Application for Planning Permit for a Subdivision

Supplied by

Submitted Date 01/08/2025

Application Details

Application Type	Planning Permit for a Subdivision Version 1
Applicant Reference Number	4053 Wood (Ver 2)
Responsible Authority Name	Baw Baw Shire Council
Responsible Authority Reference Number(s)	(Not Supplied)
SPEAR Reference Number	S253284A
Application Status	Submitted
Planning Permit Issue Date	NA
Planning Permit Expiry Date	NA

The Land

Primary Parcel

27 BORONIA RISE, TRAFALGAR EAST VIC 3824
Lot 5/Plan PS406553
SPI 5\PS406553
CPN 504

Zone:	32.03 Low Density Residential
Overlay:	45.06 Development Plan Contributions
	44.06 Bushfire Management

The Proposal

Plan Number	(Not Supplied)
Number of lots	2
Proposal Description	Two Lot subdivision
Estimated cost of the development for which a permit is required $	0

Existing Conditions

Existing Conditions Description	Low Density Residential zoned land with single dwelling and associated amenity.
Title Information - Does the proposal breach an encumbrance on Title?	The proposal breaches an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.
Additional comments	Should a Permit be granted, we understand it would include a Condition requiring for the existing s. 173 Agreement affecting the site to be appropriately amended to allow the proposed subdivision.

Applicant Contact

Applicant Contact

Gippsland Licensed Surveyors

Applicant

Applicant

Owner

Owner 1

Owner 2

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 Gippsland Licensed Surveyors

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

VOLUME 10384 FOLIO 722

Security no : 124126648941L
Produced 29/07/2025 05:15 PM

LAND DESCRIPTION

Lot 5 on Plan of Subdivision 406553U.
PARENT TITLES :
Volume 09659 Folio 006 to Volume 09659 Folio 007
Volume 09683 Folio 275
Created by instrument PS406553U 28/05/1998

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987
V660853L 25/09/1998

DIAGRAM LOCATION

SEE PS406553U 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: "BORONIA RISE" 27 BORONIA RISE TRAFALGAR EAST VIC 3824

ADMINISTRATIVE NOTICES

NIL

eCT Control 22016J JP CONVEYANCING WORKS
Effective from 04/07/2024

DOCUMENT END

PLAN OF SUBDIVISION

Stage No. /

LTO use only

EDITION 1

P.S. 406553U

Location of Land

Parish: MOE

Township: ———

Section ———

Crown Allotment: 164C (PART)

Crown Portion: ———

LTO base record: LITHO CHART 9

Title References: VOL 9659 FOL 006
VOL 9659 FOL 007
VOL 9683 FOL 275

Last Plan Reference: LP 202678A (LOT B)

Postal Address: MELALEUCA DRIVE
TRAFALGAR EAST 3824

AMG Co-ordinates: E 430100
(Of approx. centre of plan) N 5770800 Zone 55

Vesting of Roads or Reserves

Identifier	Council/Body/Person
ROAD R1	BAW BAW SHIRE COUNCIL

Council Certification and Endorsement

Council Name: BAW BAW SHIRE COUNCIL

Ref: 396362

1. This plan is certified under section 6 of the Subdivision Act 1988.

~~2. This plan is certified under section 11(7) of the Subdivision Act 1988.~~
~~Date of original certification under section 6 / /~~

~~3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.~~

Open Space

(i) A requirement for public open space under section 18 Subdivision Act 1988 has / ~~has not~~ been made.

~~(ii) The requirement has been satisfied~~

~~(iii) The requirement is to be satisfied in Stage~~

Council Delegate
~~Council seal~~

Date 21 / 1 / 98

Notations

Depth Limitation:
15.24 METRES BELOW THE SURFACE

Staging This ~~is~~/is not a staged subdivision
Planning Permit No. 396362

THE LAND BEING SUBDIVIDED IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES.

LOTS 12-16 & 21-33 ALL INCLUSIVE HAVE BEEN OMMITTED FROM THIS PLAN.

THE LOT A BOUNDARIES 189°09'50" FOR 661.24 AND 279°12'40" FOR 114.77 ARE NOT THE RESULT OF THIS SURVEY.

Survey:- This plan is / ~~is not~~ based on survey.

To be completed where applicable.

This survey has been connected to permanent marks no(s). 98 & 173
In proclaimed Survey Area no. ———

Easement Information

Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1 & E-9	GAS PIPELINE AND ANCILLARY PURPOSES	20.12	C/E 2671014	C/G VOL 7951 FOL 095 (GAS & FUEL CORP.)
E-2	DRAINAGE	6	LP 202677C	LOTS ON LP 202677C
E-3 & E-8	ELECTRICITY SUPPLY	SEE DIAG.	LP 87760	LOTS ON LP 87760
E-4	DRAINAGE	SEE DIAG.	THIS PLAN	BAW BAW SHIRE COUNCIL
E-5, E-9 & E-10	PIPELINE & ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN	CENTRAL GIPPSLAND REGION WATER AUTHORITY
E-5 & E-9	CARRIAGEWAY	SEE DIAG.	THIS PLAN	LOTS ON THIS PLAN
E-6	CARRIAGEWAY	SEE DIAG.	THIS PLAN	CENTRAL GIPPSLAND REGION WATER AUTHORITY
E-7 & E-8	EMERGENCY FIRE ACCESS ONLY	16	THIS PLAN	LOTS ON THIS PLAN
E-11	FOR WATER STORAGE, PIPELINE AND ANCILLARY PURPOSES.	SEE DIAG.	THIS PLAN	CENTRAL GIPPSLAND REGION WATER AUTHORITY
R1	WAY, DRAINAGE, SEWERAGE, GAS, ELECTRICITY, TELEPHONE & WATER.	SEE DIAG.	THIS PLAN	LOTS ON THIS PLAN

LTO use only

Statement of Compliance / Exemption Statement

Received ✓

Date 25 / 5 / 98

LTO use only

PLAN REGISTERED

TIME 10:40 AM DATE 28 / 5 / 98

Assistant Registrar of Titles

Sheet 1 of 5 Sheets

ROSS & WORTH PTY. LTD.
LAND & ENGINEERING SURVEYORS
45 SMITH STREET WARRAGUL (03) 56232257
*26 CONTINGENT ST. TRAFALGAR (03) 56331577
213B PRINCES HIGHWAY MORWELL (03) 51341368

LICENSED SURVEYOR PETER JULIAN MARX

SIGNATURE ——— DATE 18/11/97

REF 3299 VERSION 01

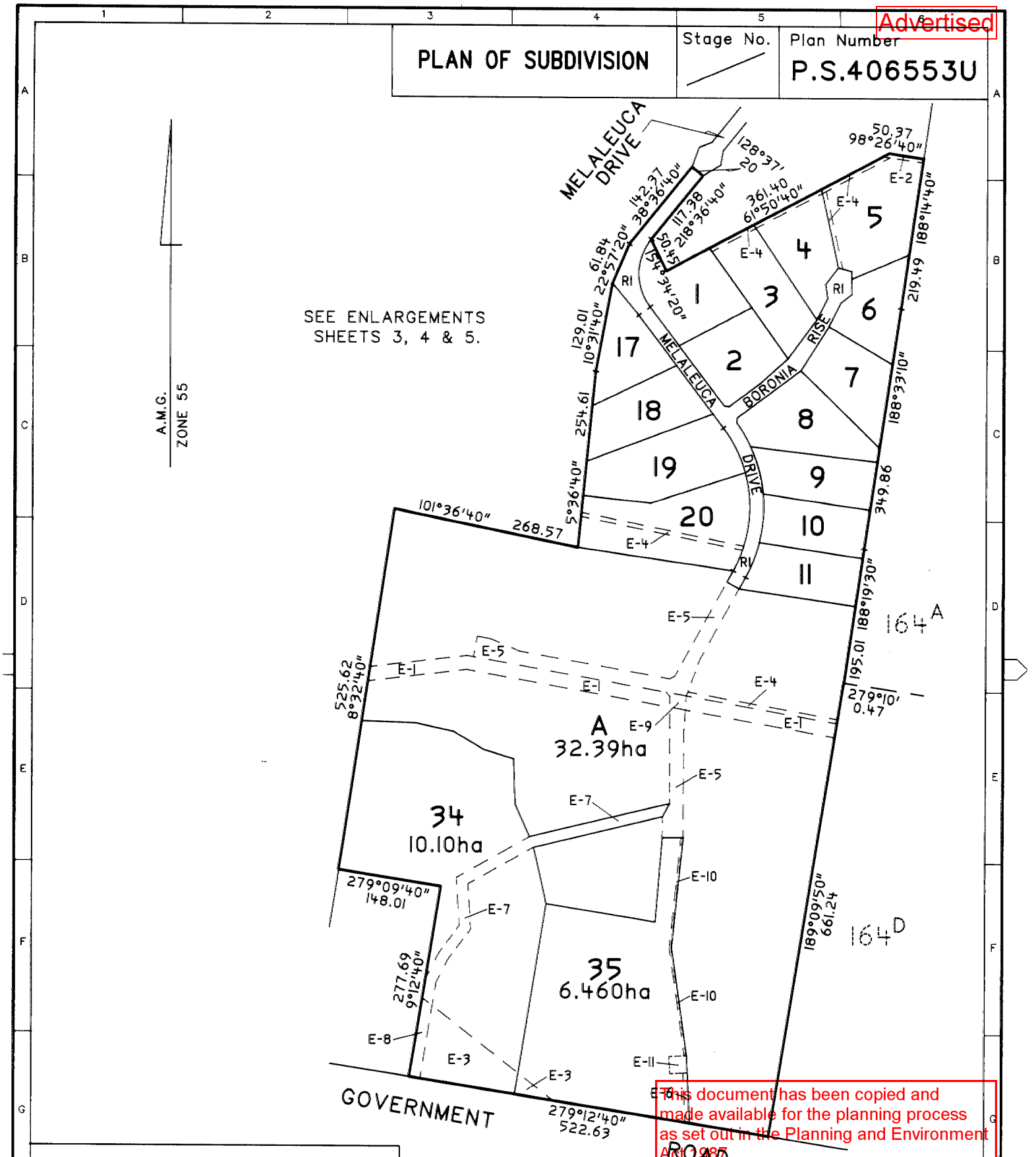
DATE 21/1/98
COUNCIL DELEGATE SIGNATURE

Original sheet size A3

PLAN OF SUBDIVISION

Stage No. /

Plan Number P.S.406553U



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213B PRINCES HIGHWAY MORWELL (03) 51341368

ORIGINAL SHEET SIZE A3 | SCALE 1:5000 | SCALE 50 0 50 100 150 200 LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) PETER JULIAN MARKS

SIGNATURE _____ DATE _____

REF 3299 VERSION 01

SHEET 2 OF 5 SHEETS

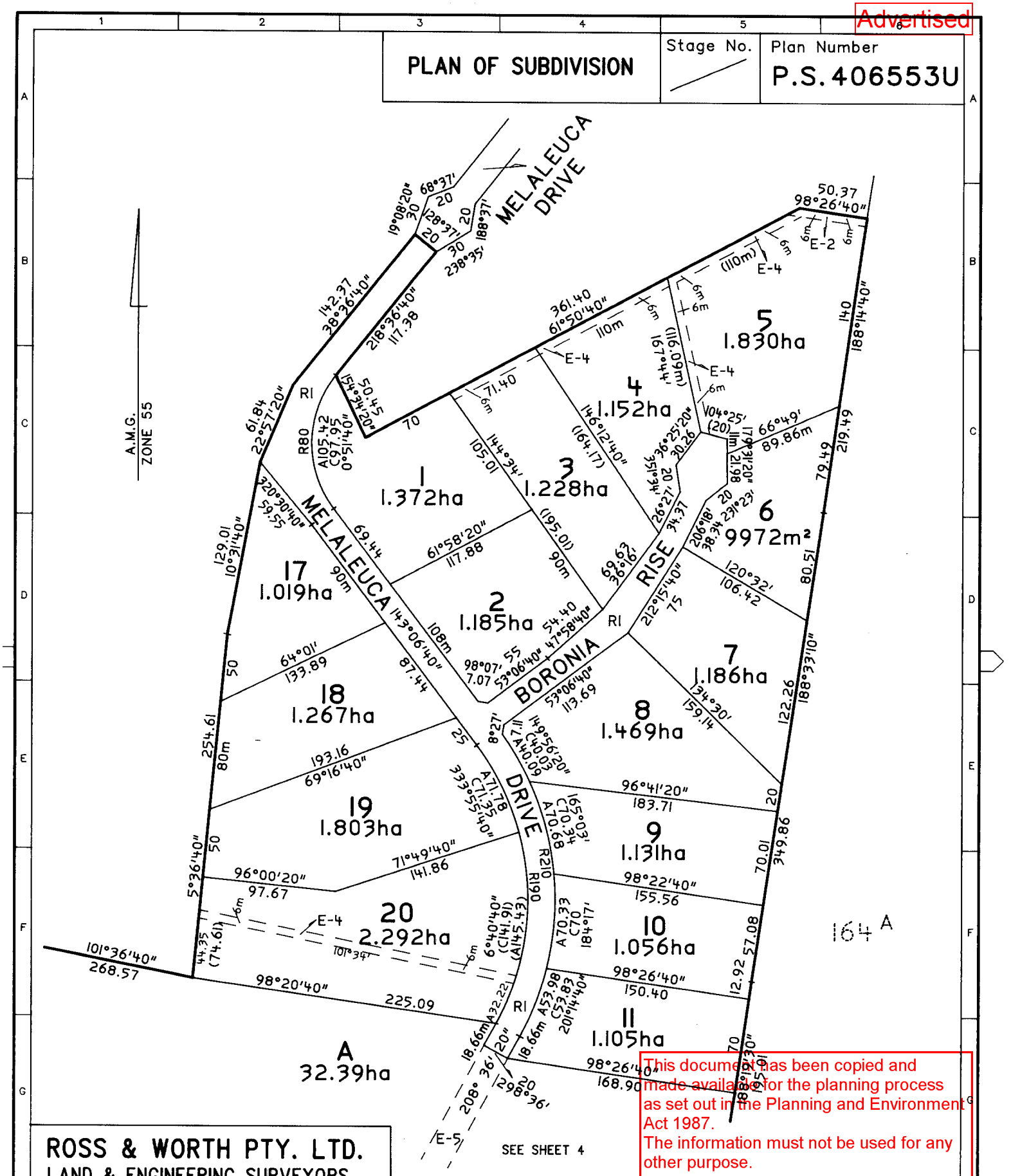
DATE 21/1/98 COUNCIL DELEGATE SIGNATURE

0 10 20 30 40 50 60 70 80 90 100 110mm

PLAN OF SUBDIVISION

Stage No. /

Plan Number P.S.406553U



ROSS & WORTH PTY. LTD.
LAND & ENGINEERING SURVEYORS
45 SMITH STREET WARRAGUL (03) 56232257
* 26 CONTINGENT ST. TRAFALGAR (03) 56331577
213B PRINCES HIGHWAY MORWELL (03) 51341368

ORIGINAL SHEET SIZE A3 | SCALE 1:2500 | SCALE 25 0 25 50 75 100 LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) PETER JULIAN MARX

SIGNATURE ---------- DATE / /

REF 3299 VERSION 01

SHEET 5 OF 5 SHEETS

DATE 2/12/16 COUNCIL DELEGATE SIGNATURE

0 10 20 30 40 50 60 70 80 90 100 110mm

PLAN OF SUBDIVISION

Plan Number PS 406553U

Stage No.

SHEET 4 OF 5 SHEETS

DATE 21/11/96

COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR (PRINT) PETER JULIAN MARX

SIGNATURE DATE

REF 3299 VERSION 01

SEE SHEET 3

SEE SHEET 5

MELALEUCA DRIVE

20
2.292ha

11
1.105ha

A
32.39ha

34
10.10ha

35

164 A

164 D

ZONE 55 A.M.G.

SCALE

LENGTHS ARE IN METRES

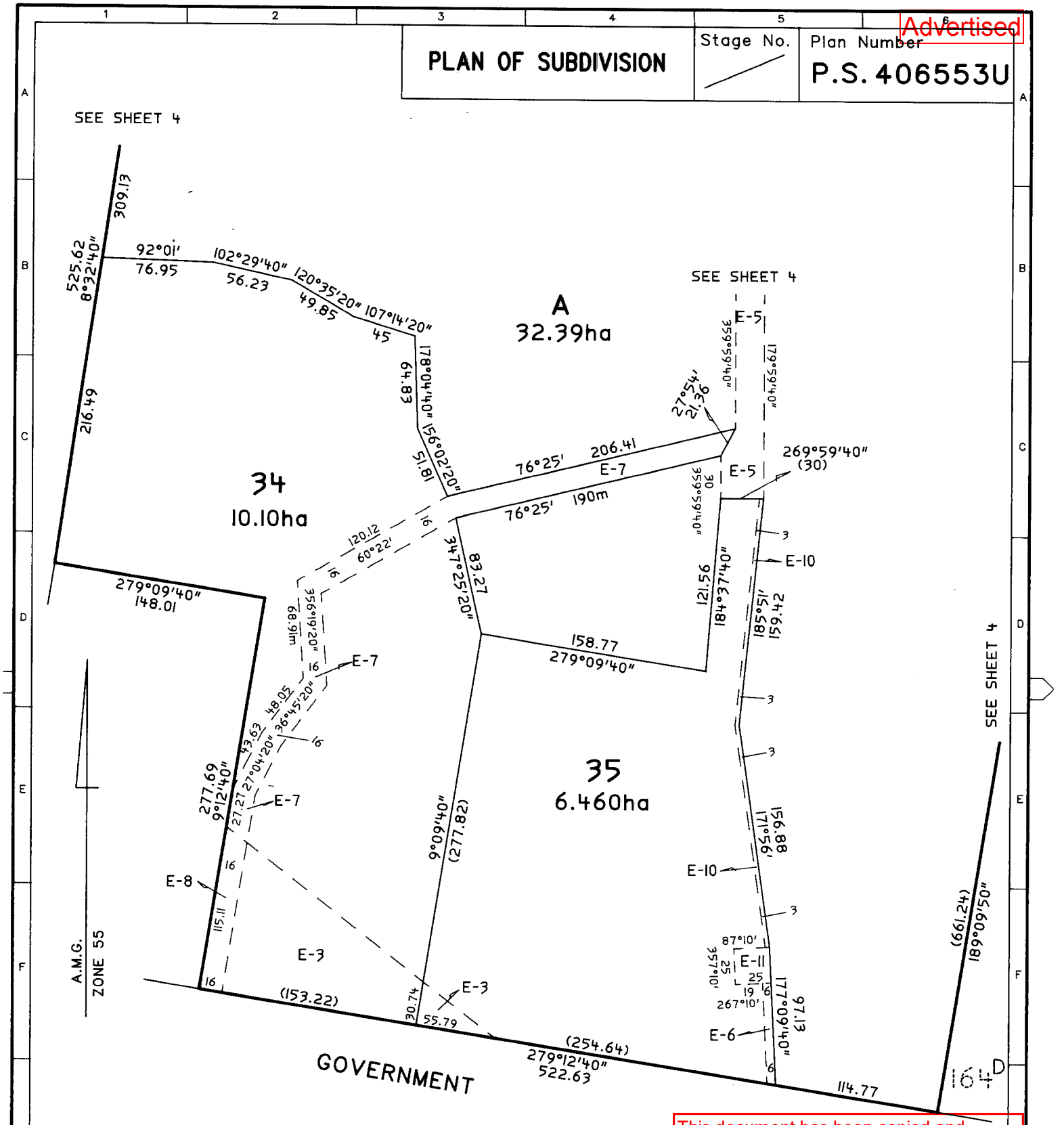
ORIGINAL SHEET SIZE A3 SCALE 1:2500

ROSS & WORTHY PTY. LTD.
LAND ENGINEERING SURVEYORS
* 15 SMITH STREET WARRAGUL (03) 56232257
* 26 CONTINGENT ST. TRAFALGAR (03) 56331577
213B PRINCES HIGHWAY MORWELL (03) 51341368

PLAN OF SUBDIVISION

Stage No. /

Plan Number P.S. 406553U



ROSS & WORTH PTY. LTD.
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* 26 CONTINGENT ST. TRAFALGAR (03) 56331577
213B PRINCES HIGHWAY MORWELL (03) 51341368

ORIGINAL SHEET SIZE A3 | SCALE 1:2500

SCALE 25 0 25 50 75 100 LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) PETER JULIAN MARX

SIGNATURE _____ DATE 21/11/98

REF 3299 VERSION 01

SHEET 5 OF 5 SHEETS

DATE / / COUNCIL DELEGATE SIGNATURE

0 10 20 30 40 50 60 70 80 90 100 110mm

LISTech

WITHDRAWN &
25 SEP 1998
RELODGED

[redacted]
090798 0931 173

V660853L
250998 2301 173 $0

Application by a responsible authority for the making of a recording of an agreement Section 181(1), Planning and Environment Act 1987

Lodged at the Land Titles Office by:

Name:
Telephone:
Address:

Ref:
Customer Code: 321C

IMAGED

The authority for having made an Agreement requires a recording to be made in the Register for the land.

Land (Insert Volume and Folio reference)(if part only, define the part)

Certificates of Title Volume ~~9659 Folio 007, Volume 9659 Folio 006, Volume 9683 Folio 275~~ 10384 - FOLIOS 718 TO 735 (BOTH INCLUSIVE).

Authority (name and address including postcode)

Baw Baw Shire Council
Civic Centre
WARRAGUL 3820

AMENDED
21 SEP 1998
With consent of
Current Practitioner for

Section and Act under which Agreement made

Section 173
Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

Signature for Authority:

Name of Officer:

Designation of Officer: CHIEF EXECUTIVE OFFICER

Date: 13th May 1998

SECTION 173 AGREEMENT

THIS AGREEMENT is made the 13th day of May 1998

BETWEEN:

BAW BAW SHIRE COUNCIL
of Civic Place, Warragul
("the Council")

AND

("the Owners")

WHEREAS

A. The Owner is registered or entitled to be registered as the proprietor of the land described as the whole of the land in Certificates of Title Volume 9659 Folio 007 being Lot 2 on Plan of Subdivision Number 202188T, Volume 9659 Folio 006 being Lot 1 on Plan of Subdivision Number 202188T, Volume 9683 Folio 275 being Lot B on Plan of Subdivision Number 202678A ("the property").

B. The Council is the responsible authority of the Narracan Planning Scheme.

C. The Owner has applied to the Council for approval to subdivide the property into 35 rural lots ("the subdivision").

D. The Council has issued Planning Permit No: 396362 ("the Permit") in respect of the Subdivision. Annexed hereto and marked with the letter "A" is a true and correct copy the Permit together with the endorsed Plan referred to therein.

E. It is a requirement under Condition 15 of the Permit that the Owner and the Council enter into this Agreement.

F. The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be treated this Agreement shall be an Agreement under Section 173 of the Planning & Environment Act ("the Act").

NOW THIS AGREEMENT WITNESSES as follows:-

1. In this Agreement unless inconsistent with the context or subject matter - "**the Act**" shall mean the Planning & Environment Act 1987 or any modification, amendment or re-enactment thereof.

"**Owner**" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor of any estate in fee simple of the subject land or any part thereof.

2. The owner with the intent that its covenants hereunder shall run with the subject land hereby covenants and agrees that it (which term shall include the Owner or Owners of the subject land or any part thereof from time to time) will:

a) ensure that all habitable buildings and all effluent disposal systems be located within the building envelopes and effluent disposa areas as shown on the endorsed plan attached to this Permit.

b) prohibit the further subdivision of any lot included in the subdivision approved under this Permit othr than a re-subdivision of los that would not create any additionals lot(s).

c) ensure the provision of fire fighting water supplies for each lot in accordance with the requirements of the Country Fire Authority contained in conditions 36.37 and 38 on the Permit.

d) ensure that no native vegetation is removed for any lot for any purpose without the prior approval of the responsible authority and subject to referral of any such request to the Department of Natural Resources and Environment for comment.

5. The Owner further covenants and agrees:

a) to do all things necessary to enter a Memorandum of this Agreement on the Certificate of Title to the subject land in accordance with Section 181 of the Act, including signing any further agreement, acknowledgement or document to enable the said memorandum to be registered under that Section;

b) to do all things necessary including the signing of any further agreements, undertakings, covenants, consents, approvals or other documents necessary for the purpose of ensuring it carries out its covenants, agreement and obligations hereunder and to enable the Council to enforce the performance by the Owner of such covenants, agreements and undertakings.

c) to pay all legal costs in connection with the preparation and execution of this Agreement and lodging of an Application at the Land Titles Office to have a Memorandum of this Agreement entered on the Certificate of Title to the subject land and to submit to the Council a copy of the Certificate of Title after the registration of the Agreement by the Land Titles office.

IN WITNESS WHEREAS the parties hereto have executed these presents the day and year first hereinbefore written.

The Seal of **Baw Baw Shire Council** was hereunto affixed this day of 199 in the presence of:

Common Seal

(Chief Executive Officer)

Councillor

Councillor

"A"

PLANNING PERMIT

Permit No: 396362

Planning Scheme: Narracan Planning Scheme

Responsible Authority: Baw Baw Shire Council

ADDRESS OF THE LAND: Lot B LP 202678A, Lot 1 LP 202187V, Lot 2 LP 202188T Part CA 164C Parish of Moe Melaleuca Drive, Trafalgar East

THE PERMIT ALLOWS: 35 lot rural residential subdivision, use of lots 34 and 35 for a dwelling and for the removal of native vegetation necessary for the construction of new roads

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

2. This permit will expire if one of the following circumstances applies:-

   (a) The subdivision is not started within two years of the date of this permit.

   (b) The subdivision is not completed within five years of the date of certification.

   The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

3. Road Construction standards:

   - Roads shall be sealed and provided with table drains.
   - The minimum seal width shall be 6 metres and the minimum shoulder width shall be 0.9 metre.
   - Table drains shall be a minimum 0.3 metre deep and a minimum of 1 metre from the edge of the shoulder to the invert.
   - Road batters shall not exceed 4 horizontal to 1 vertical.

4. No native vegetation shall be removed except the minimum required to construct the road pavement and associated drainage.

5. The developer shall be required to maintain the constructed roads for a period of twelve months from the date of issue of a Statement of Practical Completion for the road construction works.

6. Prior to the issue of a Statement of Compliance for any Plan of Subdivision hereby approved,

Date Issued 25/8/97

Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

under this permit. The Agreement shall be to :-

(a) Require that all habitable buildings and all effluent disposal systems be located within the building envelopes and effluent disposal areas as shown on the endorsed plan attached to this permit.

(b) Prohibit the further subdivision of any lot included in the subdivision approved under this permit other than a re-subdivision of lots that would not create any additional lot(s).

(c) Require the provision of fire fighting water supplies for each lot in accordance with the requirements of the Country Fire Authority contained in conditions 36,37 and 38 on this permit.

(d) Require that no native vegetation shall be removed from any lot for any purpose without the prior approval of the responsible authority and subject to referral of any such request to the Department of Natural Resources and Environment for comment.

16. The applicant or owner must pay to the council a sum equivalent to five per cent of the site value of all land in the subdivision excluding lots 34 and 35. This payment must be made before a statement of compliance is issued and may be varied under Section 19 of the Subdivision Act 1988.

17. To minimise environmental problems associated with sediment run-off, any clearing or construction activity associated with development on the subject land, should be carried out in accordance with "Construction Techniques for Sediment Pollution Control" Environment Protection Authority Publication No. 275.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT.

18. All access roads must be sealed and adequately drained to prevent accelerated erosion to the satisfaction of the responsible authority.

19. The clearing or disturbance of remnant native vegetation must not exceed the minimum required for the construction of roads and drainage and the provision of services.

GAS AND FUEL

20. Restrictions on use of the easement area will be enforced in accordance with the creation of easement documents as registered on title.
In particular:-
(a) No structures will be permitted on the easement.
(b) Line of sight along the easement must be maintained.
(c) Approval from the Gas and Fuel must be obtained before commencing fencing or other works on the easement.

21. The plan of subdivision submitted for certification under Section 8 of the Subdivision Act 1988 must be forwarded to the Gas and Fuel.

22. That engineering construction plans for the subdivision be forwarded to the Gas and Fuel for

Date Issued 25/8/97

Signature for the Responsible Authority

Planning and Environment Regulations 1988 Form 4.4

Should any of the lots be developed or be able to be developed in the future, for construction of a dwelling or any other development with the potential to have an impact on any waterway, Gippsland Water would require the responsible authority to ensure the following conditions are met:

- For unsewered lots all sewage and sullage shall be treated and effluent shall be contained within the boundary of the individual lots. (Septic Tanks Code of Practice 1996).

Reticulated water can be made available to this development by extending the water main from the Moe-Trafalgar water supply main located in the Princes Highway road reserve. All costs associated with these works shall be met by the developer.

EASTERN ENERGY

35. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Eastern Energy Ltd in accordance with Section 8 of that Act.

36. The applicant shall:-

(i) Enter into an agreement with Eastern Energy Ltd for the supply of electricity to each lot and for the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Eastern Energy Ltd, subject to Eastern Energy Ltd being able to provide a supply of electricity. (A payment to cover the cost of such work will be required). In the event that a supply cannot be provided the applicant shall provide a written undertaking to Eastern Energy Ltd that prospective purchasers will be so informed.

(ii) Re-arrange, to the satisfaction of Eastern Energy Ltd, any existing private electric lines that cross boundaries of the proposed lots to supply existing installations. Such lines shall be constructed with underground cables.

(iii) Set aside on the plan of subdivision for the use of Eastern Energy Ltd reserves where any electric substation (other than a pole mounted type) is required to service the subdivision.

(iv) Provide easements satisfactory to Eastern Energy Ltd, where easements have not been otherwise provided, for all existing Eastern Energy Ltd electric lines on the land and for any new power lines required to service the lots and adjoining land, save for lines located , or to be located, on public roads set out on the plan. These easements shall be for the purpose of "Power Line" in favour of Eastern Energy Ltd.

(v) Obtain for the use of Eastern Energy Ltd any other easement external to the subdivision required to service the lots.

(vi) Adjust the position of any existing easements (s) for power lines to accord with the position of the line (s) as determined by survey.

(vii) Obtain the approval of Eastern Energy Ltd or PowerNet, as the case may be, to lot boundaries within any area affected by an easement for a power line and for the construction of any works in such an area.

Date Issued 25/8/97

Signature for the Responsible Authority

(d) Taps must be provided in such manner that external coverage of all surfaces of the buildings can be achieved with a 19mm diameter hose (minimum) fitted with a 12mm diameter nozzle (minimum). The flow rate at the nozzle must be at least 27 litres/minute. Each hose must be no longer than 36 metres in length.

(e) All components must be installed in such manner that they are not affected by radiant heat. Below ground pipes maybe PVC and must be laid to a minimum depth of 300mm but above ground pipes must be galvanised steel or copper.

Non-Reticulated Areas.

(a) A supply of water solely for fire fighting purposes:
allotment size <2500 sq metres=10000 litre capacity
>2500 sq metres=20000 litre minimum capacity
Must be maintained in an accessible location at all times. A fitting (64mm 3 threads/25mm round thread male coupling to CFA specifications) must be fitted to the storage to supply water.

(b) The storage must be sited within the boundaries of the subdivision and the water must be accessible at all times to fire brigade vehicles.

