



## Application for Planning Permit for a Subdivision

Supplied by



Submitted Date

08/12/2022

### Application Details

Application Type

Planning Permit for a Subdivision  
Version 1

Applicant Reference Number



Responsible Authority Name

Baw Baw Shire Council

Responsible Authority Reference Number(s)

(Not Supplied)

SPEAR Reference Number

S205600E

Application Status

Lodged with Responsible Authority

Planning Permit Issue Date

NA

Planning Permit Expiry Date

NA

### The Land

Primary Parcel

445 DUGGAN NORTH ROAD, FUMINA VIC  
3825

Crown Allotment No 107

Parish Name FUMINA

SPI 107\PP2623

CPN 8496

**Zone:** 35.07 Farming

**Overlay:** 42.01 Environmental  
Significance

44.01 Erosion  
Management

44.06 Bushfire  
Management

45.06 Development  
Plan Contributions

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Page 1 of 63

### The Proposal

Plan Number

(Not Supplied)

Number of lots

2

Proposal Description

Two lot subdivision to excise the existing dwelling from the larger landholding.

Estimated cost of the development for which a permit is required \$ 0

### Existing Conditions

Existing Conditions Description

single dwelling and associated amenity

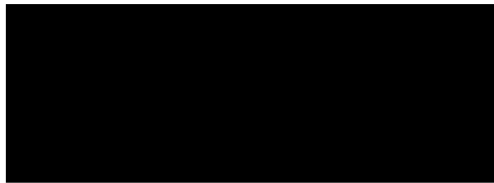
Title Information - Does the proposal breach an encumbrance on Title?

The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

### Applicant Contact

Applicant Contact





---

**Applicant**

**Applicant**

(Applicant details as per Applicant Contact)

---


**Owner**


**Owner**



---

**Declaration**

I,  declare that the owner (if not myself) has been notified about this application.

I,  declare that all the information supplied is true.

**Authorised by**

**Organisation**



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Page 2 of 63

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

Page 1 of 1

VOLUME 06725 FOLIO 958

Security no : 124102498106T  
Produced 08/12/2022 09:07 AM

CROWN GRANT

**LAND DESCRIPTION**

Crown Allotment 107 Parish of Fumina.

**REGISTERED PROPRIETOR**

Estate Fee Simple

**ENCUMBRANCES, CAVEATS AND NOTICES**

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

**DIAGRAM LOCATION**

SEE TP271877A 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: 445 DUGGAN NORTH ROAD FUMINA VIC 3825

DOCUMENT END

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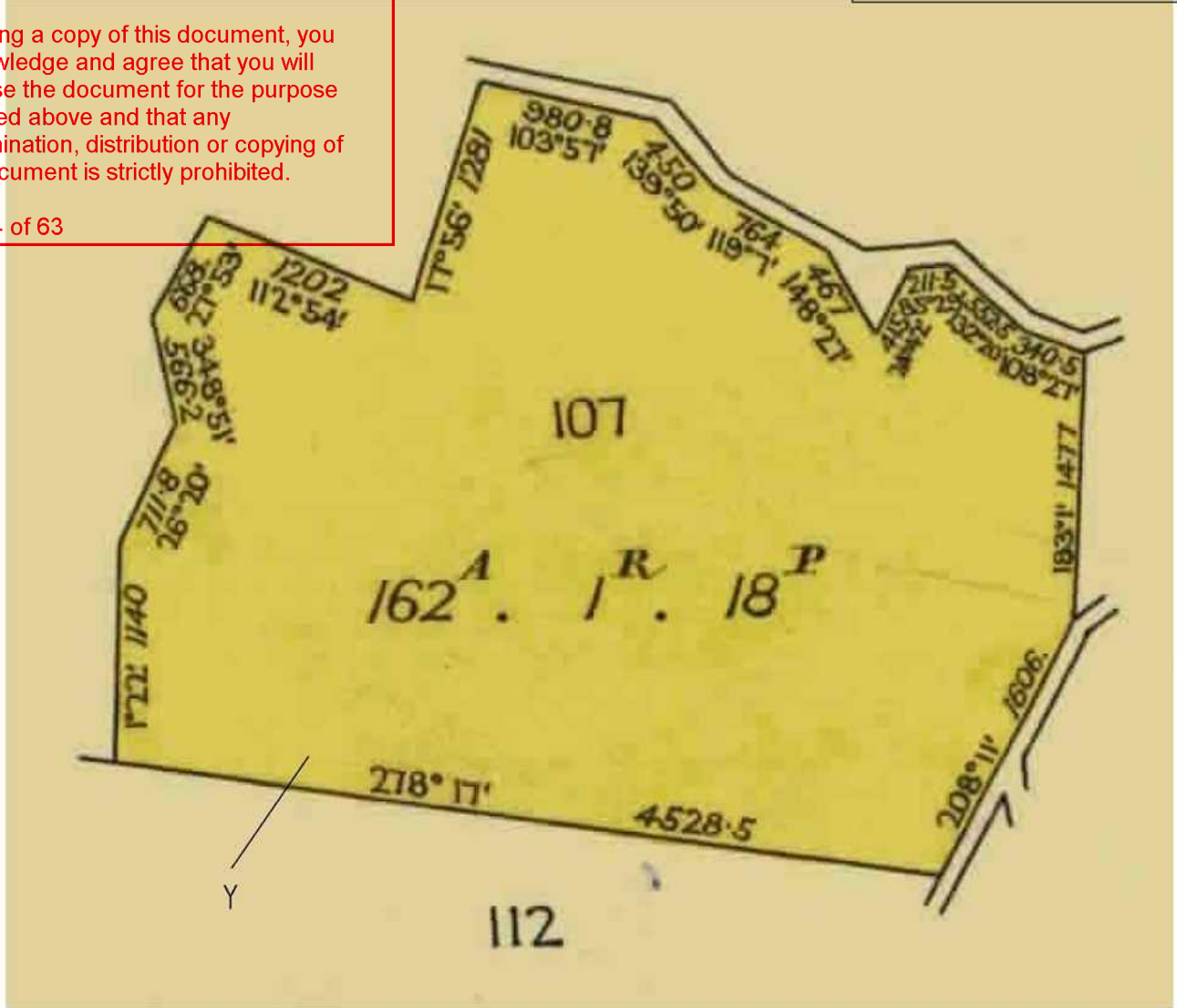
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Page 3 of 63

TITLE PLAN		EDITION 1	TP 271877A
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<p><b>Location of Land</b></p> <p>Parish: FUMINA                  Township:                  Section:                  Crown Allotment: 107                  Crown Portion:</p> <p>Last Plan Reference:                  Derived From: VOL 6725 FOL 958                  Depth Limitation: 50 FEET</p>	<p><b>Notations</b></p> <p>SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 6725 FOL. 958 AND NOTED ON SHEET 2 OF THIS PLAN</p> <p>WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
--	--

<p><b>Description of Land / Easement Information</b></p> <div style="border: 1px solid red; padding: 5px; color: red;"> <p>This document has been copied and made available for the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose.</p> <p>By taking a copy of this document, you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div> <p>Page 4 of 63</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 13/01/2000                  VERIFIED: BH</p>
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COLOUR CODE  
 Y = YELLOW

LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	
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TITLE PLAN

TP 271877A

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

THAT PIECE OF LAND in the said State containing one hundred and sixty-two acres one rood and eighteen perches more or less being Allotment one hundred and seven in the Parish of Fumina County of Buln Buln

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

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

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

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

his executors administrators assigns or transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to such right of entry.

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Page 6 of 63

62 G651580

\*62.00 M RT T

11- 2 439445 -2-1114-77

VICTORIA

TRANSFER OF LAND

[Redacted] and [Redacted] being registered as

the proprietors of an estate in fee simple in the land hereinafter described, subject to the encumbrances notified hereunder, in consideration of the sum of TWENTY THREE THOUSAND AND FOUR HUNDRED DOLLARS (\$23,400.00) paid to us by [Redacted]

[Redacted] of "Bald Hills" Lower Tarwin Farmer DO HEREBY TRANSFER to the said [Redacted]

All our estate and interest in All those pieces of land being the surface and down to a depth of 50 feet below the surface  
FIRSTLY of ~~all~~ that piece of land containing 74 acres 3 roods 19 perches and 4/10th of a perch or thereabouts being part of Crown Allotment 112 Parish of Fumina and being the land more particularly described in Certificate of Title Volume 8289 Folio 861. SECONDLY all that piece of land containing 162 acres 1 rood and 18 perches more or less being Allotment 107 in the Parish of Fumina and being the land more particularly described in Crown Grant Volume 6725 Folio 958. THIRDLY all that piece of land containing 6 acres/and 29 perches or thereabouts being Crown Allotment 111A Parish of Fumina and being the land more particularly described in Certificate of Title Volume 6848 Folio 513.

DATED the 31st day of MAY One thousand nine hundred and seventy-seven.

SIGNED by the said [Redacted] in Victoria in the presence of :- [Redacted]

SIGNED by the said [Redacted] in Victoria in the presence of :- [Redacted]

SIGNED by the said [Redacted] in Victoria in the presence of :- [Redacted]

x [Signature] Witness

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



\$468 -

Please initial below  
✓ [Signature] ✓  
C.P.S.D.

✓ [Signature] ✓  
C.P.S.D.

C.P.S.D.

✓ [Signature] ✓  
C.P.S.D.

VICTORIA - STAMP DUTY  
JUN-1-77 931464 47329  
LE 1113 \*\*\* 129-01

And  
10/10/77



Advertised

- 2 -

ENCUMBRANCES REFERRED TO:

The Easements (if any) set out at the foot of the said  
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Page 9 of 63





48 Queen Street - PO Box 425  
Warragul, Vic 3820  
p: 03-5622 0384  
e: admin@gippslandsurveyors.com.au  
w: www.gippslandsurveyors.com.au  
ABN: 63 199 591 833

Liability limited by a scheme approved under Professional Standards Legislation.

Our Ref: 2896 (GLS-5233)

8 December 2022

Coordinator Statutory Planning  
Baw Baw Shire Council  
P.O. Box 304  
Warragul, VIC 3820

**ATTENTION:** [REDACTED]

Dear [REDACTED]

**RE: 445 Duggan North Road, Fumina  
Proposed two (2) Lot Subdivision  
SPEAR Reference: S205600E**

On behalf of our client [REDACTED] we have recently submitted in SPEAR an Application for a Planning Permit for a two (2) Lot Subdivision at 445 Duggan North Road, Fumina.

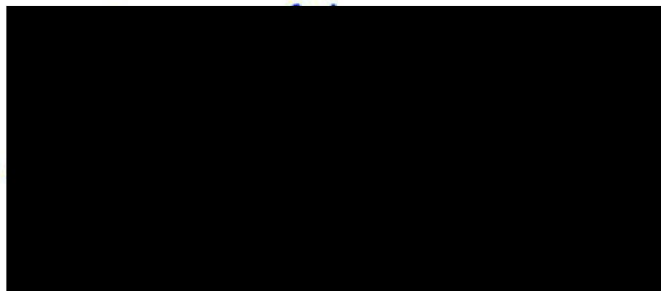
The Application responds positively to the provisions of the Farming Zone for a house excision, within particular consideration to State Policy associated with Clause 02.02 Vision, Clause 13.01 Climate Change Impacts, and Clause 13.02 Bushfire of the Baw Baw Planning Scheme.

The Application biases the protection of human life to facilitate the house excision and subdivision design, and appropriately considers how the land is currently used, and potential future land use that is consistent with the Farming Zone, based on the site's existing constraints which notably consist of steep topography and large coverage of native bushland.

Please have the charge raised for \$1,360.85 for the Planning Application Fee, and our office will arrange for payment of this fee.

If you have any queries regarding this matter, please do not hesitate in contacting our office.

Regards,



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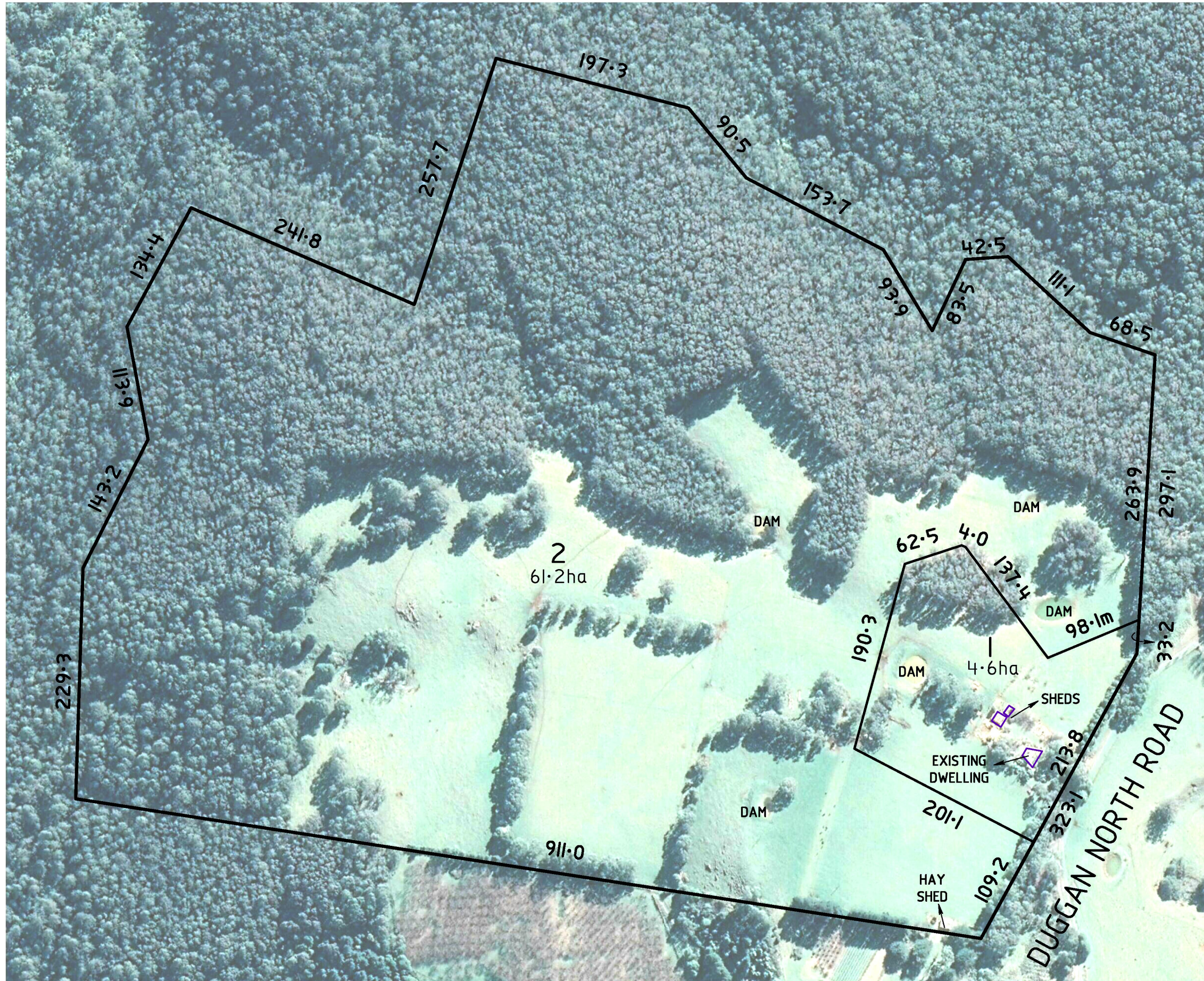
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PROPOSED SUBDIVISION

PARISH OF FUMINA  
CROWN ALLOTMENT 107

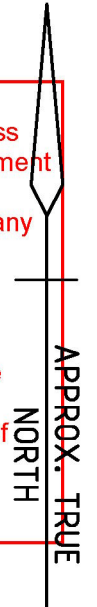
C/T VOL 6725 FOL 958  
ALLOTMENT 107 ON TP271877A



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Page 11 of 63



NOTATIONS

AREAS ARE APPROXIMATE ONLY  
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE  
1 : 4000

SURVEYORS REF.  
2896-PROP-V2

GIPPSLAND LICENSED SURVEYORS  
CHRISTOPHER C MORRIS & ASSOCIATES  
48 QUEEN STREET WARRAGUL 3820  
PH: (03) 5622 0384



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# Bushfire Management Statement

2 Lot subdivision in a Bushfire Management  
Overlay  
VER 1 23/11/2022



**445 Duggan North Road, Fumina**

<b>PREPARED FOR:</b>	
Client name	Gippsland Licensed Surveyors
Contact	5622 0384

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Page 12 of 63

Prepared By:

Dip. Natural Resource Management  
B. App Sci – Environmental Management  
Grad Dip Education  
Grad Dip Bushfire Protection

0409027450

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Level 2 BPAD

Registration

BPAD29087



**TABLE OF CONTENTS**

- 1 Introduction.....2**
- 1.1 Project Description ..... 2
- 1.2 Relevant Objectives ..... 3
- 2 Bushfire Hazard Site Assessment ..... 4**
- 2.1 The Site ..... 4
- 2.2 Site Assessment – Proposed Lot 2 ..... 5
- 3 Bushfire Hazard Landscape Assessment..... 6**
- 3.1 Broader Landscape ..... 6
- 3.2 Landscape Type ..... 10
- 4 Bushfire Management Statement..... 11**
- 4.1 All Other Developments – Bushfire Protection Objective ..... 11
- Summary..... 15**
- References..... 15**
- Attachment 1 – Proposed 2 Lot Subdivision..... 16**
- Attachment 2 – Locality and Surrounding Land..... 17**
- Attachment 3 – Vegetation modifications and management required for defensible space. .... 18**
- Attachment 4 – Bushfire Management Plan ..... 19**

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Page 13 of 63

REV	DATE	DETAILS
A		
B		
C		
D		

# 1 Introduction

This Bushfire Management Statement has been prepared to respond to the requirements of Clause 44.06 Bushfire Management Overlay, and associated Clause 53.02 Bushfire Protection: Planning Requirements. The statement contains three components:

- **A Bushfire Hazard Site Assessment** provides factual information on the bushfire hazard within 150m of the development, provides the defensible space and building construction requirements of Clause 53.02 and is informed by the site assessment methodology contained in Australian Standard AS3959.
- **A Bushfire Hazard and Landscape Assessment (not required for dwellings in existing settlements)** provides information on the bushfire hazard more than 150m away from the development and factual information on the bushfire hazard. It also provides information on key features of the general locality that are relevant to better understanding the protection provided by the location and contextual information on the site.
- **A Bushfire Management Statement** shows how the proposal has responded to the bushfire hazard site assessment and bushfire hazard landscape, documents how approved measures in Clause 53.02 have been applied, justifies any alternative measures, responds to the relevant decision guidelines and demonstrates to council that a permit should be granted.

## 1.1 Project Description

This proposal is for the 2 Lot subdivision of 445 Duggan North Road, Fumina. Proposed Lot 1 has an existing dwelling and Proposed Lot 2 is vacant. The property is in a Farming Zone with a Bushfire Management Overlay. As this proposal is for a subdivision, a full BMO Pathway 2 Report is required that includes a Bushfire Hazard Site Assessment, a Bushfire Hazard Landscape Assessment and a Bushfire Management Statement. For the purpose of this report and to demonstrate that a BAL 29 or lower can be achieved on the proposed Lot 2 a site has been chosen close to Duggan North Road (50m in from the front boundary and 50m in from the northern and southern boundaries). There are several other possible sites on Lot 2 that could achieve a BAL 29 or lower and in a future development application other sites could be explored. An extensive site assessment for Lot 1 has not been conducted as there is an existing dwelling; however, the report addresses the impact the proposed subdivision would have on the defensible space available to the dwelling on Lot 1. This report addresses the objectives of CI 44.06-2 and CI 53.02-4.4.

