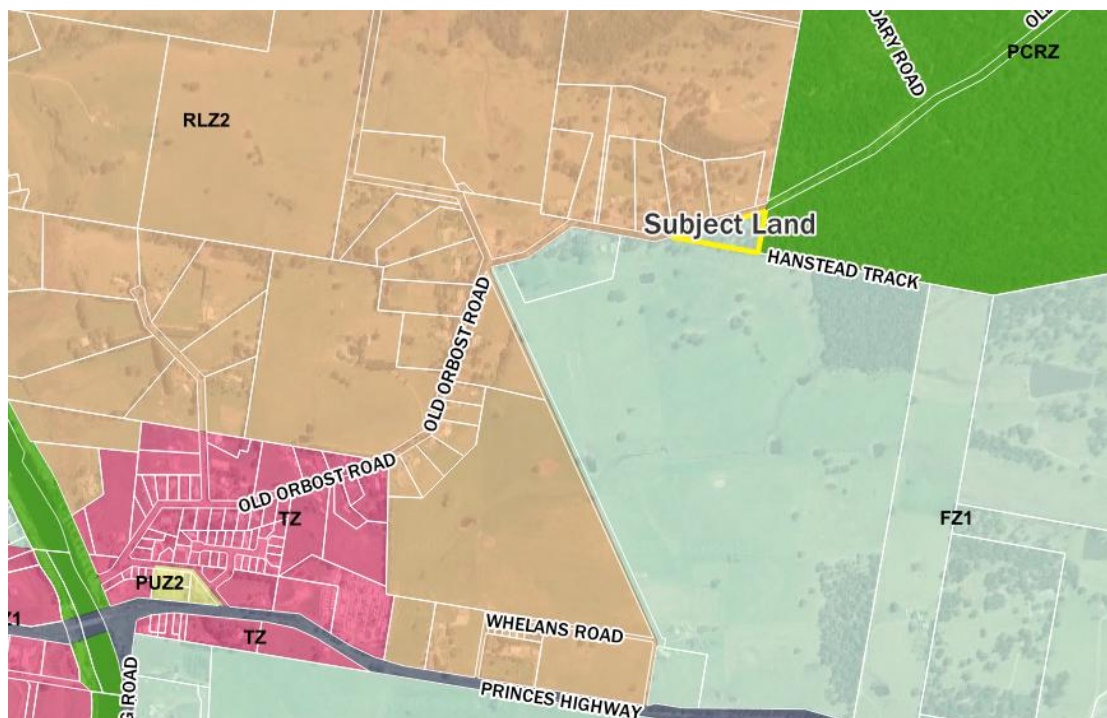
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	Copy of Title (Lot 1 on TP555292)	

1. Introduction

This Planning Report is prepared in support of proposed rural industry and fuel depot at 200 Old Orbost Road, Swan Reach. The Report addresses the provisions of the Farming Zone and Bushfire Management Overlay as contained within the *East Gippsland Planning Scheme*.



Aerial view of site and surrounds



Zone mapping of site and surrounds

2. Background

Planning Permit 26/2019/P was issued on 18 April 2019 and authorised the use of the land for a sawmill and the display of associated signage in accordance with the endorsed plans. The permit was subsequently amended on 9 August 2020 to revise the approved hours of operation.

Planning Permit 26/2019/P has since expired as a consequence of the plans not having been endorsed within the timeframe specified by the permit. A new planning application (Planning Application 5.2026.204.1) was therefore submitted on 7 July 2026 seeking approval for the use and development of the land associated with the sawmill operation.

This application was initially lodged on the basis of the ***use and development of the land for a sawmill*** and on 9 July 2026 and Council issued a request for further information on 9 July 2026 to enable assessment of the proposal against Clause 44.06-3, being the application requirements of the Bushfire Management Overlay.

It is considered characterising the activity as a sawmill is incorrect. The East Gippsland Planning Scheme defines ***sawmill*** as:

Land used to handle, cut, and process timber from logs

The cutting and splitting of logs to produce firewood does not result in timber and therefore the activity does not align with the definition of ***sawmill***.

Upon further review of the activities undertaken as part of the operation, it is considered necessary to amend the application to describe the proposed land uses as ***Rural Industry and Solid Fuel Depot*** to ensure firewood sales are adequately captured.

Rural Industry is defined as land used to:

- a) *Handle treat, process, or pack agricultural produce; or*
- b) *Service or repair, or equipment, used in agriculture; or*
- c) *Manufacture mud bricks, including brocks that contain hemp, straw or other fibrous substance.*

Solid fuel depot is defined as land used to sell solid fuel, such as briquettes, coal and firewood.

This report has been prepared in support of the amended application and provides a comprehensive assessment of the proposal against the relevant provisions of the *East Gippsland Planning Scheme*. It responds directly to Council's request for further information through consideration of the bushfire planning controls.

3. Subject Land & Surrounding Context

The subject land is commonly known as 200 Old Orbost Road, Swan Reach and is formally described as Lot 1 on TP555292. The land comprises an area of approximately 1.3 hectares.

The site has frontage to Old Orbost Road to the north and Hanstead Track to the east both of which comprise all-weather gravel pavement with vegetation either side.



View towards subject land from intersection of Old Orbost Road and Hanstead Track

Primary Access to the site is from Hanstead Track however a secondary point of access is provided from Old Orbost Road. Both points of entry to the site are gated and provided with signage.



Existing signage on gateway access from Old Orbost Road

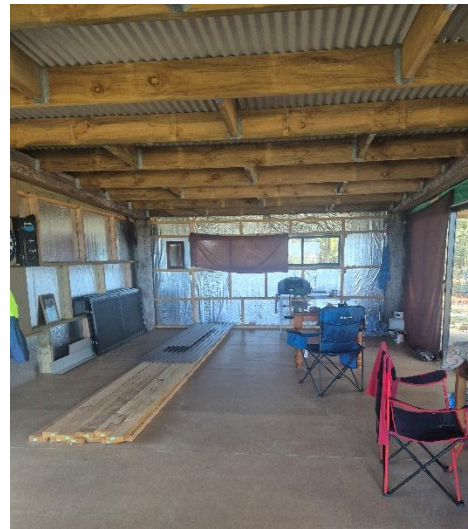
The land has historically been used for activities involving the cutting and splitting of logs from trees harvested offsite and transported to the property for processing.



Logs are stockpiled and processed on the eastern portion of the site then the finished firewood product is stored in a dedicated area on the western portion of the land. Contained on the southern portion of land is a workroom serves as both an office and lunch room.



Looking in a westerly direction towards firewood storage 'finished product area'



External and internal views of Workroom

The activities on the site occur in amongst existing vegetation, which has been enhanced significantly over time. The landowner has planted over 800 native plants on the property, the majority of which have been concentrated along the property frontage and along the rear boundary for screening purposes.