(c) Where the storage is not readily accessible, an accessible delivery point can be situated remote from the storage provided that:

- there must be a minimum flow rate of 270 litre/minute at the delivery point.
- the delivery point is fitted with a 64mm 3 thread/25mm round thread male coupling to CFA specifications.

(d) Taps must be provided in such a manner that external coverage to all surfaces of the buildings can be achieved with a 19mm diameter hose (minimum) fitted with a 12mm diameter nozzle (minimum). The flow rate at the nozzle must be at least 27 litres/minute. Each hose must not be longer than 36 metres in length.

(e) All components must be installed in such a manner that they are not affected by radiant heat. Below ground pipes may be PVC and must be laid to a minimum depth of 300mm but above ground pipes must be galvanised steel or copper.

39. Fuel Reduction:

(a) Provision of fuel reduction setbacks and buffers around each building in accordance with CFA Planning Conditions & Guidelines for Subdivisions, September 1991.

Date Issued 25/8/97

Signature for the Responsible Authority

REF 3299 (M5)

CONCEPT PLAN FOR FUTURE DEVELOPMENT

PART OF CROWN ALLOTMENT 164C

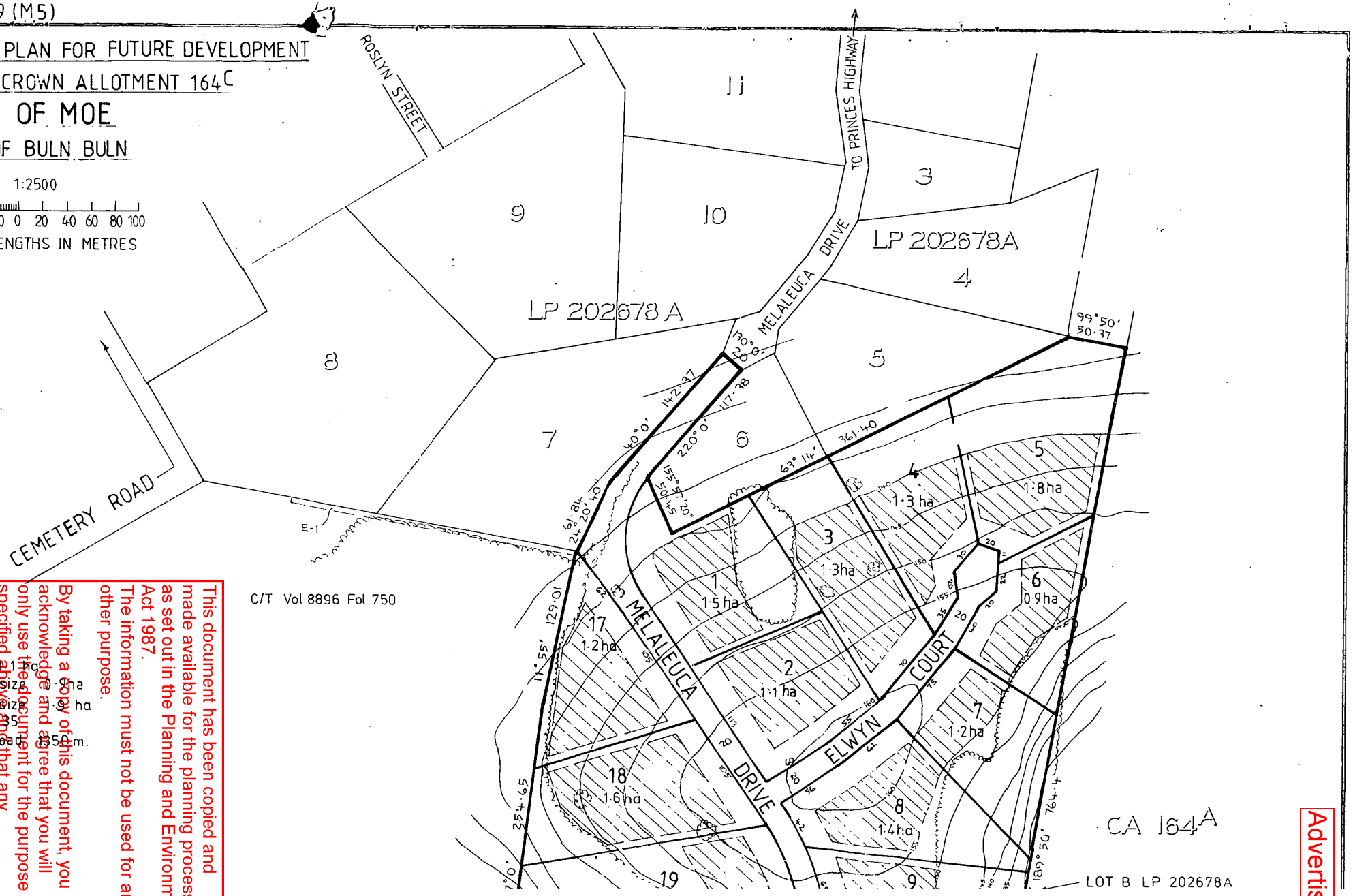
PARISH OF MOE

COUNTY OF BULN BULN

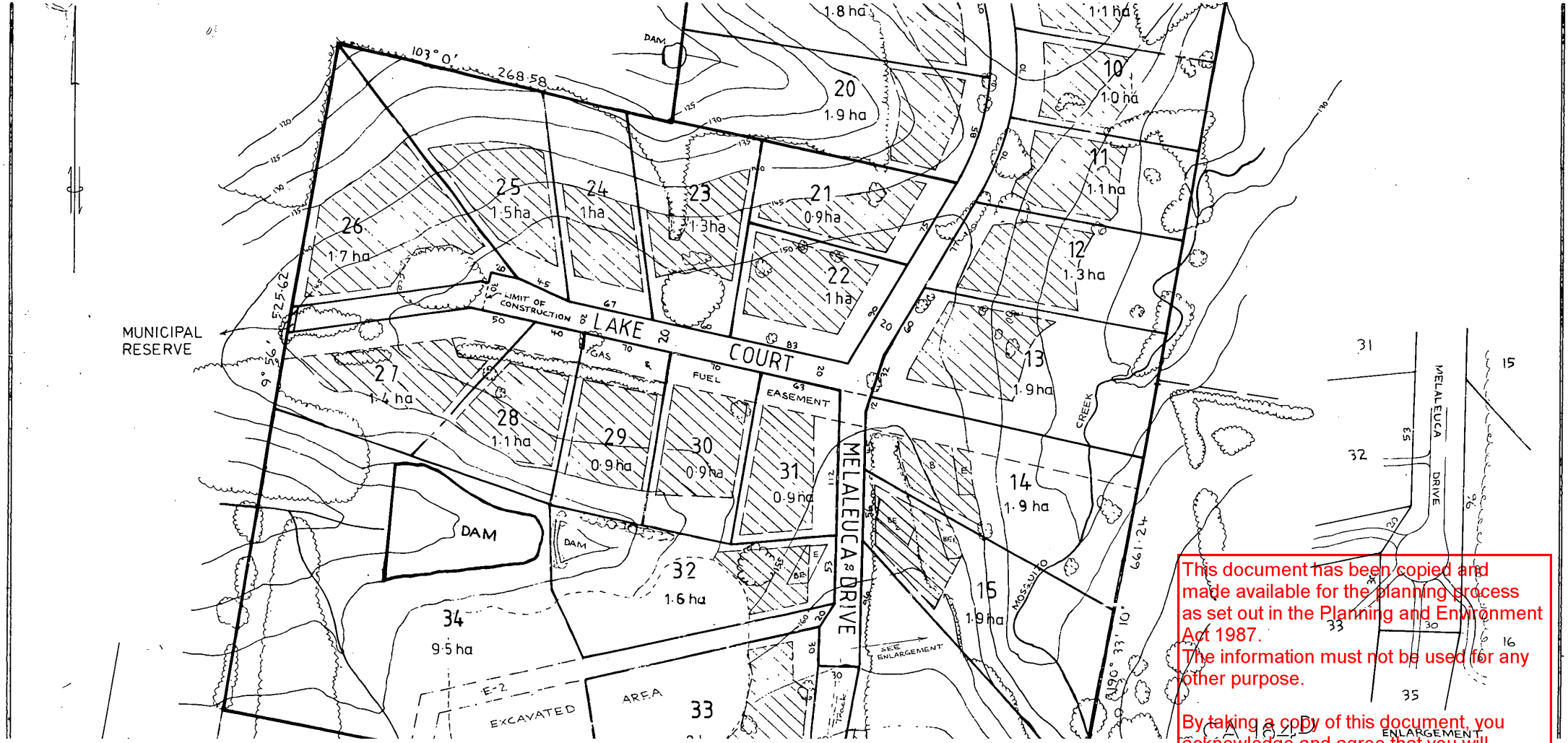
SCALE – 1:2500

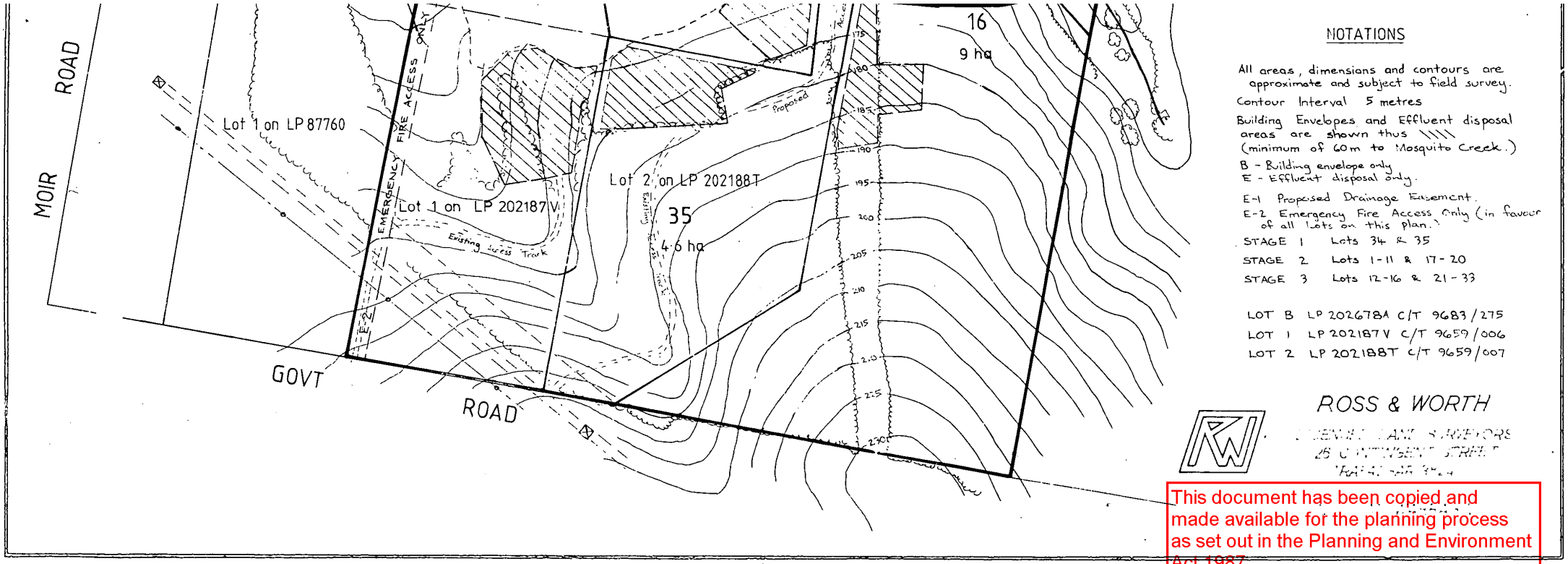
20 0 20 40 60 80 100

LENGTHS IN METRES



Total area 7a 1·1ha
Minimum lot size 0·9ha
Average lot size 1·3 ha
Nº of Lots 35
Length of Road 1350m.





NOTATIONS

All areas, dimensions and contours are approximate and subject to field survey.

Contour Interval 5 metres

Building Envelopes and Effluent disposal areas are shown thus \\\\\ (minimum of 60m to Mosquito Creek.)

B - Building envelope only
E - Effluent disposal only.

E-1 Proposed Drainage Easement.
E-2 Emergency Fire Access Only (in favour of all lots on this plan.)

STAGE 1 Lots 34 & 35
STAGE 2 Lots 1-11 & 17-20
STAGE 3 Lots 12-16 & 21-33

LOT B LP 202678A C/T 9683/275
LOT 1 LP 202187V C/T 9659/006
LOT 2 LP 202188T C/T 9659/007

ROSS & WORTH

PLAN OF PROPOSED SUBDIVISION

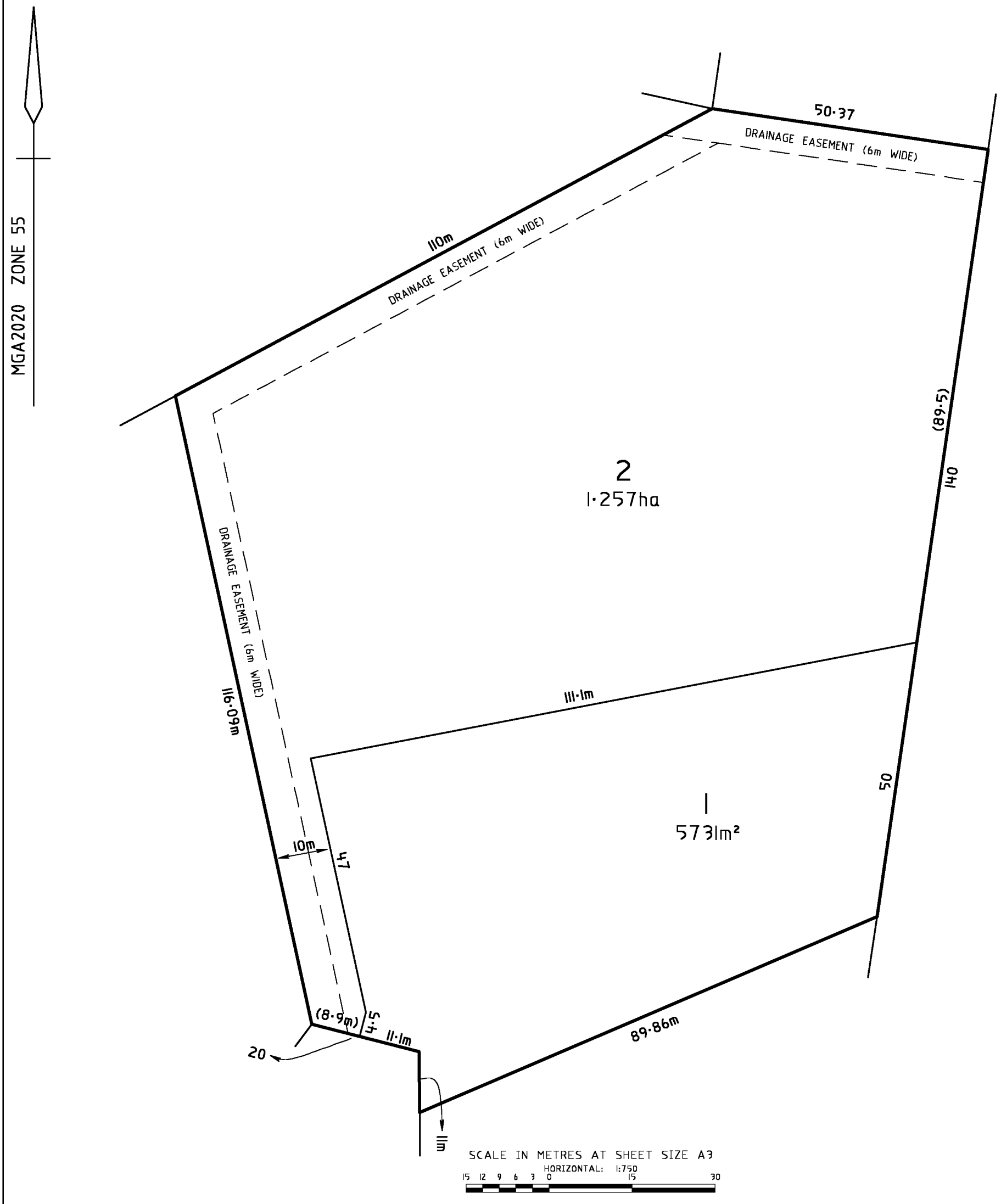
LAND DESCRIPTION

PARISH OF MOE
CROWN ALLOTMENT 164C (PART)

C/T VOL 10384 FOL 722
LOT 5 ON PS406553U

REVISIONS

VER	DATE	DESCRIPTION	DFT	APP
1	18/12/2023	ORIGINAL DRAWING	TLS	JPN



NOTATIONS

AREAS & DIMENSIONS ARE SUBJECT TO SURVEY

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

27 BORONIA RISE, TRAFALGAR EAST

SURVEYORS REF	SCALE
4053-PROPV1	1:750
SHEET 1 OF 1 SHEETS	ORIGINAL SHEET SIZE: A3

PLAN OF SITE CONTEXT

LAND DESCRIPTION

PARISH OF MOE
CROWN ALLOTMENT 164C (PART)

C/T VOL 10384 FOL 722
LOT 5 ON PS406553U

REVISIONS

VER	DATE	DESCRIPTION	DFT	APP
1	8/11/2023	ORIGINAL DRAWING	SAW	JPN

MGA2020 ZONE 55

No.305
MOUNTAIN GLEN DRIVE

No.57
MELALEUCA DRIVE

No.25
BORINIA RISE

No.303
MOUNTAIN GLEN DRIVE

No.20
BORINIA RISE

BORONIA RISE

98°26'40"
50.37

61°50'40"
110m

188°44'40"
140

347°44'
116.09m

35°31'20"
111m

89.86m
246°49'

284°25'
20

5
PS406553U
1.830ha

DRAINAGE EASEMENT (6m WIDE)

DRESSAGE ARENA

DRAINAGE EASEMENT (6m WIDE)

EFFLUENT DISCHARGE FIELD

U/G S

SEPTIC TANK

POOL

STEPS

CHOOK PEN

TANK

SHEDS

SINGLE STOREY BRICK DWELLING RIDGE RL: 155.70

SHEDS

HEDGE

BITUMEN DRIVEWAY

12.2m SETBACK

OBSERVATORY

SINGLE STOREY BRICK DWELLING RIDGE RL: 154.03

26.1m SETBACK

TBM
XH1 (CROSSHEAD NAIL)
RL=151.31

SCALE IN METRES AT SHEET SIZE A3
HORIZONTAL: 1:750
15 12 9 6 3 0 15 30

WARNING

BEWARE OF UNDERGROUND SERVICES

THE LOCATION OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY UNLESS DESCRIBED AS BEING POTHOLED AND THEIR EXACT POSITION SHOULD BE PROVEN ON SITE PRIOR TO ANY EXCAVATION. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN

LEGEND

- TOP OF BANK
- TOE OF BANK
- SURFACE DRAINAGE LINE
- UNDERGROUND DRAINAGE PIPE
- EDGE OF BITUMEN
- MINOR CONTOUR
- EDGE OF CONCRETE
- U/G E — UNDERGROUND ELECTRICITY
- U/G T — UNDERGROUND COMMS
- U/G W — UNDERGROUND WATER MAIN
- FENCE
- MAJOR CONTOUR (1m INTERVALS)
- TREE
- VEGETATION CANOPY
- SHRUB
- ELECTRICITY PIT
- TELSTRA PIT
- FIRE PLUG
- WATER MARKER POST
- GATE
- TBM
- WATER MARKER POST
- LETTER BOX

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

NOTATIONS

DATUM MGA2020 VIDE MOE PM274

HEIGHTS ARE TO AHD - DATUM VIDE MOE PM (RL66.50m)
CONTOUR INTERVAL (MAJOR/MINOR) : 1.0m/0.2m
DATE OF SURVEY : 2/11/2023

27 BORONIA RISE, TRAFALGAR EAST

SURVEYORS REF	SCALE
4053-SC-V1	1:750
SHEET 1 OF 1 SHEETS	ORIGINAL SHEET SIZE: A3

PLAN OF PROPOSED SUBDIVISION

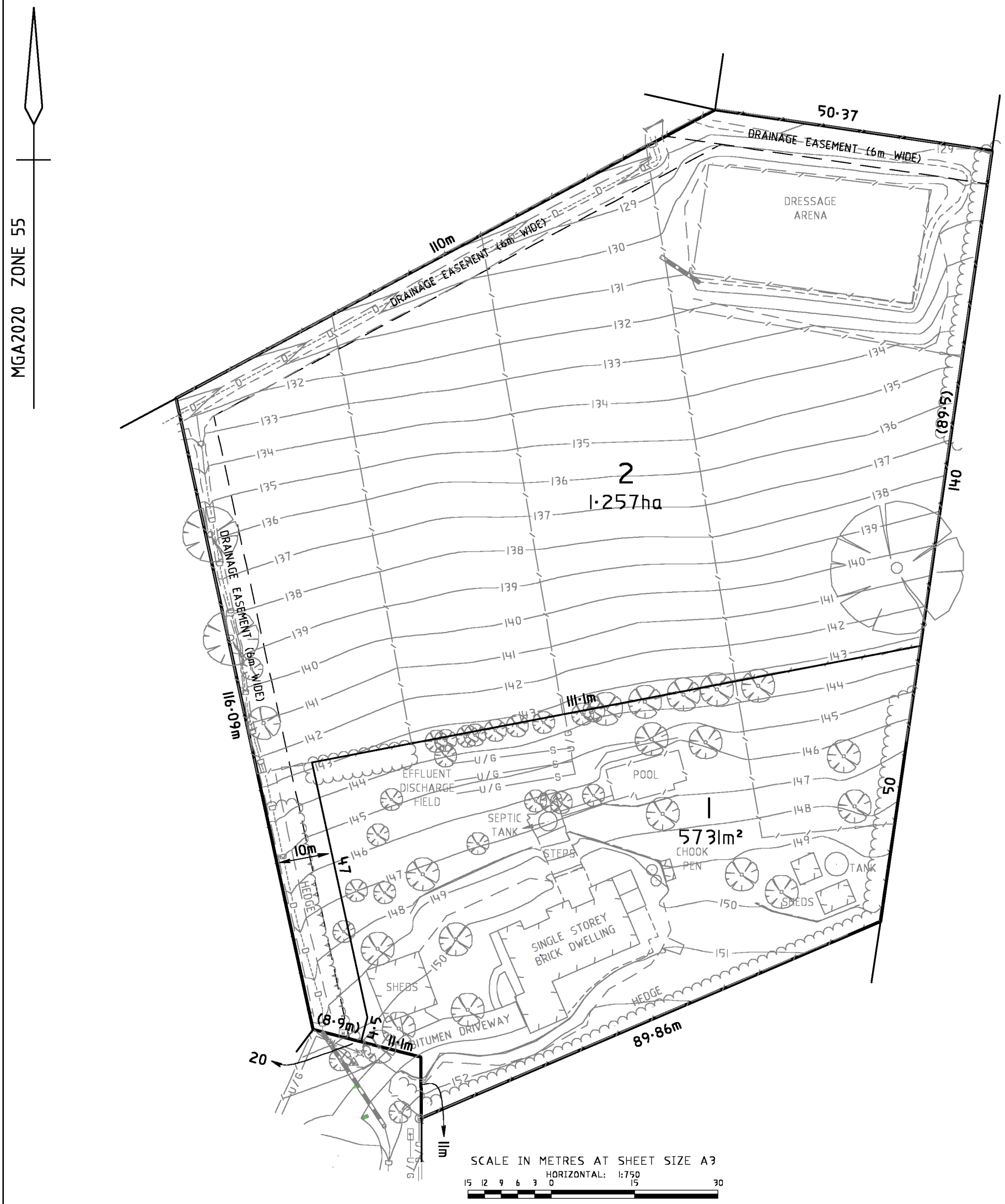
LAND DESCRIPTION

PARISH OF MOE
CROWN ALLOTMENT 164C (PART)

C/T VOL 10384 FOL 722
LOT 5 ON PS406553U

REVISIONS

VER	DATE	DESCRIPTION	DFT	APP
1	18/12/2023	ORIGINAL DRAWING	TLS	JPN



GIPPSLAND LICENSED SURVEYORS
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PH: (03) 5622 0384

NOTATIONS

AREAS & DIMENSIONS ARE SUBJECT TO SURVEY

27 BORONIA RISE, TRAFALGAR EAST

SURVEYORS REF: 4053-PROPV1

SCALE: 1:750

SHEET 1 OF 1 SHEETS

ORIGINAL SHEET SIZE: A3

PLAN OF INDICATIVE ENVELOPES

LAND DESCRIPTION

PARISH OF MOE
CROWN ALLOTMENT 164C (PART)

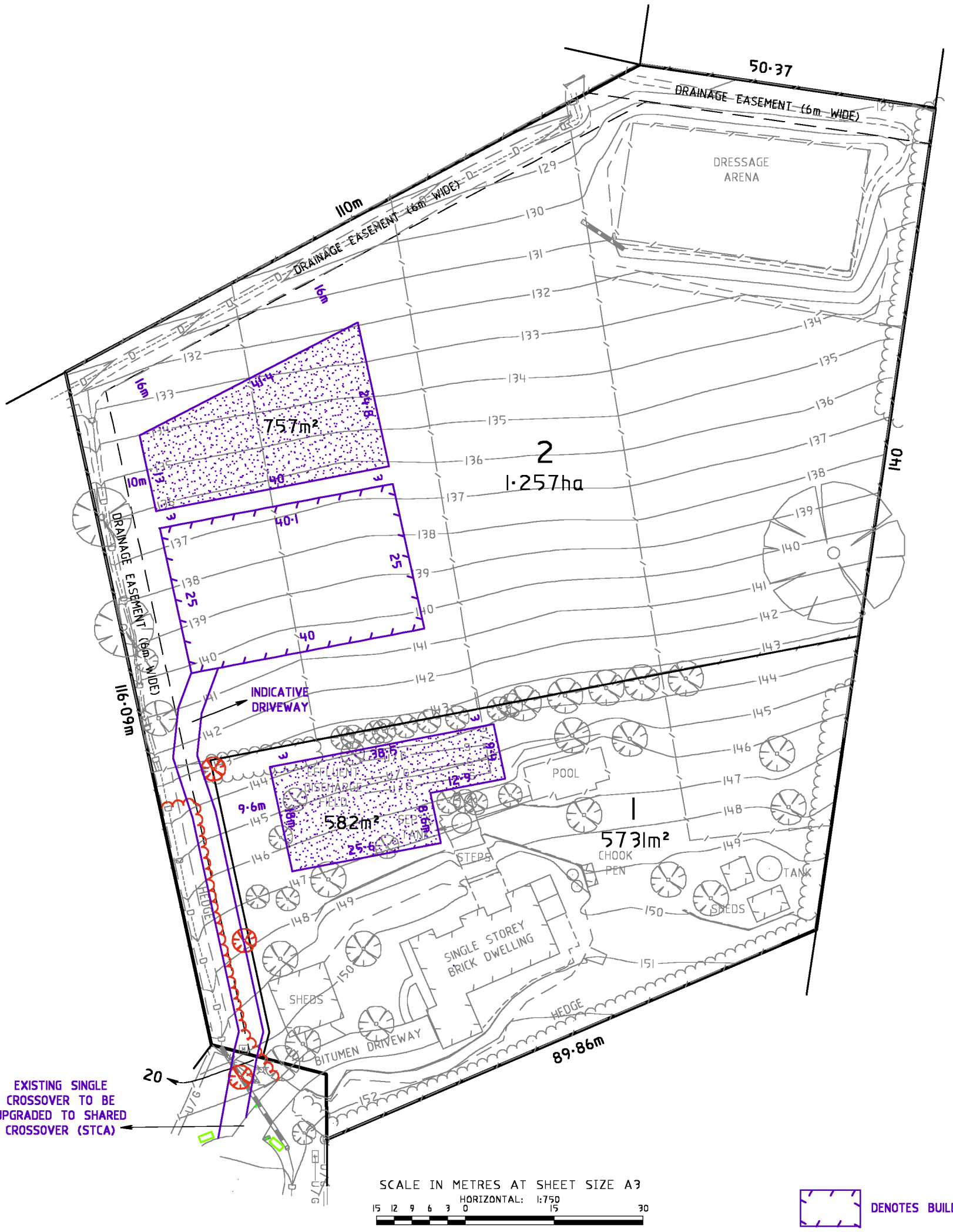
C/T VOL 10384 FOL 722
LOT 5 ON PS406553U

REVISIONS

VER	DATE	DESCRIPTION	DFT	APP
Ib	05/12/2024	UPDATED TO INCLUDE LOT 2 DRIVEWAY AND BIN COLLECTION LOCATIONS	TLS	JPN
I	29/10/2024	ORIGINAL DRAWING	TLS	JPN

Advertised

MGA2020 ZONE 55



DENOTES BUILDING ENVELOPE

DENOTES EFFLUENT ENVELOPE

DENOTES TREE TO BE REMOVED

DENOTES 2·3m x 1m BIN COLLECTION LOCATION

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

NOTATIONS

AREAS & DIMENSIONS ARE SUBJECT TO SURVEY

27 BORONIA RISE, TRAFALGAR EAST

SURVEYORS REF: 4053-PROP-V5

SCALE: 1:750

SHEET 1 OF 1 SHEETS

ORIGINAL SHEET SIZE: A3

gippsland LICENSED surveyors

27 Boronia Rise
TRAFALGAR EAST

PROPOSED TWO LOT SUBDIVISION

PLANNING PERMIT APPLICATION

GIPPSLAND LICENSED SURVEYORS PTY LTD
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Document Control

DATE PREPARED	VERSION NUMBER	AUTHOR	APPROVED	DISTRIBUTED
OCTOBER 2024	1	TLS	JPN	INTERNAL, CLIENT, COUNCIL
30 JULY 2025	2	TLS	NH	INTERNAL, CLIENT, COUNCIL

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CONTENTS

1.0 | INTRODUCTION

This Planning Application Report has been prepared at the request of in support of a proposed two (2) Lot Subdivision of land known as 27 Boronia Rise, Trafalgar East (Lot 5 on PS406553U). The proposal seeks to facilitate a two Lot residential subdivision in accordance with the adopted Planning Documents that apply to the land. In the event that a Permit is to be granted on its merits, it will be necessary to include a Condition on the Permit that requires the amendment of a s. 173 Agreement that applies to the subject land to allow the two (2) Lot subdivision.

This report addresses the provisions of the Low-Density Residential Zone (LDRZ) and Particular Provisions as contained within the *Baw Baw Planning Scheme*.