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

*“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 the Baw Baw 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 in to the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

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Page 14 of 63



## 1.2 Relevant Objectives

The checklist below identifies those objectives that are applicable to this bushfire management statement.

Objectives and Approved/Alternative Measures	Applicable	Provide justification for any objectives which are considered not applicable.
53.02-4.4 Subdivision Objectives	Yes	Proposal is in a Farming Zone
AM 5.1 Subdivision including AM 2.1 and 2.2	No	AM 5.2 applies as the property is in a Farming Zone
AM 5.2 Subdivision for land zoned residential or rural residential	Yes	Proposal is in a Farming Zone
53.02-4.1 Landscape, Siting and Design	Yes	
AM2.1 Broader Landscape	Yes	Applies as AM 5.2 applies to this subdivision
AM2.2 Siting	Yes	Applies as AM 5.2 applies to this subdivision
AM2.3 Building Design	No	
53.02 – 4.3 Water and Access Objective	Yes	Applies as AM 5.2 applies to this subdivision
AM4.1 - A building used for a Dwelling a Dependent Persons unit, Industry office or retail premises	Yes	Applies as AM 5.2 applies to this subdivision
AM4.2 - A building used for accommodation (other than a dwelling or dependent persons unit), childcare centre, education centre, hospital, leisure and recreation or place of assembly.	No	Proposal is for a 2 Lot subdivision

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Page 15 of 63

## 2 Bushfire Hazard Site Assessment

Description of the bushfire hazard within 150m of the proposed development prepared in accordance with sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of Buildings in Bushfire Prone Areas (Standards Australia) excluding paragraph (a) of Section 2.2.3.2.

### 2.1 The Site

2.1.1	Site shape, dimensions, size and planning controls
The shape of the site is:	Irregular
The dimensions of the site are:	See Attachment 1
The site has a total area of:	65.8ha, Proposed Lot 1 – 4.6ha (existing dwelling), Lot 2 – 61.2ha (Vacant)
The zoning of the site is:	Farming Zone (FZ)
The overlays that apply to the site are:	Bushfire Management Overlay (BMO) Development Contributions Plan Overlay – Schedule 1 (DCPO1) Erosion Management Overlay – (ESO) Environmental Significance Overlay – Schedule 2 (ESO2)

2.1.2	Existing use and development on the site
The property is developed and occupied. The existing dwelling is within the proposed Lot 1 Title. Lot 2 has a hay shed, dam and boundary and internal fencing.	

2.1.3	Existing access arrangements
The information is as follows:	
Access to both Lots are from individual existing crossovers off Duggan North Road.	

2.1.4	Existing vegetation
Proposed Lot 1 has an established garden of predominantly exotic species. There are some scattered remnant trees across this proposed lot. Lot 2 has approximately 50% forest and 50% cleared and grazed pasture with some scattered native shade trees. The area proposed to site a dwelling is cleared with pasture grass.	

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Page 16 of 63

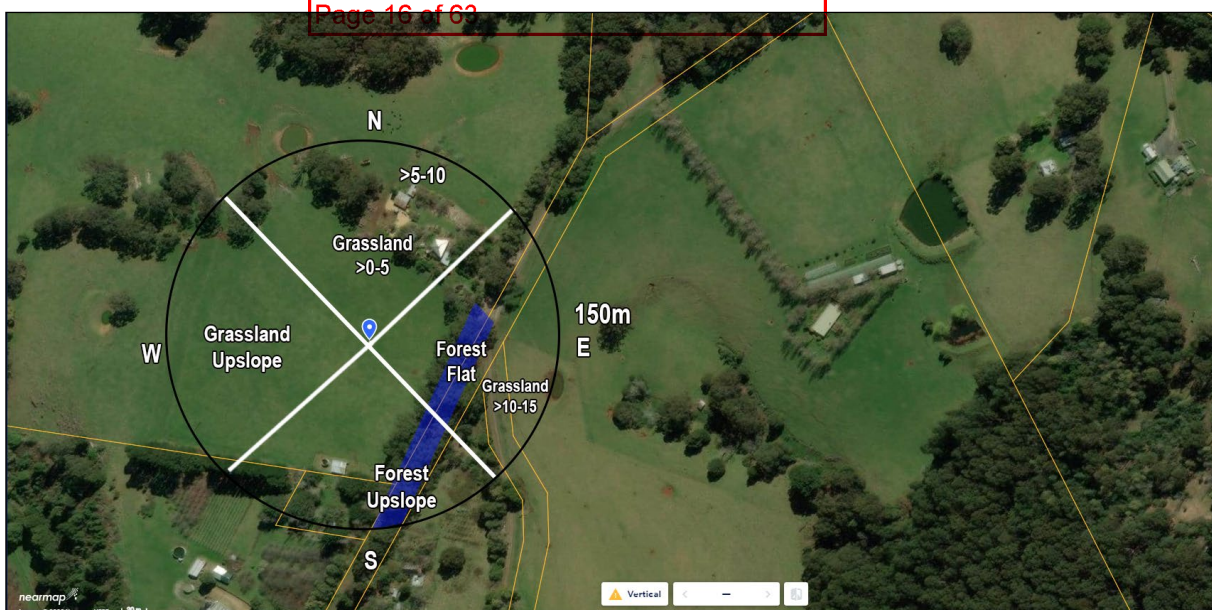


Figure 1. 150m Assessable Area and Vegetation Classification.

## 2.2 Site Assessment – Proposed Lot 2

	North	South	East	West
Vegetation Type	Forest	Forest	Forest	Forest
	Woodland	Woodland	Woodland	Woodland
	Shrubland	Shrubland	Shrubland	Shrubland
	Scrub	Scrub	Scrub	Scrub
	Mallee/Mulga	Mallee/Mulga	Mallee/Mulga	Mallee/Mulga
	Rainforest	Rainforest	Rainforest	Rainforest
	Grassland	Grassland	Grassland	Grassland
	Low Threat	Low Threat	Low Threat	Low Threat
	Modified	Modified	Modified	Modified
	Excludable	Excludable	Excludable	Excludable

	North	South	East	West
Distance from development to vegetation	>25m	>48m	>48m	>19m

	North	South	East	West
Flat/Upslope	Yes	Yes	Yes	Yes
Downslope	>0-5° >5-10°	>0-5° >5-10°	>0-5° >5-10°	>0-5° >5-10°
	>10-15°	>10-15°	>10-15°	>10-15°
	>15-20°	>15-20°	>15-20°	>15-20°
	N/A	N/A	N/A	N/A

	North	South	East	West
Corresponding BAL	12.5	12.5	12.5	12.5

### Achievable BAL for Lot 2: BAL 12.5

Proposed BAL 29 for Landscape Type	North	South	East	West
Tabled Defendable Space for BAL 29	25m	48m	48m	19m
Potential available Defendable Space	50m	50m	50m	50m

As the property is in a High-Risk Landscape BAL 29 should be proposed in a future development application to help mitigate the Landscape Risk. Defendable space could extend for more than 50m in all directions around the dwelling site in Figure 1. This would also help to mitigate the landscape risk, steeper slopes and higher risk vegetation in the broader landscape. Achieving 50m of defendable space in this location would not require any vegetation removal. The BMP produced in this application has proposed 50m of defendable space and BAL 29 construction.

### 3 Bushfire Hazard Landscape Assessment

#### 3.1 Broader Landscape

##### 3.1.1 Vegetation in the Broader Locality

The property is zoned Farming Zone. The site is part of a large cleared area within State Forests and logging coups. There are steep hills and gullies in the area that are heavily forested. North and western facing slopes have Lowland Forest and the sheltered sections of the southern and eastern aspects with Wet Sclerophyll Forests. Vegetation is relatively continuous with intermittent cleared private properties and several logging coups. Roads are mostly gravel and are in good condition so that they can carry logging vehicles.

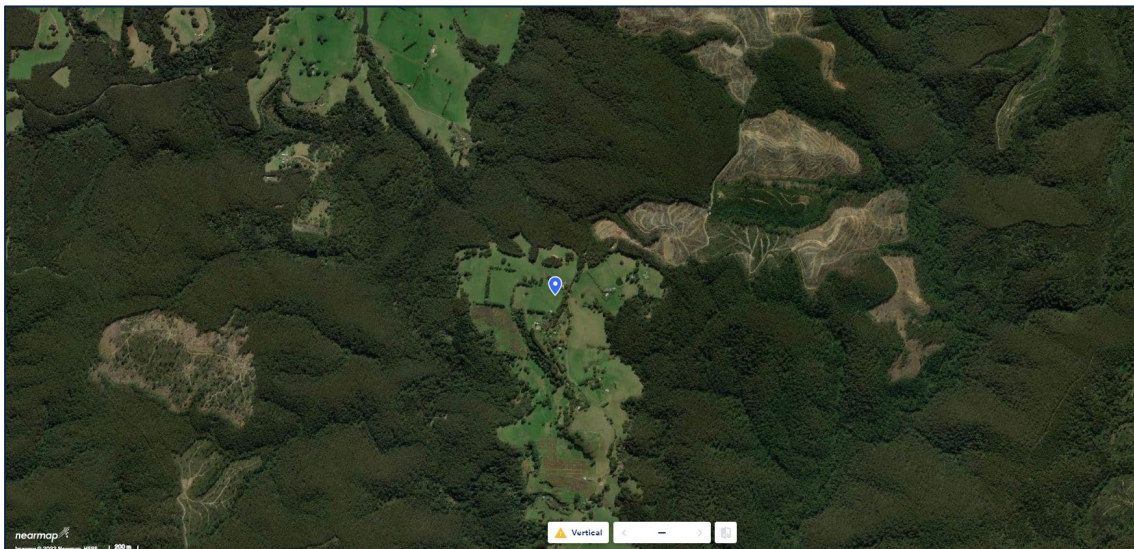


Figure 2. Broader Landscape

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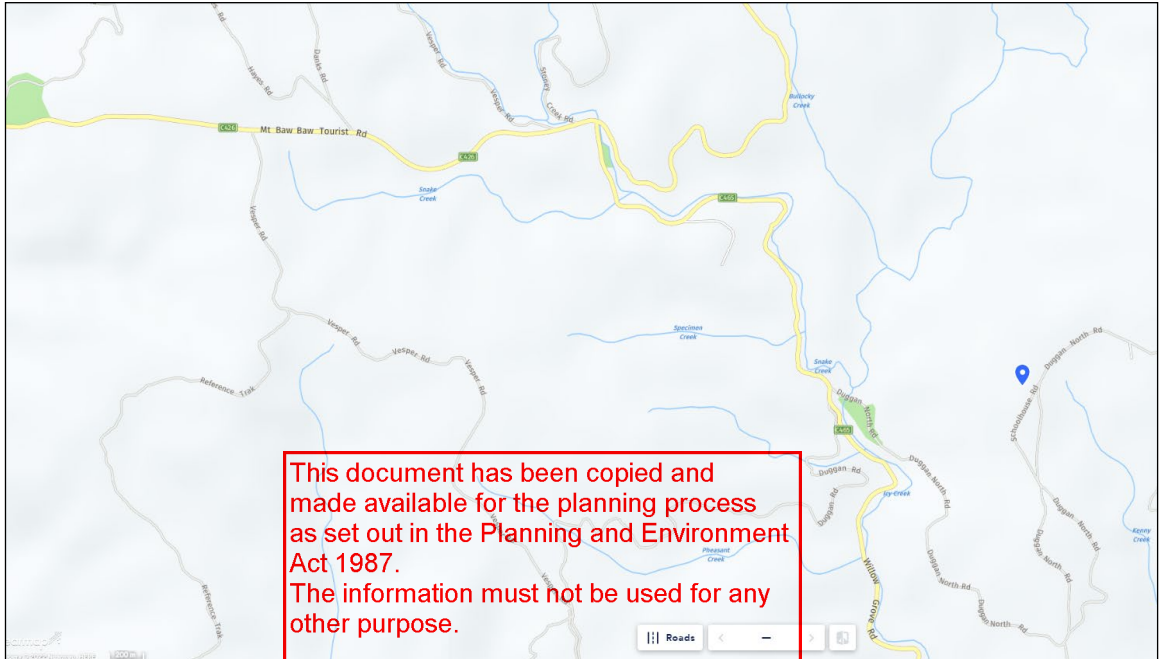
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Page 18 of 63



### 3.1.2 Existing Road Networks

The site is accessed from Duggan North Road which is a gravel road in good trafficable condition. Duggan North Road comes off Willow Grove Road which joins Mt Baw Baw Tourist Road north of the site. Mt Baw Baw Tourist Road extends from Noojee to Mt Baw Baw.



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Figure 3. Road Network.

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### 3.1.3 Bushfire History of the Area

The most significant bushfire in close proximity of the site in recent years was in 2019, 3kms northeast of the site and burnt 132.5ha. There have been several smaller fires in the surrounding forests. The next most recent being in 2014, 2kms west of the site, which burnt 10.6ha. All significant areas burnt within the past 50 years can be seen shaded pink in Figure 4 below.



Figure 4. Bushfire History



### 3.1.4 Relevant Regional Bushfire Planning Assessment

There have been several fuel reductions burns in the State Forests around the site (see Figure 5). There is a large-scale fuel reduction burn planned southwest of the site in the current Joint Fuel Management Program (see Figure 6).

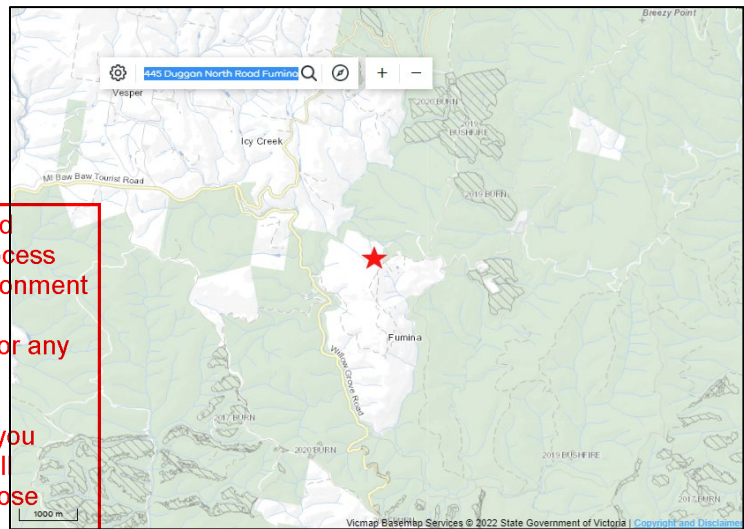


Figure 5. Past Fuel Reduction Burns

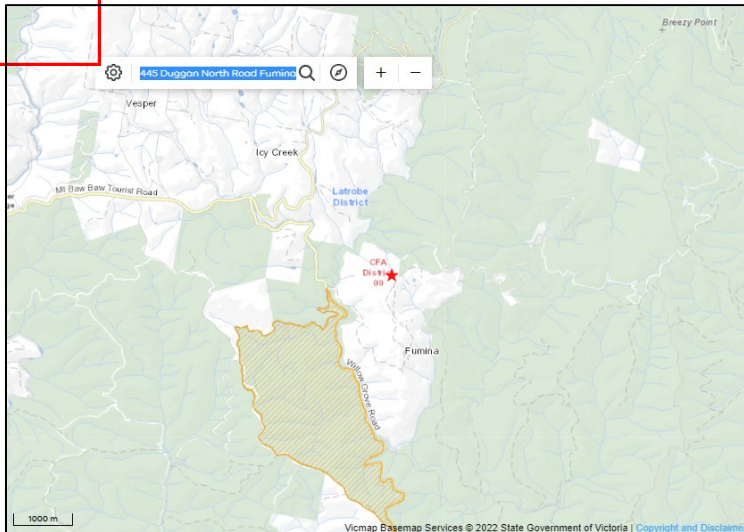















Figure 6. Planned Fuel Reduction Burns

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Page 20 of 63

Legend	
<b>Strategic Fuel Breaks</b>	
	2021-22 Non Burning Treatment - Strategic Fuel Breaks
	2022-24 Non Burning Treatment - Strategic Fuel Breaks
	2021-24 Non Burning Treatment - Other Mechanical Treatments
<b>Planned Burns</b>	
	2021-2022
	2022-2023
	2023-2024
<b>Fire Management Zones</b>	
	1 - Asset Protection Zone
	2 - Bushfire Moderation Zone
	3 - Landscape Management Zone
	4 - Planned Burn Exclusion Zone
	Fire History
	CFA District Boundaries
	DELWP District Boundaries

3.1.5 Proximity of site to Areas of managed fuel

The property is within the largest cleared area in the local landscape. There are very few large open areas within close proximity of the site.

3.1.6 Proximity to Declared shelter options

There is no Neighbourhood Safer Place or Bushfire Place of Last Resort in Fumina.

3.1.7 Likely Bushfire Scenarios

There are long fire runs surrounding site. The forests are separated from the site by the cleared area within the property and properties on the opposite side of Duggan North Road. Runs to the east are over 200kms long and extend into far East Gippsland. Runs to the north are upwards of 100kms and runs to the south are up to and around 20 kms. Runs to the west extend for approximately 15kms into The Little Yarra Valley. The terrain is steep and, in most places, inaccessible, making firefighting difficult. Under the right weather conditions, and once developed, fires are likely to generate their own weather and convection columns which will result in long distance spotting and more intense fire behaviour in this landscape.