Example of site planting on south western portion of property

The planting undertaken across the site comprises a mixture of tree and shrub species, including Tassie Blue Gum (>40 planted), Silver-leaved Stringybark (>20 planted), Spotted Gum (>5 planted), Apple Box (>10 planted), White Stringybark (>25 planted), River Red Gum (>30 planted), Black Sheoak (>15 planted), Yellow Tea-tree (>40 planted), Scarlet Kunzea (>40 planted), Varnish Wattle (>10 planted), Black Wattle (>10 planted) and Snowy River Wattle (>6 planted), amongst others.



Looking in a north westerly direction at vegetation planted adjacent to the northern boundary and Old Orbost Road

There are also a series tracks which meander throughout the property around existing vegetation which facilitate good site access and can accommodate emergency vehicles. A large steel water tank is provided within the property which is easily accessible from the internal accessway.

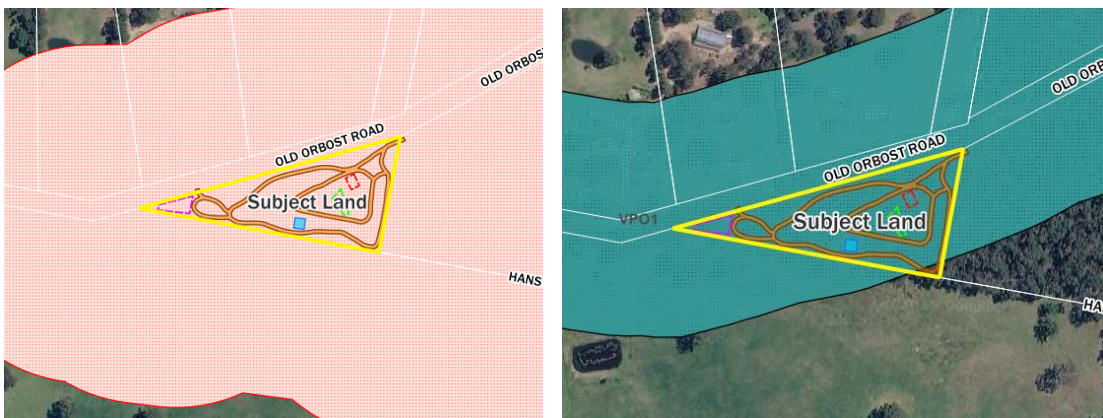


Existing water supply for fire fighting purposes

Despite the size of the land, it is contained within the Farming Zone – Schedule 1. It is also affected by the Bushfire Management Overlay and Vegetation Protection Overlay – Schedule 1 under the provisions of the *East Gippsland Planning Scheme*.



Zone Mapping



Bushfire Management Overlay & Vegetation Protection Overlay Mapping

Whilst the subject land adjoins vegetated land contained within Public Conservation & Resource Zone (Colquhoun Regional Park) to the east and farming land contained within Farming Zone – Schedule 1 of the south, properties on the northern side of Old Orbost Road are developed for residential purposes and contained within the Rural Living Zone – Schedule 2.

4. The Application & Proposal

The application seeks approval for the use and development of the land for Rural Industry and Solid Fuel Depot in accordance with the provisions of the Farming Zone and Bushfire Management Overlay of the *East Gippsland Planning Scheme*. The application will enable the landowner to continue operating the established firewood business from the land.

As part of the operation timber is harvested offsite and transported to the subject land by log truck, with deliveries occurring approximately six times per year. Upon arrival, the timber is stockpiled within the log dump area located on the eastern portion of the site. It is then progressively moved to the wood processing area where it is cut and split, before the processed firewood is stockpiled within the western portion of the land ready for sale and delivery to customers as shown on the accompanying Site Plan.



Site Plan (Version 1)

The business is operated solely by the landowner, with no additional employees. The activity operates the business five days per week between the hours of 8:00am and 5:00pm. Daily activities comprises a combination of firewood from logs and offsite firewood deliveries to customers, meaning the site is not occupied or undertaking processing activities on the land throughout the nominated operating hours.

The intensity of the operation also varies considerably throughout the year in response to seasonal demand. During the winter months, it is typical for 3-6 customer deliveries to be made each week. During the remainder of the year demand is considerably lower and the number of deliveries reduces.

Customers are unable to collect firewood from the site.

Whilst the business effectively represents a full-time operation for the owner, the amount of time spent actively operating a chainsaw on the subject land is somewhat limited. To provide an accurate indication of the frequency and duration of chainsaw use, the following table lists the exact number of days in the month a chainsaw was used on the property and of those days in the month the extent of time it was used for.

Month	Days Chainsaw used in that Month	Hours Chainsaw used during that month
July 2025	4 days	2hrs 40mins
August 2025	14 days	2hrs 26mins
September 2025	6 days	3hrs 9mins
October 2025	22 days	13hrs 28mins
November 2025	19 days	11hrs 57mins
December 2025	9 days	5hrs 7mins
January 2026	9 days	6hrs 4mins
February 2026	8 days	6hrs 10mins
March 2026	16 days	8hrs 34mins

Whilst there is no accommodation provided on site, the workroom building as shown on the accompanying plans and elevations triggers consideration under the provisions of the Bushfire Management Overlay.

Having regard to the modest size and basic construction of the existing building, there is no expectation that the structure would be protected in the event of a bushfire, nor is it considered necessary or reasonable to require alterations to achieve a nominated Bushfire Attack Level.

Given the circumstances, it is considered there is merit in reducing the application requirements prescribed under Clause 44.06-3 by waiving the requirement for a Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and Bushfire Management Plan. In the absence of accommodation or any other significant buildings on the land, there are no site assets which warrant protection during a bushfire event. It is noted a Bushfire Management Plan was waived for the previous planning permit.

It is, however, important that the potential risk to life is appropriately managed and reduced to an acceptable level. A Bushfire Emergency Management Plan has therefore been prepared and is provided in support of the application. The Plan establishes clear procedures to be followed in response to a bushfire threat, with the primary response being early evacuation rather than property protection. It also requires the site to remain closed and unoccupied on days of Extreme or Catastrophic Fire Danger Rating. This is also consistent with conditions contained under the previous permit.

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

Planning Scheme Clause	Matter for which a Permit is required
Clause 35.07-1 (FZ)	Use of land for Rural Industry & Solid Fuel Depot
Clause 35.07-4 (FZ)	Buildings & Works
Clause 44.06-2 (BMO)*	Buildings & Works

Always exempt matters from third party review are marked with an asterisk ().*

Whilst the subject land is partially mapped as being within the Vegetation Protection Overlay, the proposal doesn't trigger any planning permissions as there is no vegetation removal proposed.

4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

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



Extract from Cultural Heritage Sensitivity mapping

The subject land is not situated cultural heritage sensitive and there is therefore no requirement for a CHMP to support the application.