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

- *Current Certificate of Title & Title Diagram*
- *'Plan of Proposed Subdivision' (x2)*
- *'Plan of Indicative Envelopes'*
- *Existing Conditions Plan – 'Plan of Site Context'*
- *'Preliminary Arboricultural Assessment' (prepared by Precision Environmental)*
- *'Land Capability Assessment' (prepared by dbm GeoTech)*
- *'Bushfire Management Statement' and 'Bushfire Management Plan' (prepared by Fire Risk Consultants)*
- *Excerpt from Narracan Planning Scheme as at 30 October 1989*

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	
PROPOSAL	AMEND AN AGREEMENT UNDER SECTION 178A OF THE ACT TWO (2) LOT SUBDIVISION
APPLICANT	GIPPSLAND LICENSED SURVEYORS
PROPERTY DETAILS	
PROPERTY ADDRESS	27 BORONIA RISE, TRAFALGAR EAST
LAND DESCRIPTOR	VOL 10384 FOL 722 LOT 5 ON PS406553U PARISH OF MOE, C.A. 163C (PART)
LAND AREA	1.83ha
APPROX. LAND DIMENSIONS	116.1m x 110m x 50.4m x 140m x 89.9m x 11m x 20m
RESTRICTIONS & ENCUMBRANCES ON TITLE	SECTION 173 AGREEMENT V660853L RELATING TO BUILDING & WASTEWATER ENVELOPES, NATIVE VEGETATION REMOVAL, FIRE FIGHTING WATER SUPPLIES, AND PROHIBITING FURTHER SUBDIVISION E-2 & E-4 DRAINAGE EASEMENTS ALONG NORTHERN AND WESTERN SITE BOUNDARIES
EXISTING USE	RURAL RESIDENTIAL – SINGLE DWELLING WITH ASSOCIATED STRUCTURES, LANDSCAPING, PADDOCKS AND HORSE ARENA
PLANNING PROVISIONS	
ZONE	LOW DENSITY RESIDENTIAL ZONE – SCHEDULE
OVERLAYS	BUSHFIRE MANAGEMENT OVERLAY DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY – SCHEDULE 1
CULTURAL SENSITIVITY	AREA OF ABORIGINAL CULTURAL SENSITIVITY
BUSHFIRE AREA	YES
PARTICULAR PROVISIONS	CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES CLAUSE 56 RESIDENTIAL SUBDIVISION
GENERAL PROVISIONS	CLAUSE 65 DECISION GUIDELINES
PERMIT TRIGGERS	CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

2.0 | SUBJECT SITE OVERVIEW & ANALYSIS

2.1 GENERAL OVERVIEW

The subject site is located at 27 Boronia Rise, Trafalgar South, forming as an irregularly shaped parcel with 20m of road frontage, and a Title area of 1.83ha. The property is located within the low-density precinct of Trafalgar East, approximately halfway between the Trafalgar and Moe townships.

Access to the is provided by an existing concrete crossover and bitumen driveway.

The Low-Density Residential Zone (LDRZ), Bushfire Management Overlay (BMO) and Development Contributions Plan Overlay Schedule 1 (DCPO1) Planning controls apply to the site; additionally, a portion of the site has been identified as potentially having Aboriginal Cultural Heritage Sensitivity.

2.2 EXISTING BUILT FORM, SITE FEATURES, USE & ACCESS

The site contains a single storey dwelling of brick construction. Associated with the dwelling are an outdoor landscaped area, pool, three sheds, chook pen, water tanks, and a septic system. A concrete crossover provides access to the site from Boronia Rise; this crossover turns into a bitumen driveway which provides access directly to the dwelling. Aside from the domestic area, the remainder of the site is divided into horse paddocks. A dressage area is contained in the north-eastern corner of the site.

PHOTOS 1-4 – PHOTOS OF SITE, INCLUDING ACCESS FROM BORONIA RISE, SEALED PORTION OF DRIVEWAY, EXISTING DWELLING, AND PADDOCK AREA

There are a number of mature trees located on throughout site. Vegetation comprises a mixture of native and exotic species. Vegetation is generally concentrated along the property boundaries and around the domestic area, purposes generally to provide privacy and for landscaping.

The site is sloping, with a total of 22m of fall from the south-western corner to the north-eastern

2.3 ADJOINING LAND & SURROUNDING CONTEXT

The local neighbourhood is characterised by low-density properties of a similar nature. This precinct in which the subject land is contained is well-renowned for lifestyle properties of a generous size, in a small precinct surrounded by farmland. Surrounding allotments generally contain single large dwellings with associated outbuildings and amenity, that could be broadly classified as rural-lifestyle properties; surrounding allotments are generally vegetated. Many of the houses reflect the age of the area. The subdivision that created the subject site was undertaken in the late 1990s. At the time following the amalgamation of the former Shires, the Baw Planning Scheme had adopted the provisions of the Narra can Planning Scheme in which zoned the land Rural Residential; subsequently, the character of the area is distinguished by low density subdivision pattern, to provide a broader density within the immediate precinct of 1dwelling per 2 hectares in keeping with the requirements of the adopted Planning Scheme at the time. The eastern precinct of Trafalgar East contains a handful of Township zoned properties that are smaller in size, which surround the cemetery. Surrounding the Trafalgar East precinct on all sides is Farming Zoned land.

This precinct between Trafalgar and Moe has become highly desirable amongst residents, due to the nature of the allotments, the rural-residential lifestyle that is afforded, and the distinct 'out-of-town' character of the area. This, combined with proximity to the Princes Freeway, has made the area an extremely popular location whereby lifestyle and convenience are facilitated.

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

The *Baw Settlement Plan 2013* describes Trafalgar as a rural settlement between Trafalgar and Moe. The precinct is earmarked for limited growth, constrained by lack of sewer availability, and limited by the existing zoned settlement boundaries. As the precinct contains minimal public facilities, residents are largely reliant upon the larger surrounding towns (mainly Trafalgar and Moe) to provide for retail, commercial, industrial, employment, educational, recreational, and other community services. The Township accommodates predominantly residential uses, with only one site zoned for Public Use, being the Cemetery; outside of this the settlement is surrounded on all sides by high quality agricultural land being Farming Zone and Rural Activity Zones, which allow for tourism activities, broadacre agricultural enterprises, and niche farming enterprises.

2.4 ENCUMBRANCES ON TITLE

The site is subject to a Section 173 Agreement, registered under Instrument V660853L. This Agreement was required under direction of Planning Permit 396362 which facilitated PS406553U that created the site. This Agreement binds the landowners to several obligations, which can broadly be summarised as follows:

- *All habitable buildings and effluent disposal systems to be located within the envelopes shown on the Plan Endorsed under Planning Permit 396362.*
- *No further subdivision to create additional lots.*
- *Firefighting water supply required for each lot in accordance with the requirements of CFA, pertaining to capacity, storage, location, accessibility, pipework and outlets/fittings.*
- *No native vegetation removal for any lot without the prior approval of the Responsible Authority.*

A full copy of V660853L is included within the copy of Title provided as part of this Application.

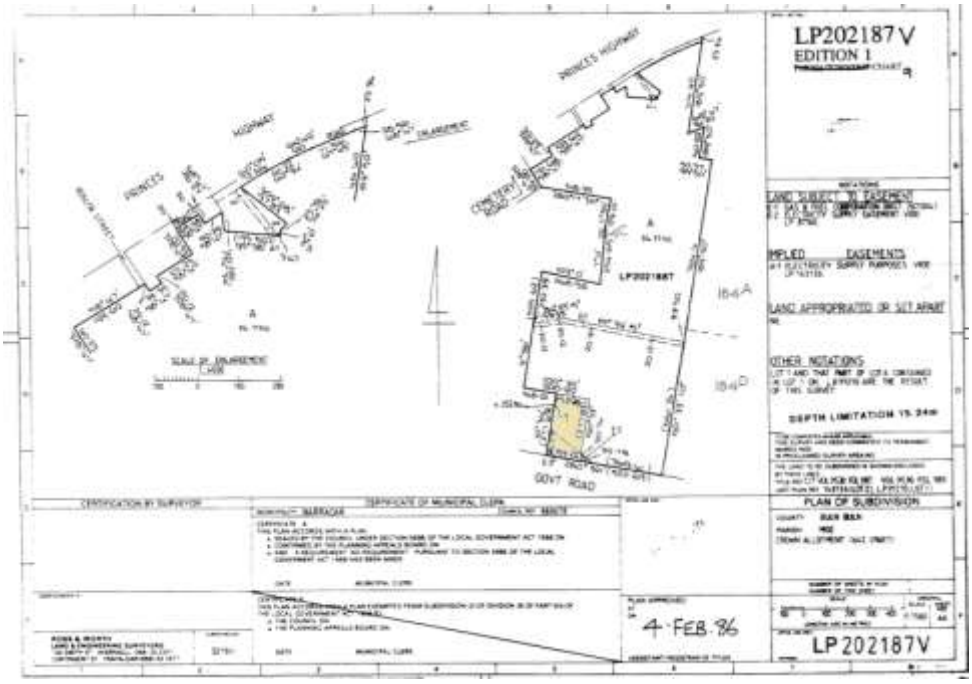
The site contains two easements known to Title. E-2 is a 6m wide drainage easement that abuts the northern property boundary. E-4 is a 6m wide drainage easement that abuts the western and north-western property boundaries.

2.5 RELEVANT PLANNING HISTORY OF SITE

Land subject to this Application by subdivision PS406553U in January 1998. This formed as a 35 Lot subdivision facilitated by Planning Permit 396362 which was issued on the 25th of August 1997 under the provisions of the former Narracan Planning Scheme, which was gazetted into the Baw Baw Planning Scheme on the 2nd of April 1996. At the time of the Permit being issued, the land was zoned for Rural Residential.

FIGURE 4 – PS406553U SHOWING LAND SUBJECT TO THIS APPLICATION

Prior to this subdivision, Melaleuca Drives was developed in the mid 1980's through former subdivisions involving LP202678A, LP202187V, and LP202188T.



FIGURES 5-7 – LP202678A, LP202188T & LP202187V SHOWING LAND SUBJECT TO THIS APPLICATION

2.6 AVAILABILITY OF UTILITY SERVICES

Underground power, telecommunications and reticulated water are provided to the site.

As required by the Section 173, appropriate measure for fire protection were required by the CFA to provide additional water supply and associated infrastructure for firefighting purposes and protection.

Reticulated gas is currently unavailable to the site; therefore, the dwelling is reliant upon bottled gas to service the domestic needs. Similarly, reticulated sewerage is unavailable to the area; therefore, the dwelling has an associated septic system to treat and detain all wastewater arising from the dwelling.

2.7 VEGETATION

The subject site contains some vegetation. Vegetation is predominantly concentrated along the property boundaries to provide screening and privacy; additionally, the domestic area contains vegetation forming the landscaping associated with the dwelling.

A 'Preliminary Arboricultural Assessment' was undertaken on the vegetation on the site. The thirty-eight (38) trees or groups of trees that were assessed were identified as being of mixed species and origin, both native and exotic. None of the trees on site are protected under any Statutory Planning controls including Clause 52.17 Native Vegetation (DEECA); notably one tree resides within the nature strip and therefore requires Council consent for removal or modification.

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 *Plan of Proposed Subdivision*. The Application proposes to create two low density residential Lots with areas of 5731m^2 and 1.257ha respectively, that practically responds to the existing built form of the site. Additionally, the Application seeks Council's agreement to amend the existing Section 173 Agreement affecting the land.

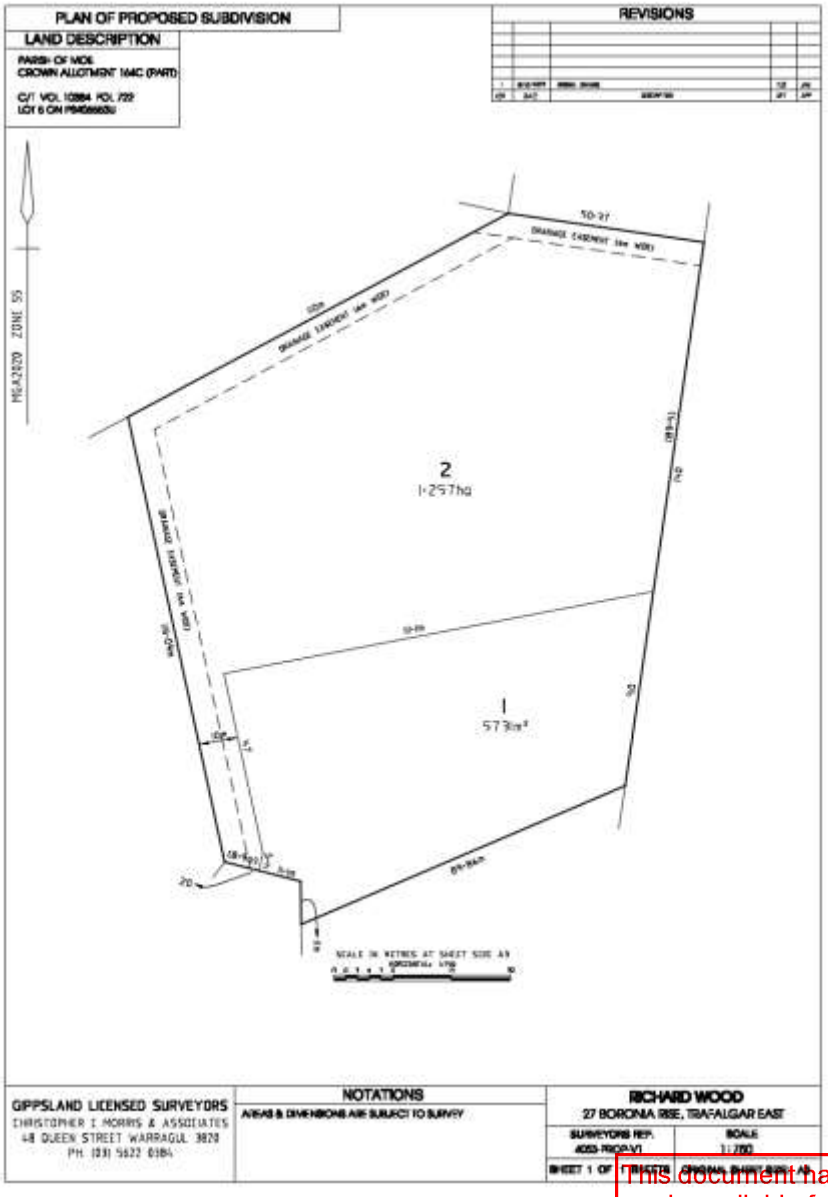


FIGURE 8 – PLAN OF PROPOSED SUBDIVISION TO BE ENDORSED UNDER THIS PERMIT

The Low-Density Residential Zone (LDRZ) specifies a minimum Lot size of 0.4ha for each Lot, accordingly, the proposed subdivision adopts a minimum Lot size of 0.4ha.

This Application proposes Lot sizes and shapes that accommodate the existing dwelling and associated amenity on the site and provides opportunity for future residential use of the vacant Lot proposed through this Application.

3.2 PROPOSAL PARTICULARS

Proposed Lot 1 (5731m^2)

With approximate perimeter dimensions of 4.5m x 47m x 111.1m x 50m x 89.9m x 11m x 11.1m, this proposed Lot has an area of 5731m^2. This Lot will contain the existing dwelling, and all of the structures and amenity associated with the dwelling, including the pool, sheds, chook pen, water tanks, and outdoor area; also contained within this Lot are the existing driveway, as well as the landscaping associated with the domestic area.

PHOTOS 5-8 – PHOTOS OF PROPOSED LOT 1, SHOWING DWELLING, SHED, DRIVEWAY, AND EFFLUENT DISPOSAL AREA

As demonstrated on the Plans accompanying the Application, this Lot already contains an existing dwelling and associated septic system. Due to the current location of the septic tank effluent discharge field, it is acknowledged that the existing system will require upgrades through the subdivision process to ensure it is compliant with the current EPA standard, including ensuring that the system is fully contained within Proposed Lot 1.

This Lot does not contain any easement. It is anticipated that the Section 173 Agreement affecting the site will carry forward to this proposed Lot (in its amended form, as herein proposed).

Proposed Lot 2 (1.257ha)

With approximate perimeter dimensions of 116.1m x 110m x 50.4m x 89.5m x 111.1m x 47m x 4.5m x 8.9m, this proposed Lot has an area of 1.257ha. This Lot will be vacant of any dwelling but will contain the existing dressage arena located on the site. Additionally, this proposed Lot will contain vegetation, though it is generally located along the Lot boundaries.

PHOTOS 9-12 – PHOTOS OF PROPOSED LOT 2, INCLUDING PROPOSED NEW ACCESS AND VACANT AREA TO BE CONTAINED WITHIN LOT

As demonstrated on the Plans accompanying the Application, this Lot has been allocated a generous sized building envelope. This large building envelope allows future purchasers of the land significant freedom to build at such a time as they wish, with flexibility sufficient to design a dwelling of a size and layout that suits their individual needs. This Lot has also been allocated an effluent field downslope of the building envelope. The effluent field has been designed at 757m^2, which well above the recommendations of the Land Capability Assessment for a four-bedroom dwelling.

This Lot will contain both of the existing 6m wide drainage easements that encumber the site. It is anticipated that the Section 173 Agreement affecting the site will carry forward to this proposed Lot (in its amended form, as herein proposed).

Amendment to Section 173 Agreement

Section 173 Agreement V660853L affecting the subject site was introduced under Planning Permit 396362, which facilitated the thirty-five Lot re-subdivision of PS406553U. This dealing was registered in September 1998.

At the time of the implementation of Planning Permit 396362, the land was zoned Rural Residential as part of the Baw Baw Planning Scheme, which implemented the provisions of the Narracan Planning Scheme Amendment L35, as gazetted and approved by the Minister on 2nd April 1996. Prior to the gazettal within the Baw Baw Planning Scheme, the same provisions had been adopted by the former Narracan Shire since October 30, 1989.

Notably at the time, the Rural Residential Zone required for Lots to not be less than 0.8 hectares and not more than 4 hectares, unless in certain circumstances that related to particular constraints of the site that made it necessary or involved the balance Lot, noting that the number of Lots created within the subdivision could not exceed one for each 2 hectares of the area of the parcel of land proposed to be subdivided (e.g. such as the creation of a subdivided into more than 5 Lots).

Hence the objective of Section 173 Agreement V660853L was to implement outcomes of the Adopted Planning Scheme at the time of the subdivision, to ensure the density requirement was maintained in accordance with the Zoning and Planning Provisions as adopted at the time (Narracan Planning Scheme).

The overarching objectives of the Rural Residential Zone were:

3.5 Rural Residential

Objectives

1. To provide land for rural residential development after considering land capability, locational suitability, existing and likely future supply/demand and the efficient use and economic provision of necessary services.

2. To minimise conflict between rural residential development and other land uses.

The policies listed at this Zone all centre around these objectives.

Policies

1. Amendments which zone land for rural residential are not favoured unless demand can be demonstrated and such development would conform to sound land use planning principles. In determining applications for rural residential rezoning, consideration shall be given to the desirability of:

   (a) concentrating development at selected locations to provide long term stability in land-use;

   (b) precluding development from areas of conservation value, physically unsuitable land and potentially hazardous areas;

   (c) locating rural residential development in areas where effects on agricultural productivity will be minimal; and

   (d) precluding development from areas which have possible longer term future options for "higher order" uses such as urban development.

2. Rural residential zones should be in reasonable proximity to existing serviced settlements to enable the rational use of community services at reasonable cost and to contribute towards the efficient and viable continuation of existing services which may be threatened by lack of population (see 3.1 Coal, 3.2 Urban Buffers, 3.3 Agriculture and 3.4 Forestry).

3. Subject to the above policies, consideration will only be given to amendments which allow for rural residential use of land if it can be demonstrated that such amendments would not increase the total supply of rural residential land within areas of existing rural residential development beyond a maximum of 10 years supply, based on actual development over the previous 5 years.

The Narracan Planning Scheme as at 30 October 1989 provides the following:

SECTION 7: RURAL RESIDENTIAL ZONE

PURPOSE OF ZONE

57 The intent of the Rural Residential Zone is:

(a) to encourage rural residential or 'bush block' developments and uses and to prevent hobby farms or other uses incompatible with such low density residential use;

(b) to preserve and enhance the amenity of the area for rural residential development and use and, in particular:

(i) to conserve trees and bushland where possible and to encourage planting of trees in association with subdivision, development and use; and

(ii) to ensure that adequate measures are taken to minimise the adverse effects of fire on residents and property;

(c) (i) to encourage the conservation and efficient use of water;

(ii) to encourage the efficient and efficient use of roads and other infrastructure, services and community facilities; and

(d) to prevent subdivisions, developments, uses and activities inconsistent or incompatible with the intent of the zone.

Further, the Narracan Planning Scheme as implemented at 30 October 1989 provides Policy direction around subdivision of land within the Rural Residential Zone. An excerpt from the Narracan Planning Scheme has been provided with this Application, that provides all the Provisions listed at this section of the Scheme. Most relevant to this Application is Clause 61 which outlines Lot size and density requirements.

Section 173 Agreement instrument V660853L stipulates a 'no further subdivision' Clause that honours the intent of the Rural Residential Zone. This Agreement was required by Condition 6 of Planning Permit 396362. A copy of the Planning Permit is annexed within the Section 173 agreement.

Whilst appropriate at the time of the subdivision, Baw Baw Shire has since rezoned the land from Rural Residential Zone to Low Density Residential Zone (LDRZ). Within the Low-Density Zone, the minimum Lot size where reticulated sewerage is not available is 4000m^2. Additionally, the Low-Density Zone does not acknowledge a density-based subdivision outcome.

As such, it is contended that the intent of the Agreement is no longer appropriate for the site, as it contradicts the purpose and objectives of the Low-Density Residential Zone.

It is noted that the land was not rezoned from Rural Residential Zone to Rural Living Zone, whereby the density requirement may have been maintained with a 2-hectare Lot size included within the Schedule to maintain the preferred density outcome.

Additionally, the Low-Density Zone is acknowledged as a Residential Zone, whereby the Rural Living Zone is acknowledged as a Rural Zone. Therefore, the intent to rezone the land from Rural Resident to Low Density Zonings should be acknowledged as a considered and desired outcome to change the precinct into a residential environment and not maintain 'large bush blocks' as contemplated by the former Narracan Planning Scheme as adopted in 1996.

In the event that a Permit is to be granted on a merits assessment of this Application, it is our understanding that a Permit Condition would be imposed on the Permit whereby the applicable s. 173 Agreement would need to be appropriately amended prior to the issue of a Statement of Compliance.

3.3 SERVICING & ACCESS

All available reticulated services will be connected to both Lots created in this subdivision, including electricity, water and telecommunications.

It is noted that reticulated sewer is not currently available to this area; as such, any future new dwelling constructed on the new Lot created through this subdivision will be required to have an associated septic system to treat and detain all wastewater associated with the new Lot, in accordance with the recommendations outlined in the supplied 'Land Capability Assessment'. It is noted that this Application does not propose the development of a dwelling. Additionally, as aforementioned, it is acknowledged that the existing septic system and disposal area associated with the dwelling on the site will be required to be upgraded as part of the subdivision via Permit Condition, to ensure it meets the current standards of the EPA – most notably, such that it will be fully contained within proposed Lot 1.

Both Lots are accessible from Boronia Rise. Lot 1 will retain the existing crossover and driveway that currently provide access to the site, whilst a new crossover will be required to be constructed for proposed Lot 2. To facilitate the construction of the crossover, a tree will be required to be removed; this tree, identified as 'Tree 1' in the Arboricultural Assessment prepared for the site, is not protected by any Statutory Planning controls, but will require Council consent given its location within the nature strip. It is noted that Council's Street Tree Policy makes provision for street trees to be relocated or removed, requiring only consent from the Tree Maintenance Department and payment of a small fee.

3.4 VEGETATION

As previously discussed, a 'Preliminary Arboricultural Assessment' was undertaken of the vegetation on the site. The thirty-eight (38) trees or groups of trees that were assessed were identified as being of mixed species and origin, both

native and exotic. None of the vegetation on the site is subject to any Statutory Planning Controls, however Tree 1 is located within the nature strip.

Whilst the Application does not explicitly propose the removal of any vegetation, it is acknowledged that some trees will require removal to facilitate the construction of a crossover and driveway for proposed Lot 2. The Trees required to be removed include Trees 1, 3-9, 11 and 13. Only Tree 1 requires Council's consent for removal; however as discussed above, Council's Street Tree Policy makes provision for the relocation or removal of street trees, requiring only the consent from the relevant Council department and payment of a small fee. Removal of Trees 3-9, 11 and 13 can occur without Council approval.

PHOTOS 13-17 – PHOTOS OF TREES PROPOSED FOR REMOVAL

Notably, the proposed boundary correlates with an existing fence; this negates the need for further vegetation loss due to fencing.

The Application has carefully considered the results and recommendations of the Preliminary Arboricultural Assessment and has designed the envelopes to ensure that they do not result in any loss of vegetation.

3.5 DRAINAGE & STORMWATER MANAGEMENT

The site has adequate drainage as provided by the natural topography of the land, which direct all surface water towards the drains and drainage easements along the western and northern boundaries, as described on PS406553U.

PHOTOS 18-19 – EXISTING OPEN EARTH DRAINS RUNNING ALONG SITE'S WESTERN AND SOUTHERN BOUNDARIES

It is anticipated that drainage for proposed Lot 1 will be required to be redirected as part of the subdivisional works.

4.0 | PLANNING CONTROLS & ANALYSIS

4.1 SITE ZONING

CLAUSE 32.03 – LOW DENSITY RESIDENTIAL ZONE (LDRZ)

Land subject to this Application lies within the Low-Density Residential Zone (LDRZ), as evidenced in the below excerpt from VicPlan.

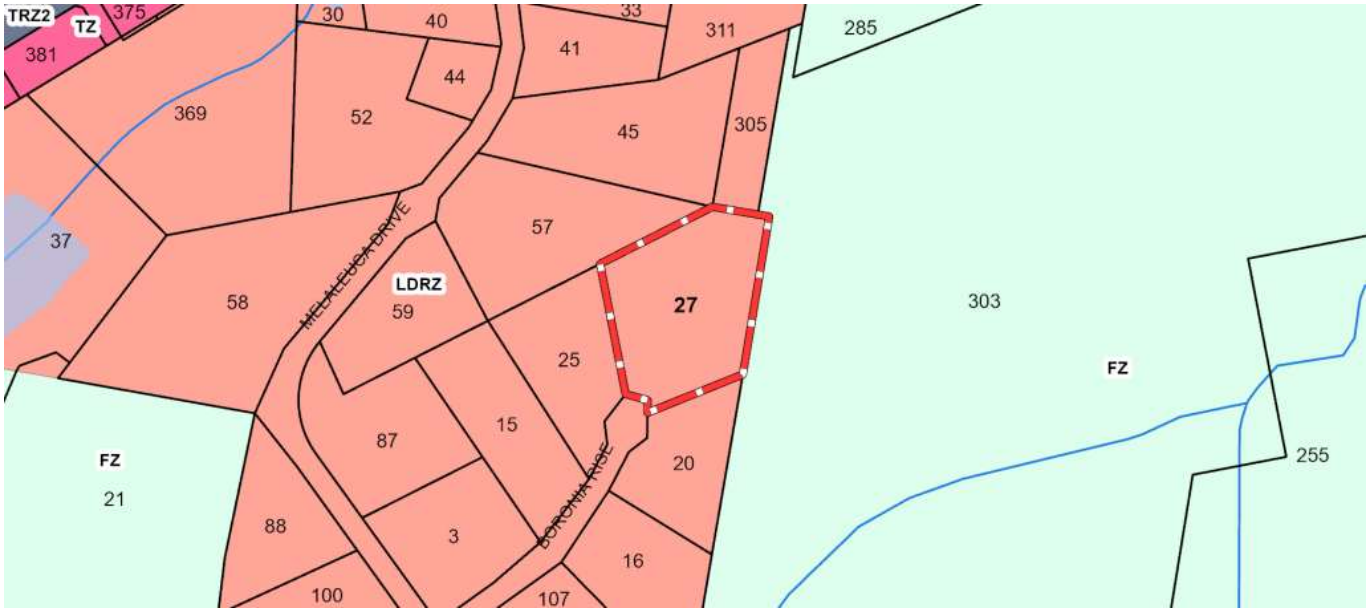


FIGURE 9 – EXCERPT FROM VICPLAN DISPLAYING ZONING OF SUBJECT SITE (SOURCE: VICPLAN)

The purpose of the Low-Density Residential Zone (LDRZ) (Clause 32.03) is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

The Low-Density Residential Zone stipulates a minimum subdivision area of 0.4ha for land that is not connected to reticulated sewerage; this requirement is satisfied by the proposal.

It is submitted that the proposed development is consistent with the purpose of this zone. Specifically, the development provides an additional residential allotment of a size that allows for wastewater disposal in the absence of reticulated sewerage. The proposed subdivision respects and integrates well with the existing neighbourhood character of the area and encourages low-density growth in a location offering good access to services and transport. Further, it is contended that the subdivision configuration herein proposed more closely aligns with the purpose of the Low-Density Residential Zone than what is currently existing, as the current Lot is of a size that is more akin to Rural Living Zone, and is arguably too large to maintain.

It is not anticipated that the proposed subdivision will cause any adverse amenity impacts to adjacent land, as the use is not proposed to change. Furthermore, it is not anticipated that this proposal will give rise to any land use conflicts.

4.2 SITE OVERLAYS

CLAUSE 44.06 – BUSHFIRE MANAGEMENT OVERLAY

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

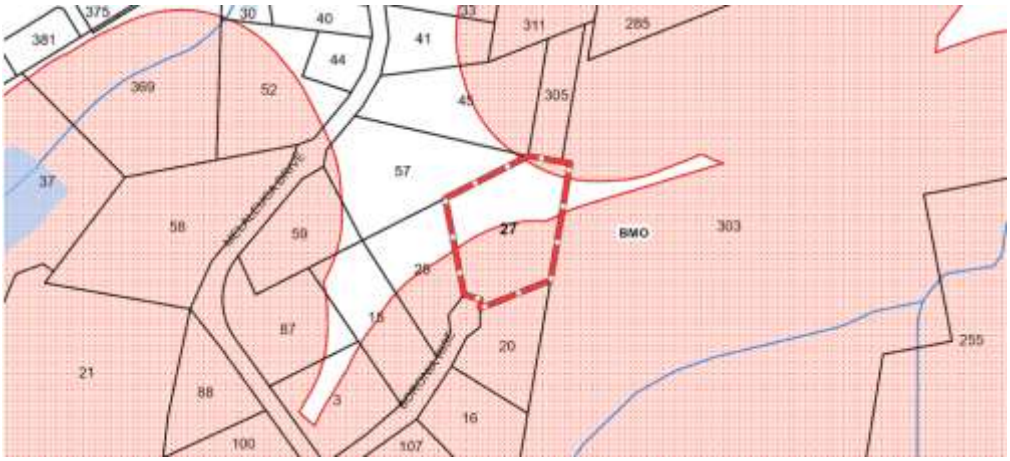


FIGURE 10 - EXCERPT FROM VICPLAN DISPLAYING BMO ON SUBJECT SITES (SOURCE: VICPLAN)

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 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.*

Clause 44.06-2 stipulates that a permit is required subdivide land affected by a Bushfire Management Overlay.

Clause 44.06-5 outlines specific Application requirements for land affected by a Bushfire Management Overlay. Additionally, Clause 44.06-5 provides a Mandatory Condition as follows:

> *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 Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.*
> - *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
> - *State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*
>
> *The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement."*

It is anticipated that any Permit issued for this proposed development will include the above Condition, unless the relevant fire authority states in writing that it is not required.

It is submitted that the proposed development is consistent with the purpose of this Overlay. A further assessment against Bushfire Planning and the relevant Clauses is provided below at 'Section 4.4 Bushfire Controls' and within the Bushfire Assessment completed by Fire Risk Consultants, provided in support of this Application.

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.

It is anticipated that the appropriate contribution be made payable prior to Statement of Compliance as a permit condition.

4.3 ABORIGINAL CULTURAL HERITAGE SENSITIVITY

A portion of land in this Application 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. The area identified as having Cultural Sensitivity is associated with the Pheasant Creek and Lang Lang River Water Frontages.