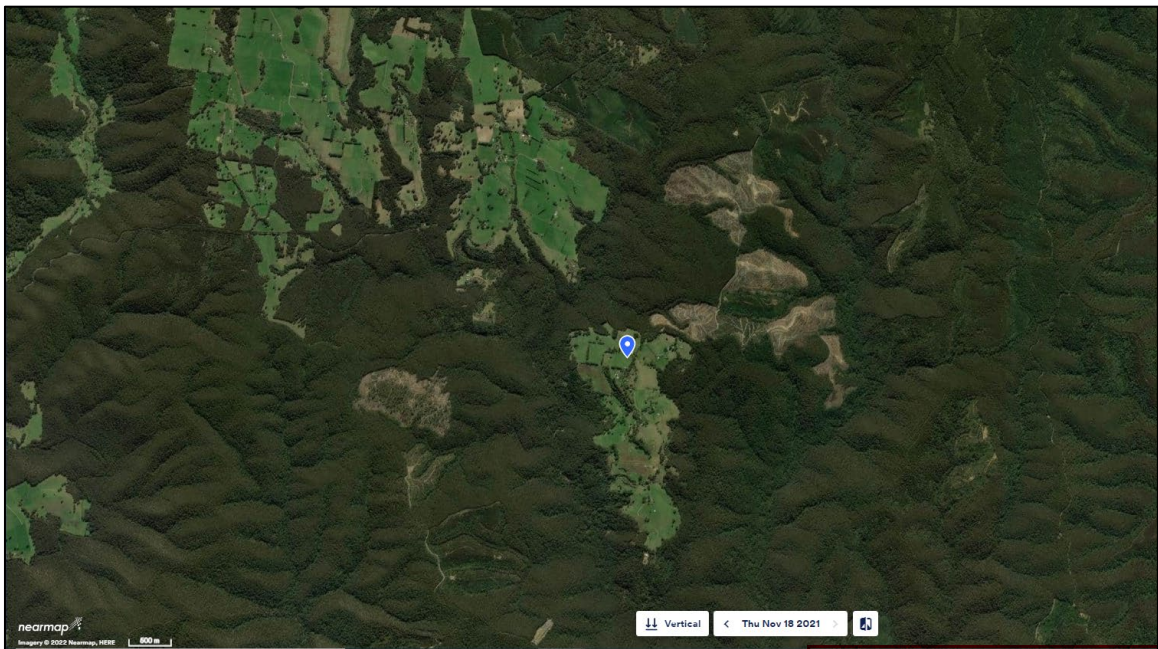


Figure 7. Possible Fire Runs

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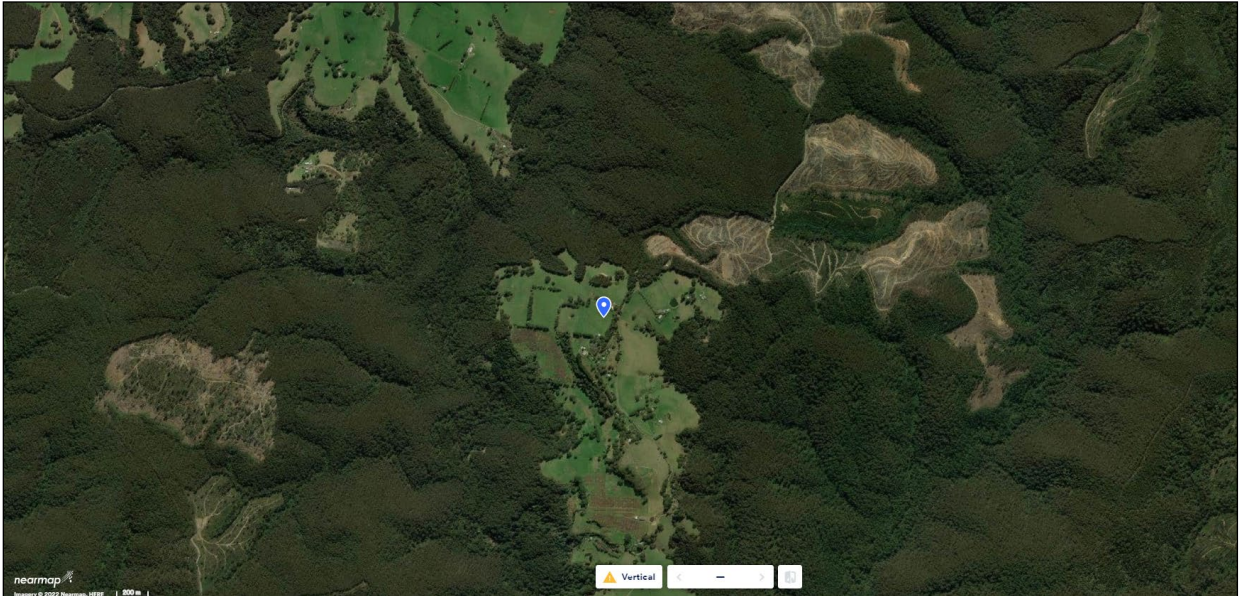
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### 3.2 Landscape Type

The landscape would be best described as a Type 4

- The broader landscape presents an extreme risk.
- Evacuation options are limited or not available



**Figure 8. Landscape Type 4.**

The landscape has been classified as Type 4. There is only one road into and out of the area and there are sections flanked by high risk vegetation. The site itself is part of the largest cleared area in the landscape. Residents must have a bushfire safety plan and be prepared for spot fires, thick smoke and heavy ember attack. Leaving early before fire threatens is the safest option. Travelling during a fire event is not an option as roads are often untrafficable. Occupants must plan to have to shelter in place should they be caught out.

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Page 22 of 63

## 4 Bushfire Management Statement

### 4.1 All Other Developments – Bushfire Protection Objective

<b>Bushfire Protection Objective 53.02-4.4</b>	
<p><b>AM 5.2 An application to subdivide land zoned for residential or rural-residential purposes must be accompanied by a plan that shows:</b></p> <ul style="list-style-type: none"> <li>▪ A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with:               <ul style="list-style-type: none"> <li>• Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots;</li> <li style="text-align: center;">or</li> <li>• Columns A, B or C of Table 2 for a subdivision that creates less than 10 lots.</li> </ul> </li>   <li>▪ Defendable space wholly contained within the boundaries of the proposed subdivision.</li>   <li>▪ 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.</li>   <li>▪ Vegetation management requirements to implement and maintain the defendable space required under this approved measure.</li>   <li>▪ Water supply and vehicle access that complies with AM 4.1</li> </ul>	<p>An example siting has been shown on the proposed Lot 2 to highlight the potential area of defendable space and ability to achieve a BAL rating of BAL 29 or less on the site. Defendable Space has been shown for a minimum of 50m around this siting due to the landscape risk.</p> <p>Defendable space can be contained wholly within the boundaries of Lot 2 achieving defendable space for Column A and more.</p> <p>When developed a dwelling on Lot 2 will require a minimum 10,000lt water tank as the lot is greater than 1000m<sup>2</sup>. Additional water supply could be proposed to help mitigate the landscape risk.</p> <div style="border: 1px solid red; padding: 10px; margin-top: 20px;"> <p style="color: red;">This document has been copied and made available for the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose.</p> <p style="color: red;">By taking a copy of this document, you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> <p style="color: red;">Page 23 of 63</p> </div>

**Bushfire Protection Objective 53.02- 4.1**

**Approved Measure 2.1 – Broader Landscape**

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

**Approved Measure 2.2 – Siting**

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.

**Justification:**

The property is located within a large cleared area. Defendable Space exceeding the Tabled distances has been proposed to help mitigate the landscape risk and a minimum BAL 29 construction is proposed.

There are several locations on the proposed Lot 2 where a dwelling could be sited and meet the defendable space requirements for BAL 29 or lower. This assessment analysed the area closest to Duggan North Road in order to justify the BMO requirements for this proposed subdivision.

The location (50m from the front and side boundaries) on this lot can meet BAL 29 construction standards or lower and the defendable space requirements without the need to remove any vegetation.

Access to the site can remain less than 100m and achieve adequate set back to accommodate the proposed defendable space.

The subdivision boundaries allow for a minimum of 65m around the existing dwelling on Lot 1 for defendable space. This would allow for the dwelling to achieve BAL 29 or lower defendable space on all aspects should any additions or alterations be required.

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Page 24 of 63



**Subdivision Objectives 53.02- 4.3**

**Approved Measure 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 firefighting 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 firefighting water supplies (See Figure 9).

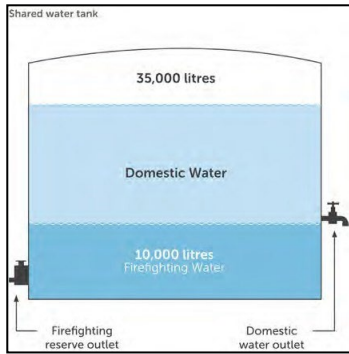


Figure 9. Water supply outlet example

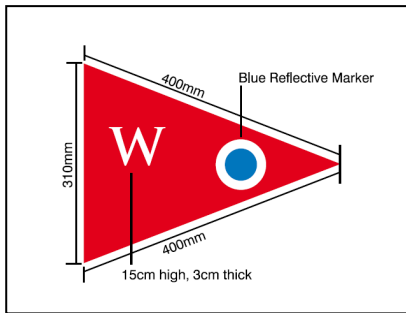


Figure 11. Signage

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**RESPONSE / COMMENTS**

A dedicated static water supply for the dwelling must be provided and meet the following requirements:

A minimum of 10,000 litres of on-site static storage must be provided on the lot and be maintained solely for firefighting.

CFA access and couplings (Figure 10) are mandatory as the lot is greater than 1000m<sup>2</sup>

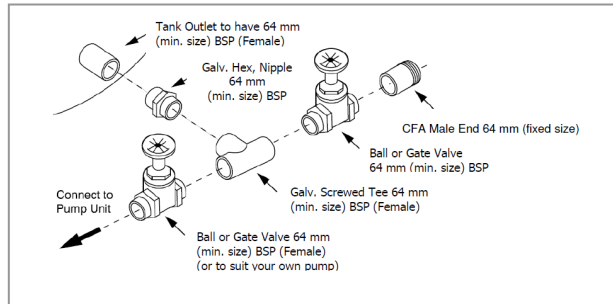


Figure 10. CFA Compliant Fittings

The water supply must:

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

Fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority (Figure 11).
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

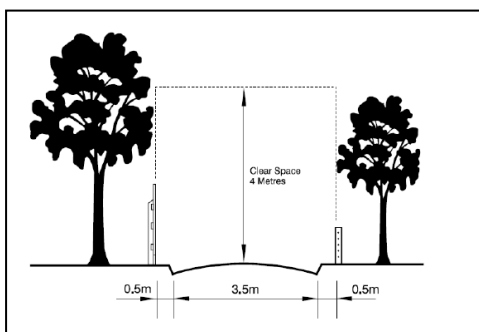


Figure 12: Overhead clearance and widths on road access

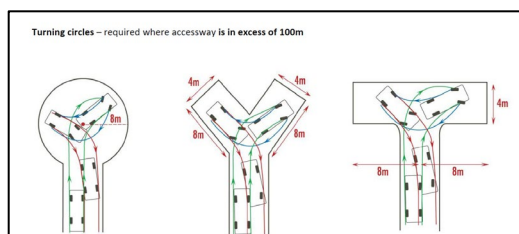


Figure 14. Turning Heads

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Page 26 of 63

### Access to a dwelling on Lot 2

The following design and construction requirements will apply from the road to the dwelling and to within 4m of the water supply outlet (on Lot 2) to allow Emergency Vehicle access.

The minimum design requirements are as follows:

- All Weather construction
- A load limit of at least 15 tonnes
- Provide a minimum trafficable width of 3.5m
- Be clear of encroachments for at least 0.5m on either side and at least 4m vertically.
- Curves in driveway must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle (see Figure 12).

If the length of the driveway from the road to the building and water supply outlet, including gates, bridges and culverts, is greater than 100m (less than 200m) the following also applies;

A turning area for firefighting vehicles must be provided close to the building by one of the following;

- A turning circle with a minimum radius or eight meters.
- A drive encircling the dwelling.
- The provision of other vehicle turning head – such as a Y or T head which meet the specification of Austroad Design for an 8.8m service vehicle (Figure 14).

## Summary

For the example Dwelling siting on Lot 2

- Dwelling on Lot 2 must be constructed to meet or exceed BAL 29 construction standards.
- Defendable Space must be maintained for 50m (see Attachment 4).

Defendable Space	
North	50m
South	50m
East	50m
West	50m

- At time of construction a 10,000lt water tank is required for firefighting purposes with compliant access.
- The access to a dwelling on Lot 2 must comply with the access requirements on page 14.

## References

Department of Environment Land Water and Planning (2021) Joint Fire Management Plan. <https://www.ffm.vic.gov.au/bushfire-fuel-and-risk-management/joint-fuel-management-program> [Accessed 23/11/2022]

Department of Transport, Planning and Local Infrastructure (2014) Practice Note 65 (July 2014) Preparing and Assessing a Planning Application under the Bushfire Provisions in Planning Schemes. [www.dtpli.vic.gov.au/planning](http://www.dtpli.vic.gov.au/planning) [Accessed: 23/11/2022]

VIC Plan(2022). VIC Plan Website. State Government of Victoria. <http://mapshare.maps.vic.gov.au/vicplan/> [Accessed 23/11/2022].

Standards Australia (2018) AS3959 Construction of buildings in bushfire prone areas. SAI Global Limited.

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Page 27 of 63

# Attachment 1 – Proposed 2 Lot Subdivision

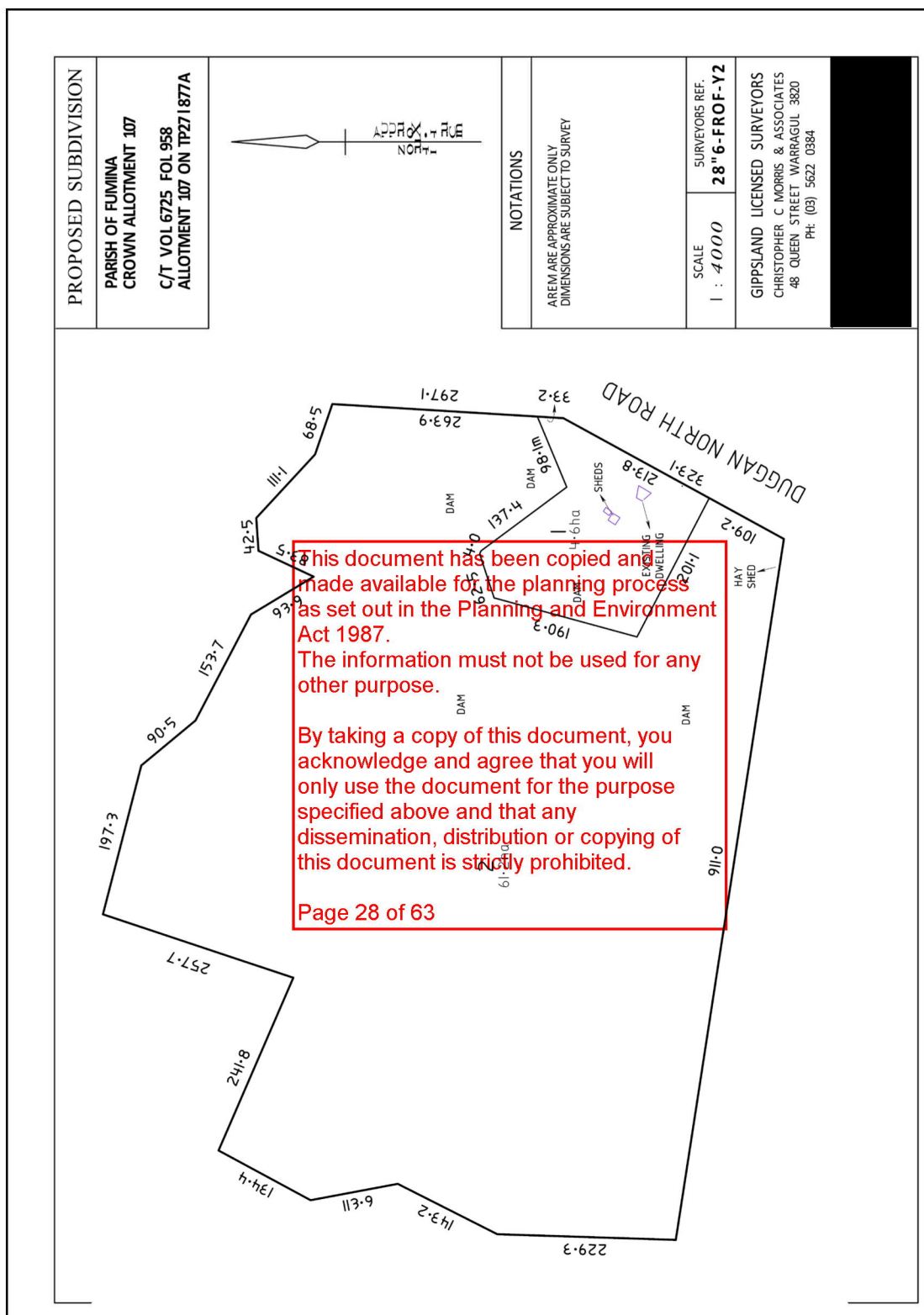


Figure 1. Proposed 2 Lot Subdivision



## Attachment 2 – Locality and Surrounding Land



Figure 1. Looking North from existing dwelling (Lot 1)



Figure 2. Looking South from existing dwelling (Lot 1)

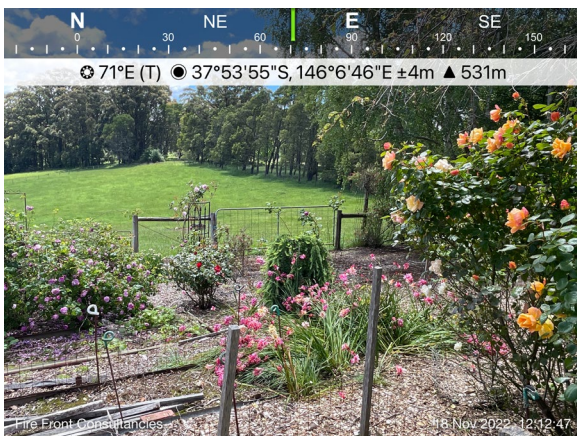


Figure 3. Looking East from existing dwelling (Lot 1)



Figure 4. Looking west from existing dwelling (Lot 1)



Figure 5. Looking south along Duggan North Road



Figure 6. Looking south from Lot 1 to Lot 2 dwelling siting

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Page 29 of 63

## Attachment 3 – Vegetation modifications and management required for defensible space.

The vegetation within the Defensible space must be modified and managed to ensure that it mitigates a bushfire as it approaches the structure. The following management prescriptions should be applied to any planning permit issues containing defensible space.

- 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 meters of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimeters in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. meters in area and must be separated by at least 5 meters. Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 meters.
- There must be a clearance of at least 2 meters between the lowest tree branches and ground level

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Page 30 of 63



# Attachment 4 – Bushfire Management Plan

## Bushfire Management Plan Lot 2 - 455 Duggan North Road, Fumina



Version 1: 23/11/2022

Prepared By:  
Sally Van de Pavred  
0409027450  
firefrontconsultancies@gmail.com  
BPAD Registration BPAD29087

PROPOSED SUBDIVISION	PARISH OF FUMINA CROWN ALLOTMENT 107
SCALE	1 : 4000
SUBDIVISION REF.	28*6-FR0F-Y2
GIPPSLAND LICENSED SURVEYORS CHRISTOPHER C. MORRIS & ASSOCIATES 48 QUEEN STREET WARRAGUL 3820 PH: (03) 5622 0384	
CHARLES DUNGAN Address: 46 DUGGAN NORTH ROAD, FUMINA	

- Vegetation Management for Defendable Space**  
Defendable space is required to be maintained around the dwelling for 50m. Vegetation and other flammable materials will be modified and managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
  - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
  - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
  - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
  - Shrubs must not be located under the canopy of trees.
  - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
  - Trees must not overhang or touch any elements of the building.
  - The canopy of trees must be separated by at least 5 metres.
  - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

- Access**  
The following design and construction requirements apply from the road to the dwelling and to within 4m of the water supply outlet to allow Emergency Vehicle access.
- All Weather construction
  - A load limit of at least 15 tonnes
  - Provide a minimum trafficable width of 3.5m
  - Be clear of encroachments for at least 0.5m on either side and at least 4m vertically.
  - Curves in driveway must have a minimum inner radius of 10 metres.
  - The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
  - Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle
- If the length of the driveway from the road to the building and water supply outlet, including gates, bridges and culverts, is greater than 100m (less than 200m) the following also applies:  
A turning area for firefighting vehicles must be provided close to the building by one of the following:
- A turning circle with a minimum radius of eight meters or.
  - A drive encircling the dwelling or.
  - The provision of other vehicle turning head – such as a Y or T head which meet the specification of Austroad Design for an 8.8m service vehicle

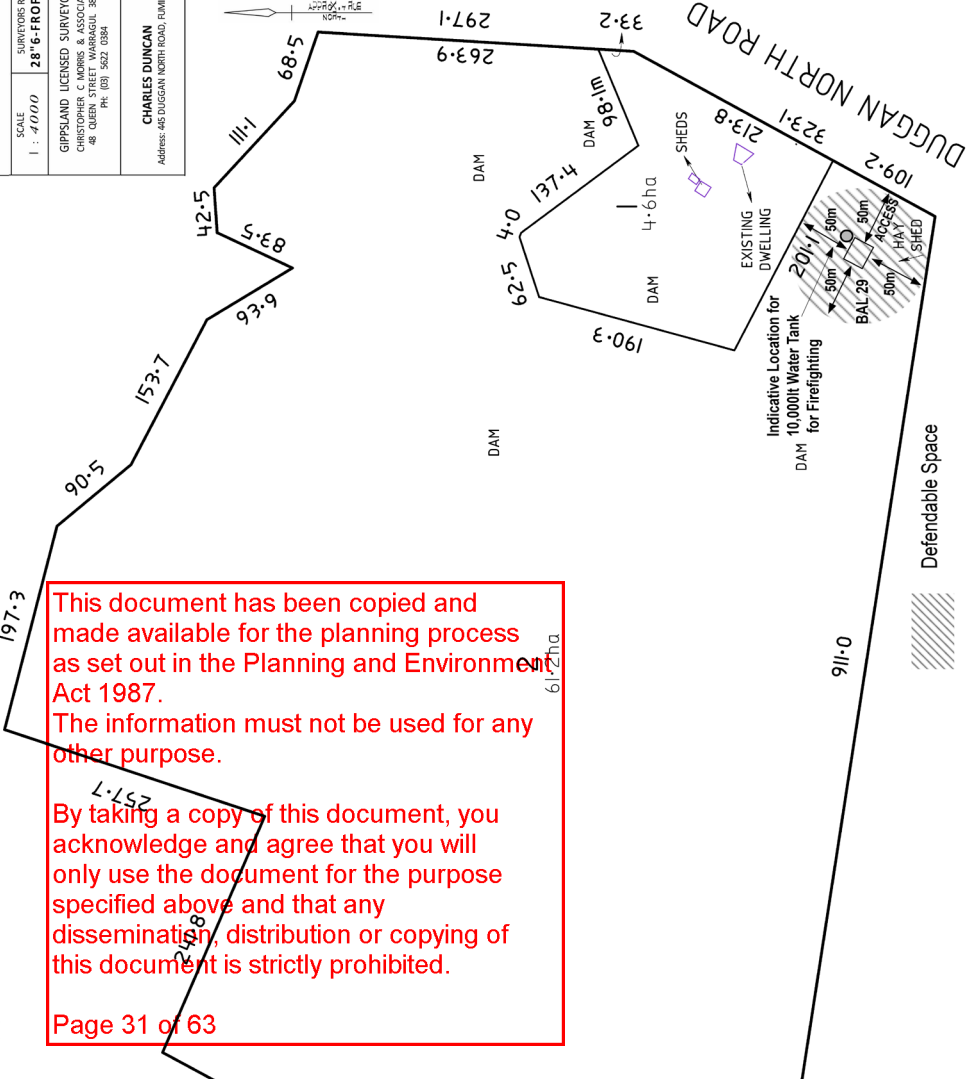
- Water Supply**  
A minimum of 10,000 litres of on-site static storage must be provided on the lot and be maintained solely for firefighting.
- The water supply must:
- Be stored in an above ground water tank constructed of concrete or metal.
  - Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosion resistant metal.
  - Include a separate outlet for occupant use.
  - Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
  - Be located within 60 metres of the outer edge of the approved building.
  - The outlets of the water tank must be within 4 metres of the accessway and unobstructed.
  - Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
  - Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

**Construction Standards**  
The Dwelling must be constructed to meet or exceed a Bushfire Attack Level of BAL 29

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Page 31 of 63



# Bushfire Management Plan

# Lot 2 - 455 Duggan North Road, Fumina

Advertised



Version 1: 23/11/2022

## Vegetation Management for Defendable Space

### Defendable space is required to be maintained around the dwelling for 50m

Vegetation and other flammable materials will be modified and managed in accordance with the following requirements;

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

## Access

The following design and construction requirements apply from the road to the dwelling and to within 4m of the water supply outlet to allow Emergency Vehicle access.