5. Planning Policy

The following comments respond to State and Local Planning Policy as relevant to the proposal.

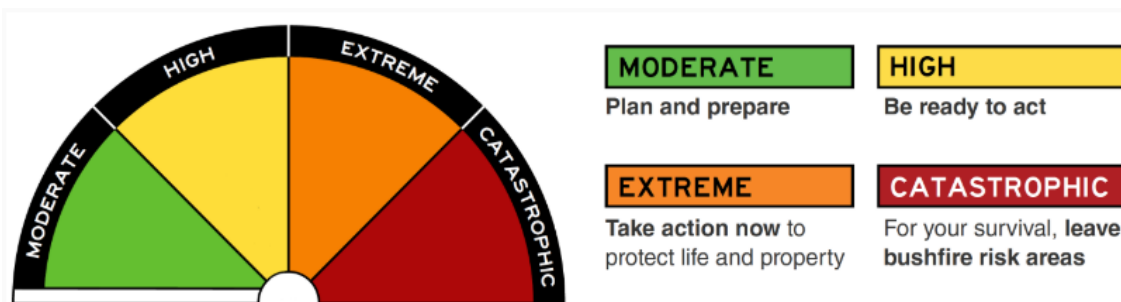
5.1 Municipal Planning Strategy

Clause 02.03-2 *Environmental and landscape values* seek to ensure development responds appropriately to biodiversity and landscape values. This is easily achieved as the proposal simply seeks the continuation of activity that has otherwise been occurring on the site for quite some time that doesn't impact the site vegetation. Significant effort has been given to enhance the landscape character with significant planting of native species having already been undertaken across the site.

Clause 02.03-3 *Environmental risks and amenity* seek to ensure development appropriately considers natural hazards such as sea level rise, bushfire, flooding and erosion.

As the site is contained within the Bushfire Management Overlay a response has been provided to the provisions of Clause 44.06 and 53.02. The application is also supported by a Bushfire Emergency Management Plan (BEMP) which sets protocol for actions which need to be followed in the event of a bushfire.

The primary response to the BEMP is for early evacuation rather than property protection and requires the site to remain closed and unoccupied on days of Extreme or Catastrophic Fire Danger Rating.



Fire Danger Rating System – Source: CFA

5.2 Planning Policy Framework

Clause 13.02-1S *Bushfire Planning* applies as the subject land is Bushfire Prone and contained within the Bushfire Management Overlay. The proposal has prioritised human life through ensuring no one will be on site during extreme or catastrophic fire danger days.

6. Planning Elements

6.1 Farming Zone

The application seeks approval for the use and development of the land for the purposes of Rural Industry and Solid Fuel Depot in accordance with the provisions of the Farming Zone.

Pursuant to Clause 35.07-1, Rural Industry is a Section 1 use, other than where the use is for an abattoir or sawmill, subject to the relevant conditions being met. In this instance there is one dwelling in separate ownership that is within 100 metres of the subject land. The dwelling at 215 Old Orbost Road is approximately 70 metres from the subject land meaning a permit is required for a Rural Industry on the subject land.

Solid Fuel Depot is nested beneath Fuel Depot, which sits within the Warehouse land use group. Under the provisions of the Farming Zone, Warehouse (other than Rural Store) is a Section 2 use and therefore requires a planning permit.

Retrospective planning approval is also required pursuant to Clause 35.07-4 for the existing workroom, given that the building is associated with a Section 2 use.

Response to Clause 35.07-4 Buildings and works		
Trigger	Requirement	Response
B&W Section 2 Use		A permit is not required for buildings and works associated with a section 2 use.
Earthworks in Schedule	None Specified	N/A
Setback from TZ2	100m	N/A
Setback from TZ3 or PAO	40m	N/A
Setback from any other road	20m	The existing workroom building is well setback into the site and is generously setback from Old Orbost Road.
Setback from any other boundary	5m	The siting provides generous setbacks from side and rear boundaries (>5m).

Setback from dwelling not in same ownership	100m	The workroom is setback more than 100 metres from the existing dwellings on the northern side of Old Orbost Road.
 <i>100m from lean to /office building</i>		
Setback from small second dwelling not in same ownership	100m	There are no small second dwellings within 100 metres of the lean to/ office building.
Setback from Waterways	100m	A generous setback is provided from waterways (>100 metres).
 <i>100m from waterways</i>		
Feeding Infrastructure		N/A – the application is not for feeding infrastructure.
Wind Energy Facilities	1km	There are no wind energy facilities within 1km of the subject land.
Work Authority	500m	The subject land is not within 500 metres of a Work Authority.

Decision Guidelines Clause 35.07-6

The land is considered capable of accommodating the use and associated building, as is evident from the previous planning permission granted under Planning Permit 26/2019/P (now expired).

Whilst the land is contained within the Farming Zone – Schedule 1, the presence of residential development on the northern side of Old Orbost Road is acknowledged. Importantly, past records demonstrate that potential noise impacts associated with the use of chainsaws are relatively limited.

The business is operated solely by the landowner, between the hours of 8.00am to 5.00pm, who undertakes a range of activities as part of the operation. In reality, the actual time spent operating a chainsaw represents only a relatively small component of the business, with considerably more time spent splitting, handling and loading the processed firewood.

Each tank of chainsaw fuel provides approximately 15–20 minutes of run time, which produces enough cut timber to then provide around two full days of work splitting the wood.

Traffic movements associated with the operation are also relatively limited. Log truck deliveries to the site occur approximately six times per year, with firewood then processed and stored on the land ready for delivery to customers. During the busier winter months, typically around 3–6 customer deliveries are made per week, however outside of this period the business is considerably quieter and generates fewer vehicle movements.

Having regard to the vegetated nature of the property, the use of the land for Rural Industry and Solid Fuel Depot is considered to make practical use of the site without removing productive agricultural land from farming. The land has limited capacity to accommodate meaningful grazing or crop raising activities in its current condition and the continued operation of the business does not compromise the productive agricultural use of surrounding land.

No new buildings or additional activities are proposed as part of the proposal. The application simply seeks to formalise the continued operation of the existing business, which has operated from the land for some time and has previously done so with planning permission.

Extensive tree planting has also progressively been undertaken on the property over time, not only to enhance the environmental qualities of the land however also to assist with buffering of noise and views from the adjoining roads and properties.

The following photographs have been taken from Old Orbost Road orientated towards the subject land to demonstrate the effectiveness of the enhancement planting in obscuring views.



View from Old Orbost Road towards existing 'Log Dump' area



View from Old Orbost Road towards existing "Processing Area"



View from Old Orbost Road towards western portion of the site



*View from Old Orbost Road towards western portion of the site
(east of existing access from Old Orbost Road)*

6.2 Bushfire Management Overlay

The subject land is contained within the Bushfire Management Overlay which triggers approval at Clause 44.06-2 for Buildings & Works associated with industry.