FIGURE 8 – MAP EXCERPT OF SITE SHOWING NO 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 subdivision. Furthermore, given the Application proposes no change in use, development, buildings, works or earthworks, the area with potential cultural heritage sensitivity is not anticipated to be impacted. For these reasons, no further heritage consideration is required.

4.4 BUSHFIRE CONTROLS

As discussed above at Section 4.2 of this Report, land subject to this Application is partially covered by a Bushfire Management Overlay. The remainder of the land in the Application is identified as a Designated Bushfire Prone Area.

In accordance with Amendment VC140, subdivision in areas affected by Bushfire Planning Controls must be assessed against Victorian Bushfire Planning Policy to ensure that the bushfire risk has been adequately assessed and mitigated. This includes assessing the proposed development against Clause 13.02.

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.*
- *Use and development control in a Bushfire Prone Area*

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.*

A full Bushfire Risk assessment has been provided as part of this Application, as completed by Fire Risk Consultants, comprising of 'Bushfire Management Statement' and 'Bushfire Management Plan' documents. It is submitted that the proposed subdivision will not contribute to any additional bushfire risk, or risk to person or property above what is already existing. Accordingly, these Clauses are considered 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.

Clause 02.03 Strategic Directions outlines the main strategic directions for the municipality, that planning should guide towards. Strategic Planning has identified Trafalgar East as a Rural Settlement with limited servicing opportunities and has earmarked the precinct for Limited Growth. The Strategic Directions listed to guide development and Planning within the whole of the Shire are:

- *"Develop Warragul and Drouin as sustainable high-growth settlements.*
- *Accommodate a medium level of growth in Trafalgar, Yarragon and Longwarry, consistent with their more limited infrastructure.*
- *Provide only moderate growth in Neerim South due to the environmentally sensitive setting.*
- *Develop the smaller communities, particularly those outside the Princes Freeway corridor, as follows:*
    - *Modest to limited growth for Willow Grove and Thorpdale curtailed by reticulated sewer capacity or availability.*
    - *Limited to restricted growth in Erica, Rawson and Noojee to support tourism uses while recognising the risk of bushfire.*
    - *Low or no growth for smaller settlements Tanjil Bren and Walhalla which are subject to environmental and servicing constraints and bushfire risks.*
    - *Limited growth for the other small towns and rural settlements which are subject to servicing constraints, environmental constraints and bushfire risk.*
- *Direct growth to townships that have reticulated infrastructure, such as water, sewerage and stormwater drainage.*
- *Discourage rezoning of land for urban uses outside of township boundaries as shown in respective framework plans.*
- *Retain high visual quality of rural landscapes, including preservation of view corridors and vantage points within the urban area.*
- *Respect the existing rural village character of smaller towns while providing for infill development.*
- *Limit further dispersed housing on agricultural land by defining preferred locations for rural lifestyle living within and surrounding existing settlements."*

The Application aligns with the Strategic Directions, by promoting appropriate growth within a township that is subject to servicing constraints and bushfire risk. It provides a positive response to the specific context of the area and acts as an in-fill redevelopment providing for low density residential land supply in an established residential setting in accordance with the area's zoning and structure plans, thereby aiding in meeting the needs of the population and contributing to the Settlement network.

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 facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services*". This proposal is consistent with the Settlement Clause because it effectively acts to subdivide land earmarked for residential development (aligning with the strategies of **Clause 11.01-1S**), whereby the land subject to this Application lies within an area zoned for Low Density Residential Living, and the Lots created by this proposed subdivision will be able to utilise existing infrastructure located within close proximity to the site.

The Settlement objective for Victoria, as described at **Clause 11.01-1S**, 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 "*guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks*". It is submitted that this Application supports the sustainable continuation of the established pattern of development of Trafalgar East, whilst also supporting and contributing to the established identity of the area.

Specifically, **Clause 11.01-1R** lists strategies to aid in supporting urban growth, settlement and development in Gippsland. The creation of an additional residential Lot by subdividing a property identified for development in the Baw Baw Planning Scheme facilitates and supports the urban growth of the Shire, providing a positive response to the changing population and market conditions whereby Gippsland is experiencing massive growth with people relocating to rural areas that are well-serviced, affordable, and not too far out from Melbourne. Further, directing settlement to already established urban areas and townships aids in alleviating the pressure for expansion to push outwards into productive agricultural land.

Clause 11 encourages consideration of the *Gippsland Regional Growth Plan (Victorian Government, 2014)* as one of the many Policy documents to guide Planning. This Growth Plan highlights the importance of sustainable growth and development, as well as the importance of preserving the identity of settlements (page 13). It is submitted that this Application is consistent with the objectives of the *Gippsland Regional Growth Plan* in promoting sustainable development whilst preserving the established identity of Trafalgar East.

With regards to **Clause 11.02-1S Supply of Urban Land**, 'Victoria in the Future 2016', published by the Victorian State Government estimates that by 2030, the population within Victoria's regional areas will place a demand for an additional 210,000 dwellings. The same report estimates that by 2051, Victoria's regional population will grow by 2.1 million residents, with the population of Victoria expected to almost double from a population of 5.5 million residents in 2011, to 10.1 million residents by 2051. As such, population pressure in Baw Baw must be alleviated by ensuring suitable supply of urban land and expansion of existing township and regional hubs. Creating additional residential Lots in areas identified for urban residential development contributes to this supply. This proposal facilitates that through the creation of an additional residential Title.

Clause 13 Environmental Risks and Amenity

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*".

Clause 13.02-1S Bushfire Planning speaks to strengthening the resilience of settlements and communities to bushfire through risk-based Planning that prioritises the protection of human life. This Clause is relevant to this Application as the site lies within a Designated Bushfire Prone Area and is partially affected by a Bushfire Management Overlay. The site has excellent access and egress as provided by Boronia Rise providing access to the site, and the nearby Princes Freeway that provides access to the precinct; furthermore, it is submitted that the proposed subdivision does not contribute to any additional bushfire risk to the site. As such, this Clause is considered satisfied.

Clause 15 Built Environment and Heritage

Clause 15 details the requirement for Planning to ensure that land use and development responds appropriately to the specific context in which the land is situated. It advocates for high quality urban design and development that fulfils the following requirements:

- *Creates places that are enjoyable, engaging, and comfortable to be in.*
- *Supports human health and community wellbeing.*
- *Accommodates people of all abilities, ages and cultures.*
- *Contributes positively to local character and sense of place.*
- *Reflects the particular characteristics and cultural identity of the community.*
- *Enhances the function, amenity safety to the public realm.*
- *Is adapted and resilient to climate related hazards.*
- *Supports the transition to net zero greenhouse gas emissions.*
- *Minimises waste generation and supports resource recover.*
- *Conserves potable water.*
- *Supports the use of, and access to, low emission forms of transport.*
- *Protects and enhances natural values.*
- *Minimises off-site detrimental impacts on people and the environment.*

Urban design should strive to "*create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*", through appropriate response to context in terms of character, cultural identity, natural features, surrounding landscape and climate.

This proposed subdivision responds positively **Clause 15** as it respects the existing environment and neighbourhood character of the area. The creation of an additional residential Lot on the site is in keeping with the neighbourhood character already established within the immediate precinct, with the proposed Lot sizes in keeping with this pattern. Further, this proposal employs strategic urban design in line with **Clause 15.01-1S Urban design**, to create an environment that is safe, functional and enjoyable, and aligns with Trafalgar East's sense of place and distinct identity. In line with **Clause 15.01-3S Subdivision design** and **Clause 15.01-5S Neighbourhood character**, it is submitted that this proposed achieves an attractive, safe, accessible and sustainable subdivision that is in keeping with the neighbourhood context.

Clause 16 Housing

This Clause centres around the provision of housing in appropriate locations to meet the diverse needs of the population, whilst ensuring the long-term sustainability of settlements through provision of infrastructure. This Application responds by contributing to land supply required to meet demand, in an area identified for residential living and zoned accordingly. Further, the site has adequate access to available services and has ready access to a range of existing community facilities, given its location close to the Trafalgar and Moe CBDs.

Clause 16.01-1S Integrated Housing outlines the requirement to promote a housing market that meets the needs of the community. This Application is considered consistent with this Clause because it facilitates appropriate development in an existing settlement where infrastructure and services are already available, creating Lots that are proven to be in line with the wants and needs of the market and will help to support the quickly growing population. This Application makes provision for suitable Lots on which housing can be developed in the future, thereby supporting this, Clause.

It is emphasised that this Application is for subdivision only and does not propose for the construction of any dwellings at this stage, however this Application demonstrates the new Lot's ability to comfortably accommodate a large building envelope as associated effluent envelope.

Similarly, **Clause 16.01-2S Location of residential development** highlights the requirement "*to locate new housing in designated locations that offer good access to jobs, services and transport*". As previously mentioned in this report, the subject site is well located, being near the Trafalgar and Moe CBDs, and a number of public transport and community amenities.

5.0 | PARTICULAR PROVISIONS

PLANNING AND ENVIRONMENT ACT 1987 – SECTION 178A

Section 178A of the Planning and Environment Act 1987 deals with the process for how to amend or end an Agreement entered into under Section 173 of the Act.

In accordance with this Section, "*[a]n owner of the land…may apply to the responsible authority for agreement to a proposal– to amend an agreement in respect of that land…*". Our office acts as agent for the owner of the land, in making this Application.

Under this Section, the Application must:

"be made in accordance with the regulations; and
- *be accompanied by the information required by the regulations; and*
- *be accompanied by the prescribed fee."*

The Planning and Environment Regulations state, at 'Part 7 – Administration', Section 55, that an Application must be made in writing and must be accompanied by specific information.

(a) State the applicant's name, address and phone number

Name: Jonathan Neilson, Gippsland Licensed Surveyors
Address: (by email) admin@gippslandsurveyors.com.au
Phone Number: (03) 5622 0384

(b) clearly identify the agreement proposed to be amended, ended or ended in part

This proposal seeks the variation of a Section 173 Agreement Restriction created by instrument V660853L. This Agreement affects land in Lot 5 on PS406553U.

Clause 2.a) of the Agreement currently restricts the development potential of the land, such that it requires the development of all habitable buildings and all effluent disposal systems to being located within the building and effluent envelopes shown on the Endorsed Plan attached to Planning Permit 396362.

Clause 2.b) of the Agreement currently restricts the development potential of the land, such that it prohibits the further subdivision of lots on PS406553U, other than a re-subdivision of lots that would not create any additional lots.

This Agreement was enforced under Planning Permit 396362, which facilitated a 35 Lot subdivision of parcels B/LP202678A, 1/LP202187V, and 2/LP202188T.

(c) in the case of a proposal to amend an agreement, clearly describe–

(i) the proposed amendment

We apply for Council's agreement to our proposal to amend Agreement AU923076K currently affecting land in Lot 5 on PS406553U, to have Clauses 2.a) and 2.b) deleted.

In amending the Agreement, the particulars of the Recitals may also require variation.

(ii) the purpose of the proposed amendment

The amendment is purposed to facilitate the subdivision of the site in accordance with the proposal herein, such that outcomes as contemplated by the Low-Density Residential Zone can be achieved.

(iii) any change in circumstances that necessitates the proposed amendment

Whilst the Agreement was appropriate under the Narracan Planning Scheme at the time of approval of Planning Permit 396362 for the re-subdivision approved under that Permit, the agreement is now inappropriate given the current zoning of the site. As the site was re-zoned to Low Density Residential Zone, it now contradicts the purpose and objectives of the LDRZ and inappropriately restricts the land. Additional detail is provided at Section 3.2 of this Report.

CLAUSE 52.17 – NATIVE VEGETATION

The 'Preliminary Arboricultural Assessment' completed for the site has identified that no Trees on the site are protected under the provisions of Clause 52.17 Native Vegetation.

As discussed at Section 3.4 of this Report, this Application will require the removal of Trees 1, 3-9, 11 and 13 to facilitate construction of a crossover and driveway for proposed Lot 2; however, none of these trigger Planning Approval under Clause 52.17.

The Application has carefully considered the results and recommendations of the 'Preliminary Arboricultural Assessment and has designed the envelopes to ensure that they do not result in any loss of native vegetation that is protected under Clause 52.17.

Aside from these proposed removals, the proposed subdivision aims to preserve as much site vegetation as practicable.

5.1 GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

CLAUSE 53.01 - PUBLIC OPEN SPACE CONTRIBUTION

Land subject to this Application was created as pursuant to several previous subdivision dealings, as detailed at Section 2.5 of this report. The most recent dealing was PS406553U, which was a 35-lot subdivision facilitated by Planning Permit 396362.

A copy of PS406553U has been provided as part of this Application. The face sheet of PS406553U, in the 'Council Certification and Endorsement' panel confirms that a requirement for public open space under Section 18 of the Subdivision Act 1988 was made.

In accordance with Section 18(5) of the Subdivision Act 1988: "*A public open space requirement may be made only once in respect of any of the land to be subdivided…*". For this reason, this requirement is deemed satisfied and will not form part of Permit Conditions.

CLAUSE 53.18 – STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

The purpose of Clause 53.18 is to ensure that stormwater in an urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

In accordance with the provisions of Clause 53.18-1 of the Baw Baw Planning Scheme, this proposed subdivision does not need to provide a response to this Clause, given that the subject land is zoned Low Density Residential. Furthermore, it is submitted to Council that the existing conditions of the site (including natural topography, the existing drainage networks and easement) provide for excellent stormwater management.

Therefore, no further assessment is required under this Clause.

5.2 CLAUSE 56 – RESIDENTIAL SUBDIVISION

CLAUSE 56.07-1 DRINKING WATER SUPPLY OBJECTIVES	
OBJECTIVE	*To reduce the use of drinking water.* *To provide an adequate, cost-effective supply of drinking water.*
STANDARD C22	*The supply of drinking water must be:* • *Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.* • *Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.*
ASSESSMENT	**COMPLIES** Reticulated water supply will be provided to the site.

CLAUSE 56.07-2 REUSED AND RECYCLED WATER	
OBJECTIVE	*To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.*
STANDARD C23	*Reused and recycled water supply systems must be:* • *Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.* • *Provided to the boundary of all lots in the subdivision where required by the relevant water authority.*
ASSESSMENT	**COMPLIES** Recycled water use does not form part of the Planning Application. Future owners may wish to incorporate grey water tanks (subject to further approval) or similar systems.

CLAUSE 56.07-3 WASTE WATER MANAGEMENT OBJECTIVE	
OBJECTIVE	*To provide a wastewater system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.*
STANDARD C24	*Wastewater systems must be:* • *Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.* • *Consistent with a domestic wastewater management plan adopted by the relevant council.* *Reticulated wastewater systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.*
ASSESSMENT	**COMPLIES** Appropriate provisions have been incorporated into the subdivision design allowing for septic and effluent field systems for both proposed lots in accordance with the results of the Land Capability Assessment provided. It is noted that Lot 1 contains an existing dwelling, and the other Lot in this development is currently vacant and this Application does not propose construction of a dwelling on this Lot. Therefore, any future dwelling constructed on the land will be subject to separate application and consideration, whereby wastewater treatment will be appropriately conditioned.

CLAUSE 56.07-4 STORMWATER MANAGEMENT OBJECTIVES	
OBJECTIVE	*To minimise damage to properties and inconvenience to residents from stormwater.* *To ensure that the street operates adequately during major storm events and provides for public safety.* *To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.* *To encourage stormwater management that maximises the retention and reuse of stormwater.* *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
STANDARD C25	*The stormwater management system must be:* • *Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.* • *Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.* • *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).* • *Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.* • *Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

	The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. *For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:* • *Stormwater flows should be contained within the drainage system to meet the requirements of the relevant authority.* • *Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.* *For storm events greater than 20% AEP and up to and including 1% AEP standard:* • *Provision must be made for the safe and effective passage of stormwater flows.* • *All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.* • *Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria da Vave < 0.35 m2/s (where, da = average depth in metres and Vave = average velocity in metres per second).* *The design of the local drainage network should:* • *Ensure stormwater is retarded to a standard required by the responsible drainage authority.* • *Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.* • *Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.* • *Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.* *Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.*
ASSESSMENT	**COMPLIES** The existing drainage networks ensure appropriate and necessary water management functions. It is anticipated that Planning Permit conditions will provide compliance to the objective of this clause. To ensure that pre-development flows are not exceeded, it is anticipated that an on-site stormwater detention system will be required to be designed by a suitably qualified drainage engineer to limit stormwater runoff to up to a 20 year ARI event (as is required under the Baw Baw Planning Scheme) on the new proposed Lot at a subsequent time when the land is developed, where future dwelling, outbuildings and hard surfaces can be fully assessed based on appropriate design. It is anticipated that this standard will be adhered to by way of Planning Permit condition, by use of the Standard S173 Agreement.

6.0 | DECISION GUIDELINES

CLAUSE 32.03-6 – LOW DENSITY RESIDENTIAL ZONE (LDRZ) – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 32.03-6** outline a number of matters that must be considered as appropriate, including:

Considerations	Assessment
GENERAL ISSUES	
The Municipal Planning Strategy and the Planning Policy Framework.	**COMPLIES** Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.	**COMPLIES** The natural environment will not be compromised by this proposal. Envelopes have been located to avoid vegetation removal; furthermore, the envelopes will not impact upon any native vegetation. Further detail addressing vegetation is provided at Section 3.4 of this Report.
The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.	**COMPLIES** The provision of utility services are considered sufficient.
In the absence of reticulated sewerage: – *The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.* – *The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.*	**COMPLIES** The attached Land Capability Assessment details the proposed Lots' ability to treat and retain all wastewater in accordance with the relevant standard. Both Lots are equal to or larger than the minimum Lot size specified within the Zone.
The relevant standards of Clauses 56.07-1 to 56.07-4.	**COMPLIES** Analysis is provided above.

CLAUSE 44.06-8 – BUSHFIRE MANAGEMENT OVERLAY (BMO) – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 44.06-8** outlines several matters to be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	**COMPLIES** Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
Any other matters specified in a schedule to this overlay.	**NOT APPLICABLE** Land in this Application is not subject to the Bushfire Management Overlay.

CLAUSE 53.02-4.5 – BUSHFIRE PLANNING – DECISION GUIDELINES

The Decision Guidelines listed at **Clause 53.02-4.5** outlines several matters to be considered as appropriate, including:

Considerations	Assessment
The Municipal Planning Strategy and the Planning Policy Framework.	**COMPLIES**

	Outcomes of this proposal are consistent with State & Local Planning Policy Framework objectives, as described in the assessment provided above.
The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	**COMPLIES** Analysis provided within 'Section 4.4 – Bushfire Controls' of this Report, and within accompanying 'Bushfire Management Statement' and 'Bushfire Management Plan' completed by Fire Risk Consultants.
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.	**COMPLIES** Analysis provided within 'Section 4.4 – Bushfire Controls' of this Report, and within accompanying 'Bushfire Management Statement' and 'Bushfire Management Plan' completed by Fire Risk Consultants.
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.	**COMPLIES** The proposal meets the specified objectives. Analysis provided within 'Section 4.4 – Bushfire Controls' of this Report, and within accompanying 'Bushfire Management Statement' and 'Bushfire Management Plan' completed by Fire Risk Consultants.
Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	**COMPLIES** 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 constraint that prevents the applicable approved measure from being implemented.	**COMPLIES** Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report, and within accompanying 'Bushfire Management Statement' and 'Bushfire Management Plan' completed by Fire Risk Consultants.
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.	**COMPLIES** Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report, and within accompanying 'Bushfire Management Statement' and 'Bushfire Management Plan' completed by Fire Risk Consultants.
Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	**COMPLIES** Analysis provided within 'Section 4.4 – Bushfire Controls' within this Report, and within accompanying 'Bushfire Management Statement' and 'Bushfire Management Plan' completed by Fire Risk Consultants.

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.	**COMPLIES** This land has been identified as being appropriate for Low Density Residential development, as reflected by the zoning on the land. Proposed Lots are in keeping with the minimum Lot areas specified.
The existing use and possible future development of the land and nearby land.	**COMPLIES** Existing use of the land is residential. It is anticipated that further Low-Density Residential development may occur in the vicinity in future.
The availability of subdivided land in the locality, and the need for the creation of further lots.	**COMPLIES** Facilitating residential development in existing settlements where land has been zoned for residential development alleviates the pressure to rezone productive agricultural land to meet the demand of supply of residential Lots.
The effect of development on the use or development of other land which has a common means of drainage.	**COMPLIES** No foreseeable adverse impacts.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	**COMPLIES** The proposed Lots are consistent with the existing subdivision pattern in the area.
The density of the proposed development.	**COMPLIES** The Application proposes for a continuation of the pattern of development already established.
The area and dimensions of each lot in the subdivision.	**COMPLIES** The application proposes lot sizes in keeping with the requirements specified in the schedule.

The layout of roads having regard to their function and relationship to existing roads.	**COMPLIES** No additional road proposed to be created as part of this development. Both Lots have access to Boronia Rise.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	**COMPLIES** The proposed Lots have both been designed to facilitate forward vehicle movements. Both Lots have direct frontage to Boronia Rise.
The provision and location of reserves for public open space and other community facilities.	**NOT APPLICABLE** No reserves or other community facilities proposed as part of this development. The land is sited in close proximity to existing community facilities, reserves and public open space.
The staging of the subdivision.	**NOT APPLICABLE** This is not a staged subdivision.
The design and siting of buildings having regard to safety and the risk of spread of fire.	**NOT APPLICABLE** No additional buildings proposed.
The provision of off-street parking.	**COMPLIES** Both residential Lots created will have provision for off-street parking.
The provision and location of common property.	**NOT APPLICABLE** No Common Property proposed.
The functions of any body corporate.	**NOT APPLICABLE** No Common Property proposed.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	**COMPLIES** The subdivision design maximizes potential to connect into existing infrastructure.
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 sullage within the boundaries of each lot.	**COMPLIES** The attached Land Capability Assessment demonstrates each Lot's ability to treat wastewater on-site with the boundaries of that Lot.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	**COMPLIES** The Application will retain as much vegetation as is practicable.
The impact the development will have on the current and future development and operation of the transport system.	**NOT APPLICABLE** No adverse impacts are anticipated.

7.0 | CONCLUSION

For reasons stated in this report, the proposed development is considered to accord with all relevant provisions of the Low-Density Residential Zone, and Particular Provisions of the Baw Baw Planning Scheme, including Development Contributions Plan 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.

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.

Neil Haydon
.....

Signed

Neil Robert Haydon
Town Planner
c/- Gippsland Licensed Surveyors

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dbm GEOTECH

20 June 2024

LAND CAPABILITY ASSESSMENT

PROPOSED DEVELOPMENT
Lot 2, 27 BORONIA RISE
TRAFALGAR EAST, VICTORIA

Prepared for:
Gippsland Licensed Surveyors

Report Number: 24135

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Kilcunda, Victoria, 3995
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SUMMARY

Location:

Address: Lot 2, 27 Boronia Rise, Trafalgar East

SPI: 5\PS406553

Land Features:

Slope of land: 8-12%

Distance to surface water: onsite open stormwater drain

Aspect: northerly

Flooding: > 1 in 100 years

Evaporation: 1508mm

Rainfall: 980mm

Soil Characteristics:

Soil texture (limiting layer): light clay

Permeability: 0.06 mm/day

Treatment System:

EPA approved secondary treatment

Land Application system:

Subsurface drip irrigation or wick trenches

Design Loading rate (DLR):

Sub-surface irrigation: 3.0 mm/day; Wick Trenches: 8mm/day

Land Application Area minimum size

Design Flow Rate	Subsurface irrigation	Wick Trenches
3-bedroom dwelling – 600L/day	340 m^2	89 m^2 (56 m of trench)
4-bedroom dwelling – 750L/day	425 m^2	111 m^2 (70 m of trench)
5-bedroom dwelling – 900L/day	510 m^2	133 m^2 (84 m of trench)

Site Constraints:

Light clay, rainfall run-on, onsite open stormwater drain

Special Conditions / Mitigation Measures:

Light Clay: Treat wastewater to secondary level and dispose of via sub-surface irrigation or wick trenches.

Rainfall Run-on: Diversion drain to be constructed upslope of Land Application Area (LAA).

Onsite open stormwater drain: Locate Land Application Area a minimum 30m from the down-slope open stormwater drain

Buffer Distances:

Site boundaries and buildings:	1.5m downslope; 3.0m upslope
Waterway (potable):	100m
Waterway (non-potable):	30m
Steep slope:	20m
Open stormwater drain:	30m

Management:

Desludging primary tank: every **3 years**

Quarterly servicing of treatment plant and inspection of effluent dispersal area.

1.0 INTRODUCTION

Gippsland Licensed Surveyors has engaged DBM Geotech Consulting Pty Ltd (DBM Geotech) to undertake a Land Capability Assessment for the proposed residential dwelling subdivision at 27 Boronia Rise, Trafalgar East. The field investigation and report have been undertaken and prepared by suitability experienced consultants.

This report will accompany an application for a planning permit to sub-divide the land (Lot 1 and Lot 2) at 27 Boronia Road, Trafalgar East, and can be used for a Septic Tank Permit to install for an onsite wastewater management system at Lot 2, 27 Boronia Rise, Trafalgar East. The report provides information about the site and soil conditions. It also provides a Land Capability Assessment (LCA) for the site and includes a conceptual design for a suitable onsite wastewater management system, including recommendations for monitoring and management requirements.

2.0 DESCRIPTION OF THE DEVELOPMENT

The site is a rural allotment, we understand that the proposed subdivision comprises splitting off an allotment (Lot 2) of 1.257 Hectares in size. The proposed Lot 2 allotment is in the northern half of overall site. The site of Lot 2 slopes down to the north with a moderate slope of between 8% and 12%. We understand that at the time of writing this report, the building envelop has not been finalised for Lot 2 of the subdivision.

Site Address: 5\PS406553; 27 Boronia Rise, Trafalgar East (Figure 1)

Council Area: Baw Baw Shire Council

Zoning: LDRZ – Low Density Residential Zone

Domestic Water Supply: Tank water

Anticipated Wastewater Load: Assume a residence with full water-reduction fixtures at maximum occupancy. Wastewater generation = 150 L/person/day; (Table 4-1, EPA 2024 Guidelines – GOWM).

Availability of Sewer: The area is unsewered and unlikely to be sewered within the next 10-20 years.

3.0 SITE AND SOIL ASSESSMENT

3.1 SITE KEY FEATURES

DBM Geotech undertook a site investigation on the 7 June 2024. Table 1 summarises the key features of the site in relation to effluent management proposed for the site.

NOTE:

- The site is not in a special water supply catchment area.
- The site experiences minor stormwater run-on from Boronia Rise and neighbouring property.
- The risk of effluent transport offsite is low.

Figure 1 attached provides a site plan and indicates the location of the proposed dwelling. Site photos are shown in Figure 2 and 3.

Table 1: Site Assessment

Feature	Description	Constraint	Measures
Buffer Distances	All relevant buffer distances in Table 4-10, EPA 2024 Guidelines – GOWM, of the are achievable from the proposed effluent management area.	Minor	NN
Climate	Average annual rainfall 980mm (Trafalgar Station No. 085085).	Moderate	Design system using water balance
Drainage	No visible signs of surface dampness, spring activity or hydrophilic vegetation in the proposed effluent management area or surrounds.	Minor	NN
Erosion & Landslip	No evidence of sheet or rill erosion; the erosion hazard is low. No evidence of landslip and landslip potential is low.	Minor	NN
Exposure & Aspect	LAA has a northerly aspect with high sun and wind exposure.	Minor	NN
Flooding	The proposed effluent management area is located above the 1:100 year flood level	Minor	NN
Groundwater	No groundwater was observed at the site	Minor	NN
Imported Fill	No imported fill material was observed anywhere on the site.	Nil	NN
Land Available for LAA	Considering all the constraints and buffers, the site has ample suitable land for land application of treated effluent.	Minor	NN
Landform	Rolling hills	Nil	NN
Rock Outcrops	None	Nil	NN
Run-on & Runoff	Minor stormwater run-on and minor run-off hazard.	Minor to Moderate	Construct upslope cut-off drains
Slope	The proposed effluent management area has a slope of about 8-12%.	Minor to Moderate	Reduce loading rate for sub-surface irrigation by 20%
Surface Waters	The nearest surface water is an open stormwater drain along the western and northern boundaries of the site. Northern boundary will be down-slope of the proposed effluent treatment field.	Minor	Treat wastewater to secondary level to reduce setback distance to 30m
Vegetation	Mixture of grasses.	Nil	NN

NN: not needed

3.2 SITE ASSESSMENT RESULTS

Based on the most constraining site features, the overall land capability of the site to sustainably manage all effluent onsite is satisfactory. The proposed effluent management area is located above the 1:100 flood level. The site slopes to the north and the proposed effluent treatment field will be up-slope of the open stormwater drain along the north boundary. The site has sufficient land area to achieve suitable setback of the effluent treatment field to the open stormwater drain and by using secondary treatment, there will be suitable protection of surface waters and groundwater.

3.3 SOIL KEY FEATURES

The site's soils have been assessed for their suitability for onsite wastewater management by a combination of soil survey and desktop review of published soil survey information as outlined below.

A soil survey was carried out at the site to determine suitability for application of treated effluent. Soil investigations were conducted at four locations as shown in Figure 1. The investigation was carried out using a machine powered push tube to depths of 1.5m below ground level. This was sufficient to adequately characterise the soils as only minor variation would be expected throughout the area of interest.

Soils were typically categorised as a clay loam to approximately 0.6m depth and light clay was encountered at a depth of between 0.6m and 0.8m below ground level. Considering the physical characteristics of the subsoil in the area of the site, effluent application via sub surface irrigation or wick trenches is a suitable and viable disposal system for this site.

Full profile descriptions of the soils are provided in Appendix A. Table 2 provides an assessment of the physical and chemical characteristics of each soil type.

Table 2: Soil Assessment

Feature	Assessment	Constraint	Measures
Electrical Conductivity (ECe) (dS/m)	EC (1:5 soil : water suspension) 25 µS/cm @ 0.3m 230 µS/cm @ 0.7m	Minor	NN
Emerson Aggregate Class	Clay LOAM @ 0.2m: slaking, no dispersion Light CLAY @ 0.6m: slaking, no dispersion 	Minor	NN
pH	5.8 @ 0.3m 5.5 @ 0.7m	Minor	NN
Rock Fragments	Less than 10%	Minor	NN
Soil Depth	Total soil depth 1.5m	Minor	NN
Sodicity (ESP)	Long-term soil sodality monitoring is not required. Present soil conditions are not restricting plant growth.	Minor	NN
Soil Permeability & Design Loading Rates	Light CLAY: 0.06 m/day saturated conductivity (Ksat) (AS/NZS1547:2012) DIR = 3 mm/day for irrigation system DLR = 8 mm/day for wick trenches	Moderate	Land Application Area sized using water balance modelling
Soil Texture & Structure	Clay LOAM: 0.0 – 0.6m Light CLAY: 0.6 – 1.5m	Moderate	Treat wastewater to secondary level and dispose of via subsurface irrigation or wick trenches.
Watertable Depth	Groundwater not encountered.	Minor	NN

NN: Not Needed

OVERALL LAND CAPABILITY RATING

For the soil in the proposed land application area, no features present a moderate or major constraint that cannot be mitigated.

Based on the results of the site and soil assessment tabled above and provided in the Appendices, the overall land capability of the proposed effluent management area is constrained. However, the effluent management system will be designed, installed and maintained in ways which will mitigate these factors.

4.0 SYSTEM SELECTION AND DESIGN

The following sections provide an overview of a suitable onsite wastewater management system, with sizing and design considerations and justification for its selection. Detailed design for the system should be undertaken at the time of the building application and submitted to Council.