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

If the length of the driveway from the road to the building and water supply outlet, including gates, bridges and culverts, is greater than 100m (less than 200m) the following also applies; A turning area for firefighting vehicles must be provided close to the building by one of the following;

- A turning circle with a minimum radius of eight meters or.
- A drive encircling the dwelling or.
- The provision of other vehicle turning head – such as a Y or T head which meet the specification of Austroad Design for an 8.8m service vehicle

## Water Supply

A minimum of 10,000 litres of on-site static storage must be provided on the lot and be maintained solely for firefighting.

The water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

## Construction Standards

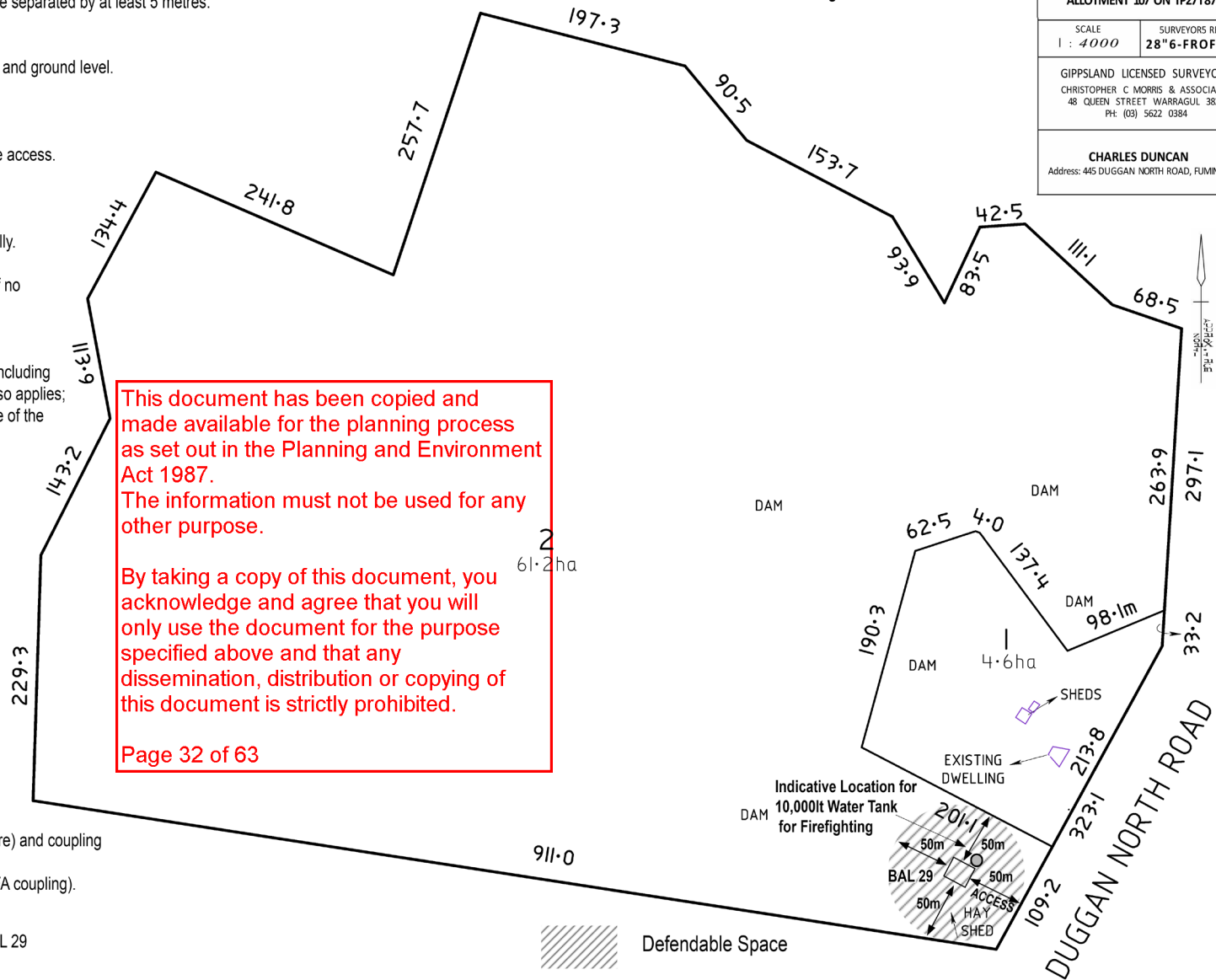
The Dwelling must be constructed to meet or exceed a Bushfire Attack Level of BAL 29

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Page 32 of 63



PROPOSED SUBDIVISION	
PARISH OF FUMINA CROWN ALLOTMENT 107	
C/T VOL 6725 FOL 958 ALLOTMENT 107 ON TP271877A	
SCALE 1 : 4000	SURVEYORS REF. 28"6-FROF-Y2
GIPPSLAND LICENSED SURVEYORS CHRISTOPHER C MORRIS & ASSOCIATES 48 QUEEN STREET WARRAGUL 3820 PH: (03) 5622 0384	
CHARLES DUNCAN Address: 445 DUGGAN NORTH ROAD, FUMINA	

Defendable Space



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Page 33 of 63

445 Duggan North Road

FUMINA

TWO LOT SUBDIVISION

PLANNING PERMIT

APPLICATION



**GIPPSLAND LICENSED SURVEYORS PTY LTD  
(J.P. NEILSON & ASSOCIATES P/L)  
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Page 34 of 63

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# CONTENTS

- 1.0 | INTRODUCTION .....3**
- 1.1 EXECUTIVE SUMMARY.....4
- 2.0 | SUBJECT SITE OVERVIEW & ANALYSIS.....5**
- 2.1 GENERAL OVERVIEW .....5
- 2.2 EXISTING BUILT FORM, SITE FEATURES, USE & ACCESS .....5
- 2.3 ADJOINING LAND & SURROUNDING CONTEXT .....6
- 2.4 ENCUMBRANCES ON TITLE.....6
- 2.5 RELEVANT PLANNING HISTORY OF SITE .....7
- 2.6 AVAILABILITY OF UTILITY SERVICES .....8
- 2.7 VEGETATION .....8
- 3.0 | DEVELOPMENT PROPOSAL.....9**
- 3.1 PROPOSAL OVERVIEW & DESIGN RESPONSE .....9
- 3.2 SUBDIVISION DESIGN .....10
- 3.3 SERVICING & ACCESS .....11
- 3.4 VEGETATION .....11
- 4.0 | PLANNING CONTROLS & ANALYSIS .....12**
- 4.1 SITE ZONING .....12
- 4.2 SITE OVERLAYS .....13
- 4.3 ABORIGINAL CULTURAL HERITAGE SENSITIVITY.....17
- 4.4 BUSHFIRE CONTROLS .....18
- 4.5 VICTORIAN & LOCAL PLANNING POLICY FRAMEWORK.....19
- 5.0 | DECISION GUIDELINES .....23**
- 6.0 | CONCLUSION.....30**

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Page 35 of 63





# 1.0 | INTRODUCTION

This Planning Application Report has been prepared at the request of [REDACTED] in support of a proposed Subdivision of land known as 445 Duggan North Road, Fumina (C.A. 107, Parish of Fumina; land in TP271877A).

The proposal seeks to facilitate a subdivision for the purposes of excising the existing dwelling onto an allotment with sufficient area to maintain a defensible space buffer from the surrounding forestry land; the remainder of the farm will exist as a large balance allotment. It is the strictly intention of this Application to NOT create additional potential for dwellings on land subject to this application.

This subdivision is proposed in accordance with the adopted Planning Documents that apply to the land. This report addresses the provisions of the Farming Zone (FZ) and Particular Provisions as contained within the *Baw Baw Shire Planning Scheme*.

In addition, the subdivision design provides positive responses to **Clause 02.02 Vision**, **Clause 13.01 Climate Change Impacts**, and **Clause 13.02 Bushfire** of the Baw Baw Planning Scheme to ensure the protection of human life has been appropriately considered for how the land is currently used, and may be used into the future, considering land use may change from agriculture to timber harvesting, which would increase the risk of bushfire to the property in future.

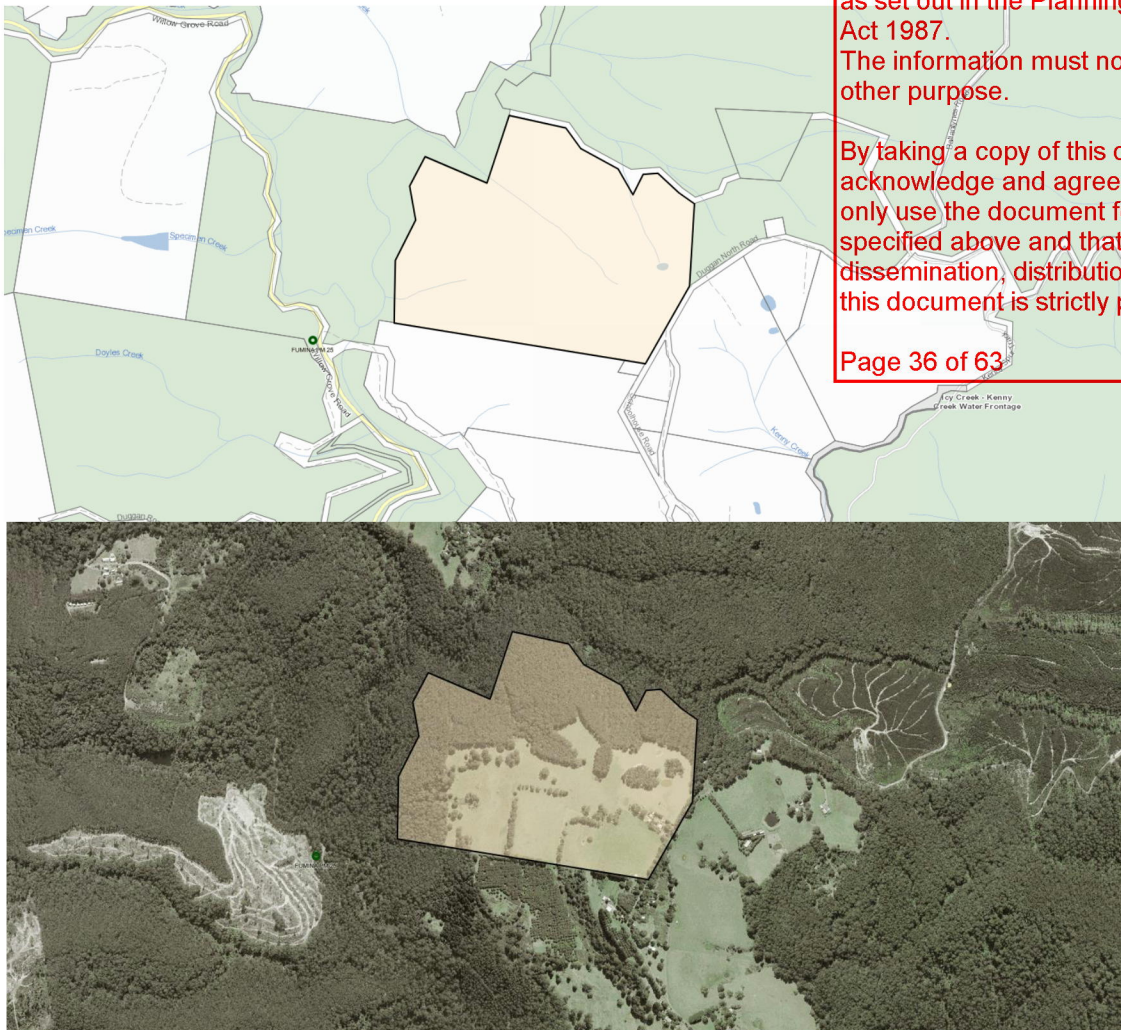
This report was designed to be read in conjunction with the following accompanying documents:

- Current Certificate of Title & Title Diagram
- 'Proposed Subdivision Plan'
- 'Bushfire Management Statement' & 'Bushfire Management Plan' prepared by Fire Front Consultancies

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Page 36 of 63



FIGURES 1 & 2 – MAP VIEWS OF SUBJECT LAND & SURROUNDING PRECINCT (SOURCE: LASSI SPEAR)



## 1.1 EXECUTIVE SUMMARY

TABLE 1 – EXECUTIVE SUMMARY OF APPLICATION

APPLICATION DETAILS	
<b>PROPOSAL</b>	TWO (2) LOT SUBDIVISION
<b>APPLICANT</b>	GIPPSLAND LICENSED SURVEYORS
PROPERTY DETAILS	
<b>PROPERTY ADDRESS</b>	445 DUGGAN NORTH ROAD, FUMINA
<b>LAND DESCRIPTOR</b>	VOL 6725 FOL 958 LAND IN TP271877A PARISH OF FUMINA, C.A. 107
<b>LAND AREA</b>	65.71ha
<b>APPROX. LAND DIMENSIONS</b>	257.7m x 197.3m x 90.5m x 153.7m x 93.9m x 83.5m x 42.5m x 111.1m x 68.5m x 297.1m x 323.1m x 911m x 229.3m x 143.2m x 113.9m x 134.4m x 241.8m
<b>RESTRICTIONS &amp; ENCUMBRANCES ON TITLE</b>	NIL
<b>EXISTING USE</b>	AGRICULTURAL – PRIMARY PRODUCTION (BEEF CATTLE)
PLANNING PROVISIONS	
<b>ZONE</b>	FARMING ZONE
<b>OVERLAYS</b>	DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY – SCHEDULE 1 BUSHFIRE MANAGEMENT OVERLAY EROSION MANAGEMENT OVERLAY ENVIRONMENTAL SIGNIFICANCE OVERLAY – SCHEDULE 2
<b>CULTURAL SENSITIVITY</b>	AREA OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY
<b>BUSHFIRE AREA</b>	BUSHFIRE MANAGEMENT OVERLAY
<b>PARTICULAR PROVISIONS</b>	CLAUSE 14.01 AGRICULTURE
<b>GENERAL PROVISIONS</b>	CLAUSE 65 DECISION GUIDELINES
<b>PERMIT TRIGGERS</b>	CLAUSE 35.07 FARMING ZONE CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY CLAUSE 44.01 EROSION MANAGEMENT OVERLAY CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

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Page 37 of 63





# 2.0 | SUBJECT SITE OVERVIEW & ANALYSIS

## 2.1 GENERAL OVERVIEW

The subject site is known as 445 Duggan North Road, Fumina. The site forms as an irregularly shaped parcel of land with an area of 65.71 ha, on the western side of Duggan North Road in the north-eastern precinct of the Fumina locality.

The site abuts Duggan North Road on a portion of its eastern boundary, accessed directly from Duggan North Road. The site has a frontage of 323m and has multiple access points to access the dwelling, and various portions of the larger farm. The site contains minor creek tributaries and a handful of dams used as part of the farm. On its western and northern sides, the parcel abuts Crown land that is used for forestry purposes.

The Farming Zone (FZ), Environmental Significance Overlay Schedule 2 (ESO2), Erosion Management Overlay (EMO), Bushfire Management Overlay (BMO), and Development Contributions Plan Overlay Schedule 1 applies to the subject site; additionally, the site contains Areas of Aboriginal Cultural Heritage Sensitivity associated with the creeks around the site.

## 2.2 EXISTING BUILT FORM, SITE FEATURES, USE & ACCESS

445 Duggan North Road forms as a residential allotment that is currently used agriculturally for primary production – specifically, the farm grazes beef cattle. The site is accessed directly from Duggan North Road and has a handful of access points. The primary access point forms as a wide formal crossover that turns into a gravel driveway which leads up to the double-storey brick dwelling, with associated structures and amenity including extensive landscaping; secondary access points exist along Duggan North Road that provide access to various portions of the farm. The property is currently divided up to form a number of paddocks with rural fencing to separate them. As the property is used agriculturally, there are a handful of sheds in various locations around the property that are used to provide shelter for stock and to store equipment. There are also various structures located throughout the site including dams, troughs, pipes and pumps used to supply water to the necessary locations throughout the farm. The site contains extensive vegetation akin to patches of forest, approximately half of the site is also covered by the forest which encroaches into the site boundaries.

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Page 32 of 68



PHOTOS 1-4 – PHOTOS DISPLAYING CURRENT USE OF THE LAND, MAINLY AROUND THE DOMESTIC AREA



Traversing the site are a few minor tributaries of Bullocky Creek, and associated wetland areas. The land is undulating and steep in nature, as is characteristic of this mountainous area within the municipality.