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 proposal responds positively to the purpose of the Bushfire Management Overlay as the risk to life and property from bushfire can be mitigated to an acceptable level.

In this instance, there are no substantial buildings or accommodation proposed or otherwise contained on the property, and there are limited structures or materials on site that would warrant protection in the event of a bushfire.

It is however prudent to ensure the protection of life and therefore a Bushfire Emergency Management Plan (BEMP) has been submitted in support of the application which sets the protocol if a bushfire does occur.

The primary response of the BEMP is for early evacuation to occur and the site is to remain closed and unoccupied on days of Extreme or Catastrophic Fire Danger Rating.

In this instance, the application requirements prescribed at Clause 44.06-3 for the preparation of a Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and Bushfire Management Plan are not considered particularly relevant to the assessment of the application, having regard to the established site use and limited building assets. Essentially, there is no development on the site which warrants protection from the bushfire hazard.

It is requested the Responsible Authority exercise its discretion to waive these application requirements as afforded by Clause 44.06-3. A response to Clause 53.02 has been provided in the form of a Bushfire Management Statement to further assist in the assessment of this matter.

6.3 Clause 53.02: Bushfire Planning

The proposal responds positively to the purpose of Clause 53.02 *Bushfire Planning* as there is negligible assets worthy of protection on site and the protection of human life is otherwise protected by the Bushfire Emergency Management Plan.

Clause 53.02-1 Application		
This Clause applies to the following types of applications:		
Bushfire Management Overlay <i>An application under Clause 44.06 (Bushfire Management Overlay), other than an application that meets all of the applicable requirements specified in a schedule to that Clause.</i>		Applicable
Bushfire Prone - Subdivision <i>An application under any provision of this planning scheme to subdivide land in a Bushfire Prone area that is not in a Bushfire Management Overlay.</i>		
Bushfire Prone – Buildings & Works <i>An application under any provision of this planning scheme to construct a building or construct or carry out works associated with the use of land for accommodation, education centre, hospital, indoor recreation facility, major sport and recreation facility or place of assembly in a bushfire prone area that is not in a Bushfire Management Overlay.</i>		
Type of application	Applicable provisions	
Single Dwelling – Residential Zone <i>An application under clause 44.06 to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met: The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone. There is only one dwelling on the lot. The application meets all of the approved measures contained in clause 53.02-3.</i>	Clause 53.02-3	
Non-habitable Outbuilding <i>An application under clause 44.06 to construct a non-habitable outbuilding ancillary to a dwelling that meets all of the requirements specified in Table 5. Note: The objectives or measures specified for other kinds of applications under clause 53.02 do not apply to this kind of application.</i>	Clause 53.02-5 - Table 5	
Buildings & Works <i>All other applications under clause 44.06 to construct a building or construct or carry out works.</i>	Clause 53.02-4.1 Clause 53.02-4.2 Clause 53.02-4.3 Clause 53.02-4.5 Clause 53.02-4.6	Applicable
Subdivision <i>An application under clause 44.06 to subdivide land.</i>	Clause 53.02-4.4 Clause 53.02-4.6	
Bushfire Prone <i>An application to subdivide land, or to construct a building or construct or carry out works associated with the use of land for accommodation, education centre, hospital, indoor recreation facility, major sports and recreation facility or a place of assembly, in a bushfire prone area that is not in a Bushfire Management Overlay.</i>	Clause 53.02-6	

Clause 53.02-4.1 Landscape, siting and design

Measure	Requirement
AM 2.1	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.

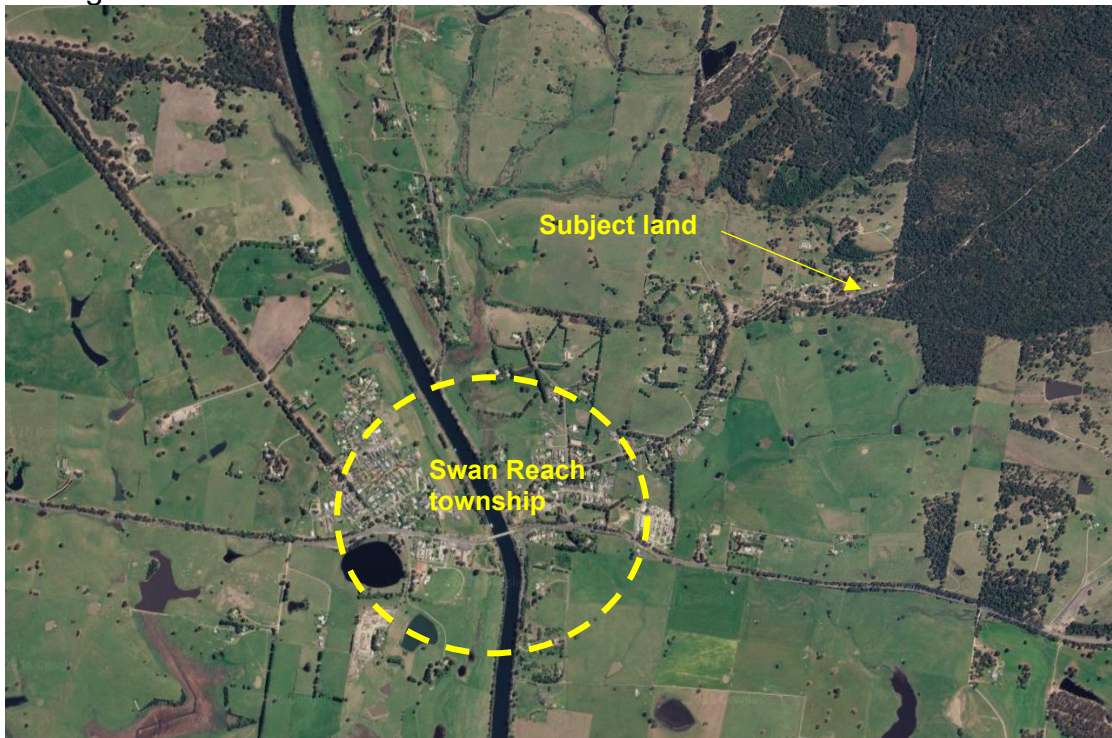
Response:

The subject land is located on the edge of the Swan Reach township, with established development to the north and the heavily vegetated Colquhoun State Forest immediately to the east.

The residential development on the northern side of Old Orbost Road presents as a highly modified area which is well managed and maintained whilst land immediately to the south is farmed. The likely approach of a bushfire is therefore from the east out of the Colquhoun State Forest.

The site has good access to nearby township areas, including Swan Reach, which is located just 3km to the west and away from the forested area. The Princes Highway is also readily accessible from the subject land via Old Orbost Road, providing a clear and practical route for early evacuation.