4.1 TARGET EFFLUENT QUALITY

Based on the site constraints a secondary treatment system is recommended at this site. The secondary effluent quality required is:

- Biochemical Oxygen Demand, less than 20 mg/L;
- Total Suspended Solids, less than 30 mg/L;

Refer to the EPA website for the list of approved options that are available http://www.epa.vic.gov.au/en/your-environment/water/onsite-wastewater.

The property owner has the responsibility for the final selection of the secondary treatment system and will include the details of it in the Septic Tank Permit to Install application form for Council approval.

4.2 EFFLUENT MANAGEMENT OPTIONS

A range of possible land application systems have been considered, such as absorption trenches, evapo-transporation/absorption (ETA) beds, subsurface irrigation, and mounds.

The preferred system at this site is either shallow pressure compensated drip irrigation or wick trenches. These systems are considered suitable to overcome the site constraints and ensure that that the risk of effluent being transported off-site will be negligible.

A detailed irrigation system design is beyond the scope of this report however a general description of the system is provided here for the information of the client and council.

Description of Irrigation System

Sub surface irrigation comprises a network of drip-irrigation lines that are specially design for use with wastewater. The pipe contains pressure compensating emitters (drippers) that employ a biocide to prevent build-up of slimes and inhibit root penetration. The lateral pipes are usually 0.6m to 1.0m apart, installed parallel along the contour. Installation depth is 100-150mm in accordance with AS1547:2012. It is critical that the irrigation pump be sized properly to ensure adequate pressure and deliver rate to the irrigation network.

A filter is installed in the main line to remove fine particulates that could block the emitters. This must be cleaned regularly (typically monthly) following manufacturer's instructions. Vacuum breakers should be installed at the high point/s in the system to prevent air and soil being sucked back into the drippers when the pump shuts off. Flushing valves are an important component and allow periodic flushing of the lines, which should be done at six monthly intervals.

Description of Wick Trenches

Wick trenches are designed to maximise the movement of effluent up thought the soil to plant roots and the atmosphere. Wick trenches are a series of trenches with adjacent evapo-transpiration beds that are underlain and joined by a layer of geotextile. Typically, they consist of a 0.6m wide by 0.6m deep trench with a 1.0m wide by 0.15m deep evapo-transpiration bed. The surface of the combine trench and bed is planted with herbaceous vegetation to maximise the wicking effect over the large surface area. The geotextile acts as the 'wick' to continuously draw liquid upwards through papillary action.

4.3 SIZING THE IRRIGATION SYSTEM

To determine the necessary size of the Land Application Area, water balance modelling has been undertaken using the method and water balance tool in the Victorian Land Capability Assessment Framework (2014) and the EPA Guidelines (2024).

WATER BALANCE

The water balance can be express by the following equation:

Precipitation + Effluent Applied = Evapotranspiration + Percolation

Data used in the water balance includes:

- Mean monthly rainfall (Trafalgar) and mean monthly pan evaporation for Trafalgar East from the Australian Landscape water Balance;
- Average daily effluent load – 600L-900L/day from Table 4-1, EPA 2024 Guidelines – GOWM based on 3-5 bedroom house;
- Subsurface irrigation (DLR) = 3.0 mm/day; Wick Trench DLR = 8mm/day
- Crop factor – 0.6 to 0.8; and
- Retained rainfall – 75% (8-12% slope)

The nominated area method is used to calculate the area required to balance all inputs and outputs to the water balance. As a result of these calculations a minimum land application area required for sub-

surface irrigation and wick trenches is shown in Table 3. The full water balance calculation is shown in Appendix A.

Table 3: land application area

Number of Bedrooms*	Total Daily wastewater flow (L/day)	Required LAA Size	
		Sub Surface Irrigation	Wick Trenches
3	600	340 m^2	89 m^2 (56 m of trench)
4	750	425 m^2	111 m^2 (70 m of trench)
5	900	510 m^2	133 m^2 (84 m of trench)

***In accordance with EPA 2024 Guidelines – GOWM any room such as a study, library or sunroom that can be closed off with a door, shall be treated as a bedroom.**

4.4 SITING AND CONFIGURATION OF THE IRRIGATION SYSTEM

We have provided an approximate location of the land application area on the attached site plan Figure 1. Final placement and configuration of the irrigation system will be determined by the client and/or system installer, provided it remains close to the nominated locations in Figure 1 and satisfies the minimum area required according to the water balance.

Whilst there is ample area for application of the effluent, it is important that appropriate buffer distances be maintained. It is important to note that buffers are measured as the overland flow path for run-off water from the effluent irrigation area.

It is recommended that the owner consult a wastewater contractor familiar with effluent system construction to construct the system, and an appropriately registered plumbing/drainage practitioner to install the system.

4.5 STORMWATER RUN-ON MEASURES

Stormwater run-on protection measures are considered essential at this site. Stormwater run-on from buildings, upslope properties and significant rainstorm events pose a risk to the effluent disposal field. Stormwater run-on should be mitigated by the following:

- Diversion of roof drainage away from the effluent dispersal area.
- The construction and maintenance of a sub-surface diversion drain upslope of the Land Application Area.

An upslope cut-off drain should be constructed at the site in accordance with the below figure. The upslope drain should be keyed a minimum 150mm into clay soils at the site. We recommend the drain is constructed 3m upslope of the Land Application Area.

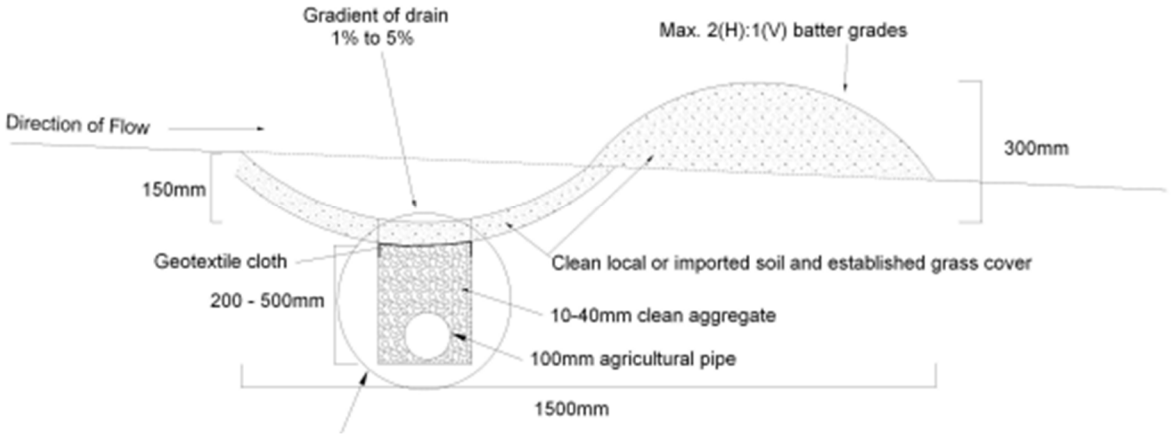


Plate 1: Upslope diversion drain.

BUFFER DISTANCES

Setback buffer distances from effluent land application areas and treatment systems are required to help prevent human contact, maintain public amenity and protect sensitive environments. The relevant buffer distances for this site, taken from Table 4-10, EPA 2024 Guidelines – GOWM, are:

Secondary Treatment buffer distances:

- 20 m from groundwater bores;
- 100 m upslope from watercourses in a potable water supply catchment;
- 30 m upslope from non-potable watercourses; and
- 3.0 m if area up-gradient and 1.5 m if area down-gradient of property boundaries, swimming pools and buildings.
- 30 m upslope of open stormwater drains

5.0 MONITORING, OPERATION AND MAINTENANCE

Maintenance is to be carried out in accordance with the EPA Certificate of Approval of the selected secondary treatment system and Council's permit conditions. The treatment system will only function adequately if appropriately and regularly maintained.

To ensure the treatment system functions adequately, residents must:

- Have a suitably qualified maintenance contractor service the secondary treatment system at the frequency required by Council under the permit to use;
- Use household cleaning products that are suitable for septic tanks;
- Keep as much fat and oil out of the system as possible; and
- Conserve water (AAA rated fixtures and appliances are recommended).

To ensure the land application system functions adequately, residents must:

- Regularly harvest (mow) vegetation within the LAA and remove this to maximise uptake of water and nutrients;
- Monitor and maintain the subsurface irrigation system following the manufacturer's recommendations, including flushing the irrigation lines;
- Regularly clean in-line filters;
- Not erect any structures and paths over the LAA;
- Avoid vehicle and livestock access to the LAA, to prevent compaction and damage; and
- Ensure that the LAA is kept level by filling any depressions with good quality topsoil (not clay).

6.0 CONCULSION

As a result of our investigation, we conclude that sustainable onsite wastewater management is feasible with appropriate mitigation measures, as outlined, for the proposed residence at 27 Boronia Rise, Trafalgar East.

Specifically, we recommend the following:

- Secondary treatment of wastewater by an EPA-accredited treatment system;
- Land application of treated effluent via subsurface irrigation (which may be subdivided into two or more evenly sized zones using an indexing or sequencing valve) or wick trenches;
- Installation of water saving fixtures (minimum 4 star WELS) and appliances (minimum 3 star WELS) in the new residence to reduce the effluent load;
- Use of low phosphorus and low sodium (liquid) detergents to improve effluent quality and maintain soil properties for growing plants; and
- Operation and management of the treatment and disposal system in accordance with manufacturer's recommendations, the EPA Certificate of Approval, the EPA 2024 Guidelines and the recommendations made in this report.

7.0 REFERENCES

Environment Protection Authority (1991). Guidelines for Wastewater Irrigation Publication 168.

Environment Protection Authority (2024). Guideline for Onsite Wastewater Management Systems (GOWM)

Environment Protection Authority (2024). Guideline for onsite wastewater Effluent Dispersal and Recycling Systems (EDRS)

Geary, P. and Gardner, E. (1996). On-site Disposal of Effluent. In Proceedings from the one day conference Innovative Approaches to the Management of Waste and Water, Lismore 1996.

Isbell, R.F. (1996). The Australian Soil Classification. CSIRO Publishing, Melbourne.

Municipal Association of Victoria, Department of Environment and Sustainability and EPA Victoria (2014) Victorian Land Capability Assessment Framework.

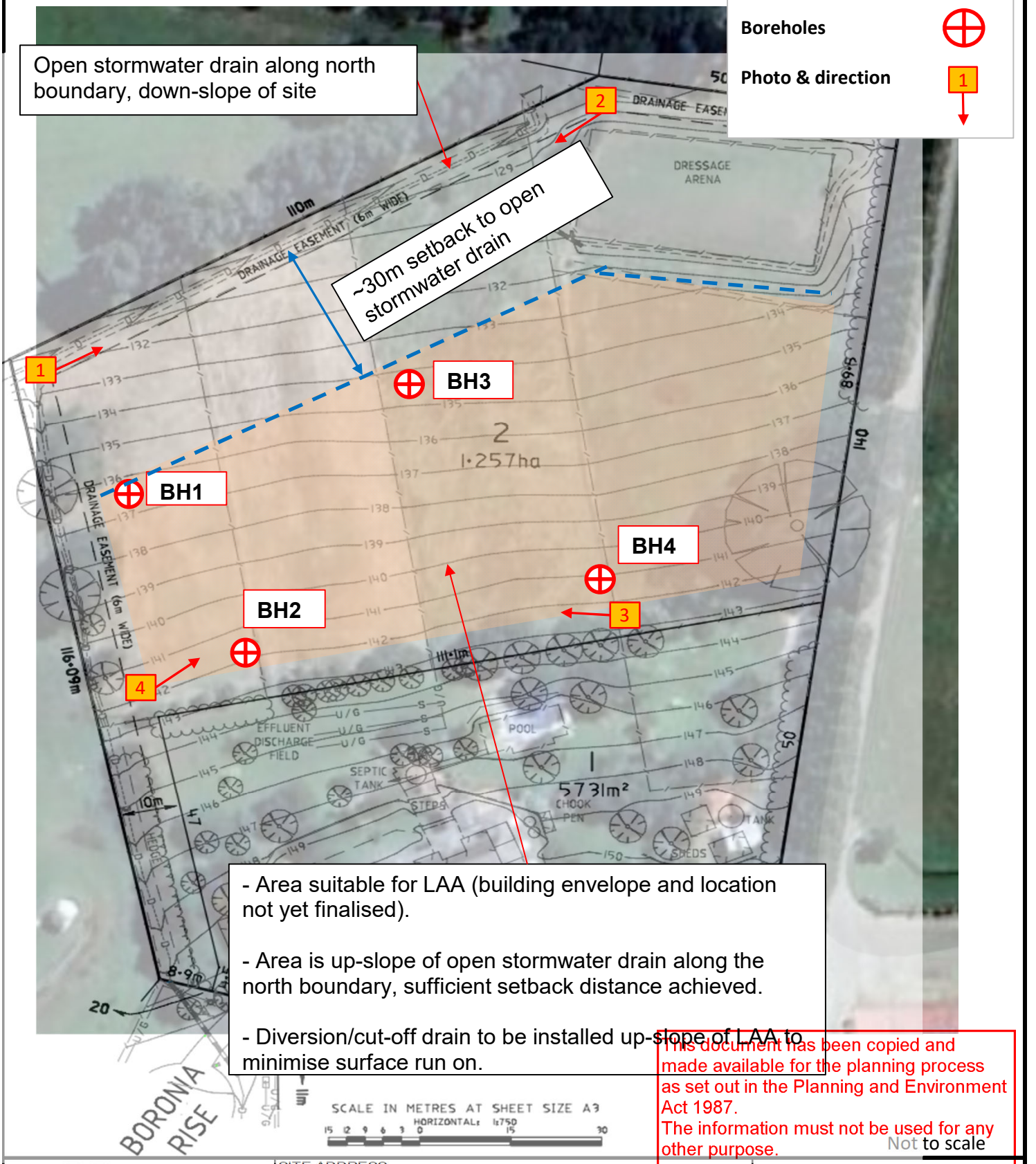
Standards Australia / Standards New Zealand (2012). AS/NZS 1547:2012 On-site domestic-wastewater management.

8.0 LIMITATIONS

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

DBM Geotech Consulting Pty Ltd

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



- Area suitable for LAA (building envelope and location not yet finalised).

- Area is up-slope of open stormwater drain along the north boundary, sufficient setback distance achieved.

- Diversion/cut-off drain to be installed up-slope of LAA to minimise surface run on.

Not to scale

dbm GEOTECH	SITE ADDRESS: 27 Boronia Rise, Trafalgar East CLIENT: Gippsland Licensed Surveyors JOB NUMBER: 24135	FIGURE 1 SITE PLAN

Photo 1

Photo 2

Not to scale

dbm GEOTECH

SITE ADDRESS:
27 Boronia Rise, Trafalgar East

CLIENT:
Gippsland Licensed Surveyors

JOB NUMBER:
24135

FIGURE 2

SITE PHOTOS

Photo 3

Photo 4

Not to scale

dbm GEOTECH

SITE ADDRESS:
27 Boronia Rise, Trafalgar East

CLIENT:
Gippsland Licensed Surveyors

JOB NUMBER:
24135

FIGURE 3

SITE PHOTOS

Appendix A

Reports of Boreholes

Water Balance Calculations

DBM GEOTECH

REPORT OF BOREHOLE: BH1

Job No	: 24135	Easting	: 434,543.97	Sheet	: 1 OF 1
Client	: . Owner / Designer	Northing	: 5,773,449.82	Logged	: Sam Young
Project	: 27 Boronia Rise, Trafalgar East	UTM	: 55H	Logged Date	: 07/06/2024
Location	: 27 Boronia Rise, Trafalgar East	Drill Rig	: Push Tube	Checked	:
Contractor	: DBM Geotech	Inclination	:	Checked Date	: 19/06/2024

Drilling Method	Water	Depth (m)	Graphic Log	Classification Code	Material Description	Moisture	Consistency/Density	Samples	Testing	Shear Strength
		0.1			SILT firm, low plasticity, dark grey, moist, (category 2).	M	F			
				CL-CI	Silty CLAY CL-CI: firm to stiff, low to medium plasticity, brown, with fine to medium grained sand, moist, (category 4a).		F-St			
		0.7		CI	Silty CLAY CI: stiff, medium plasticity, brown and light grey, moist, (category 5c).		St			
		1		CI	Brown and grey with red.					
					BH1 Terminated at 1.5m					
		2								
		3								

DBM GEOTECH

REPORT OF BOREHOLE: BH2

Job No	: 24135	Easting	: 430,293.52	Sheet	: 1 OF 1
Client	: . Owner / Designer	Northing	: 5,771,919.00	Logged	: Sam Young
Project	: 27 Boronia Rise, Trafalgar East	UTM	: 55H	Logged Date	: 07/06/2024
Location	: 27 Boronia Rise, Trafalgar East	Drill Rig	: Push Tube	Checked	:
Contractor	: DBM Geotech	Inclination	:	Checked Date	: 19/06/2024

Drilling Method	Water	Depth (m)	Graphic Log	Classification Code	Material Description	Moisture	Consistency/Density	Samples	Testing	Shear Strength
		0.2			SILT firm, low plasticity, dark grey, moist, (category 2).	M	F			
				CL-CI	Silty CLAY CL-CI: firm to stiff, low to medium plasticity, brown, with fine to medium grained sand, moist, (category 4a).		F-St			
		0.8		CI	Silty CLAY CI: stiff, medium plasticity, brown and light grey, moist, (category 5c).		St			
		1		CI	Brown and grey with red.					
					BH2 Terminated at 1.5m					

DBM GEOTECH

REPORT OF BOREHOLE: BH3

Job No	: 24135	Easting	: 434,543.44	Sheet	: 1 OF 1
Client	: . Owner / Designer	Northing	: 5,773,514.91	Logged	: Sam Young
Project	: 27 Boronia Rise, Trafalgar East	UTM	: 55H	Logged Date	: 07/06/2024
Location	: 27 Boronia Rise, Trafalgar East	Drill Rig	: Push Tube	Checked	:
Contractor	: DBM Geotech	Inclination	:	Checked Date	: 19/06/2024

Drilling Method	Water	Depth (m)	Graphic Log	Classification Code	Material Description	Moisture	Consistency/Density	Samples	Testing	Shear Strength
		0.2			SILT firm, low plasticity, dark grey, moist, (category 2).	M	F			
		0.6		CL-CI	Silty CLAY CL-CI: firm to stiff, low to medium plasticity, brown, with fine to medium grained sand, moist, (category 4a).		F-St			
		0.8		CI	Silty CLAY CI: stiff, medium plasticity, brown and light grey, moist, (category 5c).		St			
		1		CI	Brown and grey with red.					
					BH3 Terminated at 1.5m					
		2								
		3								

DBM GEOTECH

REPORT OF BOREHOLE: BH4

Job No	: 24135	Easting	: 433,487.41	Sheet	: 1 OF 1
Client	: . Owner / Designer	Northing	: 5,772,976.95	Logged	: Sam Young
Project	: 27 Boronia Rise, Trafalgar East	UTM	: 55H	Logged Date	: 07/06/2024
Location	: 27 Boronia Rise, Trafalgar East	Drill Rig	: Push Tube	Checked	:
Contractor	: DBM Geotech	Inclination	:	Checked Date	: 19/06/2024

Drilling Method	Water	Depth (m)	Graphic Log	Classification Code	Material Description	Moisture	Consistency/Density	Samples	Testing	Shear Strength
		0.2			SILT firm, low plasticity, dark grey, moist, (category 2).	M	F			
				CL-CI	Silty CLAY CL-CI: firm to stiff, low to medium plasticity, brown, with fine to coarse grained sand, moist, (category 4a).		F-St			
		0.8		CI	Silty CLAY CI: stiff, medium plasticity, brown and light grey, moist, (category 5c).		St			
		1								
		1.2		CI	Brown and grey with red.					
					BH4 Terminated at 1.5m					
		2								
		3								

dbm GEOTECH

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

DRILLING/EXCAVATION METHOD

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

WATER

Water level shown at date — Water Inflow

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

SAMPLING AND TESTING

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

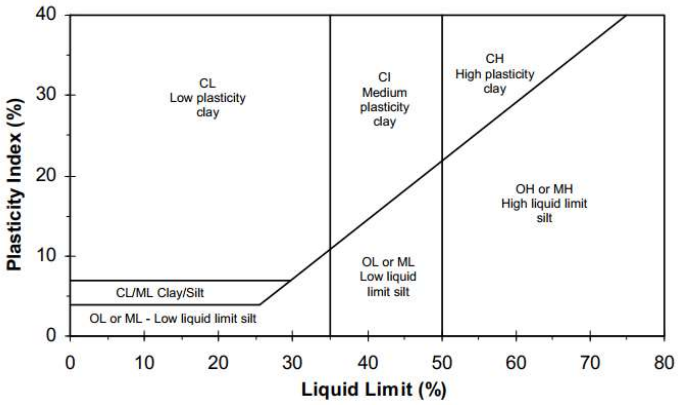
CLASSIFICATION AND INFERRED STRATIGRAPHY

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

Particle Size

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

Plasticity Properties



MOISTURE CONDITION

AS1276 - 2017

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

CONSISTENCY AND DENSITY

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

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

ROCK MATERIAL WEATHERING

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

Victorian Land Capability Assessment Framework
Sub-surface Irrigation DLR = 3.0mm/day

Please read the attached notes before using this spreadsheet

Irrigation area sizing using Nominated Area Water Balance for Zero Storage

Site Address:	**27 Boronia Rise, Trafalgar East**		
Date:	17-Jun-24	**Assessor:**	Bill Wang

INPUT DATA

Design Wastewater Flow	Q	900	L/day	Based on 4 bed home, 150L/day loading rate
Design Irrigation Rate	DIR	3.0	mm/day	Based on soil texture class/permeability and derived from Table 9 in the EPA Code of Practice (2013)
Nominated Land Application Area	L	285	m^2	[1]
Crop Factor	C	0.8	unitless	Estimates evapotranspiration as a fraction of pan evaporation; varies with season and crop type[2]
Rainfall Runoff Factor	RF	0.7	untiless	Proportion of rainfall that remains onsite and i`
Mean Monthly Rainfall Data	Trafalga (085085)			BoM Station and number
Mean Monthly Pan Evaporation Data	Trafalga East			Synthetic Pan Evaporation from BOM Australian Water Outlook (-38.201 146.206)

Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Days in month	D		days	31	28	31	30	31	30	31	31	30	31	30	31	**365**
Rainfall	R		mm/month	53.8	49.7	59.6	73.6	92.2	96.3	95.1	104.4	99.1	98.1	84.2	71.8	**977.9**
Evaporation	E		mm/month	224.2	180.4	150.1	93.6	63.8	47.3	54.7	76.4	101.8	140.1	167.9	208.0	**1508.4**
Crop Factor	C		unitless	0.95	0.90	0.85	0.80	0.70	0.55	0.55	0.65	0.75	0.85	0.95	1.00	
OUTPUTS																
Evapotranspiration	ET	ExC	mm/month	213	162	128	75	45	26	30	50	76	119	160	208	**1291.3**
Percolation	B	DIRxD	mm/month	93.0	84	93.0	90.0	93.0	90.0	93.0	93.0	90.0	93.0	90.0	93.0	**1095.0**
Outputs		ET+B	mm/month	306.0	246.3923077	220.6	164.9	137.7	116.0	123.1	142.7	166.4	212.1	249.5	301.0	**2386.3**
INPUTS																
Retained Rainfall	RR	RxRF	mm/month	34.97	32.305	38.74	47.84	59.93	62.595	61.815	67.86	64.415	63.765	54.73	46.67	**635.635**
Applied Effluent	W	(QxD)/L	mm/month	97.9	88.4	97.9	94.7	97.9	94.7	97.9	97.9	94.7	97.9	94.7	97.9	**1152.6**
Inputs		RR+W	mm/month	132.9	120.7	136.6	142.6	157.8	157.3	159.7	165.8	159.2	161.7	149.5	144.6	**1788.3**
STORAGE CALCULATION																
Storage remaining from previous month			mm/month	0.0	0.0	0.0	0.0	0.0	20.2	61.5	98.1	121.2	114.0	63.6	0.0	
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-173.1	-125.7	-84.0	-22.3	20.2	41.3	36.6	23.1	-7.2	-50.4	-100.1	-156.5	
Cumulative Storage	M		mm	0.0	0.0	0.0	0.0	20.2	61.5	98.1	121.2	114.0	63.6	0.0	0.0	
Maximum Storage for Nominated Area	N		mm	121.23												
	V	NxL	L	34549												
LAND AREA REQUIRED FOR ZERO STORAGE			m^2	103	118	153	231	359	506	455	373	265	188	130	110	

MINIMUM AREA REQUIRED FOR ZERO STORAGE: **506.0** m^2

CELLS

	Please enter data in blue cells
XX	Red cells are automatically populated by the spreadsheet
XX	Data in yellow cells is calculated by the spreadsheet, DO NOT ALTER THESE CELLS

NOTES

[1] This value should be the largest of the following: land application area required based on the most limiting nutrient balance or minimum area required for zero storage

[2] Values selected are suitable for mixture of grass and eucalyptus trees

Victorian Land Capability Assessment Framework
Wick Trench DLR = 8.0mm/day

Please read the attached notes before using this spreadsheet

Irrigation area sizing using Nominated Area Water Balance for Zero Storage

Site Address:	**27 Boronia Rise, Trafalgar East**		
Date:	17-Jun-24	**Assessor:**	Bill Wang

INPUT DATA

Design Wastewater Flow	Q	900	L/day	Based on 4 bed home, 150L/day loading rate
Design Irrigation Rate	DIR	8	mm/day	Based on soil texture class/permeability and derived from Table 9 in the EPA Code of Practice (2013)
Nominated Land Application Area	L	285	m^2	[1]
Crop Factor	C	0.8	unitless	Estimates evapotranspiration as a fraction of pan evaporation; varies with season and crop type[2]
Rainfall Runoff Factor	RF	0.7	unitless	Proportion of rainfall that remains onsite and infiltrates, allowing for any runoff
Mean Monthly Rainfall Data	Trafalga (085085)			BoM Station and number
Mean Monthly Pan Evaporation Data	Trafalga East			Synthetic Pan Evaporation from BOM Australian Water Outlook (-38.201 146.206)

Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Days in month	D		days	31	28	31	30	31	30	31	31	30	31	30	31	**365**
Rainfall	R		mm/month	53.8	49.7	59.6	73.6	92.2	96.3	95.1	104.4	99.1	98.1	84.2	71.8	**977.9**
Evaporation	E		mm/month	224.2	180.4	150.1	93.6	63.8	47.3	54.7	76.4	101.8	140.1	167.9	208.0	**1508.4**
Crop Factor	C		unitless	0.95	0.90	0.85	0.80	0.70	0.55	0.55	0.65	0.75	0.85	0.95	1.00	
OUTPUTS																
Evapotranspiration	ET	ExC	mm/month	213	162	128	75	45	26	30	50	76	119	160	208	**1291.3**
Percolation	B	DIRxD	mm/month	248.0	224	248.0	240.0	248.0	240.0	248.0	248.0	240.0	248.0	240.0	248.0	**2920.0**
Outputs		ET+B	mm/month	461.0	386.3923077	375.6	314.9	292.7	266.0	278.1	297.7	316.4	367.1	399.5	456.0	**4211.3**
INPUTS																
Retained Rainfall	RR	RxRF	mm/month	34.97	32.305	38.74	47.84	59.93	62.595	61.815	67.86	64.415	63.765	54.73	46.67	**635.635**
Applied Effluent	W	(QxD)/L	mm/month	97.9	88.4	97.9	94.7	97.9	94.7	97.9	97.9	94.7	97.9	94.7	97.9	**1152.6**
Inputs		RR+W	mm/month	132.9	120.7	136.6	142.6	157.8	157.3	159.7	165.8	159.2	161.7	149.5	144.6	**1788.3**
STORAGE CALCULATION																
Storage remaining from previous month			mm/month	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-328.1	-265.7	-239.0	-172.3	-134.8	-108.7	-118.4	-131.9	-157.2	-205.4	-250.1	-311.5	
Cumulative Storage	M		mm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Maximum Storage for Nominated Area	N		mm	0.00												
	V	NxL	L	0												
LAND AREA REQUIRED FOR ZERO STORAGE			m^2	65	71	83	101	120	133	129	121	107	92	78	68	

MINIMUM AREA REQUIRED FOR ZERO STORAGE: 133.0 m^2

CELLS

	Please enter data in blue cells
XX	Red cells are automatically populated by the spreadsheet
XX	Data in yellow cells is calculated by the spreadsheet, DO NOT ALTER THESE CELLS

NOTES

[1] This value should be the largest of the following: land application area required based on the most limiting nutrient balance or minimum area required for zero storage

[2] Values selected are suitable for mixture of grass and eucalyptus trees

Appendix B

Limitations

LIMITATIONS

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

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

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

Preliminary Arboricultural Assessment – 27 Boronia Rise, Trafalgar East 3824

Prepared for:
Gippsland Licensed Surveyors (on behalf of Richard Wood)
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tanya@gippslandsurveyors.com.au

Prepared by:
James Lawton (Grad. Cert. Arb. (Melb); Dip. Hort. (Melb); Cert. 3 Arb. ; QTRA Licensed user # 4130)
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Inspection date : 7th June 2024
Document date : 8th June 2024
Version: 1.0

Table of Contents

Preliminary arboricultural assessment

Summary

Precision Environmental was engaged by Gippsland Surveyors to conduct a Preliminary arboricultural assessment within the boundary of 27 Boronia Rise, Trafalgar East.

The context of the assessment was for a two-lot subdivision of the land only, with building and effluent envelopes in the proposed second lot.

Thirty-eight (38) trees and groups of trees were surveyed on 7-6-2024, of these 38:

- Ten (10) trees will require removal for the creation of secondary access into the proposed lot 2.
- All trees that require removal are planted, exotic and Australian native species of low to moderate arboricultural value.
- One tree will likely require consent from Baw Baw Shire Council to remove as it appears to reside within the Council nature strip, “Tree 1”
- No self-sown Victorian Native species require removal.

Introduction

Precision Environmental was engaged by Gippsland Surveyors to conduct a Preliminary arboricultural assessment within the boundary of 27 Boronia Rise, Trafalgar East (Figure 1)

The context of the assessment was for a two-lot subdivision of the land only, with building and effluent envelopes in the proposed second lot.