### 2.3 ADJOINING LAND & SURROUNDING CONTEXT

The subject site is located in the north-eastern portion of the Fumina locality, within the firmly established forestry area of the Shire. To the north and east of the site are the Noojee State Forest and Tanjil State Forest, and to the west and south of the site is the Neerim State Forest. Fumina and the surrounding settlements, including Tanjil Bren, Tanjil, Neerim North, Icy Creek, Neerim East, Noojee and Toorongu, have historically been a large part of the forestry sector of the Shire, given the substantial State Forest and Plantation areas that largely comprise these localities. Each of these localities has a small settlement area in which residents have established farms or rural lifestyle properties; however the servicing and community facilities available to these areas is minimal, making them largely reliant upon the surrounding larger towns to fulfil the retail, business, education, health and employment needs of the communities. Land in these localities is generally zoned either Farming Zone or for Public Use; much of the land in these areas exists as Crown Land. These areas are protected by the rural and public zoning, such to prevent inappropriate urban development in areas where it cannot be supported, and where the land has been earmarked for ongoing use within the agricultural sector.

The local neighbourhood in the vicinity of the site is varied. As aforementioned, abutting the site to the north, east and west is Crown Land forming part of the Neerim and Tanjil State Forests. Land south and south-east of the site is zoned Farming and generally utilised agriculturally. The immediate vicinity of the site is characterised by a number of other farming properties of various shapes and sizes, the majority existing as being larger than 40ha in size; however a handful of smaller parcels exist at between approximately 0.5ha to 10ha. Many of these properties form part of larger agricultural tenements, whilst a handful are utilised more for lifestyle purposes.

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Page 39 of 63

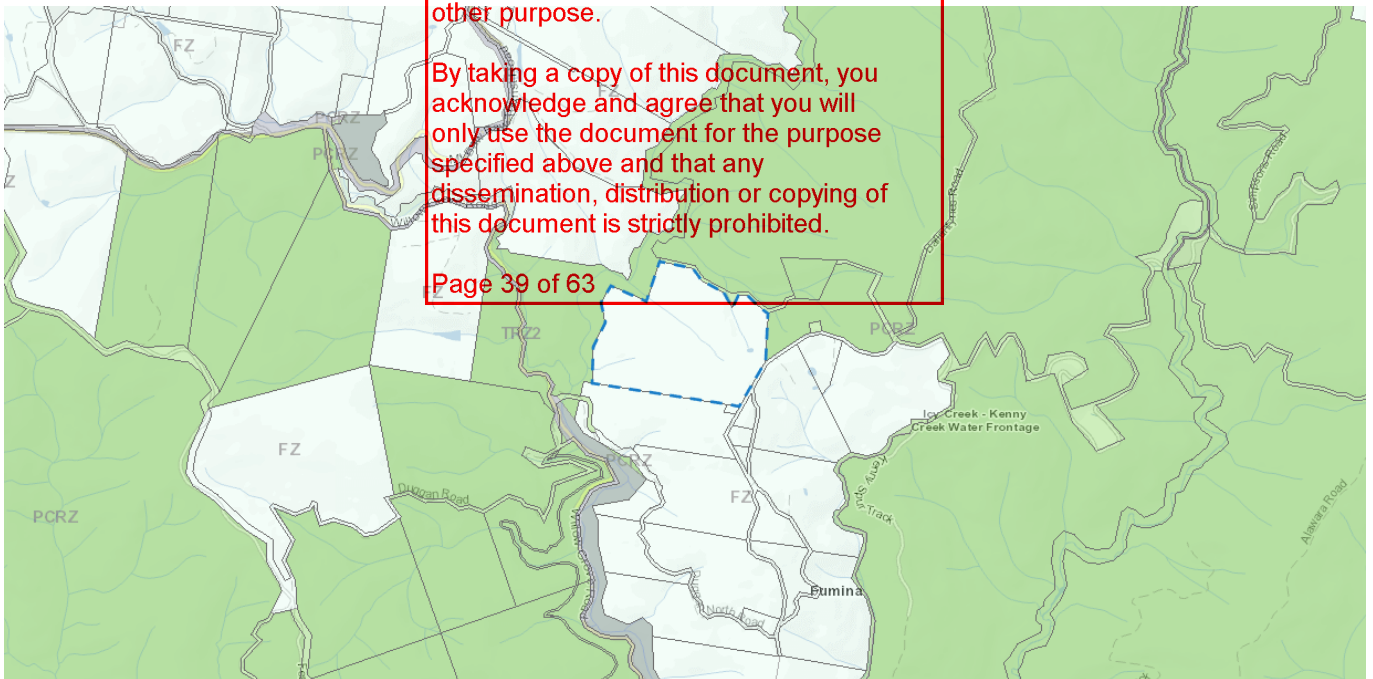


FIGURE 3 - DIAGRAM OF SUBJECT SITE AND ZONING IN SURROUNDING VICINITY (SOURCE: VICPLAN)

### 2.4 ENCUMBRANCES ON TITLE

Land in this Application is not subject to any restrictions nor easements known to Title.





## 2.5 RELEVANT PLANNING HISTORY OF SITE

Land in this Application exists as the original Crown Allotment 107, which was obtained by way of Crown Grant. Since the Crown Grant, there has been no development of the site aside from the construction of the dwelling, associated amenity, and all of the farm infrastructure.

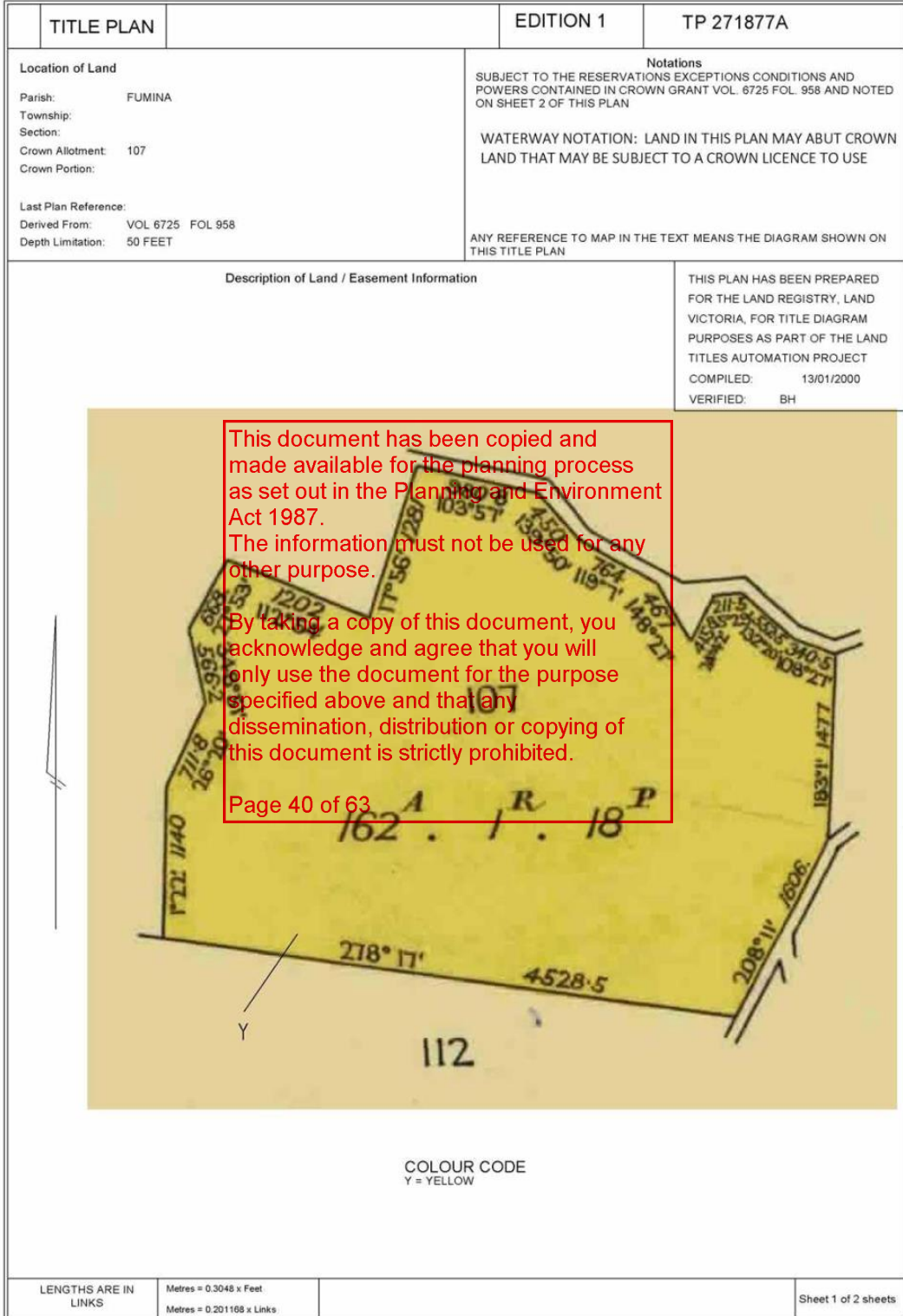


FIGURE 4 – CROWN ALLOTMENT 107 ON TP271877A, SHOWING 445 DUGGAN NORTH ROAD, SUBJECT TO THIS APPLICATION



## 2.6 AVAILABILITY OF UTILITY SERVICES

The subject site has limited access to utilities, given it's location and the limited servicing opportunities available within this area of the Shire.

### ELECTRICITY

Overhead three-phase power supply is provided to the site, to service both domestic needs and agricultural requirements.

### WATER

Reticulated water is unavailable to the area; as such, the dwelling and farm are reliant on rainwater tanks and the dams on the property. This water is then pumped around the property as required.

The site also contains large water tanks specifically for firefighting purposes, located close to the dwelling.

### GAS

Mains gas is unavailable to the site; as such, the dwelling is reliant on bottled gas to service domestic needs.

### SEWER

Sewer is unavailable to the area; as such, the dwelling is reliant on a septic system to treat and detain wastewater.

It is anticipated that any Planning Permit issued to facilitate this development may require the provision of a plumbers report to assess the state of each respective septic system and potentially require works to upgrade the septic if found not to be compliant with the EPA standard.

### TELECOMMUNICATIONS

The site is currently connected to telecommunications.

## 2.7 VEGETATION

As aforementioned, the subject site contains significant vegetation. Given its location abutting State Forest, most of the vegetation on the site is effectively an extension of these forests. The northern half and western third of the property are covered in forest, while the remainder of the site is clearer and more akin to pastureland. Patches of large mature trees are located along some fence lines, and in smaller patches closer to the dwelling. There is also significant landscaping associated with the domestic area.

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Page 41 of 63



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# 3.0 | DEVELOPMENT PROPOSAL

## 3.1 PROPOSAL OVERVIEW & DESIGN RESPONSE

This Application seeks to obtain a Planning Permit for a two (2) Lot Subdivision of the site, in accordance with the Proposed Subdivision Plan. The Application proposes to excise the existing dwelling off onto its own 4.64ha Title, with the remainder of the farm being preserved on a large 61.2ha balance Lot.

The proposed new location of the common boundary practically responds to the existing built form and features of the farm, and the amenity associated with the existing dwelling. The subdivision has been triggered due to the age of the landowner, and his inability to maintain the large farm ongoing; however he wishes to remain living on the land. It is anticipated that the balance farm Lot will be sold, with it's ongoing use to be solely for agriculture – either grazing cattle or forestry, as these are the most suitable uses for the land's soil profile. Due to the high bushfire risk to the property, it is anticipated that any Permit issued for this proposed subdivision will include a Condition requiring a Section 173 Agreement on the balance farm Lot, to prohibit any further subdivision, or erection of a dwelling on the Lot. It is strictly not the intention of this Application to create additional potential for dwellings on this land.

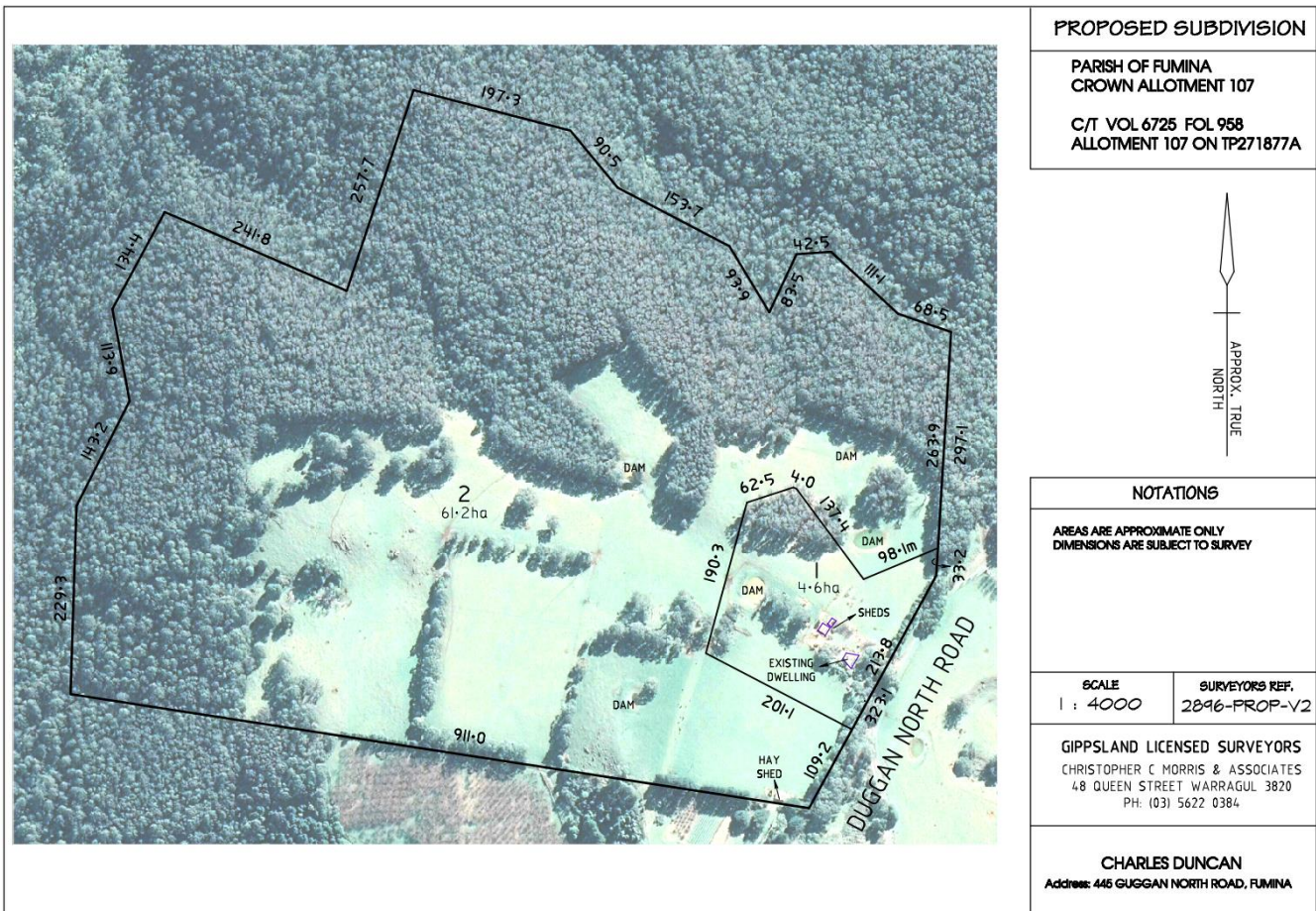


FIGURE 5 – PROPOSED SUBDIVISION PLAN TO BE ENDORSED UNDER THE PERMIT

It is noted that the Farming Zone in which this land is contained specifies a minimum Lot size of 40ha, but states that a permit may be granted to create smaller Lots in certain circumstances – one of which is if "The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision." Land in this Application contains a dwelling, which is proposed to be excised off onto a smaller Title; as such, it meets this criteria and the creation of a Lot smaller than 40ha is permissible.





This Application proposes a Lot area of 4.6ha for the dwelling, which is more than the 2ha maximum preferred Lot size specified for dwellings within the State and Local Policy. The size of the dwelling Lot is proposed such to ensure the ability of the landowner to maintain adequate defendable space to mitigate bushfire risk to the dwelling, as well as provide alternative places of refuge and water source (i.e. dams) in the likely event of a bushfire in the future.

In addition, the subdivision design considers potential future land use of the larger farm Lot. There is strong potential in the future for the agricultural use to change to timber harvesting, particularly with close access to timber mills in Noojee and Powelltown. If this eventuates in the future, the radiant heat generated by a bushfire would be significantly greater near the dwelling, and should be considered in addition to climate change whereby the frequency and intensity of bushfires is modelled to increase due to the impacts of global warming.

The Application is positively substantiated by the Bushfire Assessments developed for the land, which is provided with this Application. An analysis of the State and Local Policy is provided later in this report.

Specifically, this Application is submitted on the premise that the protection of human life should override all other Planning considerations, and is positively substantiated by **Clause 02.02 Vision, Clause 13.01 Climate Change Impacts,** and **Clause 13.02 Bushfire.** An assessment against these Clauses is provided later in this report.

The new Lot boundaries and areas proposed in this Application reflect the existing use of the land and accommodates the amenity associated with the dwelling, whilst also ensuring a dam is kept in the dwelling Lot as well as multiple dams being contained within the farm Lot.

### 3.2 SUBDIVISION DESIGN

#### Proposed Lot 1 (4.6ha)

With approximate dimensions as depicted on the Proposed Subdivision Plan, this proposed Lot has an area of 4.6ha. This Lot will contain the double-storey brick dwelling and all of the infrastructure & amenity associated with that dwelling including the gravel driveway, shedding and outcrops, a portion of paddocks, and one of the dams on the property. A number of significant trees will also be contained within this proposed Lot.

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Page 43 of 63



PHOTOS 5-8 – PROPOSED LOT 1 SHOWN FROM VARIOUS VIEWPOINTS, AND EXISTING ACCESS TO BE RETAINED WITHIN THE LOT



This Lot does not contain any easements known to Title.

#### Proposed Lot 2 (61.2ha)

With approximate dimensions as depicted on the Proposed Subdivision Plan, this proposed Lot has an area of 61.2ha. This Lot will contain all of the infrastructure currently existing on the site in conjunction with the Farm, plus all of the forestry area existing on the site.

This Lot does not contain any easements known to Title.

It is noted that it is a mandatory requirement under **Clause 53.02 Bushfire Planning** for all Lots to show a building envelope for BAL assessment purposes; as such, the 'Bushfire Management Statement' and 'Bushfire Management Plan' accompanying this Application have nominated a building envelope on proposed Lot 2; however a building envelope has not been shown other Application Plans, as it is strictly not the intent of the Application to create additional potential for dwellings on this land.

It is anticipated that a Permit issued for this development will include a Condition requiring the registration of a Section 173 Agreement on this Lot, that prohibits further subdivision to create any additional Lots, and to prohibit the construction of a dwelling on this Lot.

### 3.3 SERVICING & ACCESS

As previously discussed, limited utilities are available to the site given the nature of the area. Overhead electricity and buried telecommunications are already connected to both the dwelling on proposed Lot 1 and the farm in proposed Lot 2. Reticulated water, gas and sewer are unavailable to the area; as such, the land is reliant on bottled gas, septic system, and rainwater tanks. It is not anticipated that this subdivision will trigger any new servicing to be provided, nor any upgrades to the existing servicing to the Lots. It is anticipated that a Permit issued for this subdivision will include a Condition requiring a plumber's report or a Baw Baw Shire Septic Tank Maintenance Check List for the existing septic system associated with the dwelling.

Both Lots have existing direct frontage to Duggan North Road, with existing crossovers at locations where safe and adequate sightlines are ensured. It is not anticipated that this subdivision will trigger the requirement for any new crossovers to be constructed, or any upgrades to the existing accesses.

### 3.4 VEGETATION

As aforementioned, the subject site contains significant vegetation. The proposed development is not anticipated to have any adverse impact on any native vegetation on the site, as the boundaries have been sympathetically located in response to the vegetation, and the portion of the new boundary that has potential to impact on vegetation correlates with existing fencing, and therefore any potential impact is existing.

As there is no need to remove vegetation, and the proposal is not anticipated to impact on vegetation, the Application does not trigger the need for assessment under the provisions of **Clause 52.17 Native Vegetation**.