The proposal does not include any new buildings or accommodation. Given the relatively minor nature of the existing Workroom and use of the land, the broader landscape presents limited risk to assets on the site, while risk to life can otherwise be appropriately managed through the Bushfire Emergency Management Plan.



Clause 53.02-4.2 Setbacks, defensible space & construction

Measure	Requirement
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 close to a public road. • Access can be provided to the building for emergency service vehicles.
Response: The workroom is a simple structure that is essentially used as a shelter during bad weather and as a place to have lunch and record diary entries of work undertaken for the day. It is not used for accommodation purposes and doesn't include any amenities. There is no expectation that emergency service vehicles would attend the site for the purpose of protecting this structure during a bushfire event. It is not a substantial building and is not essential to the operation of the firewood enterprise. The accompanying Bushfire Emergency Management Plan instead prioritises the protection of life by requiring the site to be vacated in the event of a bushfire in the wider area and not occupied on Extreme or Catastrophic fire danger days. Whilst there is no expectation that the building would be protected during a bushfire event it is noted that there is good access to the building from Old Orbost Road.	
AM 2.3	A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.
Response: The building exists and has not been designed to withstand a bushfire event. Given its use as a workroom, there is no expectation that the building would be protected should a bushfire impact the site. The loss of the building would represent only a minor loss of property and would not significantly impact the ongoing rural industry or solid fuel depot use of the land. Whilst it hasn't been built to any BAL, it is noteworthy that the structure is simple in design and is provided with non-combustible external wall cladding and roof.	

Clause 53.02-4.2 Setbacks, defensible space & construction

Measure	Requirement
AM 3.1	A building is setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 and one of the following distances is met, for: - a dwelling (including an extension or alteration to a dwelling), small second dwelling, industry, office, retail premises or warehouse, either: - Columns A, B or C. - Column D if there are significant siting constraints. - accommodation (other than a dwelling or small second dwelling), education centre, hospital, leisure and recreation or place of assembly, Column O. The setback is provided wholly within the title boundaries of the land.
Response: The existing building is not a dwelling or an accommodation building.	
AM 3.2	The setback between the building and the bushfire hazard is managed as an area of defensible space in accordance with the vegetation management requirements specified at Table 4 to clause 53.02-5 for the distance that satisfies AM 3.1 and the area is capable of being maintained in accordance with these requirements.
Response: The proposal does not seek to establish formal defensible space in accordance with AM 3.2. The existing building is minor and there is no expectation that it would be actively defended during a bushfire event. The accompanying Bushfire Emergency Management Plan instead directs people to leave the site well in advance of a bushfire threat.	

Clause 53.02-4.2 Setbacks, defensible space & construction

Measure	Requirement
AM 3.3	A building is constructed to the bushfire attack level that corresponds to the setback which satisfies AM 3.1. If the setback of more than one column in Table 1 to clause 53.02-5 applies, a building is constructed to the highest of the corresponding bushfire attack levels. If a higher bushfire attack level than specified above is required to respond to clause 53.02-4.1, a building is constructed to that higher bushfire attack level.
Response: The existing building has not been constructed to a nominated Bushfire Attack Level and no upgrading of it is proposed. Given the minor nature and limited value of the building, upgrading it to a nominated BAL is not warranted. Should the building be lost during a bushfire event, the resulting property loss would be relatively minor.	
AM 4.1	A building used for a dwelling (including an extension or alteration to a dwelling), a small second dwelling, industry, office, retail premises or warehouse is provided with: • A static water supply for fire fighting and property protection purposes as specified at Table 2 to clause 53.02-5. • Vehicle access that is designed and constructed as specified in Table 3 to clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.
Response: There is no expectation that the existing structure would be defended during a bushfire event or that emergency service vehicles would attend the site for property protection purposes. The preferred bushfire response is instead for the site to be vacated well in advance of any bushfire threat, as set out within the accompanying Bushfire Emergency Management Plan. There is however already a steel tank already established on site solely for firefighting purposes which is easily accessible from the internal accessway.	



Existing water tank for fire fighting

AM 4.2

A building used for accommodation (other than a dwelling or small second dwelling), 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 at Table 3 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.

Response:

Not applicable.

The proposal does not involve accommodation or any other use specified under AM 4.2.

Clause 53.02-4.5 Planning for vulnerable people

Measure	Requirement
AM 4.3	All other development, other than where AM 4.1 or AM 4.2 applies, is provided with a static water supply with adequate capacity for fire fighting and property protection purposes and vehicle access in accordance with the relevant fire authority requirement.
Response: N/A – AM 4.1 applies	
AM 6.1	An application for accommodation (other than a dwelling or small second dwelling), education centre, hospital, leisure and recreation or place of assembly assesses the impact of bushfire on vulnerable people and provides emergency management arrangements that respond to: • The risk arising from AM 2.1, the protection (if any) provided by the location in the broader landscape, and the need for a response that exceeds any of the measures of this clause. • 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, including whether vulnerable people should avoid occupying development in bushfire affected areas at certain times. • The risk reduction provided through bushfire protection measures included within a bushfire and emergency management plan. • The mechanisms to secure ongoing implementation of bushfire protection measures.
Response: Not applicable. The proposal does not involve accommodation or any other use intended to accommodate vulnerable people.	

Decision Guidelines

The proposal effectively seeks retrospective approval for the use and development of the land for the purposes of rural industry and a solid fuel depot, to enable the landowner to continue operating the existing firewood business from the site.

There are no new buildings proposed as part of the application. The existing structure on the land is minor in its scale and construction and is not considered an asset that would warrant protection during a bushfire event. Given its nature and use, there is also considered to be little practical benefit or justification in undertaking works to achieve a specified BAL construction standard.

Importantly, the business does not involve any accommodation and operates during daylight hours only. The business is also operated solely by the landowner, meaning there is no need to coordinate or manage employees or visitors in the event of a bushfire, nor are there particular concerns associated with persons of limited mobility or capability being present on the site.

The bushfire management response for the proposal is focused on avoiding exposure to bushfire rather than defending the property. The expectation is that the landowner would not be on site during a bushfire event. The Bushfire Emergency Management Plan establishes appropriate protocols for early departure where there is a bushfire within the surrounding area and clearly states that the business will not operate on days of Extreme or Catastrophic fire danger.

The location of the land provides a reasonable opportunity for early evacuation, with access available via Old Orbost Road to the Princes Highway. Given the nature of the business, the single operator and the absence of site assets, leaving the site well in advance of a bushfire threat is considered to provide the most appropriate means of managing risk to life.

In the event of a bushfire affecting the locality, numerous residential properties within the surrounding area would also be exposed to bushfire risk. Emergency response and protection efforts would be expected to prioritise life and residential properties ahead of the minor structures on the subject land.