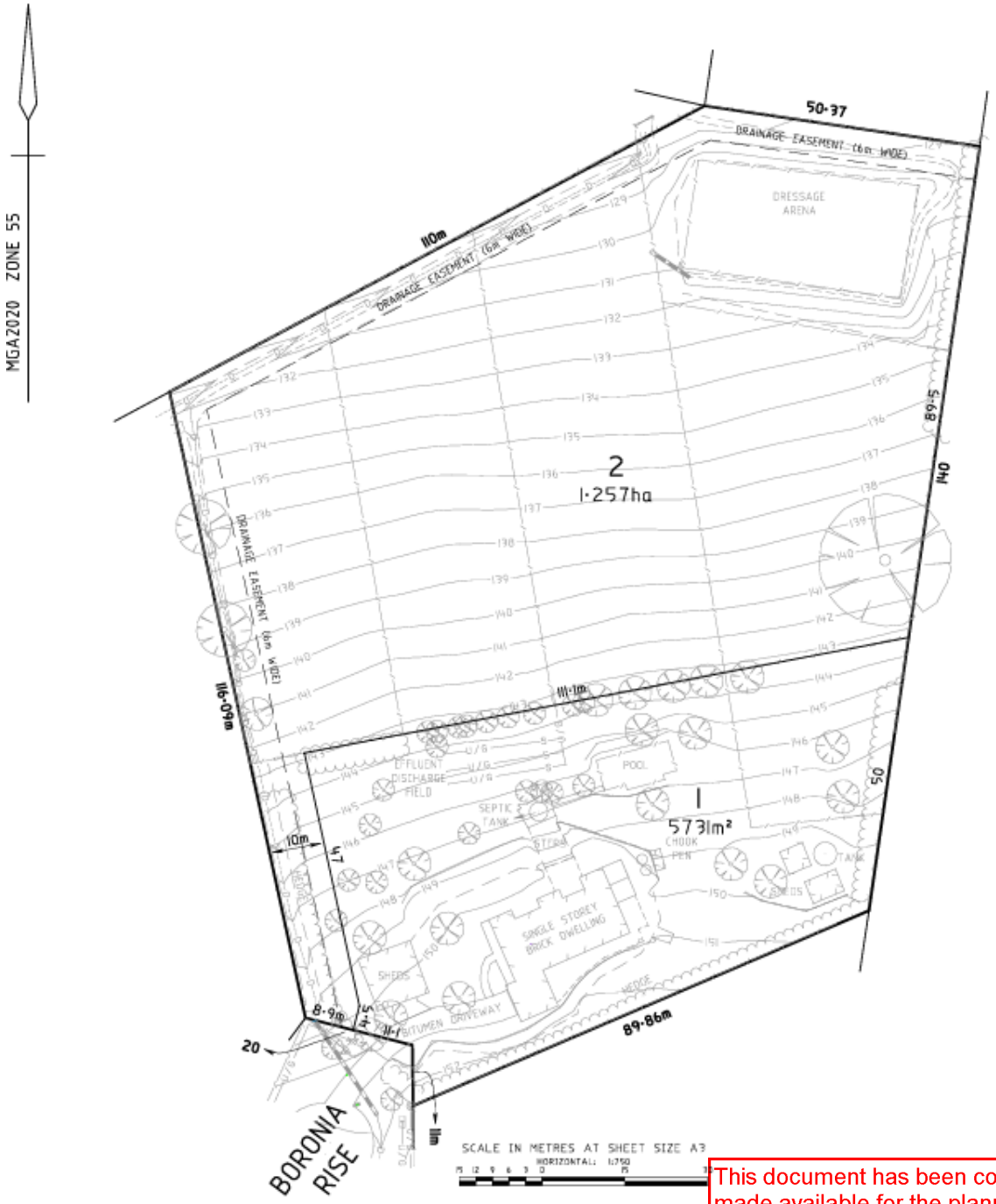
The intention of the assessment is to provide:

- Preliminary Arboricultural Assessment in accordance with AS 4970-2009 *Protection of Trees on Development sites,* clause 2.3.2.
- Identification of the arboricultural value of the trees within the subject site and public land based on their health, structure, and visual amenity and design a response that is sympathetic to their ongoing growth and function (if required)

Site map

Figure 1: Site map (NearMap 2024)

Plan of subdivision



Summary of tree data

All trees

Tag	Species	Common Name	Height (m)	DBH (mm)	TPZ (m)	SRZ (m)	Dist. From work (m)	Health	Structure	ULE	Age	Origin	Arb. Value	Ownership	Removal Req?	Permit Req?
1	*Fraxinus angustifolia*	Desert Ash	8	280	3.4	2.2	0	Good	Good	20-30	Semi-mature	Exotic	Moderate	Public	yes	yes
2	*Pyrus calleryana*	Callery Pear	5	310	3.7	2.1	0	Good	Good	20-30	Mature	Exotic	Moderate	Site	no	no
3	*Arbutus unedo*	Irish Strawberry Tree	3	150	1.8	1.6	1	Fair	Poor	5-10	Semi-mature	Exotic	Low	Site	yes	no
4	*Arbutus unedo*	Irish Strawberry Tree	3	150	1.8	1.6	1	Fair	Poor	5-10	Semi-mature	Exotic	Low	Site	yes	no
5	*Betula pendula*	Silver Birch	6	100	1.2	1.5	1.5	Fair	Fair	10-20	Semi-mature	Exotic	Low	Site	yes	no
6	*Betula pendula*	Silver Birch	6	100	1.2	1.5	1.5	Fair	Fair	10-20	Semi-mature	Exotic	Low	Site	yes	no
7	*Arbutus unedo*	Irish Strawberry Tree	3	220	2.6	2.1	0	Fair	Poor	5-10	Semi-mature	Exotic	Low	Site	yes	no
8	*Lophostemon confertus*	Brush Box	7	310	3.7	2.3	0	Fair	Poor	5-10	Semi-mature	Aus. Native	Low	Site	yes	no
9	*Cupressus leylandii*	Leyland Cypress (Group)	10	450	5.4	2.7	0	Poor	Poor	5-10	Mature	Exotic	Low	Site	yes	no
10	*Fraxinus raywoodii*	Claret Ash	9	530	6.4	2.7	6	Good	Poor	10-20	Mature	Exotic	Low	Site	no	no
11	*Syzygium smithii*	Lilli Pilli	3	80	1.0	1.3	1	Good	Good	10-20	Juvenile	Aus. Native	Low	Site	yes	no
12	*Ulmus glabra*	Wych Elm	4	420	5.0	2.5	5	Good	Poor	10-20	Mature	Exotic	Moderate	Site	no	no
13	*Pistacia chinensis*	Chinese Pistachio	3	140	1.7	1.7	0.5	Good	Good	20-30	Semi-mature	Exotic	Low	Site	yes	no
14	*Cupressus leylandii*	Leyland Cypress	6	280	3.4	2.2	20	Fair	Fair	10-20	Semi-mature	Exotic	Low	Site	no	no
15	*Cupressus leylandii*	Leyland Cypress	6	280	3.4	2.2	20	Fair	Fair	10-20	Semi-mature	Exotic	Low	Site	no	no
16	*Eucalyptus bicostata*	Southern Blue Gum	15	800	9.6	3.2	20	Good	Good	50+	Mature	Vic. Native	Moderate	Site	no	no
17	*Eucalyptus cypellocarpa*	Mountain Grey Gum	13	730	8.8	2.9	20	Fair	Fair	20-30	Mature	Vic. Native	Moderate	Site	no	no
18	*Acacia melanoxylon*	Blackwood	3	90	1.1	1.3	20	Good	Fair	10-20	Juvenile	Vic. Native	Low	Site	no	no
19	*Corymbia maculata*	Spotted Gum (Group)	13	600	7.2	2.7	20	Good	Good	20-30	Mature	Vic. Native	Moderate	Third Party	no	no

Tag	Species	Common Name	Height (m)	DBH (mm)	TPZ (m)	SRZ (m)	Dist. From work (m)	Health	Structure	ULE	Age	Origin	Arb. Value	Ownership	Removal Req?	Permit Req?
20	*Jacaranda mimosifolia*	Jacaranda	3	110	1.3	1.4	20	Good	Good	20-30	Juvenile	Exotic	Low	Site	no	no
21	*Eucalyptus bicostata*	Southern Blue Gum	7	210	2.5	1.8	20	Good	Good	50+	Juvenile	Vic. Native	Low	Site	no	no
22	*Cupressus leylandii*	Leyland Cypress (Group)	10	500	6.0	2.7	20	Good	Fair	20-30	Mature	Exotic	Moderate	Third Party	no	no
23	*Eucalyptus cypellocarpa*	Mountain Grey Gum	30	1840	22.1	4.9	20	Good	Good	50+	Veteran/Old growth	Vic. Native	Significant	Site	no	no
24	*Callistemon viminalis*	Weeping Bottle Brush	3	150	1.8	1.6	20	Good	Good	10-20	Mature	Aus. Native	Low	Site	no	no
25	*Callistemon viminalis*	Weeping Bottle Brush	3	150	1.8	1.6	20	Good	Good	10-20	Mature	Aus. Native	Low	Site	no	no
26	*Callistemon viminalis*	Weeping Bottle Brush	5	200	2.4	1.9	20	Good	Good	10-20	Mature	Aus. Native	Low	Site	no	no
27	*Hakea salicifolia*	Willow Leaved Hakea	6	270	3.2	2.1	20	Good	Good	10-20	Mature	Aus. Native	Low	Site	no	no
28	*Melaleuca armillaris*	Giant Honey Myrtle	5	350	4.2	2.3	20	Poor	Poor	5-10	Mature	Aus. Native	Low	Site	no	no
29	*Callistemon viminalis*	Weeping Bottle Brush	5	200	2.4	1.9	20	Good	Good	10-20	Mature	Aus. Native	Low	Site	no	no
30	*Acacia melanoxylon*	Blackwood	6	440	5.3	2.6	20	Good	Good	10-20	Mature	Vic. Native	Moderate	Site	no	no
31	*Callistemon viminalis*	Weeping Bottle Brush	3	110	1.3	1.5	20	Good	Good	10-20	Mature	Aus. Native	Low	Site	no	no
32	*Melaleuca armillaris*	Giant Honey Myrtle	5	350	4.2	2.3	20	Poor	Poor	5-10	Mature	Aus. Native	Low	Site	no	no
33	*Callistemon citrinus*	Crimson Bottle Brush	5	230	2.8	2.0	20	Poor	Poor	5-10	Mature	Aus. Native	Low	Site	no	no
34	*Malus domestica*	Apple	4	120	1.4	1.5	20	Fair	Fair	10-20	Mature	Exotic	Low	Site	no	no
35	*Callistemon citrinus*	Crimson Bottle Brush	5	230	2.8	2.0	20	Poor	Poor	5-10	Mature	Aus. Native	Low	Site	no	no
36	*Callistemon citrinus*	Crimson Bottle Brush	5	230	2.8	2.0	20	Poor	Poor	5-10	Mature	Aus. Native	Low	Site	no	no
37	*Buddleja davidii*	Summer Lilac	2.5	150	1.8	1.6	10	Poor	Poor	10-20	Mature	Exotic	None	Site	no	no
38	*Viburnum tinus*	Laurestine	3	150	1.8	1.6	5	Good	Good	10-20	Mature	Exotic	None	Site	no	no

Victorian native species

Tag	Species	Common Name	Height (m)	DBH (mm)	TPZ (m)	SRZ (m)	Dist. From work (m)	Health	Structure	ULE	Age	Origin	Arb. Value	Ownership	Removal Req?	Permit Req?
11	*Syzygium smithii*	Common Lilly Pilly	3	80	1.0	1.3	1	Good	Good	10-20	Juvenile	Vic. Native	Low	Site	yes	no
16	*Eucalyptus bicostata*	Southern Blue Gum	15	800	9.6	3.2	20	Good	Good	50+	Mature	Vic. Native	Moderate	Site	no	no
17	*Eucalyptus cypellocarpa*	Mountain Grey Gum	13	730	8.8	2.9	20	Fair	Fair	20-30	Mature	Vic. Native	Moderate	Site	no	no
18	*Acacia melanoxylon*	Blackwood	3	90	1.1	1.3	20	Good	Fair	10-20	Juvenile	Vic. Native	Low	Site	no	no
19	*Corymbia maculata*	Spotted Gum	13	600	7.2	2.7	20	Good	Good	20-30	Mature	Vic. Native	Moderate	Third Party	no	no
21	*Eucalyptus bicostata*	Southern Blue Gum	7	210	2.5	1.8	20	Good	Good	50+	Juvenile	Vic. Native	Low	Site	no	no
23	*Eucalyptus cypellocarpa*	Mountain Grey Gum	30	1840	22.1	4.9	20	Good	Good	50+	Veteran/Old growth	Vic. Native	Significant	Site	no	no
30	*Acacia melanoxylon*	Blackwood	6	440	5.3	2.6	20	Good	Good	10-20	Mature	Vic. Native	Moderate	Site	no	no

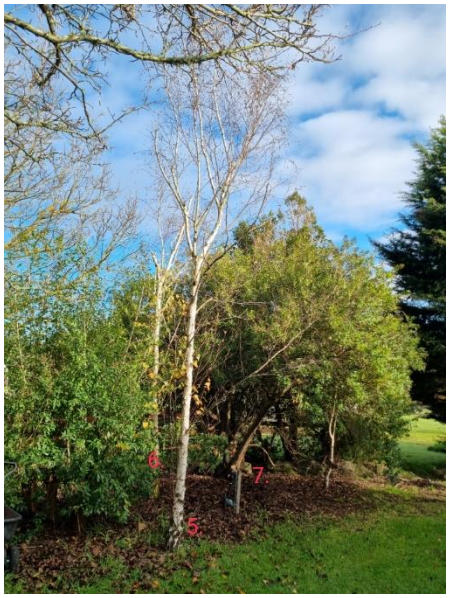
Trees that require removal

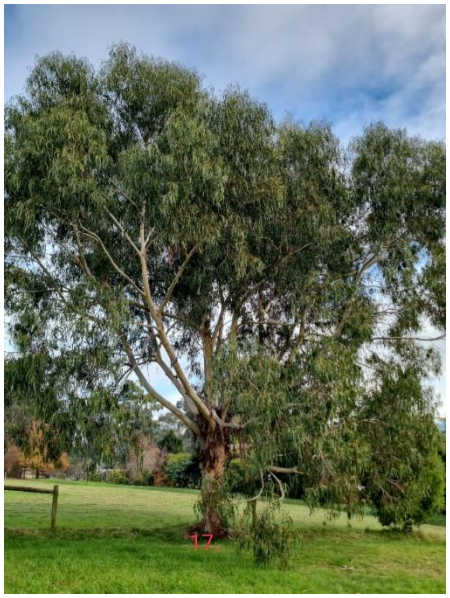
Tag	Species	Common Name	Height (m)	DBH (mm)	TPZ (m)	SRZ (m)	Dist. From work (m)	Health	Structure	ULE	Age	Origin	Arb. Value	Ownership	Removal Req?	Permit Req?
1	*Fraxinus angustifolia*	Desert Ash	8	280	3.4	2.2	0	Good	Good	20-30	Semi-mature	Exotic	Moderate	Public	yes	yes
3	*Arbutus unedo*	Irish Strawberry Tree	3	150	1.8	1.6	0	Fair	Poor	5-10	Semi-mature	Exotic	Low	Site	yes	no
4	*Arbutus unedo*	Irish Strawberry Tree	3	150	1.8	1.6	1	Fair	Poor	5-10	Semi-mature	Exotic	Low	Site	yes	no
5	*Betula pendula*	Silver Birch	6	100	1.2	1.5	1	Fair	Fair	10-20	Semi-mature	Exotic	Low	Site	yes	no
6	*Betula pendula*	Silver Birch	6	100	1.2	1.5	1.5	Fair	Fair	10-20	Semi-mature	Exotic	Low	Site	yes	no
7	*Arbutus unedo*	Irish Strawberry Tree	3	220	2.6	2.1	0	Fair	Poor	5-10	Semi-mature	Exotic	Low	Site	yes	no
8	*Lophostemon confertus*	Brush Box	7	310	3.7	2.3	0	Fair	Poor	5-10	Semi-mature	Aus. Native	Low	Site	yes	no
9	*Cupressus leylandii*	Leyland Cypress (Group)	10	450	5.4	2.7	0	Poor	Poor	5-10	Mature	Exotic	Low	Site	yes	no
11	*Syzygium smithii*	Common Lilly Pilly	3	80	1.0	1.3	1	Good	Good	10-20	Juvenile	Aus. Native	Low	Site	yes	no
13	*Pistacia chinensis*	Chinese Pistachio	3	140	1.7	1.7	0.5	Good	Good	20-30	Semi-mature	Exotic	Low	Site	yes	no

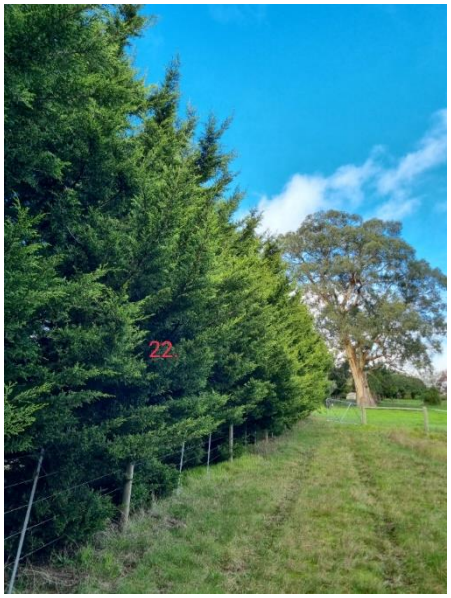
Trees that require a permit or consent from the responsible authority

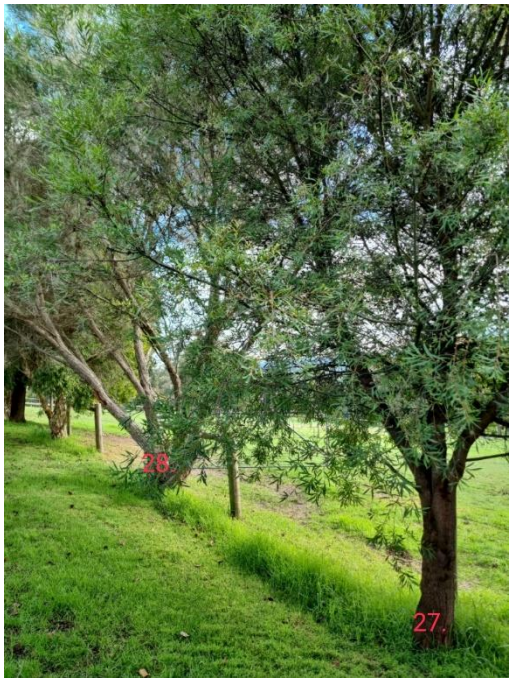
Tag	Species	Common Name	Height (m)	DBH (mm)	TPZ (m)	SRZ (m)	Dist. From work (m)	Health	Structure	ULE	Age	Origin	Arb. Value	Ownership	Removal Req?	Permit Req?
1	*Fraxinus angustifolia*	Desert Ash	8	280	3.4	2.2	0	Good	Good	20-30	Semi-mature	Exotic	Moderate	Public	yes	yes

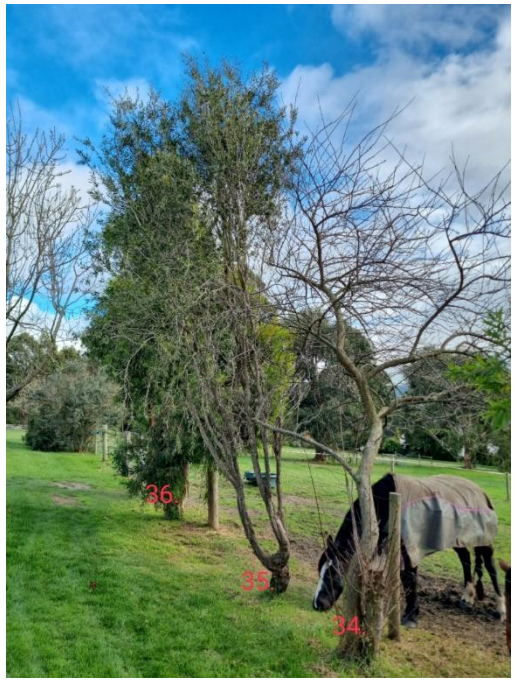
Photographic gallery











Discussion

Tree removal and retention

In its current design, the proposed subdivision only requires trees to be removed to facilitate secondary access into the proposed second lot.

Due to the species composition and ordered nature of the planting, all of the trees proposed for removal are either planted exotic species or planted Australian native species, these do not trigger the need for assessment under Clause 52.17.

Removal of Tree 1 will require consent from Baw Baw Shire Council, although it was likely planted by a property owner, it resides on Council land and is therefore a Council asset.

Once there is access into the second lot, there is ample space to position a building and effluent envelope well away from any other Victorian native vegetation.

The large lot size of lot 2, also means that self-sown Victorian native vegetation is still protected under Clause 52.17 even after the land is subdivided.

Statutory controls

The site is classified as a Low-Density Residential Zone (LDRZ) within the Baw Baw Planning Scheme.

There are no specific planning overlays for the management of trees and vegetation.

The site is subject to Clause 52.17 for all self-sown, Victorian native species.

Recommendations

With exception to building and effluent envelopes as they have not been proposed at the time of inspection, the current proposal allows for subdivision with minimal loss of vegetation and minimal impact to the character of the neighbourhood.

References

- Mattheck, C, & Breloer, H, 1994, *The Body Language of trees; A handbook for failure analysis,* HMSO Publications, London, England.
- NearMap, 2023, Aerial Imagery, accessed 8-6-2024, < http://maps.au.nearmap.com/ >
- Standards Australia, 2009, *Protection of trees on development sites - 2009,* Australian Standards.
- VicPlan, 2023, Property data, accessed 8-6-2024, < https://mapshare.vic.gov.au/vicplan/ >

Methodology

On the 8th of June 2024, James Lawton from Precision Environmental assessed the trees within the subject site. Trees in question were tagged and given an identification number, which corresponds to the data table within the report.

Data was captured on a Samsung S21FE smart phone with the data added into Fulcrum®, all tree locations were geotagged with Lat/Long co-ordinates and their locations overlayed into an aerial image on NearMap®. GPS accuracy was leveraged using a Trimble R2 GNSS receiver with sub metre accuracy.

Tree health and structure was assessed from ground level using Visual Tree Assessment – VTA (Mattheck and Breloer 1994).

Explanatory notes for tree assessment descriptors can be found in appendix 1.

The following data was captured for each assessed tree:

- Tree identification number
- Species
- Common name
- Height (m)
- Diameter at breast height - DBH (mm) measured at 1.3m above ground level.
- Tree protection zone – TPZ (m) measured at a radius from the center of the stem.
- Structural root zone – SRZ (m) measured at a radius from the center of the stem.
- Distance from proposed work (m)
- Health
- Structure
- Useful life expectancy (years)
- Age
- Origin
- Arboricultural value
- Ownership
- Removal required? (Y/N)
- Permit required? (Y/N)

Appendix 1: Tree assessment descriptors

Origin

Vic Native: The species occurs naturally within the bioregion and is characteristic of the pre-1750 Ecological Vegetation Class (EVC) of that area.

Aus Native: The species is native to Australia but does not occur naturally within the bioregion.

Exotic: The species does not occur naturally within any part of Australia.

For the descriptors of both tree health and structure, ratings may be given if one or more of the following criteria are found.

Health

Good

- The tree displays near optimal foliage characteristics and density for its species in size, colour, and density.
- Recent and/or historic pruning cuts or damaged surfaces are being occluded by wound wood, indicative of continued growth after trauma.
- The tree may display low levels of pest or pathogen infestation that is known to be a normal species trait and of little to no consequence to the tree in question.
- Evidence of heartwood decay exists, however, growth responses to increased mechanical stresses are present in the form of adaptive growth. The species may also be known to have a strong CODIT response to the causal agent (e.g., *E.cladocalyx* – *Phellinus* spp.
- Expansion cracks may be present in the trunk/stem and scaffold branches during Spring and Summer. These are only to the depth of the cambium, have no effect on the trees structure and are indicative of accelerated growth when growing conditions are optimal.
- The tree displays 71-100% live canopy mass.

Fair

- Foliage may be chlorotic or stunted.
- The tree may display medium levels of pest or pathogen infestation that could impact on growth and function but will recover without any outside intervention.
- Signs of a highly virulent pathogen in its incipient stage may be evident within the tree in question (e.g., 5-10% flagging from “Cypress Canker” – *Seiridium* spp.)

- The tree displays 51-70% live canopy mass.

Poor

- The tree displays extensive patches of missing foliage.
- The tree has extensive pest or pathogen infestation and is not likely to recover without outside intervention.
- Pruning wounds and/or damaged surfaces show no signs of attempted wound wood formation.
- Heartwood decay exists and there is no evidence of adaptive growth to provide a uniform distribution of mechanical stress on the area of disfunction. There may be multiple fruiting bodies along the same column of decay. The species may also be known to have a poor CODIT response to the causal agent (e.g., *Pinus radiata* – *Phaeolus schweinitzii*)
- Dead wood extends into the scaffold branches that make up the trees main structure.
- The tree has a complex of primary and secondary pests or pathogens that are contributing to its decline, in which it will not recover even with outside intervention.
- The tree exhibits <50% live canopy mass.

Dead

- The tree has no live vascular tissue.

Structure

Good

- The tree contains well-formed branch unions that have the required space for overlapping layers of wood to be laid down over the branch and then the parent trunk/stem, or lower order branch to higher order branch. Successive overlapping layers eventually form a well-defined branch collar.
- Supportive tissue is evident in the form of either compression wood or tension wood in response to mechanical loading on the trees structure. This may be found on the trunk/stem, root collar and /or scaffold branches.
- Natural leaning is evident, but the lean is in response to available light resources (phototrophic) or progressive wind loading over time. The tree has grown in response to this and laid down supportive tissue to compensate for the shift in mechanical loading.
- Scaffold branches that are attached to the main trunk/stem are smaller in diameter than the parent structure they are attached to, allowing successive overlapping layers

of wood to provide a strong point of attachment (relative branch size or aspect ratio). An aspect ratio of 1:3 is considered optimal.

- Stem and scaffold branch taper are evident, indicative of active cambium growth and adequate supportive tissue.

- The tree could have poor tertiary branch taper.

- There is no evidence of major disturbance or damage to the trees structural (woody) roots.

- There is no history of major branch or stem failure within the trees canopy.

- Major structural failure or complete tree failure under normal environmental conditions is highly unlikely.

Fair

- The tree may have two competing stems or leaders (co-dominance); however, a stem bark ridge is present between the two and there is no evidence of included bark.

- A low proportion of scaffold branches may be crossing and/or rubbing within the canopy, indicative of a lack of formative pruning when young.

- The tree may exhibit a lack of scaffold branch and/or stem taper (progressive change in diameter)

- Scaffold branches that are attached to the main trunk/stem are similar in diameter to the parent structure they are attached to, making successive overlapping layers of wood to provide a strong point of attachment more difficult to achieve (relative branch size or aspect ratio). The aspect ratio is closer to 1:2. An aspect ratio of 1:3 is considered optimal.

- There is evidence of repeated, minor injury to the tree's structural roots (i.e., scalping by mower/slasher blades) but no evidence to suggest that any structural roots have been severed or removed.

- A low proportion of scaffold branches have a narrow angle of attachment to their parent structure, indicating a low level of included bark. Where these inclusions occur, there is no evidence of progressive failure in the form of sharp "ribs" of reaction wood, or active splits.

- The tree could have structural defects on tertiary branches such as unions with included bark, crossing/rubbing branches, de-laminated branches, or active splits but present a low risk of harm to people and property due to their size.

- The tree may have a history of multiple, lower order branch failures or a scaffold branch failure that has not adversely affected the rest of the trees structure. The canopy is not left severely asymmetrical as a result.

- Most structural defects could be managed through recognized arboricultural practices such as formative and structural pruning.

Poor

- There is evidence of structural root damage on the compressive side of the tree's natural lean.

- Most, if not all scaffold branches have acute angles of attachment to their parent structure with little or no room for overlapping layers of wood to be laid down, there is no formed branch collar or branch bark ridge. It is highly likely that bark is included.

- The tree has a history of multiple, major branch failures that result in large areas of damaged tissue, canopy asymmetry and a reduction in photosynthetic capacity.

- The tree has been extensively "lopped" or "topped" live, not done in the context of creating a habitat tree.

- The tree exhibits co-dominance from an early point in the tree's growth and/or no stem bark ridge can be seen between the two stems/leaders. It is highly likely that bark is included.

- Most, if not all scaffold branches are of equal diameter to their parent structure, making it difficult for the tree to lay down overlapping layers of wood to form a strong branch union. Aspect ratio would be 1:1.

- If juvenile or semi-mature, the tree may be able to have most structural defects resolved with an accepted arboricultural practice such as formative or structural pruning. If mature or senescent, formative, or structural pruning is not likely to be able to remove the structural defects without adversely affecting the trees health or stability.

Hazardous

- The tree has an active point of failure because of one or more of the traits in the "Poor" classification. This could be in the form of an active split between two stems, a diametric split through the main stem, radial cracking in the soil from dynamic root plate movement or a hanging scaffold branch (to name a few).

- There is evidence of major structural root severance on the tensile side of the tree's natural lean.

- Complete and/or major tree failure is imminent.

Useful life expectancy (ULE)

10+ Years: Tree is a mature tree that is in good health and/or structure and is expected to maintain current levels of amenity for a minimum of 10 years.

3-10 Years: Tree is a mature tree that is in fair health and/or structure and is declining. It is expected that the tree is not likely to maintain current levels of amenity for more than 10 years.

0-3 Years: Tree is a mature tree that is in poor health and/or structure and is declining. It is expected that the tree is not likely to maintain current levels of amenity for more than 3 years.

0 Years: Tree is considered dead and/or hazardous and should be actioned within a 12-month period.

Arboricultural value

Significant: The tree is an exceptional example of its species in both health and structure and/or is a large for its species and the environmental conditions it is growing in. It may provide a combination of environmental and ecological benefits such as extensive canopy cover, hollows for aerial fauna and stabilization of friable soil (to name a few). The tree may lend itself to the character of the area and/or be known as a landmark in the local community. Significant trees can also be known to have cultural significance such as “scar” or “birthing” trees or form part of a larger avenue that makes the entire stand of trees significant. Trees such as this must have all reasonable action taken to retain them in the landscape and incorporate them into a design that is sympathetic to their continued growth and function.

High: The tree is in good health and structure, provides high levels of amenity and is likely to do so for more than 10 years. Tree may have historic or cultural significance.

Medium: The tree is in fair to good health and structure, provides medium levels of amenity and is likely to do so for up to 10 years.

Low: The tree is in fair health and structure, provides low levels of amenity and/or high risk to people and property which may do so for up to 10 years. The tree may be juvenile or otherwise small and easily replaced by advanced plantings or plantings that will provide similar value in a reasonable time.

Appendix 2: Arboricultural terms

Diameter at breast height (DBH): Trunk diameter measured at 1.4 m above ground level. Where there is more than one trunk the quadratic mean value is used.

Diameter at base (D): Basal trunk diameter measured at ground level, used in conjunction with DBH to obtain the radial measurement for the structural root zone.

Tree protection zone (TPZ): An area above and below ground set aside for the protection of tree roots and canopy. The TPZ is a circle calculated from the Diameter at Breast Height (DBH) expressed in metres (m) and multiplied by twelve, a radial measurement in metres is given. The TPZ is the minimum amount of space the tree in question requires to maintain normal growth and function. Where practicable it is always best practice to endeavour to give an area greater

than the TPZ for protection. **The TPZ is often greater than the canopy width or "drip line" of the tree.**

Structural root zone (SRZ): The SRZ of a tree is an indicative area containing a trees large structural roots that are important for stability of the tree within the soil. The SRZ is calculated using a formula set out in AS4970-2009. The formula is as follows.

SRZ radius = (D × 50) ^0.42 × 0.64 where D is the basal trunk diameter in metres. The minimum SRZ radius is 1.5 m. No excavation or intrusion is allowed within the SRZ.