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# 4.0 | PLANNING CONTROLS & ANALYSIS

## 4.1 SITE ZONING

### CLAUSE 35.07 – FARMING ZONE (FZ)

Land in this Application lies within Farming Zone (FZ), as evidenced in the below excerpt from VicPlan.

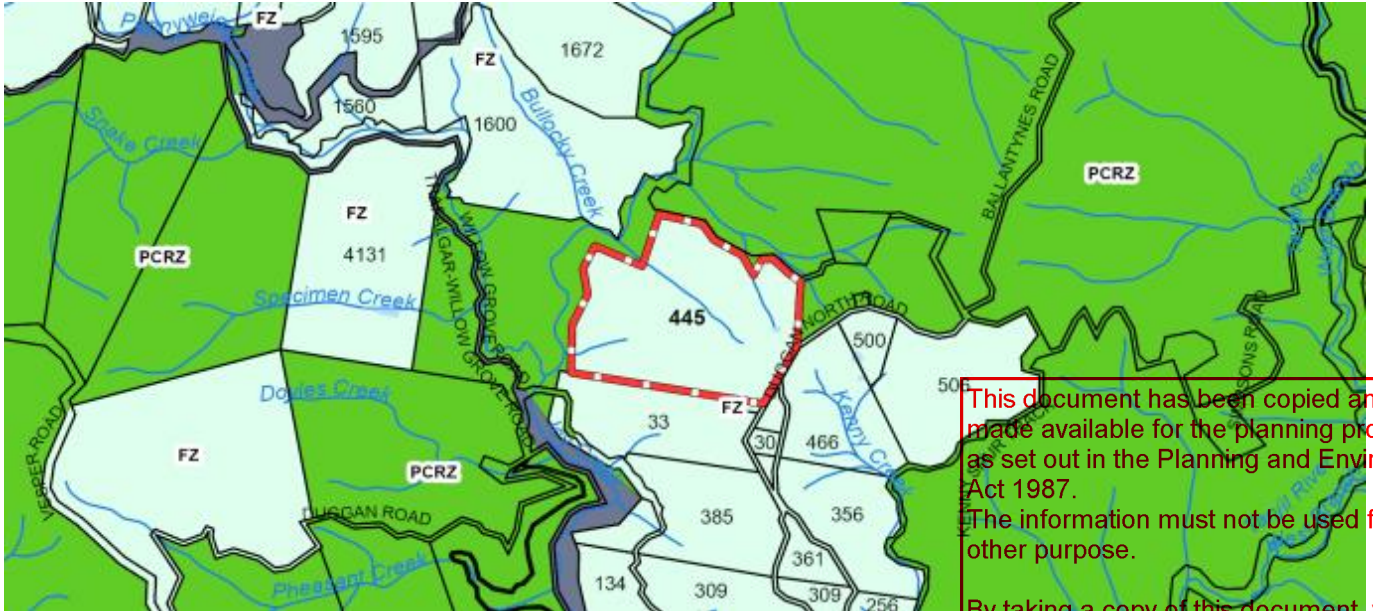


FIGURE 6 – EXCERPT FROM VICPLAN DISPLAYING ZONING OF SUBJECT SITE (SOURCE: VICPLAN)

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Page 45 of 63

The purpose of the Farming Zone (FZ) (Clause 35.07) is:

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

Clause 35.07-3 states that a Permit is required to subdivide land. It stipulates that each Lot must be at least the area specified for the land in the schedule to the zone, which is 40ha; however this Clause states that a Permit may be granted to create smaller Lots in certain instances, including if the subdivision is to create a Lot for an existing dwelling, in which case the subdivision must be a two Lot subdivision. Hand-in-hand with Clause 35.07 is Clause 14.01 Agriculture, which advocates for the protection of the state's agricultural base by preserving productive farmland. In accordance with this Clause, it is proposed that Council impose a Permit Condition requiring for Lot 2 to be subject to a Section 173 Agreement that prohibits further subdivision to create an additional Lot and prevents use of the land for a dwelling. Further assessment of the proposal against this Clause is provided at Section 4.5 of this report.

It is submitted that the proposed development is consistent with the purpose of this zone. Specifically, the development provides for the use of land for agriculture and for the retention of productive agricultural land, by retaining the majority of the land associated with the farm in a singular large Lot. Additionally, the Application proposes new boundaries which serve to ensure that the non-agricultural uses associated with the existing dwelling do not adversely affect the use of the land for agriculture, by providing a significant buffer around the dwelling to provide ongoing separation.

It is not anticipated that the proposed subdivision will cause any adverse amenity impacts to adjacent land.





## 4.2 SITE OVERLAYS

### CLAUSE 42.01 – ENVIRONMENTAL SIGNIFICANCE OVERLAY – SCHEDULE 2

Land in this Application is subject to Schedule 2 of the Environmental Significance Overlay (ESO2), as evidenced in the below excerpt from VicPlan.

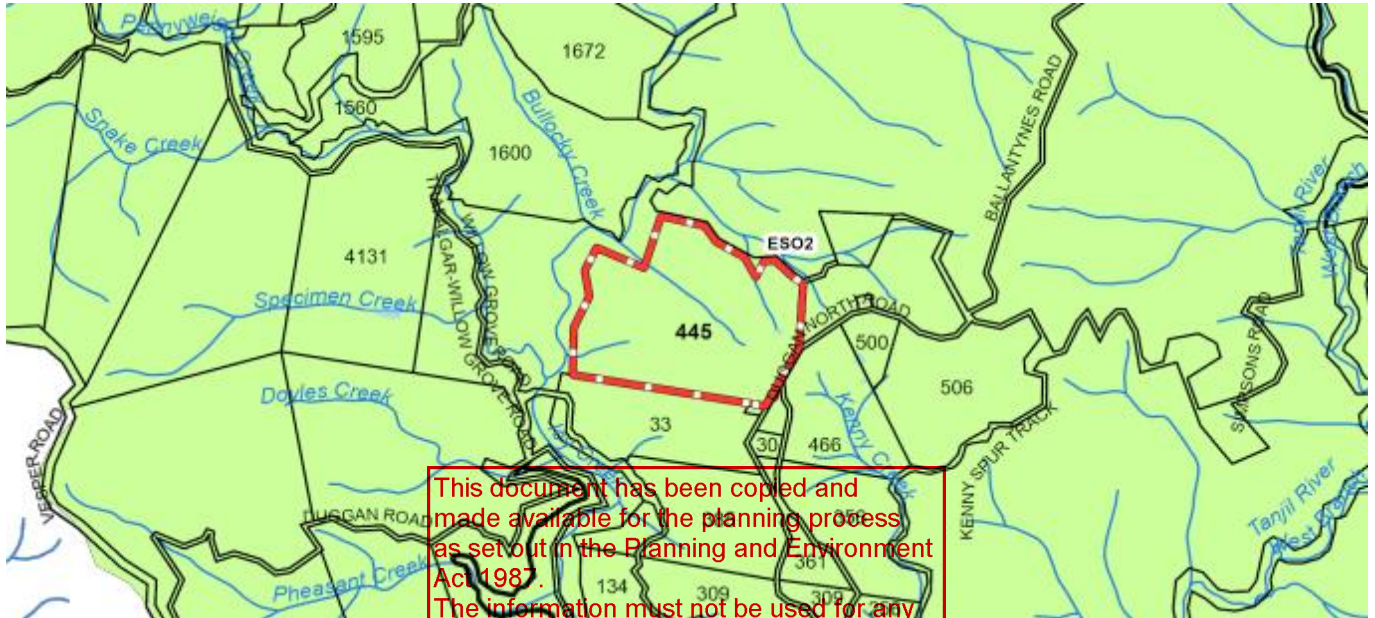


FIGURE 7 - EXCERPT FROM VICPLAN, DISPLAYING ESO2 ON SUBJECT SITE (SOURCE: VICPLAN)

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The purpose of the Environmental Significance Overlay (Clause 42.01) is:

- To implement the Municipal Planning Strategy and the Planning Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Clause 42.01-2 stipulates that a Planning Permit is required to subdivide land within the Environmental Significance Overlay, Schedule 2 applying to the land does not provide an exemption from Permit requirement.

Page 46 of 63

The Statement of Environmental Significance listed at Schedule 2 to Clause 42.01 relates to the management of water supply catchments, and ensuring the quality of the water within these catchments. The Environmental Objective to be achieved is as follows:

*"To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply, while facilitating appropriate development within the Catchment."*

This proposed subdivision will not have any impact on nearby water catchments, given that no construction or works are proposed as part of the Application. Creation of an allotment will not impact upon nearby wetland areas associated with the site.

Given the proposed area for Lot 1, a Land Capability Assessment has not been provided as it is reasonable to conclude that proposed Lot 1 is able to absorb sewage and sullage effluent generated by the dwelling within the Lot boundaries.

It is submitted that the purpose of the overlay is satisfied, and no further Planning consideration is required under this Clause.



CLAUSE 44.01 – EROSION MANAGEMENT OVERLAY

Land in this Application is subject to the Erosion Management Overlay (EMO), as evidenced in the below excerpt from VicPlan.

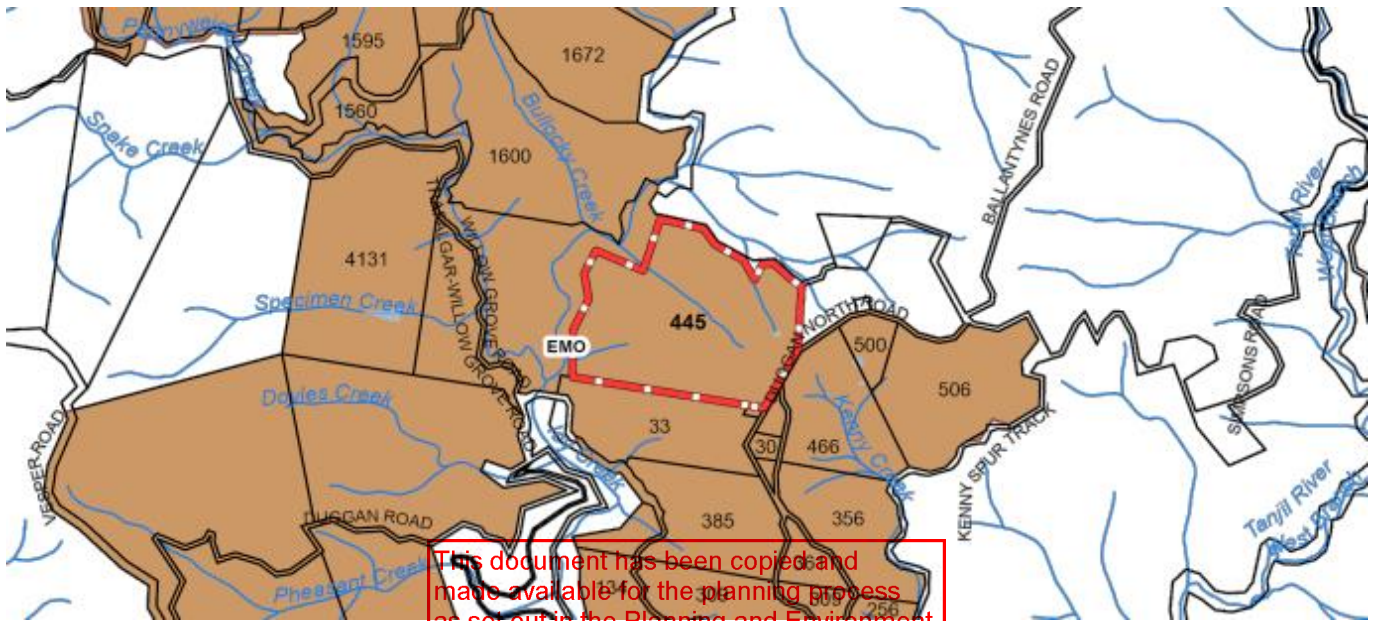


FIGURE 8 - EXCERPT FROM VICPLAN DISPLAYING EMO ON SUBJECT SITE (SOURCE: VICPLAN)

The purpose of the Erosion Management Overlay (Clause 44.01) is:

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

Clause 44.01-5 stipulates that a Planning Permit is required to subdivide land within the Erosion Management Overlay.

The Statement of Risk listed at the Schedule to Clause 44.01 relates to the susceptibility of parts of the Shire to landslip, landslide and slope degradation that could potentially pose a risk to life and property. The Erosion Management Objectives to be achieved are as follows:

- "To ensure development manages the risk to life and property in areas identified as susceptible to landslip, landslide and slope degradation.
- To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.
- To ensure that development is designed and carried out in accordance with the recommendations of expert geotechnical risk assessments where appropriate."

In accordance with the Application Requirements listed at the Schedule to this Overlay this Application is not required to provide a Geotechnical Assessment, Landslip Risks Assessment and Geotechnical Declaration and Verification Form as it is an Application to subdivide land in a rural zone into two Lots.

It is submitted that this Application does not give rise to any additional erosion risk, as it is a subdivision whereby no construction or works are proposed.

It is submitted that the purpose of the overlay is satisfied, and no further Planning consideration is required under this Clause.

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CLAUSE 44.06 – BUSHFIRE MANAGEMENT OVERLAY

Land in this Application is subject to the Bushfire Management Overlay (BMO), as evidenced in the below excerpt from VicPlan.

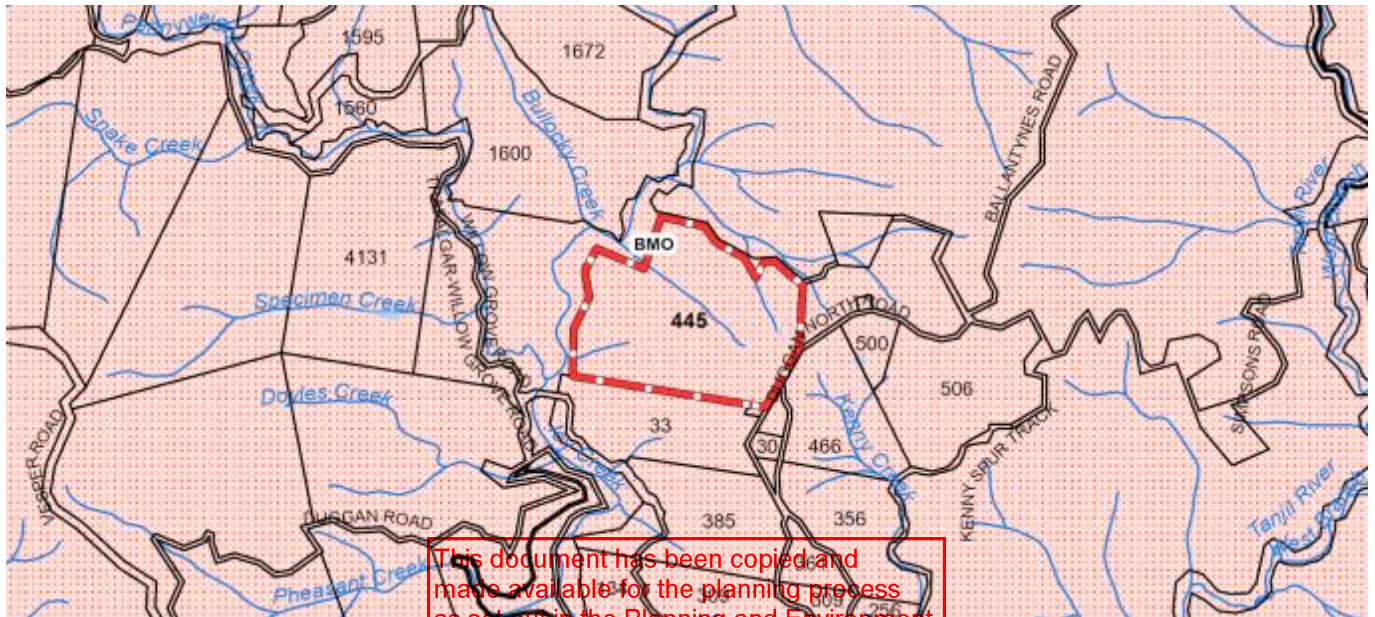


FIGURE 9 - EXCERPT FROM VICPLAN DISPLAYING BMO ON SUBJECT SITE (SOURCE: VICPLAN)

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The purpose of the Bushfire Management Overlay (BMO) (Clause 44.06) is:

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

Clause 44.06-2 stipulates that a permit is required to subdivide land that is affected by a Bushfire Management Overlay, and outlines specific Application requirements at Clause 44.06-3. Clause 44.06-5 provides a Mandatory Condition for subdivision Applications; as previously discussed, it is anticipated that any Permit issued for this subdivision will include a Condition requiring a Section 173 Agreement to be registered on Lot 2 to prohibit further subdivision, and to prohibit the erection of any dwelling on Lot 2.

As is stated at this Clause, it is anticipated that the relevant fire authority will consider that the mandatory Agreement specified at Clause 44.06-5 is not required, if an alternate Agreement is enforced which prohibits any dwelling on the Lot.

Again it is emphasised that Lot 1 in this Application contains an existing dwelling. It is noted that Lot 1 will contain the static water supply proximate to the existing dwelling, as provided by various water tanks, which are specifically purposed for fire fighting and which cumulatively store in excess of 20,000L of water.

In addition, the subdivision design responds to the topography of the land, the location of dams and small stands of native vegetation on the property, and alternate places of fire refuge and water resource, to ensure the land in close proximity to the dwelling can be appropriately managed to mitigate risk to person and property in the event of a bushfire.

It is submitted that the proposed development is consistent with the purpose of this zone. A full assessment against Bushfire Planning and the relevant Clauses is provided below at 'Section 4.4 Bushfire Controls'.





CLAUSE 45.06 – DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY SCHEDULE 1

Land in this Application is subject to Schedule 1 of the Development Contributions Plan Overlay (DCPO1), as evidenced in the below excerpt from VicPlan.

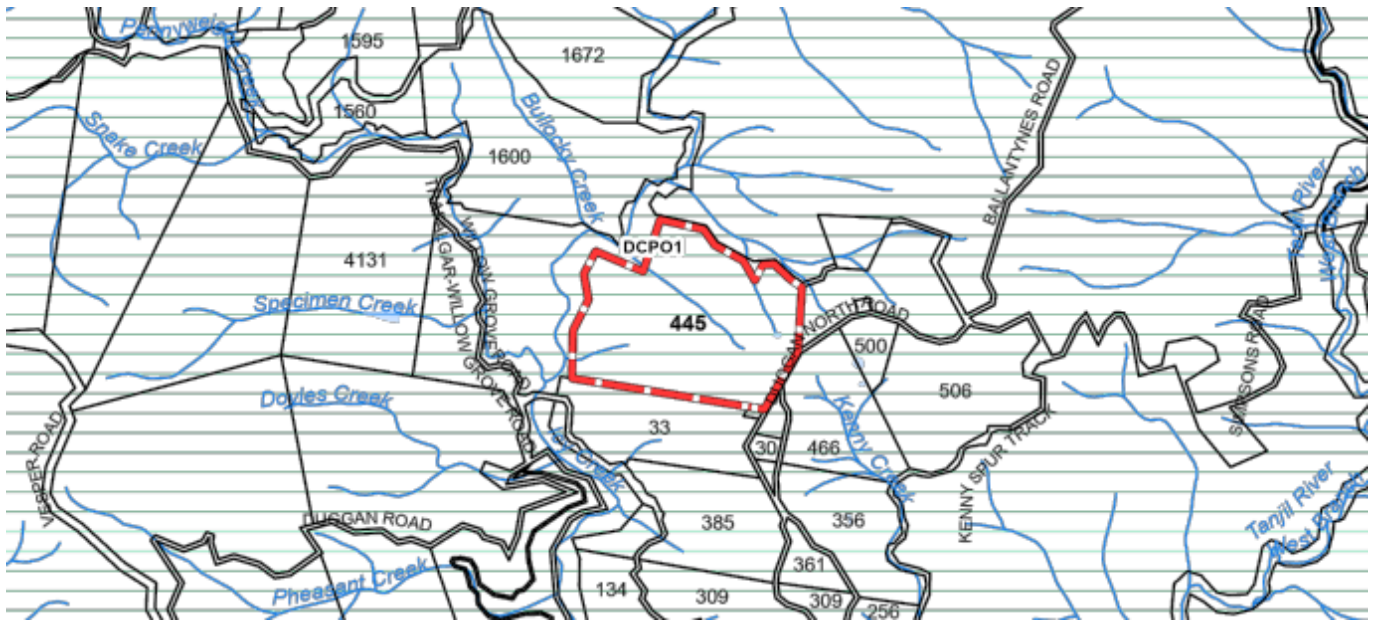


FIGURE 10 - EXCERPT FROM VICPLAN DISPLAYING DCPO1 ON SUBJECT SITE (SOURCE: VICPLAN)

The purpose of the Development Contributions Plan Overlay (Clause 45.06) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

It is acknowledged that the appropriate levy will be required as a Permit Condition in accordance with the requirements of the DCPO1. No further Planning Assessment is required under this Clause.