7. Conclusion

The proposed rural industry and solid fuel depot at 200 Old Orbost Road, Swan Reach is considered to accord with all relevant provisions of the Farming Zone and Bushfire Management Overlay 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
August 2026

Bushfire Emergency Management Plan

Rural Industry & Solid Fuel Depot
200 Old Orbost Road, Swan Reach

Our reference – 21639

Prepared By: Crowther & Sadler Pty Ltd

Authorised By:

Date:



FS 520900



Premises Details

This plan is for: ***Lakeshore Gardening & Firewood***

The Plan has been designed to assist management and protect life in the event of a bushfire.

The Plan outlines procedures for Evacuation on the site in response to bushfire risk.

Primary Bushfire Response: ***Evacuate***

Street No & Name:	200 Old Orbost Road
Suburb & Postcode:	Swan Reach, Vic 3875
Contact Person:	
Position / Role:	Owner & Site Manager
Phone Number (BH):	
Phone Number (AH):	
Type of Facility:	Rural Industry & Solid Fuel Depot
Number of Buildings:	1
Number of Employees:	1
Number of Persons Normally on Site:	1, <i>excluding occasional customers/visitors</i>
Number of Occupants:	0

Bushfire Emergency Management Plan

Roles & Responsibilities

The following outlines who has the responsibility of implementing the Emergency Procedures in the event of a bushfire:

Chief Warden	
Area of Responsibility	The entire site (Lot 1 on TP555292)
Mobile Phone Number	

Emergency Contacts

Name of Organisation	Office / Contact	Phone Number
Fire / Police / Ambulance		000 for emergency
VicEmergency Hotline		1800 226 226
State Emergency Service (SES)	Bairnsdale SES	132 500
Municipal Council	East Gippsland Shire Council	(03) 51 539 500
Medical Services	Bairnsdale Regional Health Service (BRHS)	000 for emergency (03) 5150 3333 for info

In all emergencies call 000

Evacuation Procedures

The bushfire response for the site is based entirely upon:

Early evacuation and avoidance

There is no designated shelter-in-place location on the land and persons are not to remain on the site to defend buildings, equipment, timber stockpiles or other property during a bushfire.

The Site Manager is responsible for monitoring the daily Fire Danger Rating and weather conditions during the Fire Danger Period and implementing the following procedures.

The Site Manager is to check the forecast Fire Danger Rating in advance to ensure the site does not open on a day forecast to have an Extreme or Catastrophic Fire Danger Rating.

Fire Danger Rating	Site Status	Procedure	Responsibility
No rating <i>No action required</i>	Open	No special procedures required. Normal operations may continue.	N/A
Moderate <i>Plan & prepare</i>	Open	Remain aware of local conditions and any fire activity in the surrounding area.	Site Manager
High <i>Be ready to act</i>	Open Monitor conditions	Operations may continue however conditions are to be monitored. The Site Manager is to monitor weather conditions, Fire Danger Ratings and VicEmergency warnings throughout the day. The site is to be evacuated early if a fire starts within or threatens the surrounding area.	Site Manager
Extreme <i>Take action now to protect your life</i>	Closed	Site CLOSED The site is not to operate and no employees, customers or other persons are to attend the site. If the Fire Danger Rating is elevated to Extreme while the site is operating, the site is to be evacuated.	Site Manager
Catastrophic <i>For your survival, leave bushfire risk areas</i>	Closed	Site CLOSED The site is not to operate and no employees, customers or other persons are to attend the site. If the Fire Danger Rating is elevated to Catastrophic while the site is operating, the site is to be evacuated.	Site Manager

Evacuation Triggers

Evacuation is to occur early and is not to be delayed until fire directly threatens the site.

The site is to be evacuated where:

- A bushfire has started within or is considered likely to threaten the surrounding area;
- A Watch and Act or Emergency Warning relevant to the site or surrounding area is issued;
- Advice from emergency services recommends evacuation or avoidance of the area; or
- In the opinion of the Site Manager, changing weather, fire or local conditions indicate that remaining on the site may place persons at risk.

The Site Manager is not to wait for an official evacuation direction where there is sufficient information to indicate that a bushfire may threaten the site or available evacuation routes.

Evacuation Destination

The primary evacuation strategy is to leave the bushfire risk area early, well before a fire threatens the site or surrounding road network.

The nominated evacuation destination is the **Bairnsdale urban area**, which provides a larger developed area away from the immediate bushfire risk surrounding the site. Prior to leaving, the Site Manager is to check current VicEmergency warnings and ensure the intended route remains safe. Where the route towards Bairnsdale is affected by fire, an alternative safe route and destination is to be selected having regard to current conditions and emergency service advice.

Neighbourhood Safer Place – Place of Last Resort

The nearest designated Neighbourhood Safer Place – Bushfire Place of Last Resort is located at **Swan Reach Oval**, Duffy Street (opposite Swan Street), Swan Reach

This is not the nominated evacuation destination and is only to be considered as a place of last resort where early evacuation to Bairnsdale is no longer possible and it remains safe to travel there.

Evacuation Procedure

Where evacuation is required:

1. Cease all operations immediately.
2. The Site Manager is to ensure that all persons present on the site, including any visitors or customers, are accounted for.
3. All persons are to be advised that the site is being evacuated and directed to leave immediately.
4. Machinery and equipment is only to be shut down where this can be undertaken quickly and safely. Evacuation is not to be delayed for the purpose of securing equipment, firewood or other property.
5. No attempt is to be made to remain on the site to defend the existing structure, machinery, firewood stockpiles or other property.
6. All persons are to leave the site via Old Orbost Road towards the nominated evacuation destination of Bairnsdale, provided the intended route remains safe having regard to the current conditions and emergency warnings.
7. Current VicEmergency warnings and emergency service advice are to continue to be monitored during evacuation.
8. Where the primary evacuation route is unsafe, persons are to follow emergency service advice and use an alternative safe route and destination where available.
9. Once evacuated, no person is to return to the site until the bushfire threat has passed and it is considered safe to do so.

Monitoring & Responsibility

The Site Manager is responsible for checking the Fire Danger Rating prior to operations commencing during the Fire Danger Period and for monitoring conditions and emergency warnings throughout the day.

Information is to be obtained from official CFA and VicEmergency sources.

The Site Manager is also responsible for ensuring that the site remains closed on Extreme and Catastrophic Fire Danger Rating days and that any persons present on the site are evacuated promptly where the above evacuation triggers are reached.

The overriding priority of this procedure is the protection of human life. Property protection is secondary and no person is expected to remain on the site to protect buildings, equipment or other property during a bushfire event.

Plan Review

This Bushfire Emergency Management Plan is to be reviewed prior to each Fire Danger Period and following any bushfire emergency affecting the site. As part of the review, the Site Manager is to confirm that emergency contact details and the nominated Neighbourhood Safer Place remain current.