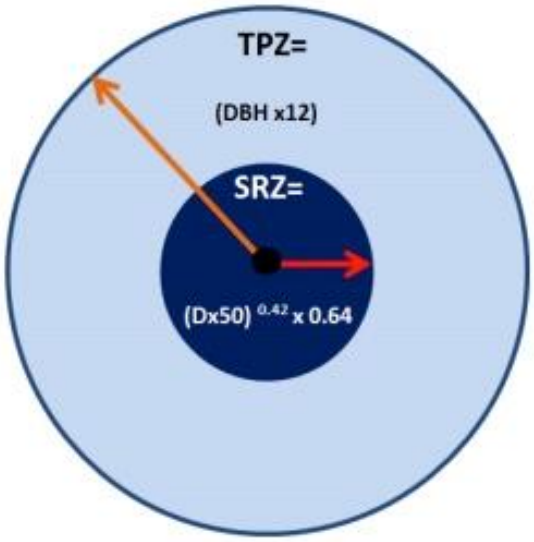


Figure 2: TPZ and SRZ representation

Appendix 3: Assumptions & limiting conditions of arboricultural consultancy

1. Any legal description provided to Precision Environmental Pty. Ltd. is assumed to be correct. Any titles and ownerships to any property are assumed to be correct. No responsibility is assumed for matters outside the consultant's control.

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8. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural drawings, reports, or surveys.

9. Unless expressed otherwise: 1) Information contained in this report covers only those items that were covered in the project brief or that were examined during the assessment and reflect the condition of those items at the time of inspection; and 2) The inspection is limited to visual examination of accessible components without dissection, excavation or probing unless otherwise stipulated.

10. There is no warranty or guarantee, expressed or implied by Precision Environmental Pty. Ltd., that the problems or deficiencies of the plants or site in question may not arise in the future.

11. All instructions (verbal or written) that define the scope of the report have been included in the report and all documents and other materials that the Precision Environmental Pty. Ltd. consultant has been instructed to consider or to consider in preparing this report have been included or listed within the report.

12. To the writer's knowledge all facts, matter, and all assumptions upon which the report proceeds have been stated within the body of the report and all opinion contained within the report have been fully researched and referenced and any such opinion not duly researched is based upon the writer's experience and observations.

James Lawton
Director/Arborist – Precision Environmental Pty. Ltd

Bushfire Management Statement

27 Boronia Rise, Trafalgar East

September 2024

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Introduction

This report has been developed to meet the requirements of the Bushfire Management Overlay as outlined within the Victorian Planning Provisions. The site located at 27 Boronia Rise, Trafalgar is partly within the Bushfire Management Overlay. This report outlines the required treatments to enable compliance with the Bushfire Management Overlay. The proposal is to subdivide an existing property, consisting of a house and a number of sheds into two lots. The proposed new lot will be to the rear of the existing property and is accessible from Boronia Rise.

The report has been developed following extensive assessment of the landscape and local bushfire risk along with access, egress and topography.

The report addresses the following provisions of the Victorian Planning Scheme:

Clause 13.02 – Bushfire Planning

Clause 44.06-3 – Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and Bushfire Management Statement.

To ensure sufficient information is provided to both CFA and Council to enable a detailed understanding of bushfire risk, a Pathway 3 report has been developed along with a Clause 13.02-1S assessment. This report only addresses those parts of the Victorian Planning Provisions that relate to Bushfire.

Application Details

Municipality:	Baw Baw
Title Description:	Lot 5 PS406553
Overlays:	Bushfire Management Overlay (BMO) and Development Contributions Plan Overlay (DCPO)
Zoning:	Low Density Residential Zone (LDRZ)

Site Description

Existing use and siting of buildings and works on and near the land:	The development is occurring on an existing property that consists of a house, garage, a number of sheds and a dressage arena. The development area is 1.83 hectares with two parcels being created of 0.57 hectares and 1.26 hectares. On the property are managed gardens, a pool, grassed areas used for stock or horse grazing and a dressage arena. Areas to the north, west and south of the site is zoned as Low Density Residential Zone and consists of an established residential area. East of the site is a driveway to the adjacent farm and the land is mainly used for farming activities including stock grazing.
Existing access arrangements:	The property is accessible via Boronia Rise which connects to Melaleuca Drive and the main township of Trafalgar East via Mountain Glen Drive.

Location of nearest fire hydrant:	Street fire hydrants are located found at the end of Boronia Rise, in front of the property.

The development site is located within a Bushfire Management Overlay, and this is shown in Figure 1.

Figure 1 - Overview of the site with the BMO shaded

Access and egress

The property is accessible from Boronia Rise, which connects to Melaleuca Drive and the main township of Trafalgar via Mountain Glen Drive to the northwest. The main township of Trafalgar is approximately six kilometres via the road network. Alternatively, Melaleuca Drive can be accessed to the south via Moir Road.

The Princes Freeway passes Trafalgar East and can be accessed via Moir Rd to the west. From Boronia Rise, the safest choice can be made to travel either north or south. It is likely that the safe options will include:

- Travel to the Trafalgar East township and remain within the main street area.
- Travel east to Moe.
- Remain within the residential areas and shelter away from the forested areas.

Topography

The topography on and immediately surrounding the property consists of gentle slopes with then landscape sloping down to the Prince Freeway. The main bushfire threat at this property exists to the southeast and south in a flat/upslope direction from the site. The surrounding slopes will unlikely influence bushfire behaviour in the immediate surrounding area.

In the surrounding landscape, the topographical influence increases primarily within the Public Land Reserves and Plantations to the southeast and upslope of the site. Within these areas the topography will likely influence bushfire behaviour. Bushfire behaviour in these areas under elevated bushfire conditions, will likely see erratic conditions. However, once the bushfire approaches the immediate surrounding landscape, the topographical influence is likely to reduce.

The presence of variable slopes within the forested areas to the south of the development will unlikely influence bushfire behaviour or create additional risks.

Vegetation

The development site and the surrounding landscape is a mix of managed gardens, grassland mainly used for grazing and forested areas. On the development site, the main vegetation is grassland that is currently being utilised for horse grazing.

In the surrounding landscape, the treed area to the south of the property is a forest associated with a riparian zone. Forested vegetation also exists further afield within private properties and on the Public Land Reserves southeast of the site.

Bushfire risk in southeast Australia

The southeast of Australia is one of the most fire prone areas in the world.

The rate a bushfire can spread is a direct result of the weather, fuel hazard (including dryness, quantity and arrangement) and the topography in which the fire is burning. Bushfire fuel is the only one of these three factors that it is possible to modify.

Extreme fire conditions can occur in south-eastern Australia when dry winters and springs are followed by summers where bushfire fuels become very dry.

When these conditions combine, fires can be expected to move quickly under the influence of strong, gusty north westerly winds. These fires can then move rapidly in a different direction when the subsequent south–westerly wind change arrives. Fires that start under these conditions can reach a very high intensity, even in areas of relatively low fuel loads and can be difficult to control until the weather conditions abate.

The height of a bushfire's intensity is directly linked to its destructiveness and the more difficult it is to control. As the intensity increases so does the difficulty of containment and effective suppression. Very high intensity fires with flame heights greater than 10 metres are generally uncontrollable.

Bushfire intensity is a function of the heat content of the fuel, the quantity of fuel and the rate of spread of the bushfire. The heat content of vegetation fuels is roughly constant. It has been found that the quantity and distribution of fine fuels are the main factor influencing bushfire behaviour. Larger fuels burning during a bushfire do not contribute significantly to the spread of a bushfire.

Fine fuels available to a bushfire are fuels such as grass, leaves, dead pine needles and twigs that ignite readily and are consumed rapidly when dry. They are often defined as those dead fuels less than 6mm in thickness. Fine fuel load (measured in tonnes per hectare) has therefore been used as a convenient measure of the underlying bushfire hazard in areas dominated by woody vegetation. The fine fuel load at any given time is a balance between the rate of fuel build up, and factors that remove fuel such as litter decomposition and fire. In the absence of fire, fuel loads in forests and woodlands with a shrubby or heathy understorey build up to a quasi-equilibrium state where the rate of fuel production equals the rate of decomposition. The maximum levels vary for different vegetation types and for the same vegetation types in different locations.

It has been found that fuel structure is possibly more important than the total fine fuel load in determining bushfire behaviour. Fuels in forests, woodlands and shrublands can be categorised into four layers with differing effects on fire behaviour (Hines, et al., 2010). These layers are:

Surface fine fuels: leaves, bark, small twigs and other fine fuel lying on the ground. These fuels provide the horizontal continuity that allows a bushfire to spread

Near surface fine fuels: grasses, low shrubs, bracken etc. up to about .5 m above the ground surface. Fuels in this layer will burn when the surface fuel layer burns and will increase bushfire intensity

Elevated fuels: larger shrubs and small saplings with most of the fuel closer to the top of this layer and a clear gap between them and the surface fuels. These interact with the two-layer fuel layers to further increase bushfire intensity. They also contribute to the vertical continuity of fire that allows fire to 'climb' into the tree canopy

Bark fuels: flammable bark on trees, saplings and large bushes from ground level to the canopy. Loose fibrous bark on string-bark eucalypts, and candle bark on some gums can generate large amounts of burning embers which can start spot fires ahead of the main fire front.

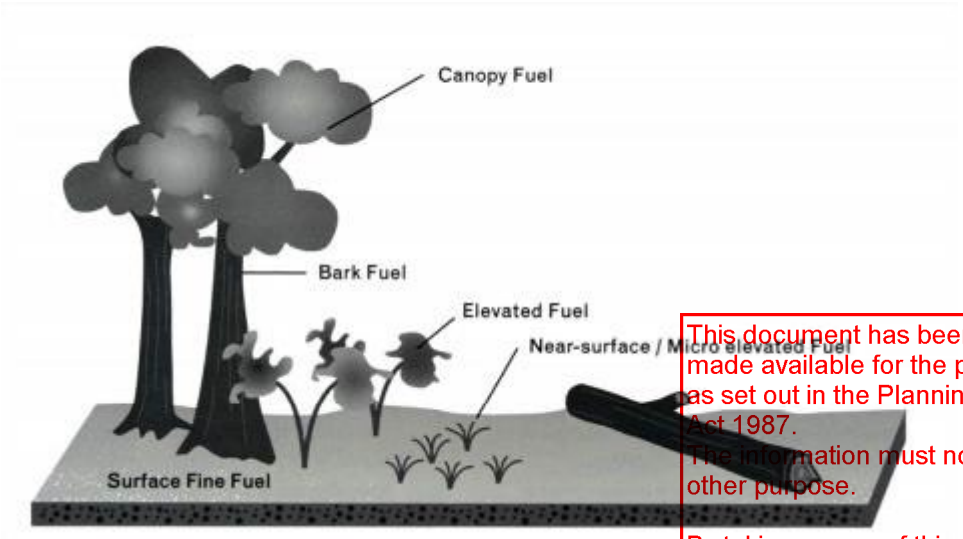


Figure 2 - Overview of fuel structure that affects bushfire behaviour

Bushfire Hazard Landscape Assessment

The Bushfire Hazard Landscape Assessment is completed to provide an assessment of the bushfire hazard more than 150 metres away from the subject site. This assessment considers all available information to determine the effects of a bushfire from more than 150m from the site.

For this assessment, the landscape risk has been assessed at one kilometre and 20 kilometres.

Bushfire History

The historical information provided by DEECA indicates that bushfires have occurred in the surrounding landscape but have not impacted on this property.

The larger bushfire occurred in 1939 to the east of the site. This bushfire occurred after a prolonged drought period and a dry summer. It affected nearly two million hectares across the state with the closest impact to the site approximately four kilometres east prior to the development that currently exists. The surrounding landscape is significantly different when compared to 1939. Other smaller bushfires have occurred in recent history in the surrounding landscape, including in 2013 and 2014 in the forested areas southeast of the site. The smaller bushfires have occurred in the surrounding areas and have either started on relatively low fire danger rating days or fire suppression activities have occurred rapidly.

Due to numerous landscape changes both to the northwest and southwest, this would likely influence a bushfires ability to continue to travel uninterrupted. The presence of residential areas, rural living properties and farming areas which result in a highly fragmented landscape would likely reduce bushfire intensity.

Figure 3 show the bushfire history according to DEECA records.

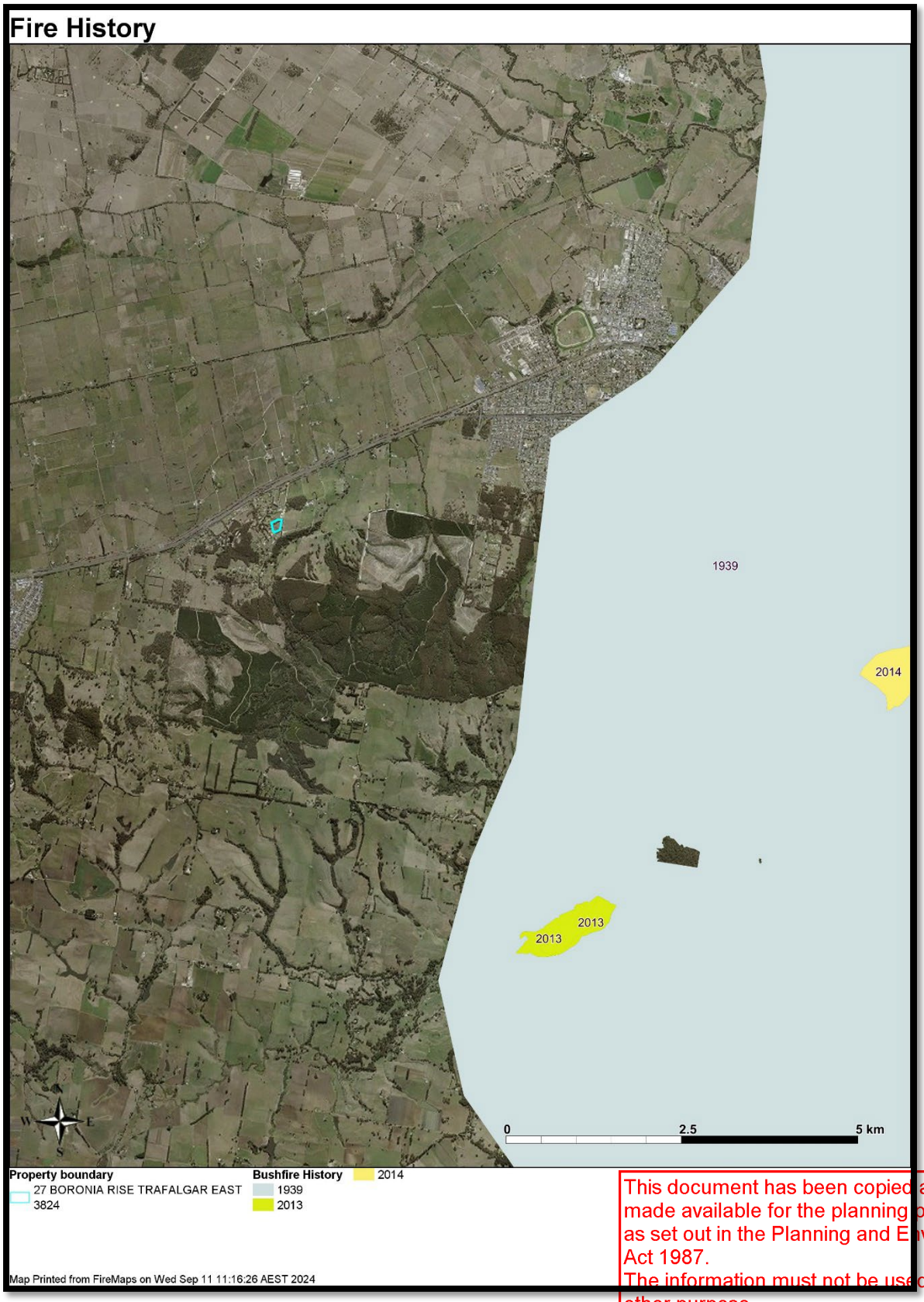


Figure 3 - Bushfire History with the property identified. The shapes represent multiple bushfire events.

Likely Bushfire Scenarios

Figure 4 and Figure 5 indicate the likely scenarios from a bushfire in the surrounding area and how they may impact on the proposed buildings. This assessment considers all aspects however history shows us that bushfires would be likely to impact on the property from a north westerly direction and then subsequently from a south westerly direction after the wind change. These two fire scenarios cause the greatest amount of damage, including loss of life, in south-eastern Australia during bushfire events. The following table describes the scenarios that may impact on the development:

Table 1 - Bushfire scenarios

Scenario reference	Description
Scenario A	Figure 3 outlines the potential for a bushfire to approach the property under a north westerly wind influence. The dominant vegetation immediately to the north and west is a fragmented mix of residential properties and townships south of the Princes Freeway and farming properties north of the Princess Freeway. Beyond 15 kilometres to the northwest the landscape is dominated by state forests. The fragmented landscape northwest, especially the placement of the Princes Freeway hinders a bushfires ability to approach the site from this direction. The most likely scenario would be where a bushfire event occurs in state forests more than 15 kilometres away and impacts the property through long distance embers and potential spot fires that occur in the surrounding landscape. The main bushfire impacts from this direction would be ember attack and radiant heat from spot fires or grassfires that could occur in the wider landscape.
Scenario B	To the southwest of the property, the landscape includes a mix of residential areas, rural properties, plantations, forested areas and farming properties. The forested areas and plantations occur approximately 1.5 kilometres from the site and extend for approximately 2.5 kilometres. Beyond this the landscape is dominated by farming properties and a mix of forested areas. The approach from the south west could occur after an ignition or after a bushfire has been burning in the landscape under a north westerly wind influence and the south westerly change causes it to change direction towards the property. A bushfire could approach from an extended distance; however, the fragmented nature of the surrounding landscape will hinder a bushfires ability to approach the site. Potential bushfire impacts from this direction include ember attack and radiant heat impacts on the property.
Scenario C	Any bushfire approach from the southeast will likely be influenced from local conditions and topography. It is unlikely that a bushfire approach from this area will result in extreme bushfire behaviour due to the coastal influence of high humidity from the southeast. However, the landscape southeast of the site has a higher likelihood of ignitions due to the forested areas, road network and topography. Any bushfire approach from this area will be limited by the size of the forested areas, the myriad of tracks throughout the forest and the downhill approach to the property. Impacts from this direction will likely be limited to long distance ember attack under extreme winds.

In summary, while these scenarios are possible at this location with some ember attack and radiant heat impacts possible, the fragmented nature of the surrounding landscape will hinder the bushfires travel from any direction and result in lower intensity fire approach.

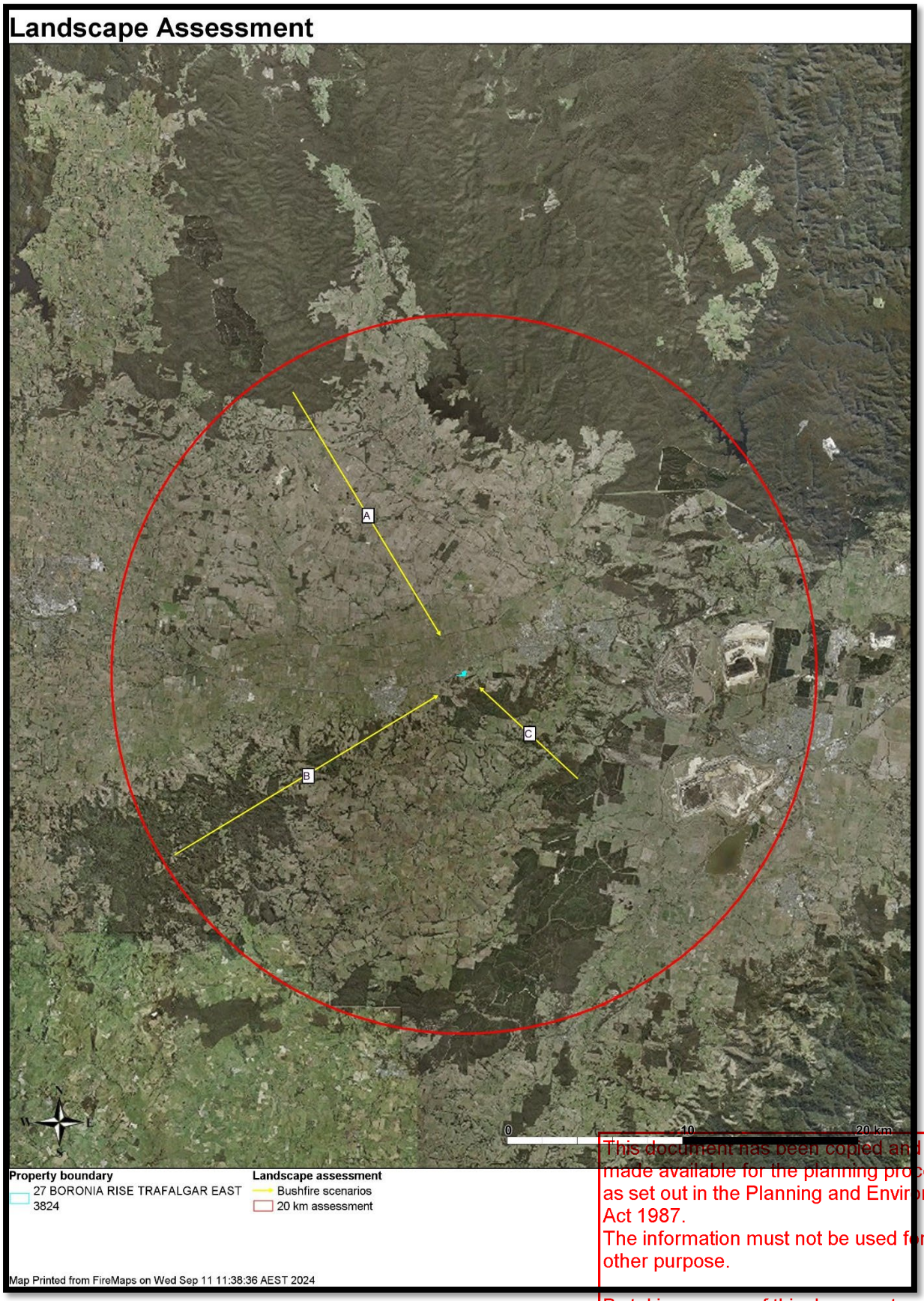


Figure 4 Bushfire Hazard Landscape Assessment 20 kilometres.

Figure 5 - Bushfire Hazard Landscape Assessment one kilometre

Landscape type

The Technical Guide outlines the process to determine the landscape type. The determination of the landscape type informs the consideration of additional mitigation treatments that may be required. The Technical Guide outlines in summary, the following criteria to inform the selection of the most appropriate landscape type:

Table 2 - Response to the landscape risk assessment

Input	Discussion
Assessment of the potential for extreme bushfire behaviour to occur.	Extreme bushfire behaviour occurs predominantly from the north and southwest in Victoria. The landscape from these directions lacks significant forest fuels to create extreme bushfire behaviour. The surrounding landscape to the south and partly through the lot has been classified as an extreme landscape through the allocation of the BMO. As the BMO is utilised as a trigger to undertake further analysis of the bushfire risk, the outcome has identified one area of classifiable vegetation southeast of the site. All of the northern development block (block 2) is within BAL Low areas. This assessment is based on the classified forest vegetation to the south. It appears that the BMO over part of the property is mainly associated with the 150 metre buffer.
Type and extent of vegetation in the surrounding landscape.	The property itself is cleared and is currently utilised to keep horses. The vegetation in the wider landscape includes a mix of residential areas, rural properties, farming areas mainly used for grazing, plantations to the south, small pockets of forest reserves and larger forested areas to the southeast.
Bushfire approach potential.	The bushfire history analysis has identified that bushfires can impact the area from three directions. However, as described above, any bushfire is unlikely to directly impact on the dwelling due to the fragmented nature of the landscape, the larger residential blocks with adequate defendable space and the lack of significant fuels surrounding the property.
Access to an area that provides shelter.	The site is within an established area with a road network that offers residents options to leave the development site either to the south or north if required. The most likely egress option will be north towards the Princes Freeway.

The determination of the landscape type enables the consideration of other treatments depending on the level of risk. These treatments may include additional construction requirements, vegetation management or other solutions. Note that whilst the determination of a landscape risk level is part of this analysis, the determination of the need for additional treatments will be considered as part of further assessments.

Table 3 -Bushfire landscape assessment

	Landscape risk descriptors
Type 1	There is little vegetation beyond 150 metres of the site (except grasslands and low threat vegetation). • Extreme bushfire behaviour is not possible. • The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property. • Immediate access is available to a place that provides shelter from bushfire.

	Landscape risk descriptors
Type 2	The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site. • Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition. • Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.
Type 3	The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site. • Bushfire can approach from more than one aspect. • The site is located in an area that is not managed in a minimum fuel condition. • Access to an appropriate place that provides shelter from bushfire is not certain
Type 4	The broader landscape presents an extreme risk. • Fires have hours or days to grow and develop before impacting. • Evacuation options are limited or not available.

In accordance with the Technical Guide (DELWP, 2017), the landscape has been assessed as Type 2. While bushfires can approach the site from more than one direction, any bushfire approach will be influenced by the fragmented nature of the surrounding landscape, residential and farming areas. Access to safer areas is provided in the township and access to Princes Freeway.

In summary, the landscape analysis has identified the most likely bushfire attack method as being ember attack with low levels of radiant heat.

Clause 13.02 assessment:

Clause 13.02 of the Planning Scheme outlines its objective as:
To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The analysis against Clause 13.02 is reliant on the information contained within the Bushfire Hazard Landscape Assessment.

The following strategies from Clause 13.02-1S are aimed at ensuring a focus on the protection of life is achieved:

Table 4 - Clause 13.02 strategy assessment

	Strategy	Response
1	Prioritising the protection of human life over all other policy considerations.	Compliance with the Bushfire Management Overlay has ensured that the prioritisation of human life is achieved. For this development, a solution is proposed that achieves the BMO requirements. The design solution includes: • The new building will be constructed to a minimum of BAL 12.5. • Defendable space to 50 metres or the property boundary in addition to the surrounding managed properties. • 10,000 litres of static water supply will be provided on the property.

	Strategy	Response
		• Access to the dwelling is available from the road.
2	Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.	The proposed subdivision is located in an existing development that was designed prior to the BMO being enacted within this area. The new building will be constructed to meet the necessary BAL requirements which will provide an increased level of safety for the occupants. The locality is situated next to the Princes Freeway and allows for egress from the area in a bushfire event.
3	Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.	This report addresses the Bushfire Management Overlay and has considered the bushfire risk and identified treatments based on this risk.

Bushfire Hazard Site Assessment

The bushfire hazard within 150 metres is outlined within Figure 5 and Table 4.

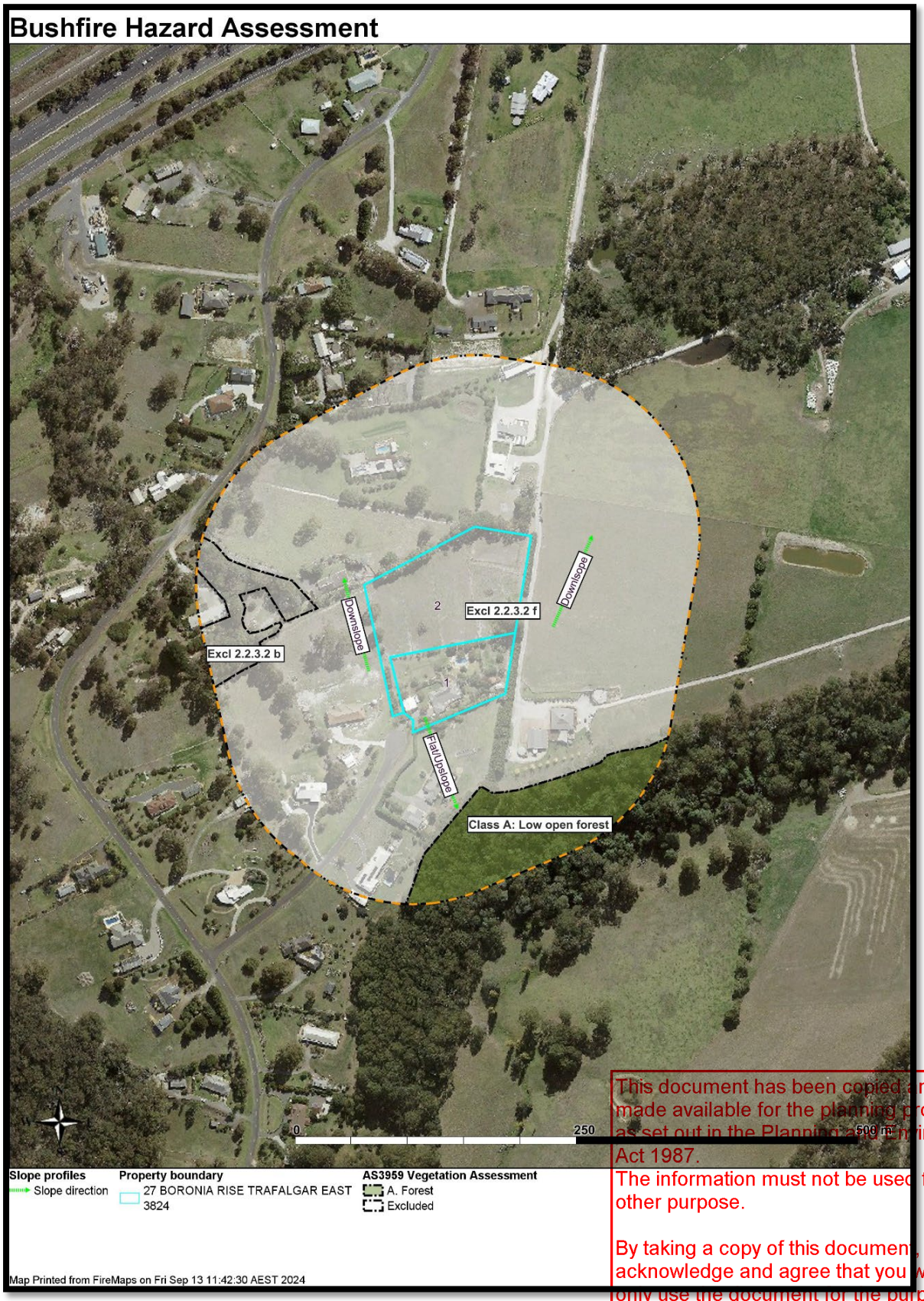


Figure 6 Bushfire Site Hazard Assessment

Table 5 - Bushfire Site Hazard Assessment vegetation assessment

Plot	Vegetation classification	Slope
1	Class A – Forest	Flat/Upslope
2	Excluded vegetation – a) single areas of vegetation less than 1 ha in area and not within 100m of other classified vegetation.	0-5 downslope
3	Excluded vegetation – f) Low threat vegetation	N/A

**The 150 metre assessment area has been measured from the development boundary.*

The assessment of vegetation has identified 3 plots within the 150 metre assessment area outlined in Figure 5.

Subdivision objectives

This subdivision is required to meet the requirements of AM 5.2 of clause 53.02-4.4.

AM 5.2 subdivision objectives

An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows the following.