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Page 49 of 63



### 4.3 ABORIGINAL CULTURAL HERITAGE SENSITIVITY

Land in this Application contains portions of land that has been identified on the Aboriginal Cultural Sensitivity maps, as shown on the below map excerpt from Aboriginal Victoria's Aboriginal Cultural Sensitivity Map online tool.

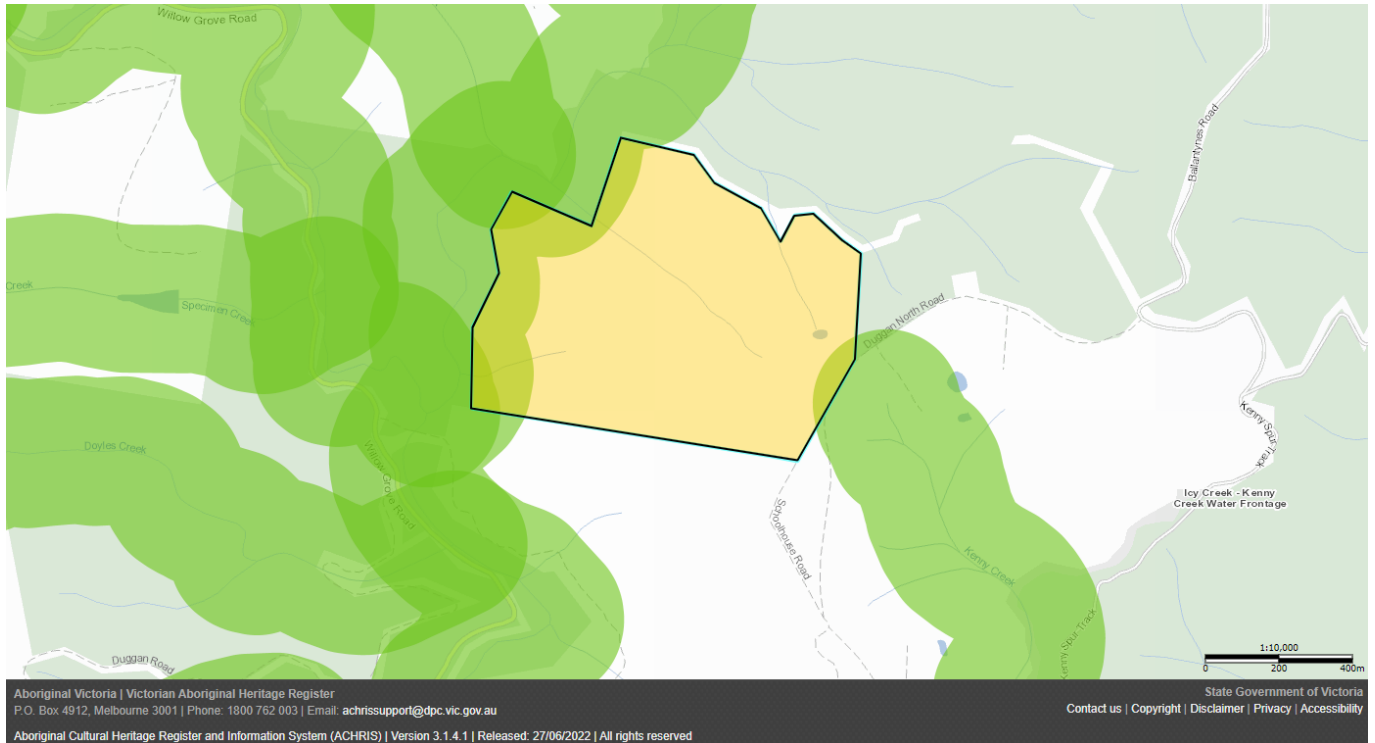


FIGURE 11 – MAP EXCERPT OF SITE WITH ABORIGINAL CULTURAL HERITAGE SENSITIVITY (SOURCE: ACHRIS)

An assessment was undertaken on the site utilising the Aboriginal Victoria exemption questionnaire, and the activity has been found to be an exempt activity given that it is a two Lot rural subdivision that does not involve significant ground disturbance. Furthermore, the area of the property identified as having Cultural Sensitivity is not proximate to the current or proposed common boundary, and therefore not anticipated to be impacted. For these reasons, no further heritage consideration is required.

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Page 50 of 63



## 4.4 BUSHFIRE CONTROLS

As aforementioned at 'Section 4.2 Site Overlays', land in this Application is subject to the Bushfire Management Overlay (BMO). In accordance with Clause 44.06-2, a permit is required to subdivide land that falls within a Bushfire Management Overlay, to ensure that the bushfire risk has been adequately assessed and mitigated. This includes assessing the proposed development against Clause 13.02, Clause 44.06, and Clause 53.02, all of which operate in conjunction with each other.

The objective of **Clause 13.02 Bushfire Planning** is 'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life', with the strategies employed to meet this objective comprising of:

- Protection of human life over all other policy considerations by directing population growth and development to low risk locations and reducing the vulnerability of communities to bushfire through careful Planning consideration.
- Bushfire hazard identification and assessment through the application of best available science, information, and consultation with emergency management agencies and the relevant fire authority to identify bushfire hazards, apply appropriate Planning Overlays and documents, and implement appropriate bushfire protection measures.
- Settlement Planning to direct population growth and development to low risk locations, and to ensure that the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Areas of biodiversity conservation value to ensure that settlement growth and development approvals can implement bushfire protection measure without unacceptable biodiversity impacts.

The purpose of **Clause 44.06 Bushfire Management Overlay** is:

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

The purpose of **Clause 53.02 Bushfire Planning** is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard. To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

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 Page 51 of 63

Under these Clauses, the bushfire hazard to a site must be assessed based on:

- Landscape conditions – conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
- Local conditions – conditions in the area within approximately 1 kilometre of a site;
- Neighbourhood conditions – conditions in the area within 400 metres of a site; and
- The site for the development.

A 'Bushfire Management Statement' and 'Bushfire Management Plan' have been prepared for this proposed subdivision by *Fire Front Consultancies* (provided with this Application). The property has been identified as being within a high-risk landscape, and as such BAL 29 has been considered, but the report outlines that both proposed Lots can achieve BAL 12.5. Under the requirements of **Clause 53.02 Bushfire Planning**, the report has identified a potential development site for proposed Lot 2, as this Clause states that an Application to subdivide land must consider a building envelope for each proposed Lot; however it is again highlighted that the intent of the Application is not to create additional potential for dwellings on the land, and we anticipate this will be ensured by way of a Section 173 Agreement. Additionally, the 'Bushfire Management Statement' positively substantiates the proposed area of Lot 1, to enable the ongoing maintenance of a significant buffer from surrounding vegetation to mitigate bushfire risk.

The Application corroborates independent safety advice, and proceeds on the basis that the protection of human life should override all other policy considerations. Based on these above assessments, it can be reasonably concluded that the objectives of **Clause 13.02-1S** are clearly satisfied.





## 4.5 VICTORIAN & LOCAL PLANNING POLICY FRAMEWORK

### Clause 02 Municipal Planning Strategy

**Clause 02 Municipal Planning Strategy** provides a context for Planning within the Municipality, describing the valued and characteristic aspects of the Shire. It speaks to natural resource management, with particular regard to the rural land of the Shire that largely forms of high quality, highly productive agricultural land, comprising some of the nation's most fertile and productive rural land with extensive existing infrastructure, and potential for further investment and agribusiness. Besides the agricultural sector, the Shire contains other high value habitat areas, high quality water catchments, extensive areas for ecologically sustainable timber production, and highly valued landscapes. Aside from the natural environment, the area is highly desirable for residential living, and is one of the fastest growing and fastest developing regions within the State, currently in a large development boom to accommodate the estimated population growth projected for within 'Victoria in Future, 2019'. The location of the Shire means that it is well serviced along major transport and infrastructure links, with excellent access to services. All of these elements combined sees the Baw Baw region providing a major contribution to the State's economy through agriculture, service industries, administration, health, education, production, and tourism. However, Strategic Planning has identified that the region's productive agricultural land must be protected as a highest priority; as well, the rural character and heritage of the towns of the Shire are so highly valued by the community, and ought to be enhanced and protected even in the midst of the significant population growth the Shire is currently experiencing.

**Clause 02.02 Vision** highlights the '2017-2021 Baw Baw Council Plan' vision for the municipality, being "*Happy, healthy people sharing prosperity and knowledge from living sustainably and in harmony with our rural identity, thriving villages, productive and inspiring landscapes*". It states the objectives listed within that Plan that are relevant to land use planning, including creating "*Vibrant Communities*", "*A Thriving Economy*", and "*Safe and sustainable environments*", with a number of sub-strategies listed below each. Specifically, the strategy "*Safe and sustainable environments*" is relevant to this Application, as the Application proposes a Lot area for proposed Lot 1 that is larger than is typically desirable for dwellings within the Farming Zone, but is strictly necessary to enable the landowner to appropriately manage the bushfire risk to persons and property on the land. Specifically, the Application is supported by the sub-strategies "*Protecting and managing the environment in a sustainable manner taking into account the impacts of climate change and extreme events*" and "*Ensuring community safety and protection*" listed at this Strategy.

**Clause 02.03 Strategic Directions** outlines the main strategic directions for the municipality, that planning should guide towards. Strategic Planning has identified Fumina as a small settlement, earmarked for low growth. The Strategic Directions listed at this Clause call for limited growth for small towns and rural settlements which are subject to servicing constraints, environmental constraints and bushfire risk; this Application directly aligns with the Strategic Directions, by its proposal to restructure the property to create a generous Title for ongoing rural-residential use that has sufficient area to maintain a bushfire buffer, and restricting future development of the large farm Lot. It provides a positive response to the specific context of the area, and through its driving purpose, also works to provide a positive response to the overarching principles listed at **Clause 01 Purposes of This Planning Scheme**, especially the point "*To support responses to climate change*", whereby climate change is exacerbating bushfire conditions, and this Application proposes bushfire mitigation measures.

### Clause 11 Settlement

This Clause highlights the requirement for the anticipation of and response to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. As stated in this Clause in the Planning Scheme, "*Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together*", and further, "*Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services*".

The Settlement objective for Victoria, as described at **Clause 11.01-1S Settlement**, is "*to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements*". An important Strategy listed at this Clause is to "*balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level*". It is submitted that this Application achieves improved land use through its implementation of bushfire mitigation measures, and restriction of future development on the larger farm.

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Also relevant to this Application is **Clause 11.03-5S Distinctive areas and landscapes** which lists "Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas", and "Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas" as key strategies. Through this Application, the large farming Lot will be protected ongoing, for its continued use for agriculture, or forestry, whereby its ecological and biodiversity attributes will be protected from inappropriate uses into the future.

Clause 12 Environmental and Landscape Values

**Clause 12.01 Biodiversity** advocates for the protection and enhancement of Victoria's biodiversity, including key habitat areas. Specifically, this Clause lists as a Strategy to "Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites...". This Application aligns directly with this Clause (and by extension, **Clause 12.01-1L Protection of Baw Baw's biodiversity** and **Clause 12.01-2S Native vegetation management**) as it will, at its essence, work to directly conserve and protect an important biodiversity area. As has been discussed within this report, the subject site contains a significant portion of forest area associated with the surrounding State Forest. The purpose of this Application is to conserve the forest area within the larger farm; furthermore the boundaries proposed through this subdivision have been sympathetically located such to avoid any potential impact on existing vegetation. Furthermore, this Application provides a positive response to the DELWP publication 'Protecting Victoria's Environment – Biodiversity 2037'.

**Clause 12.03 Water Bodies and Wetlands** centres around the protection and enhancement of waterways, and outlines the requirement for careful Planning to protect environmental assets and not compromise the integrity of water bodies and wetlands. As aforementioned, the subject site is adjacent to Bullocky Creek. No adverse impacts to these tributaries and the associated wetlands are anticipated to arise as a result of this Application.

Clause 13 Environmental Risks and Amenities

This Clause highlights the requirement for Planning to "identify, prevent and minimise the risk of harm to the environment, human health and amenity through: Land use and development compatibility; [and] Effective controls to prevent or mitigate significant impacts".

Again it highlighted that the Planning Scheme mandates that the protection of human life overrides all other Planning considerations. Therefore, it is requested that Council consider this Application in line with **Clause 13.01 Climate Change Impacts** and **Clause 13.02 Bushfire Planning**, and consider that these outcomes override the preferred Lot size stipulated for a dwelling Lot in the Farming Zone.

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Page 59 of 63

**Clause 13.01-1S Natural hazards and climate change** discusses the requirement for Planning "To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning". One of the strategies listed at this Clause is to "Ensure planning controls allow for risk mitigation and climate change adaptation strategies to be implemented". As has been previously discussed within this report, the proposed subdivision is purposed to respond to the existing bushfire risk to the property, and to enable ongoing bushfire mitigation for the resident. Science details how bushfire risk is increasing with climate change, and so Planning should be responsive to this. The proposed subdivision boundaries work to balance bushfire risk mitigation objectives with biodiversity conservation objectives, by protecting the forestry areas whilst also providing a significant bushfire management buffer for the landowner to maintain within the house Lot. By extension, the Application provides a positive response to **Clause 13.02 Bushfire**. Whilst Planning states that development should be directed to low-risk areas, the dwelling and associated amenity and farm on the site are existing, and it would be unreasonable to suggest that the landowner ought to relocate to a lower-risk area; therefore, the next best step is to implement strategies that work to mitigate bushfire risk to the residents. This Application does not propose any change in use or development, and as has been previously stated, the Application supports the use of a Section 173 Agreement being conditioned upon Lot 2 that would prohibit further subdivision to create any additional Lots, and to prohibit the construction of a dwelling on this Lot. Furthermore, it is anticipated that any Permit issued for this subdivision would include the requirement for the Bushfire Management Plan submitted with the Application to be endorsed under the Permit, and included as an annexure to a Section 173 Agreement on the land that would be mandated by the CFA, to ensure that the land is managed in accordance with the Bushfire Management Plan ongoing.



Also relevant to the Application is **Clause 13.04 Soil Degradation**; specifically, **Clause 13.04-2S Erosion and landslip**, due to the Erosion Management Overlay (EMO) that applies to the land. The Application provides a positive response to this Clause, due to its retention of vegetation which will ensure the areas prone to erosion, landslip or other land degradation processes are not exacerbated through the subdivision.

Of particular significance to this Application is **Clause 13.07-1S Land use compatibility**, which lists a key strategy of "Ensure that use or development of land is compatible with adjoining and nearby land uses". It is submitted that the Application responds positively to this Clause. There are no sensitive land uses associated with the properties surrounding the subject site, and no anticipated land use conflicts will arise through this Application, as it does not propose a change in use; furthermore, as has been previously discussed, the forestry area adjacent to the areas of State Forest will be preserved throughout the Application.

#### Clause 14 Natural Resource Management

This Clause explicitly states "Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production".

**Clause 14.01 Agriculture** outlines a State-wide Policy to guide Planning in agricultural areas. **Clause 14.01-1S Protection of agricultural land** is purposed "To protect the state's agricultural base by preserving productive farmland", with a number of strategies listed that are relevant to this Application. This Clause operates in conjunction with **Clause 14.01-1R Protection of agricultural land – Gippsland**, which advocates these outcomes specifically for Gippsland, to aid in growing the state as an important food bowl for Australia and Asia.

**Clause 14.01-1L Dwellings and subdivision in rural areas** applies to all land in the Farming Zone. An objective listed at this Clause is "To ensure that the development of dwellings and subdivision, including the creation of small lots for existing dwellings, minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production". In the publication 'Assessment of Agricultural Quality of Land in Gippsland' (Swan & Volum, 1984), land in this Application has been classified as being Class 4, capable of extensive grazing but generally unsuitable for cropping. An excerpt from this publication is provided below. This puts it on the lower end of the scale of soil quality. Currently, the land is being used for exactly the purpose of extensive grazing. In accordance with this classification, it is submitted to Council that it is an acceptable outcome to create proposed Lot 1 at 4.6ha, which is larger than what Council typically desire for dwelling Lots in Farming Zone – the Policy Guidelines listed further down at this Clause encourages dwelling Lots to be a maximum of 2ha, however Council must consider these guidelines as relevant and recognise the flexibility allowed.

State Planning Policy requires that the protection of human life overrides all other Planning Considerations; the creation of proposed Lot 1 being larger than the preferred maximum, will aid in contributing to the protection of human life and considers the impacts of climate change. Therefore the area of proposed Lot 1 is considered appropriate.

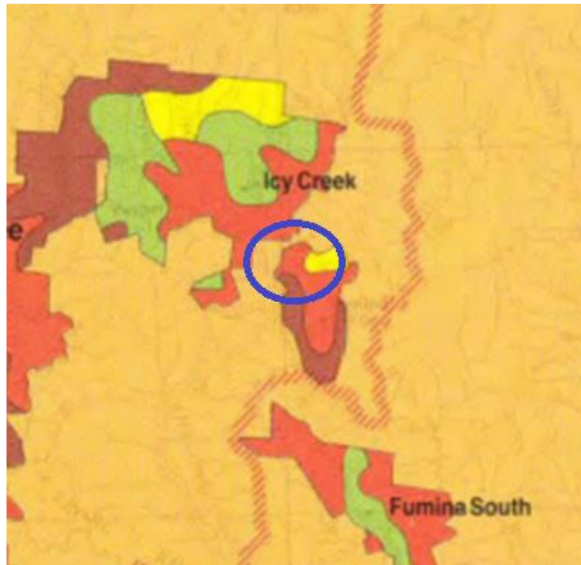
It is submitted that creating Lot 1 at this size will not remove any productive agricultural land from farming, as the land has been identified as not particularly productive; furthermore, it is reiterated that this Lot is proposed at this size to allow for ongoing maintenance of a bushfire buffer. This Application will not result in adverse amenity impacts or result in potential for further subdivision or dwellings, as it is anticipated that a Permit for this development will require a Section 173 Agreement to be registered on Lot 2 to prohibit further subdivision or dwellings. The Application retains a large Lot and does not result in fragmentation of a large farm holding or abandonment of primary production on the land, as it will assist in the current landowner being able to manage his land in a more sustainable manner ongoing. It is anticipated that proposed Lot 2 will be sold, in which case it is anticipated that the future use of the land will be associated with agriculture ongoing – either cattle grazing (as is the current use), or forestry; these two uses are the most suitable for this specific soil classification.