Version	Date	Checked	Next Review Date
1	17/08/2026	Created by Consultant	17/08/2027

Conclusion

This Bushfire Emergency Management Plan provides a clear procedure for the management of bushfire risk associated with the operation of the Rural Industry and Solid Fuel Depot.

The primary focus of the Plan is the protection of human life through early evacuation and avoidance of the site during periods of heightened bushfire risk. No reliance is placed on the protection of buildings, equipment or other property during a bushfire event.

Implementation of the procedures outlined within this Plan will ensure that the site is not occupied where bushfire conditions present an unacceptable risk to life.

Appendix A

Site Plan

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- Subject Land
- PARCEL_VIEW
- Existing Driveway
- Workroom
- Wood Processing Area
- Finished Product Area
- Log Dump

200 OLD ORBOST ROAD, SWAN REACH	NOTATIONS		SITE PLAN
			PARISH OF BUMBERRAH CROWN ALLOTMENT 60B (PART) LOT 1 ON TP555292
Crowther & Sadler Pty, Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5152 5011 E. contact@crowthersadler.com.au	SCALE (SHEET SIZE A3)	SURVEYORS REF.	Printed 13/10/2026
	1:800	21639 VERSION 1 - DRAWN 06/08/2026	

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

Our ref: 21639

5 October 2026

Statutory Planning Officer
East Gippsland Shire Council
Via Planning Portal

Attention: Petra Wood

Dear Petra,

**Re: Planning Application 5.2026.313.1
Rural Industry & Solid Fuel Depot
200 Old Orbost Road, Swan Reach**

We refer to Council's Request for further information dated 22 September 2026, which seeks a written response to the provisions of Clause 53.10 *Uses and Activities with Potential Adverse Impacts*.

Clause 53.10 seeks to identify uses and activities which, if not appropriately designed and located, have the potential to cause offence or unacceptable risk to the surrounding neighbourhood.

Whilst the subject land is contained within the Farming Zone, land immediately to the north of Old Orbost Road is contained within the Rural Living Zone – Schedule 2. Having regard to the proximity of this land, the 300 metre threshold distance specified for rural industry within the Table to Clause 53.10-1 cannot be achieved. Referral to the Environment Protection Authority (EPA) is therefore triggered under section 55 of the *Planning and Environment Act 1987*.

While the application requires referral to the EPA, the proposal is considered to be appropriately designed and located, and is not considered to result in unreasonable off-site amenity impacts.

The principal amenity considerations associated with the use relate to the periodic noise generated by use of a chainsaw, a hydraulic wood splitter, excavator and dump truck and the potential visual impacts of the operation.

As detailed on Page 11 of the Planning Report, records of chainsaw use between July 2025 and March 2026 demonstrate that the actual time spent operating a chainsaw represents only a relatively small component of the operation. The wood splitter used on the site was also started during our site inspection and, while audible, the level of noise was not considered excessive or offensive.



FS 520900



Each tank of chainsaw fuel provides approximately 15–20 minutes of operating time and produces sufficient cut timber for approximately two full days of subsequent splitting, handling and loading. As a result, chainsaw noise is for relatively short periods and limited rather than continuous, with the majority of the operation involving activities that do not generate the same level of noise.

The intermittent use of a chainsaw is also not an activity that would be entirely unexpected within a rural or rural-residential setting, where machinery associated with property maintenance and rural activities, including ride-on lawn mowers, brush cutters, tractors, motorcycles and power tools, can generate periods of audible noise. Importantly, chainsaw use associated with the proposal is limited in both frequency and duration and does not represent a continuous source of noise.

The use of the chainsaw activities occurs within the designated wood processing area, which is located a considerable distance from established residential properties located on the northern side of the road. Dwellings within this area are also generously setback from the road frontage, providing further separation from the site activities.

Extensive tree planting has progressively been undertaken across the subject land over time to enhance the environmental qualities and to assist in buffering noise and views from adjoining roads and properties. As a result, views into the subject land from the adjoining road are generally filtered and limited, with the existing vegetation making it relatively difficult to clearly identify the processing and log storage areas from outside the site.

Traffic movements are also limited with log deliveries to the site occurring approximately six times per year, with timber then processed and stored on the land prior to delivery to customers. During the busier winter period, approximately 3–6 customer deliveries are undertaken per week, with activity reducing considerably outside of this period.

In response to the second item of Council's request, we confirm that the two signs displayed at the south-western and north-eastern entrance gates to the property were initially considered to constitute direction signs. This was on the basis that the signs provide property information only and do not contain any commercial or advertising information.

Whilst the display of a direction sign does not require a permit within the Farming Zone, upon receipt of Council's request we measured the existing signs and confirmed that they are approximately 830mm x 600mm in size. As a result, they exceed the maximum area of 0.3 square metres specified within the definition of a direction sign. The existing signs are therefore being removed to address this matter and negate the need for any further consideration as part of the current application.

We trust that the enclosed information and documentation will enable the further processing and assessment of the matter at hand.

As always, please don't hesitate to contact our office should you have any further questions in relation to this matter.