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CLASSES OF AGRICULTURAL QUALITY.		
CLASS 1 (Highest Quality)		Class 1 land is the most versatile with the highest inherent productivity. It is capable of the majority of agricultural uses or is very highly productive pasture land under flood irrigation. The growing season is 12 months or 11 months with readily utilized underground water.
CLASS 2		Class 2 land is highly versatile but has a lower level of inherent productivity than Class 1. It is capable of the majority of agricultural uses but requires greater inputs than Class 1 land to achieve high production. The growing season is at least 11 months or 10 months with readily utilized underground water.
CLASS 3		Class 3 land generally is of limited versatility but is very good dairying and grazing land. It is sometimes suitable for orchards and extensive area cropping but not suitable for intensive uses such as vegetable growing. Sub-class 3a is suitable for more intensive uses providing particular care is taken to prevent soil erosion, or supplementary irrigation overcomes moisture limitations in the summer. The growing season is at least 10 months or 9 months with readily utilized underground water.
CLASS 3a		
CLASS 4		Class 4 land is capable of extensive grazing but is generally unsuitable for cropping. Sub-class 4a land is suitable for intensive market gardening but supplementary irrigation, high levels of fertilizer and erosion prevention measures are necessary. The growing season is at least 9 months or 8 months with readily utilized underground water.
CLASS 4a		
CLASS 5 (Lowest Quality)		Class 5 land is marginal agricultural land either because of steep slopes and thin skeletal soils, very steep slopes or a growing season of less than 9 months.
CLASS 6 (Non-agricultural)		Extractive Industry
		Freehold Forestry
		Public Land
		Urban Areas
		Swamps
		Class 6 land is non-agricultural land because it is unavailable for agriculture.

FIGURES 12 & 13 – EXCERPTS FROM AGRICULTURAL QUALITY OF LAND IN GIPPSLAND, VICTORIA – MAP 1 (SWAN & VOLUM, 1984)

This Application also aligns with **Clause 14.01-2S Sustainable agricultural land use** by ensuring the long-term sustainability of a genuine farming enterprise. Furthermore, the Application also aligns with **Clause 14.01-2L-01 Sustainable agricultural land use in Baw Baw** and **Clause 14.01-2L-02 Agricultural soil protection**.

**Clause 14.01-3S Forestry and timber production** is relevant to this Application as a significant portion of the subject site is covered in forest, and abuts State Forest. Whilst the use of the land is currently associated with cattle grazing, it is submitted that the land may be suitable for plantation timber production in future. The subdivision proposed in this Application makes provision for potential future uses of the land associated with forestry and timber production, whilst still accommodating the current uses of the land. Additionally, the Application ensures that the resident on Proposed Lot 1 is able to appropriately manage his land to mitigate risk in the event of a bushfire, as this Lot has been created at 4.1ha to enable ongoing separation from the nearby forestry area into the future.

The strategies and objectives listed throughout **Clause 14.02 Water** have already been addressed in relation to the Bullocky Creek tributaries and associated wetlands traversing the site.

**Clause 71.02-3 Integrated decision making** in the Baw Baw Planning Scheme outlines that “*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*”. Here, the Applicant requests Council assess the Application on its merits and utilise its discretion in balancing conflicting objectives and policy, to consider the outcome that provides greatest benefit. The Application as proposed has attempted to balance policy guidelines with bushfire mitigation measures and biodiversity conservation; it is submitted that the Application presents a good Planning outcome that considers these elements, along with net community benefit, and does not result in an increased risk to person or property or any productive land being taken out of agriculture.

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Page 55 of 63



# 5.0 | DECISION GUIDELINES

## CLAUSE 35.07-6 – FARMING ZONE (FZ) – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 35.07-6** outline a number of matters that must be considered as appropriate, including:

Considerations	Assessment
<b>GENERAL ISSUES</b>	
The Municipal Planning Strategy and the Planning Policy Framework.	<b>COMPLIES</b> Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
Any Regional Catchment Strategy and associated plan applying to the land.	<b>COMPLIES</b> The subject site is contained within the West Gippsland Catchment, specifically the Tanjil River catchment. No adverse impacts to the catchment are foreseeable through this Application, and no associated plan applies to the land.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	<b>COMPLIES</b> Land is considered suitable for agricultural production, as is evidenced by it being zoned for Farming. The existing dwelling on proposed Lot 1 has an associated septic system that is in good working order, and will be fully contained within the proposed boundaries of Lot 1.
How the use or development relates to sustainable land management.	<b>NOT APPLICABLE</b> Existing use is not proposed to change. No development proposed.
Whether the site is suitable for the use and development and whether the proposal is compatible with adjoining and nearby land uses.	<b>NOT APPLICABLE</b> Existing use is not proposed to change. No development proposed.
How the use and development makes use of existing infrastructure and services.	<b>NOT APPLICABLE</b> Existing use is not proposed to change. No development proposed.
<b>AGRICULTURAL ISSUES AND THE IMPACTS FROM NON-AGRICULTURAL USES</b>	
Whether the use or development will support and enhance agricultural production.	<b>COMPLIES</b> The proposed subdivision will ensure the ongoing use of the land for agriculture. Existing use is not proposed to change. No development proposed.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	<b>COMPLIES</b> No foreseeable adverse impacts on soil quality. Existing use is not proposed to change. No development proposed.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	<b>NOT APPLICABLE</b> Existing use is not proposed to change. No development proposed. No adverse impacts on adjoining and nearby agricultural uses foreseen.
The capacity of the site to sustain the agricultural use.	<b>COMPLIES</b> It is highlighted that this Application does not propose a change in use, and is for subdivision only.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	<b>COMPLIES</b> Agricultural qualities of the land, including soil quality, access to water and access to rural infrastructure, are considered suitable for the current use, which is grazing.
Any integrated land management plan prepared for the site.	<b>NOT APPLICABLE</b> No integrated land management plan has been prepared for the site.
Whether Rural worker accommodation is necessary having regard to: <ul style="list-style-type: none"> <li>The nature and scale of the agricultural use.</li> <li>The accessibility to residential areas and existing accommodation, and the remoteness of the location.</li> </ul>	<b>NOT APPLICABLE</b> No proposal for Rural worker accommodation within this Application.
The duration of the use of the land for Rural worker accommodation.	<b>NOT APPLICABLE</b> No proposal for Rural worker accommodation within this Application.
<b>ACCOMMODATION ISSUES</b>	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	<b>NOT APPLICABLE</b> No buildings or works proposed.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	<b>NOT APPLICABLE</b> No buildings or works proposed.

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Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	<b>NOT APPLICABLE</b> No buildings or works proposed.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	<b>NOT APPLICABLE</b> No buildings or works proposed.
The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> <li>• A permit for a wind energy facility; or</li> <li>• An application for a permit for a wind energy facility; or</li> <li>• An incorporated document approving a wind energy facility; or</li> <li>• A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul>	<b>NOT APPLICABLE</b> No buildings or works proposed.
The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	<b>NOT APPLICABLE</b> No buildings or works proposed.
<b>ENVIRONMENTAL ISSUES</b>	<b>Act 1987.</b>
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	<b>COMPLIES</b> No foreseeable adverse impacts to soil or water quality.
The impact of the use or development on the flora and fauna on the site and its surrounds.	<b>COMPLIES</b> No foreseeable adverse impacts to flora or fauna.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	<b>COMPLIES</b> No foreseeable adverse impacts vegetation and faunal habitat. No need to revegetate.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	<b>COMPLIES</b> The existing septic system on proposed Lot 1 is located well away from waterways and native vegetation.
<b>DESIGN AND SITING ISSUES</b>	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	<b>NOT APPLICABLE</b> No buildings or works proposed.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	<b>NOT APPLICABLE</b> No buildings or works proposed.
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	<b>NOT APPLICABLE</b> No buildings or works proposed.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	<b>NOT APPLICABLE</b> No buildings or works proposed.
Whether the use and development will require traffic management measures.	<b>NOT APPLICABLE</b> No buildings or works proposed. Use is not proposed to change.
The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the	<b>NOT APPLICABLE</b> No buildings or works proposed.

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 Page 57 of 63





<p>operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>• A permit for a wind energy facility; or</li> <li>• An application for a permit for a wind energy facility; or</li> <li>• An incorporated document approving a wind energy facility; or</li> <li>• A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.</li> </ul>	
<p>The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</p>	<p><b>NOT APPLICABLE</b> No buildings or works proposed.</p>

**CLAUSE 42.01-5 – ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO) – DECISION GUIDELINES**

The Decision Guidelines listed at **Clause 42.01-5** outline a number of matters that must be considered as appropriate, including:

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Considerations	Assessment
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p>	<p><b>COMPLIES</b> Outcomes of this proposal are consistent with State &amp; Local Planning Policy Framework objectives, as described in the assessment provided above.</p>
<p>The statement of environmental significance and the environmental objective contained in a schedule to this overlay.</p>	<p><b>COMPLIES</b> The statement of environmental significance and the environmental objective contained in schedule 2 to the ESO relate to the protection of water supply catchments. High water quality is maintained within these catchments. As this Application does not propose any buildings or works, it is not anticipated that there will be any arising impacts on nearby water catchments.</p>
<p>The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.</p>	<p><b>NOT APPLICABLE</b> No need to remove, destroy or lop vegetation.</p>
<p>The likely impacts of the proposed development on water quality and quality in the water supply catchment.</p>	<p><b>NOT APPLICABLE</b> No building or works proposed.</p>
<p>The potential cumulative impact of development on the quality and quantity of water in the water supply catchment over extended periods of time.</p>	<p><b>NOT APPLICABLE</b> No building or works proposed.</p>
<p>Whether new development proposals will lead to an increase in the amount of nutrients, pathogens or other pollutants.</p>	<p><b>NOT APPLICABLE</b> No building or works proposed.</p>
<p>Whether there is any possibility to relocate subdivision and intensive farming activities away from water supply catchments, especially in the lower parts of water supply catchments near take-off points are appropriate.</p>	<p><b>NOT APPLICABLE</b> No building or works proposed.</p>
<p>Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas (as amended) or any superseding document.</p>	<p><b>NOT APPLICABLE</b> The West Gippsland Regional Catchment Strategy is relevant to the area, however the nature of the proposal means there is no anticipated impact on water catchments.</p>
<p>Consistency of the development activity and land management practices with environmental values and the long term</p>	<p><b>NOT APPLICABLE</b> No development proposed. No environmental impacts or effect to potable water supply anticipated to arise as a result of this Application.</p>



conservation of potable water supply resources.	
The extent to which the impact of development activities in Special Water Supply Catchment areas has been minimised, practically near water supply take-off points and storage reservoirs.	<b>NOT APPLICABLE</b> No development proposed. No foreseeable impacts to water supply take-off points or storage reservoirs.
The cumulative impact of development on Special Water Supply Catchments over an extended time period having regard to both climate variability and anticipated reduced inflows in catchments.	<b>NOT APPLICABLE</b> No development proposed. No foreseeable impact to climate variability or water catchments.
The extent to which the proposal meets best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient, pathogenic and sediment flows.	<b>COMPLIES</b> This proposed subdivision will create a boundary that ensures that the septic system associated with the existing dwelling is contained within the same Lot as the dwelling, to ensure it meets the appropriate requirements.
The views of the relevant water board or water supply authority under Section 55 of the Planning and Environment Act 1987.	<b>NOT APPLICABLE</b> No comments from the relevant authority.

**CLAUSE 44.01-8 – EROSION MANAGEMENT OVERLAY – DECISION GUIDELINES**

The Decision Guidelines listed at **Clause 44.01-8** outline a number of additional matters that must be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	<b>COMPLIES</b> Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
Regional Catchment Strategy (Catchment and Land Protection Act 1994).	<b>NOT APPLICABLE</b> The West Gippsland Regional Catchment Strategy is relevant to the area, however the nature of the proposal means there is no anticipated impact on water catchments.
Civil construction, building and demolition guide (Publication 1834, Environment Protection Authority, November 2020).	<b>NOT APPLICABLE</b> No construction is proposed.
Control of Erosion on Construction Sites, Soil Conservation Authority.	<b>NOT APPLICABLE</b> No construction is proposed.
Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.	<b>NOT APPLICABLE</b> No development proposed in proximity to a dam.
Any proposed measures to manage concentrated runoff and site drainage.	<b>NOT APPLICABLE</b> No construction is proposed.
Any proposed measures to minimise the extent of soil disturbance.	<b>NOT APPLICABLE</b> No significant soil disturbance anticipated.
Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.	<b>NOT APPLICABLE</b> No vegetation is proposed to be removed as part of this development.
The need to stabilise disturbed areas by engineering works or revegetation.	<b>NOT APPLICABLE</b> No significant soil disturbance anticipated.
Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.	<b>NOT APPLICABLE</b> Lot 1 in this Application contains an existing dwelling; Lot 2 in this Application is proposed to be subject to a Section 173 Agreement that prohibits the development of a dwelling. No erosion concern caused by the proposed subdivision.
Whether buildings or works are likely to cause erosion or landslip.	<b>NOT APPLICABLE</b> No erosion or landslip anticipated to be caused.
Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.	<b>NOT APPLICABLE</b> No erosion or landslip anticipated to be caused.
Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.	<b>NOT APPLICABLE</b> No Land Capability Report has been prepared as it is not required, given that the smallest Lot (Lot 1) is larger than 1ha and has a minimum area of 1000sqm.

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The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.	<b>NOT APPLICABLE</b> No vegetation is proposed to be removed as part of this development.
Any technical information or reports required to be provided by a schedule to this overlay.	<b>NOT APPLICABLE</b> No technical information or reports required.
The recommendations of the Geotechnical Assessment, any Landslip Risk Assessment and any other information accompanying the application.	<b>NOT APPLICABLE</b> No other matters specified in the schedule.
The advice of any Geotechnical Practitioner who has reviewed the application (if applicable).	<b>COMPLIES</b> Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The risks to life and property, as determined by an appropriately qualified and experienced Geotechnical practitioner, associated with non-compliance with any conditions of any permit which may be subsequently issued.	<b>NOT APPLICABLE</b> The West Gippsland Regional Catchment Strategy is relevant to the area, however the nature of the proposal means there is no information to be used for any other purpose.

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Page 60 of 63

CLAUSE 44.06-8 – BUSHFIRE MANAGEMENT OVERLAY – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 44.06-8** outline a number of additional matters that must be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	<b>COMPLIES</b> Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above. The proposal has been designed to prioritise protection of human life and safety and considers the impacts of climate change and land use.
Any other matters specified in a schedule to this overlay.	<b>NOT APPLICABLE</b> Land in this Application is not subject to the Schedule to this overlay.

CLAUSE 53.02-4.5 – BUSHFIRE PLANNING – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 53.02-4.5** outline a number of matters that must be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	<b>COMPLIES</b> Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above. The proposal has been designed to prioritise protection of human life and safety.
The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	<b>COMPLIES</b> Analysis provided within 'Bushfire Management Statement' prepared by Fire Front Consultancies, supplied with this Application.
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.	<b>COMPLIES</b> Analysis provided within 'Bushfire Management Statement' prepared by Fire Front Consultancies, supplied with this Application.
Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.	<b>COMPLIES</b> The proposal meets the specified objectives. Analysis provided within 'Bushfire Management Statement' prepared by Fire Front Consultancies, supplied with this Application.
Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	<b>COMPLIES</b> Proposed 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	<b>COMPLIES</b> Analysis provided within 'Bushfire Management Statement' prepared by Fire Front Consultancies, supplied with this Application.





constraint that prevents the applicable approved measure from being implemented.	
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.	<b>COMPLIES</b> Analysis provided within 'Bushfire Management Statement' prepared by Fire Front Consultancies, supplied with this Application.
Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	<b>NOT APPLICABLE</b> Land in this Application is not subject to the Schedule to the Bushfire Management Overlay.

**CLAUSE 65.02 – APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND – DECISION GUIDELINES**

The Decision Guidelines listed at **Clause 65.02** outline a number of additional matters that must be considered as appropriate, including:

Considerations	Assessment
The suitability of the land for subdivision.	<b>COMPLIES</b> The land is considered suitable.
The existing use and possible future development of the land and nearby land.	<b>COMPLIES</b> Existing use of the land is associated with agricultural purposes. Use of surrounding land is zoned for farming, or for Public Conservation and Resource.
The availability of subdivided land in the locality, and the need for the creation of further lots.	<b>COMPLIES</b> This Application is not triggered by the need to make subdivided land available in the locality, but rather to ensure that Proposed Lot 1 can continue to maintain preferable space around the existing dwelling if Proposed Lot 2 were to be transferred into new ownership in future.
The effect of development on the use and development of other land which has a common means of drainage.	<b>COMPLIES</b> No foreseeable adverse impacts.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	<b>COMPLIES</b> The subdivision has been designed to consider the existing built form on proposed Lot 1.
The density of the proposed development.	<b>COMPLIES</b> The density is considered suitable.
The area and dimensions of each lot in the subdivision.	<b>COMPLIES</b> The Application proposes lot sizes that are consistent in size with the neighbourhood pattern already established, and appropriate given the driving triggers of the Application.
The layout of roads having regard to their function and relationship to existing roads.	<b>COMPLIES</b> No additional road proposed to be created. Both proposed Lots have frontage to Duggan North Road.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	<b>COMPLIES</b> The proposed Lots have all been designed to facilitate forward vehicle movements. Both Lots have direct frontage to the road.
The provision and location of reserves for public open space and other community facilities.	<b>NOT APPLICABLE</b> No reserves or other community facilities proposed as part of this development.
The staging of the subdivision.	<b>NOT APPLICABLE</b> This is not a staged subdivision.
The design and siting of buildings having regard to safety and the risk of spread of fire.	<b>NOT APPLICABLE</b> No additional buildings proposed.
The provision of off-street parking.	<b>COMPLIES</b> Both Lots have existing provision for off-street parking.
The provision and location of common property.	<b>NOT APPLICABLE</b> No common property proposed in this development.
The functions of any body corporate.	<b>NOT APPLICABLE</b> No common property proposed in this development.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	<b>COMPLIES</b> Existing infrastructure available to the site is limited. Both Lots are connected to electricity.

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<i>If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewerage and sillage within the boundaries of each lot.</i>	<b>COMPLIES</b> Sewer is unavailable to the area. The existing dwelling on proposed Lot 1 has a septic system that is in good working order, and is wholly contained within the boundaries of proposed Lot 1.
<i>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</i>	<b>COMPLIES</b> This subdivision does not propose the removal of any native vegetation.
<i>The impact the development will have on the current and future development and operation of the transport system.</i>	<b>NOT APPLICABLE</b> No impacts are anticipated.

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Page 62 of 63

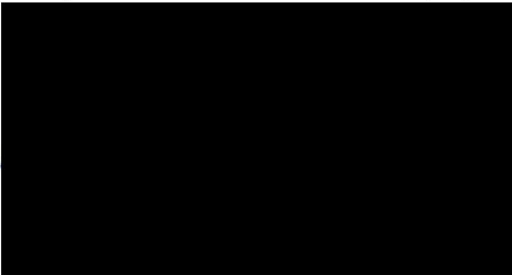


## 6.0 | CONCLUSION

For reasons stated in this report, the proposed development is considered to accord with all relevant provisions of the Farming Zone, and Particular Provisions of the Baw Baw Planning Scheme, including Development Contributions Plan Overlay, Environmental Significance Overlay, Erosion Management Overlay, and Bushfire Management Overlay. The proposal is considered consistent with State and Local Policy, as is detailed in the relevant sections of this report, and has been designed in conjunction with the character and pattern of development in the area.

The Application has been prepared to provide a positive response to natural hazards caused by climate change impact. The size of the proposed dwelling Lot ensures that there is adequate separation between the existing dwelling and surrounding vegetation, and also ensures that a number of water sources are kept within the dwelling Lot, should they be required for firefighting purposes. The design of proposed Lot 1 will enable the landowner to appropriately manage his land ongoing. The consideration to the protection of human life above all other Planning matters, should form the basis of the assessment of this Application.

We respectfully request that Council consider the merits of this Application, and resolve to issue a Planning Permit in a timely manner such to facilitate the proposal.



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Page 63 of 63