Regards,

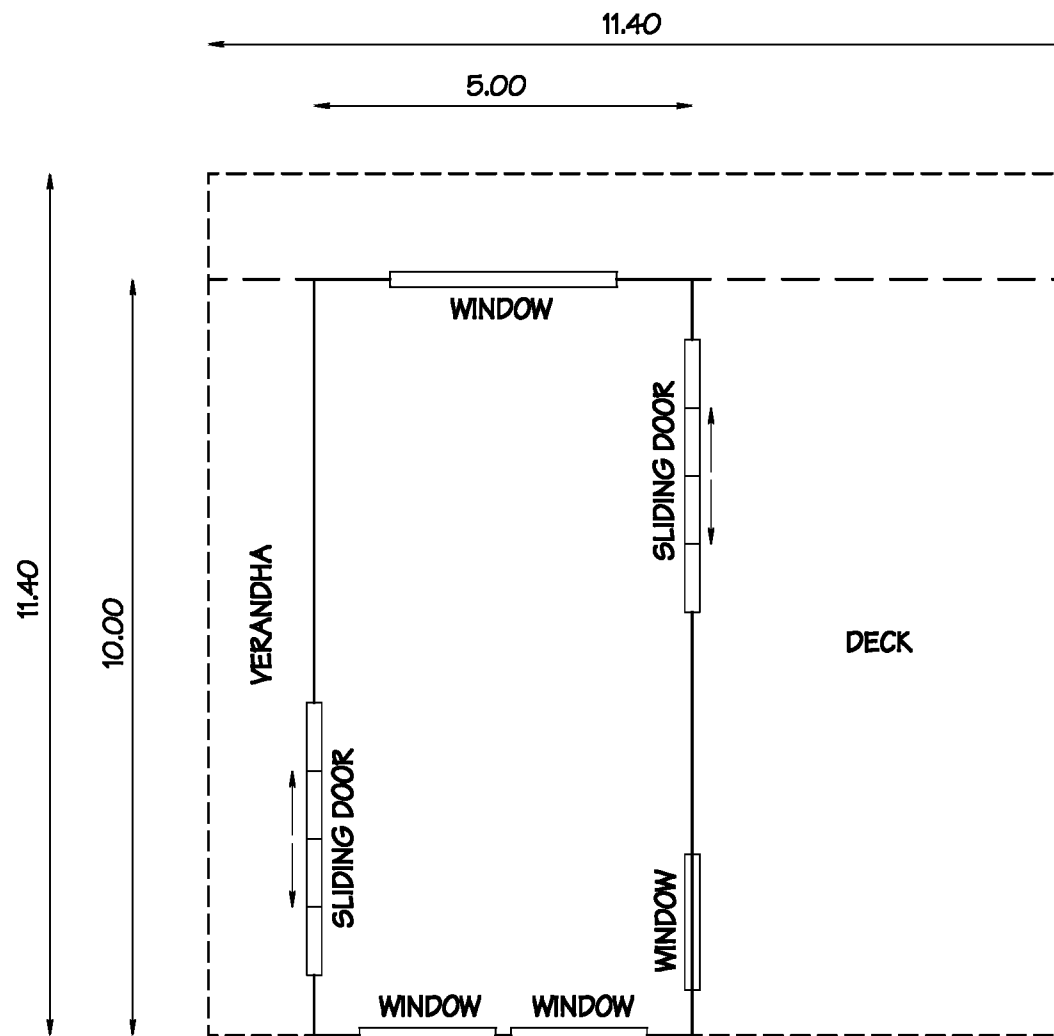
RICHARD HOXLEY
Director & Principal Planner

FLOOR & ELEVATIONS PLAN

PARISH OF BUMBERRAH
CROWN ALLOTMENT 60B (PART)

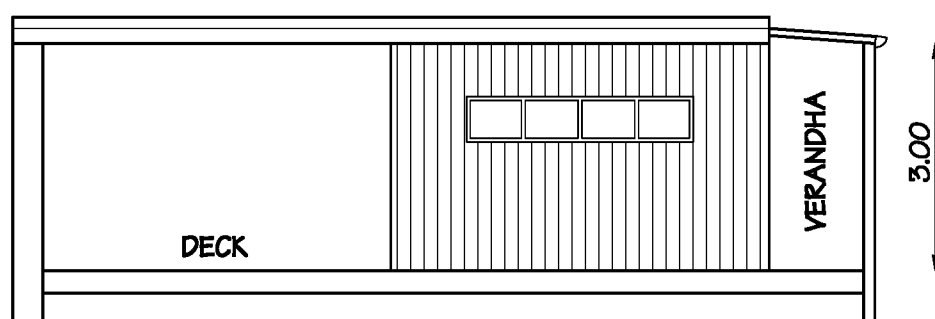
LOT 1 ON TP555292

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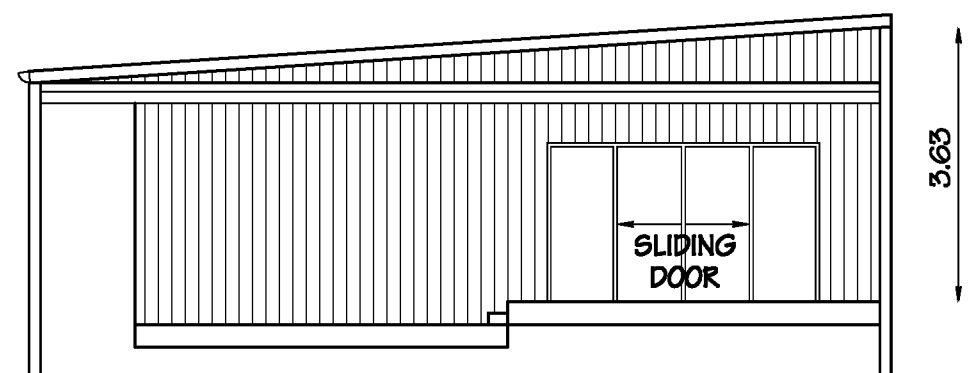


NORTH ELEVATION

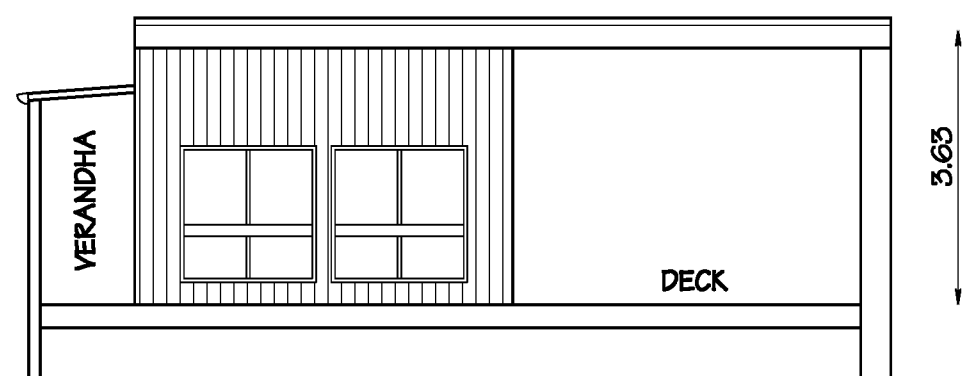
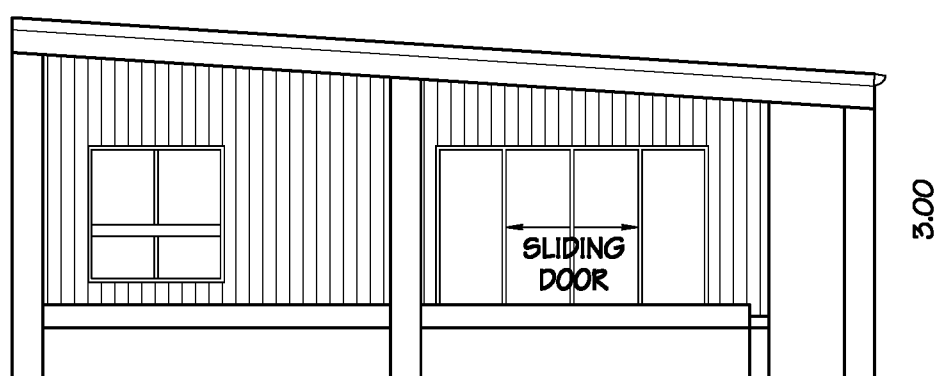
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



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200 OLD ORBOST ROAD, SWAN REACH

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- Subject Land
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