1	
Provision	**Each lot satisfies the approved measure in AM 2.1.** **AM 2.1 - The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.**
Discussion	The landscape risk considered in this area is present as bushfires could impact the surrounding area, however, the landscape from the northwest and southwest lacks significant forest fuels and connectivity to create extreme bushfire risk. The forested areas to the south and southeast could support development of bushfires, however, elevated bushfire conditions are unlikely from these directions. The surrounding landscape to the south and partly through the lot has been classified as an elevated risk through the allocation of the BMO. Whilst the landscape supports some bushfire activity, the presence of the residential area northwest, farming properties further afield in all directions and the proximity to the Princes Freeway ensures that the development site is provided with additional protection from an approaching bushfire. The landscape assessment has resulted in a Type 2 classification due to the proximity of the development to safer locations for residents to travel to in case of a bushfire event in the Trafalgar East area and the access provided by the Princes Freeway to safer areas further afield.
Outcome	Achieved

2	
Provision	**A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with:** • **Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or** • **Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.** **AM 2.2 - A building is sited to ensure the site best achieves the following:** • **The maximum separation distance between the building and the bushfire hazard.** • **The building is in close proximity to a public road.** • **Access can be provided to the building for emergency service vehicles.**
Discussion	The proposed development block has sufficient setback from classified vegetation to ensure that the level of radiant heat exposure does not exceed 12.5 kW/m² and is considered BAL - Low. The classified forest vegetation to the southeast is 127 metres from the boundary of the proposed subdivision. Any dwelling to be built on the property will be built to a minimum of BAL 12.5 and provided with 50 m of defendable space, or to the development boundary, whichever is lesser. Defendable space can incorporate neighbouring properties in the development (i.e. Lot 1) provided that it meets the defendable space standard provided in Appendix 1 – Bushfire Management Statement. The development boundary of Lot 2 is more than 127 metres away from forest classified vegetation and a dwelling will have sufficient setback from vegetation. Access is provided and in close proximity (less than 200m) to Boronia Rise.
Outcome	Achieved

3	
Provision	**The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.**
Discussion	Any proposed dwelling is to be built to BAL 12.5 standard in accordance with AS3959 and Clause 53.02. Defendable space is required to 50 metres from all directions in relation to low threat vegetation. Defendable space will be provided to the property boundary where the 50 m of defendable space cannot be provided.
Outcome	Achieved

4	
Provision	**Defendable space wholly contained within the boundaries of the proposed subdivision.**
Discussion	The defendable space distance required for the buildings to achieve a maximum exposure of 12.5kW/m² is provided wholly with the proposed development lot.
Outcome	Achieved

5	
Provision	**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.**
Discussion	Defendable space will be provided to the development property and can be achieved by utilising neighbouring lot.
Outcome	Achieved

6	
Provision	**Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.**
Discussion	Defendable space will be provided as per the Bushfire Management Plan. This requires defendable space to the property boundary. The following standard conditions will be complied with. Defendable space to the property boundary must be provided where 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 3 metres of a window or glass feature of the building. • Shrubs must not be located under the canopy of trees. • Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres. • Trees must not overhang or touch any elements of the building. • The canopy of trees must be separated by at least 5 metres. • There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
Outcome	Achieved

7	
Provision	**Water supply and vehicle access that complies with AM 4.1.**
Discussion	**Water supply** Whilst the development has a street fire hydrant within 120 metres of the proposed development, the new Lot is greater than 1,000m² and requires the installation of a 10,000 litre static water supply. The following standard conditions will be complied with for the Lot. Unless otherwise agreed in writing by the relevant fire authority, a minimum of 10,000 litres of 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 signs 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) **Vehicle access** The proposed driveway will be less than 200 metres in length. The following design and construction requirements apply: • All-weather construction. • A load limit of at least 15 tonnes. • Provide a minimum trafficable width of 3.5 metres. • Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically. • Curves must have a minimum inner radius of 10 metres. • The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres. • Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle. If the driveway exceeds 100m, these additional requirements apply: • A turning area for fire fighting vehicles must be provided close to the building by one of the following. • A turning circle with a minimum radius of eight metres. • A driveway encircling the dwelling. • The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.
Outcome	Achieved

AM 5.3 subdivision greater than 10 lots

An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.

As this subdivision is not creating more than 10 lots, a perimeter road is not being provided.

Outcome: Not applicable

AM 5.4 future landscaping public open space and communal areas

A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

No public open space is being created by this development and any landscape on the development will be managed within defendable space requirements.

Outcome: Achieved.

Conclusion

Due to the location of the development, the likely bushfire impact will be through embers landing on and around the property and low levels of radiant heat from spot fires or localised bushfire that approaches from the southwest or southeast.

The outcome of the landscape assessment both within this report and the Clause 13.02 assessment has identified the bushfire risk to the property and demonstrates how this can be managed.

The development has considered the landscape risk and a range of mitigation treatments including the provision of defendable space on the property, a minimum of BAL12.5 construction and a building envelope that achieve a maximum radiant heat exposure of 12.5kW/m² will ensure an acceptable level of safety. In addition to this, the proximity to the Princes Freeway and other safer areas, including the Trafalgar township will ensure that residents have multiple options in the event that a bushfire threatens the local area.

The design solution including water supply, emergency vehicle access, construction level and defendable space will ensure this subdivision achieves the requirements of the Bushfire Management Overlay and Clause 13.02 of the Planning Scheme.

Appendix 1 – Bushfire Management Statement

The buildings will be designed and constructed to a minimum Bushfire Attack level of **BAL 12.5.**

Defendable Space

Defendable space to 50m or the property boundary must be provided where 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.

Water Supply

Unless otherwise agreed in writing by the relevant fire authority, 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.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs 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).

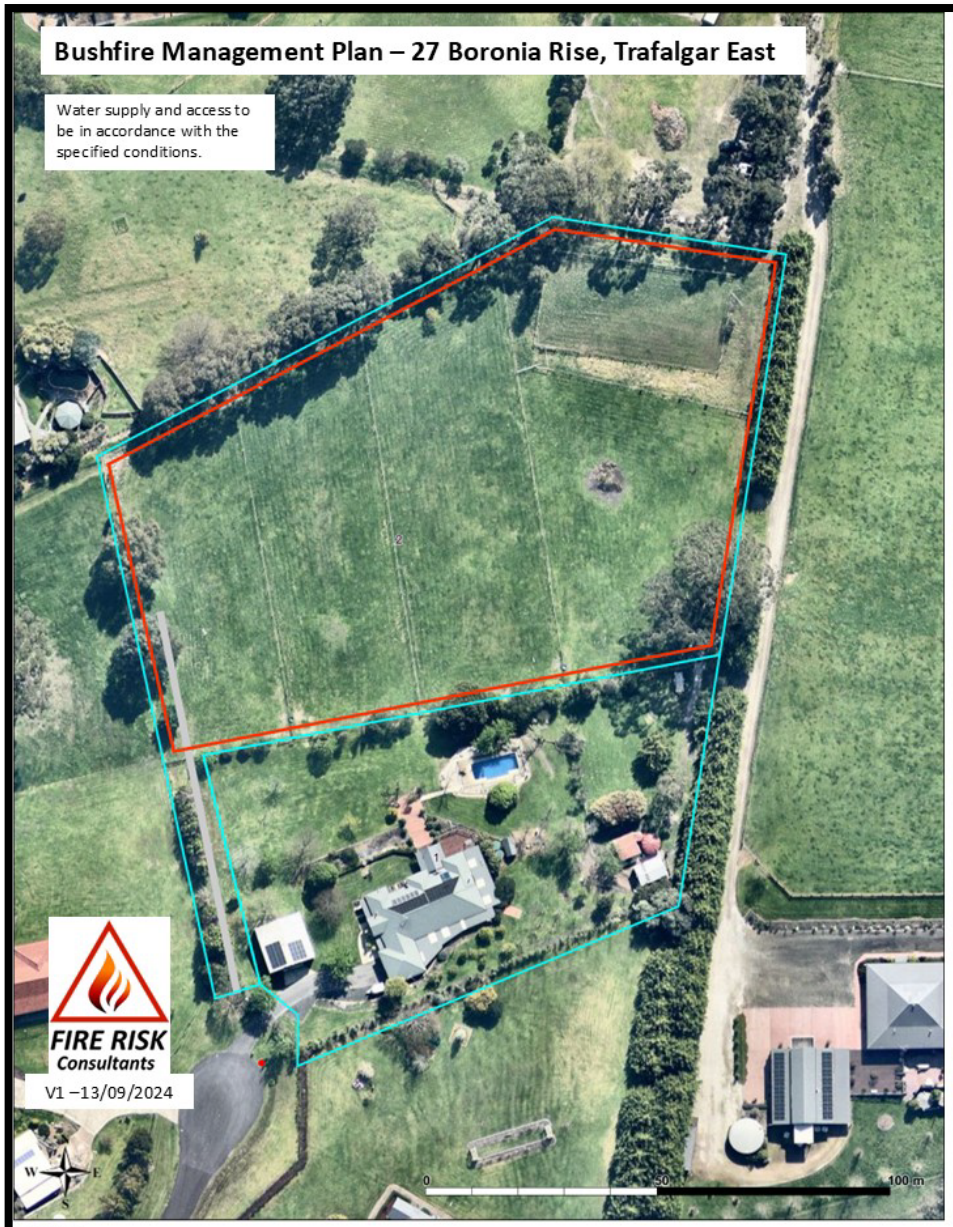
Access

The following design and construction requirements apply:

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

Where the length of access is more than 100m:

- A turning area for fire fighting vehicles must be provided close to the building by one of the following:
    - A turning circle with a minimum radius of eight metres
    - A driveway encircling the dwelling
    - The provision of other vehicle turning heads such as a T head or Y Head – which meet the specification of Austroad Design for an 8.8 metre service vehicle.



Construction Standard

All dwellings will be constructed to achieve a minimum construction level of **BAL 12.5.**

Defendable Space

Defendable space of 50m or to the property boundary, must be provided where 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.

Water Supply

10,000 litres of water supply will be provided in accordance with the following:

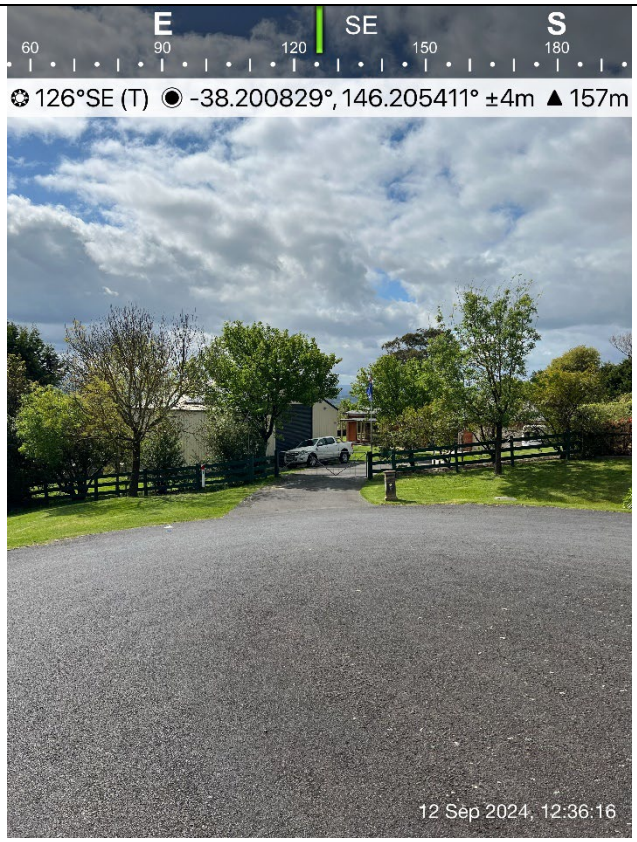
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signs 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).

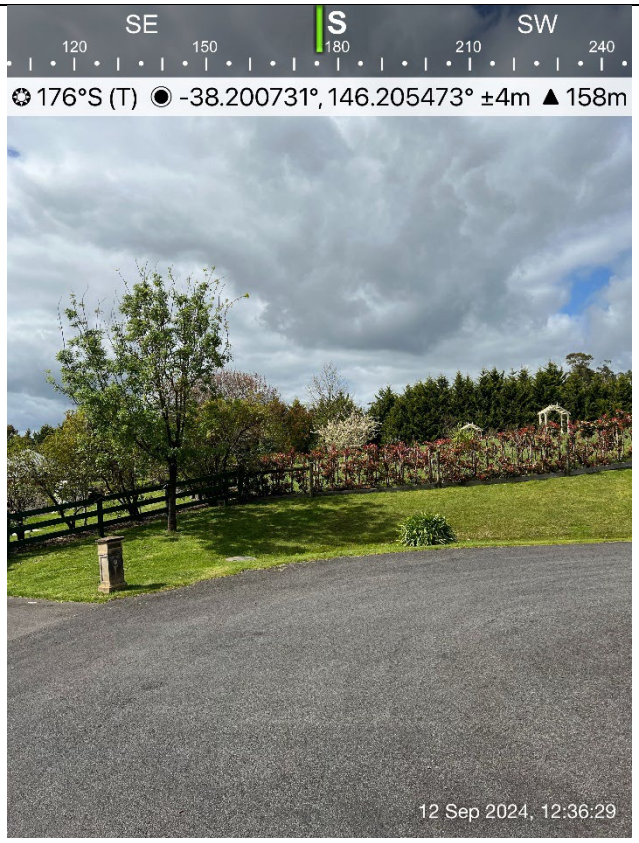
Access

Must comply with Table 5 in Clause 53.02. The following design and construction requirements apply to the subdivision lot where access is greater than 30m and less than 100m:

- All weather construction
- A load limit of at least 15 tonnes
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically
- Curves must have a minimum inner radius of 10 metres
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- A turning area for fire fighting vehicles must be provided close to the building by one of the following:
  - A turning circle with a minimum radius of eight metres.
  - A driveway encircling the dwelling.
  - The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre service vehicle.

Appendix 2 – Photos

1 Looking east towards the entrance of the proposed subdivision.	
2 Looking east and downslope towards the entrance of the proposed subdivision.	

3 Looking southeast and south towards maintained garden vegetation typical of the properties in the area.	
4 Looking west on Boronia Rise leading towards Trafalgar East.	

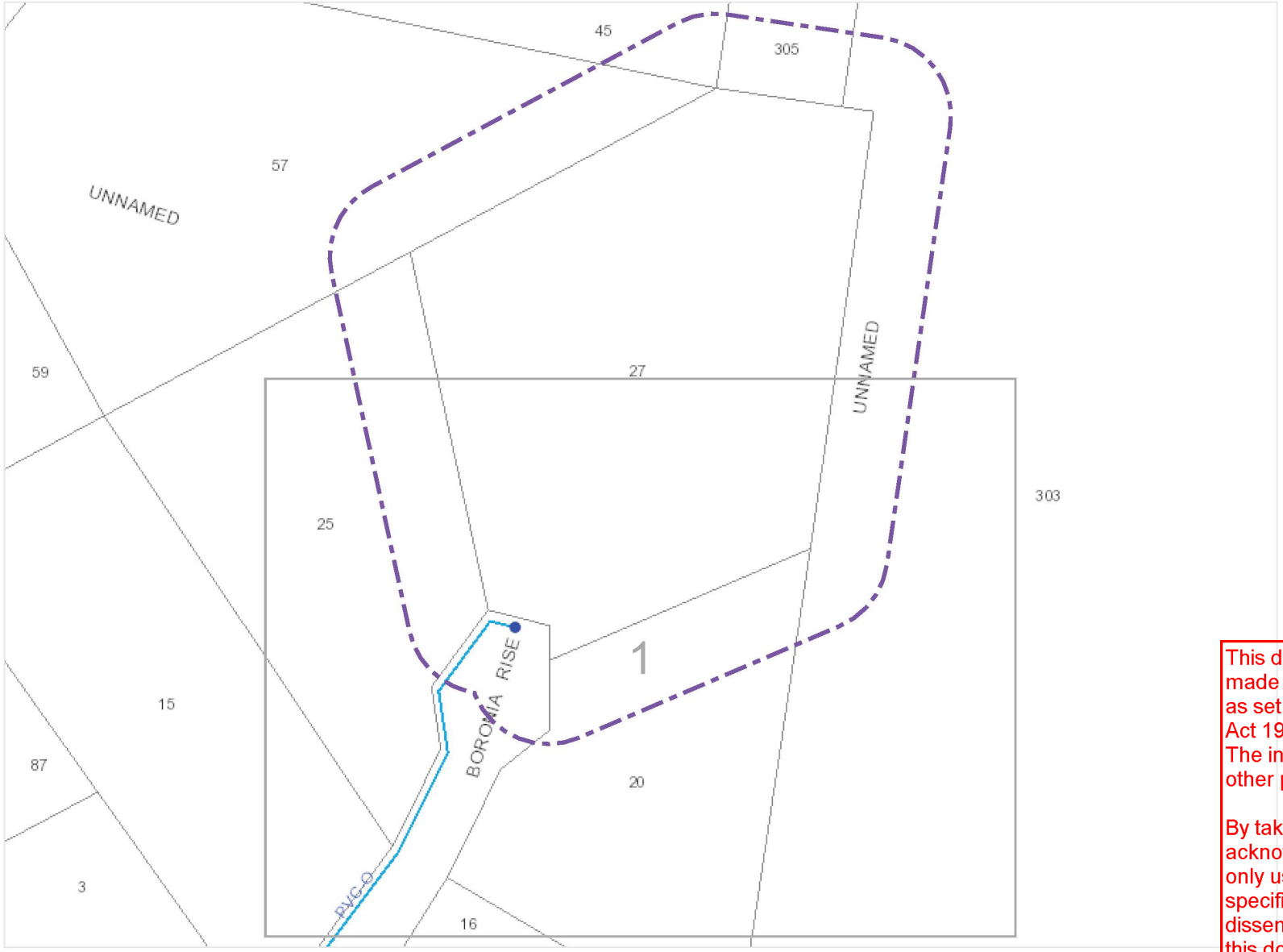
5 Looking east through property on Melaleuca Drive to the vegetation classified as Forest as per AS3959.	
6 Looking east on the intersection of Boronia Rise and Melaleuca Drive	

Appendix 3 – street hydrant locations

GIPPSLAND WATER

Sequence No: 244512609
Job No: 37566544
Location: Boronia Rise 27 Boronia Rise, Trafalgar East VIC 3824

DIAL BEFORE YOU DIG www.1100.com.au
The Essential First Step.



Legend

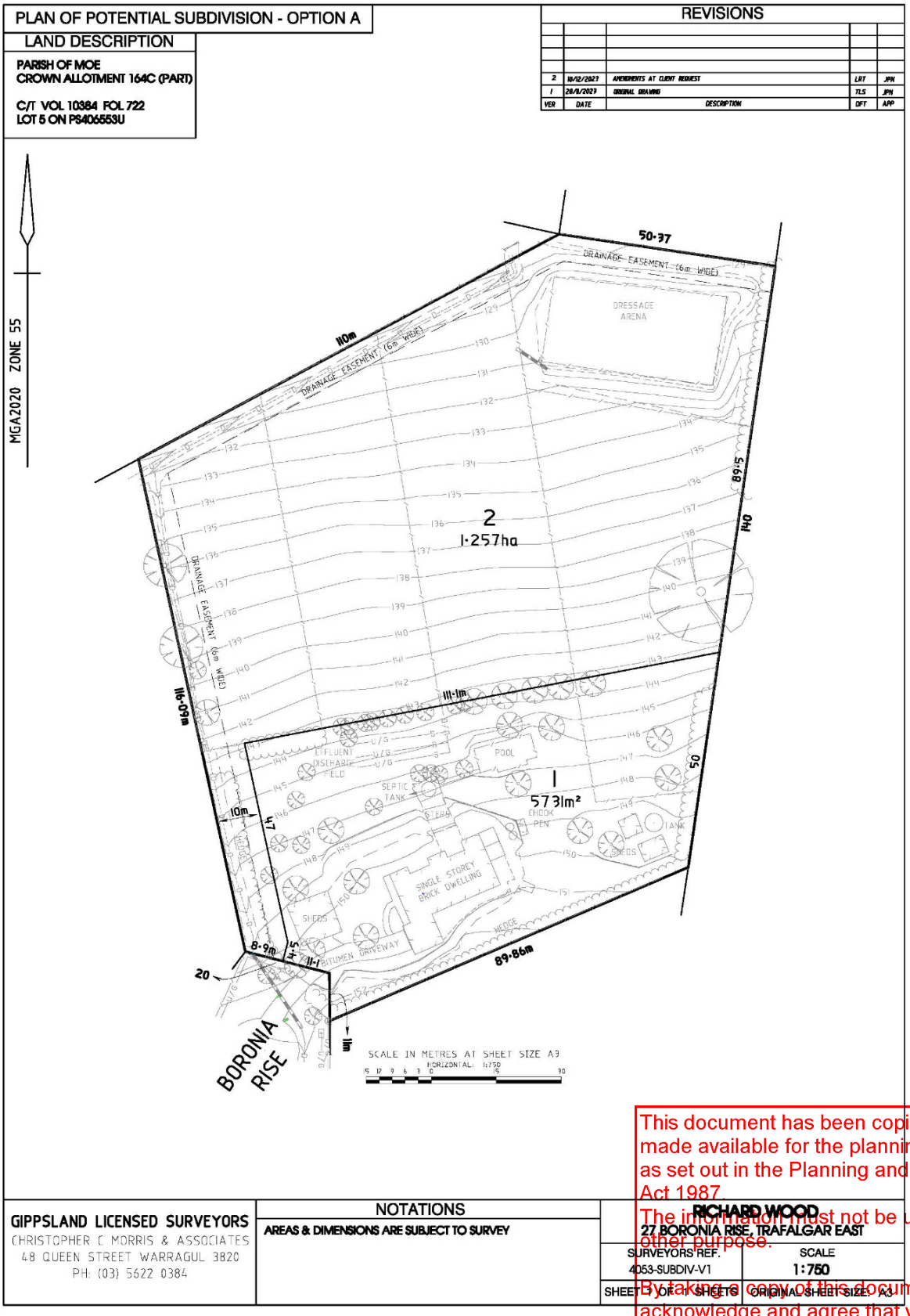
- Electrical Cables
- Hydrant
- Water Valve
- Sewer Manhole
- Water Main (Critical)
- Water Main
- Sewer Main (Critical)
- Sewer Main
- Decom Water Main
- Decom Sewer Main

Scale: 1:1696

N

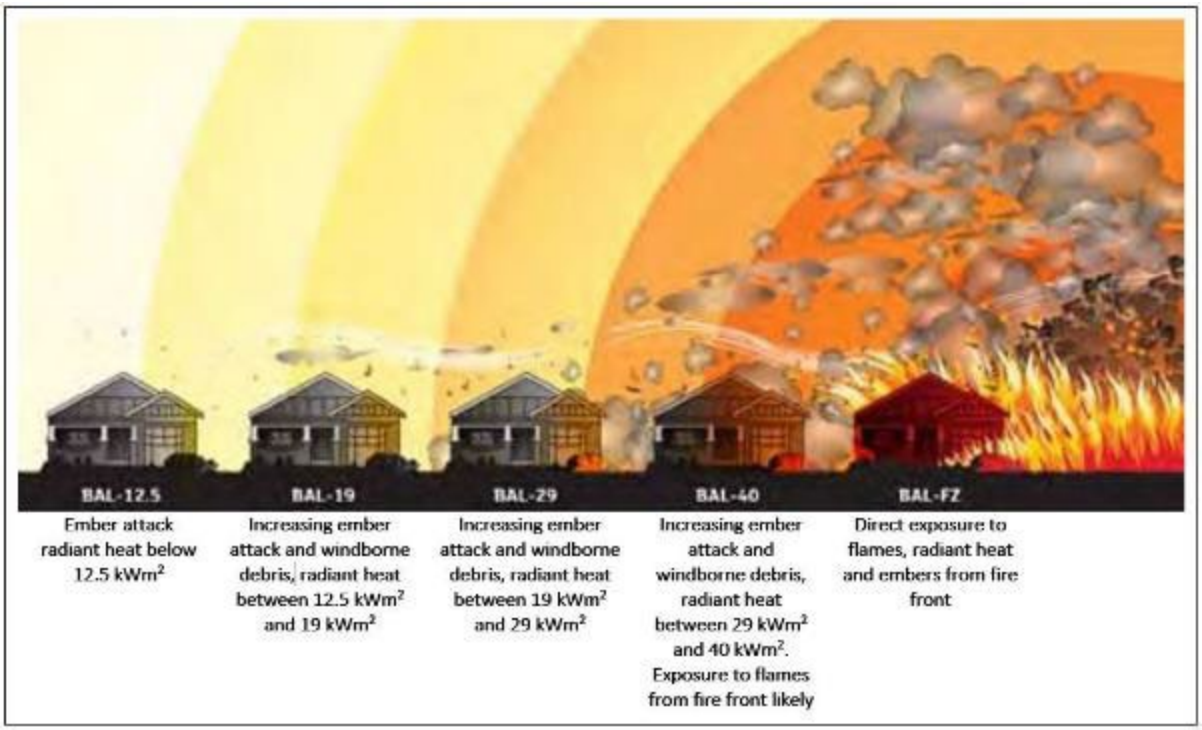
DISCLAIMER:
Gippsland Water does not guarantee the accuracy, scale or completeness of this information. Any person relying on this information does so on the basis that Gippsland Water shall bear no responsibility or liability for loss, damage or injury arising from any error, fault, defect or omission in the information. Any person using this information should make their own site investigation and accommodate their works accordingly.

Appendix 4 – Provided Plans



Appendix 5 – BAL levels explained

The following diagram outlines the type of bushfire attack method that may impact on the buildings. This then indicates the relevant BAL construction level as determined by the Bushfire Management Overlay.



Appendix 6 – References

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9. Gill, M. 2008, Underpinnings of Fire Management for Biodiversity Conservation in Reserves (No. 73), Department of Environment, Land, Water and Planning, East Melbourne.
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15. Standards Australia Limited 2009, AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines, SAI Global Limited, Sydney.
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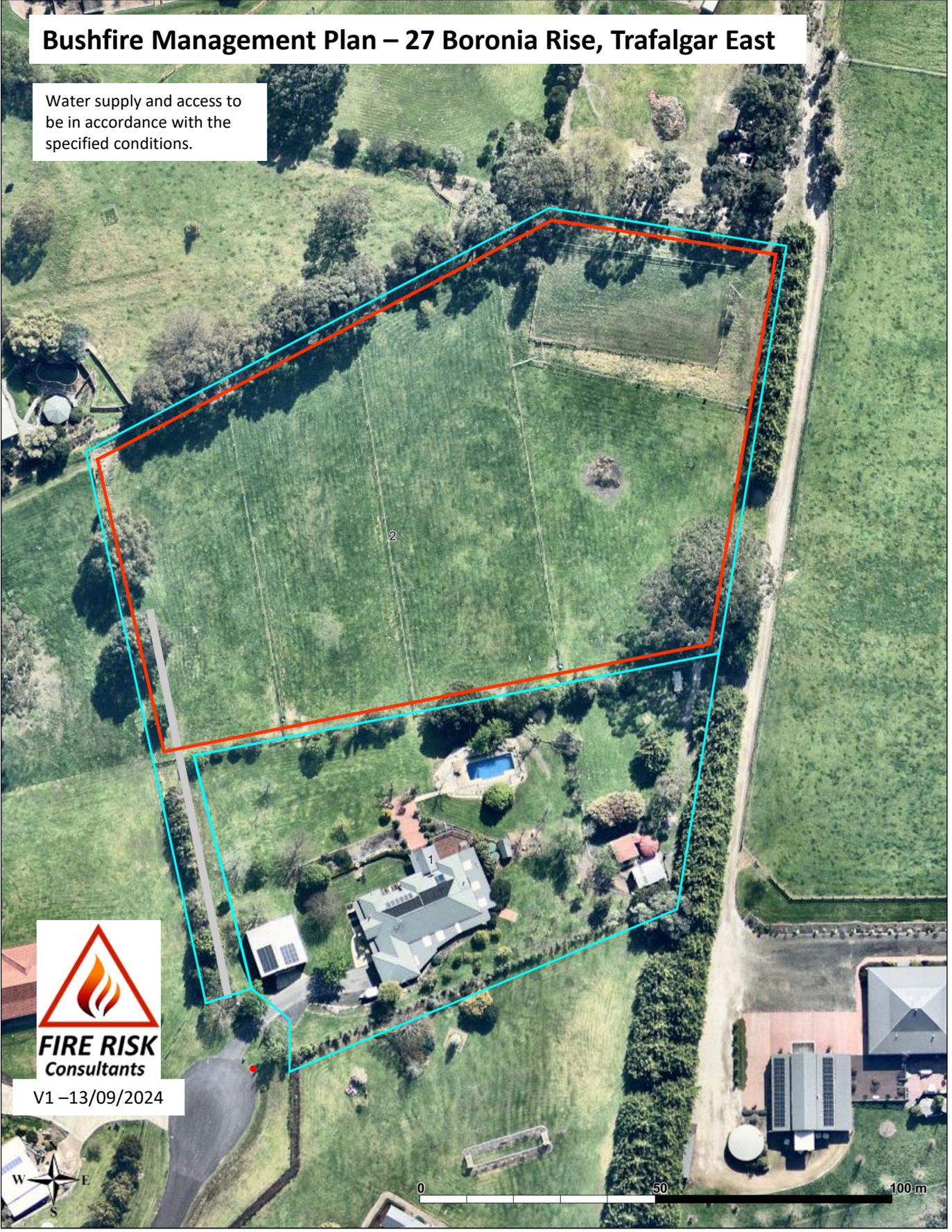
17. Tolhurst, K. & Cheney, N. 1999, Synopsis of the Knowledge Used in Prescribed Burning in Victoria, Department of Natural Resources and Environment, Melbourne.

Bushfire Management Plan – 27 Boronia Rise, Trafalgar East

Water supply and access to be in accordance with the specified conditions.



Legend

Property boundary	Defendable space	Driveway slope	Fire Hydrant
27 BORONIA RISE TRAFALGAR EAST 3824	Defendable space	Driveway	Hydrant

Map Printed from FireMaps on Wed Sep 18 17:18:32 AEST 2024

Construction Standard

All dwellings will be constructed to achieve a minimum construction level of **BAL 12.5**.

Defendable Space

Defendable space of 50m or to the property boundary, must be provided where 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.

Water Supply

10,000 litres of water supply will be provided in accordance with the following:

- 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 signs 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).

Access

Must comply with Table 5 in Clause 53.02. The following design and construction requirements apply to the subdivision lot where access is greater than 30m and less than 100m:

- All weather construction
- A load limit of at least 15 tonnes
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically
- Curves must have a minimum inner radius of 10 metres
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- A turning area for fire fighting vehicles must be provided close to the building by one of the following:
  - A turning circle with a minimum radius of eight metres.
  - A driveway encircling the dwelling.
  - The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre service vehicle.

PLANNING PROPERTY REPORT

From www.planning.vic.gov.au at 01 August 2025 11:05 AM

PROPERTY DETAILS

Lot and Plan Number:	**Lot 5 PS406553**
Address:	**27 BORONIA RISE TRAFALGAR EAST 3824**
Standard Parcel Identifier (SPI):	**5\PS406553**
Local Government Area (Council):	**BAW BAW** www.bawbawshire.vic.gov.au
Council Property Number:	**504**
Planning Scheme:	**Baw Baw** Planning Scheme - Baw Baw
Directory Reference:	**Vicroads 97 E5**

UTILITIES

Rural Water Corporation:	**Southern Rural Water**
Urban Water Corporation:	**Gippsland Water**
Melbourne Water:	**Outside drainage boundary**
Power Distributor:	**AUSNET**

STATE ELECTORATES

Legislative Council:	**EASTERN VICTORIA**
Legislative Assembly:	**NARRACAN**

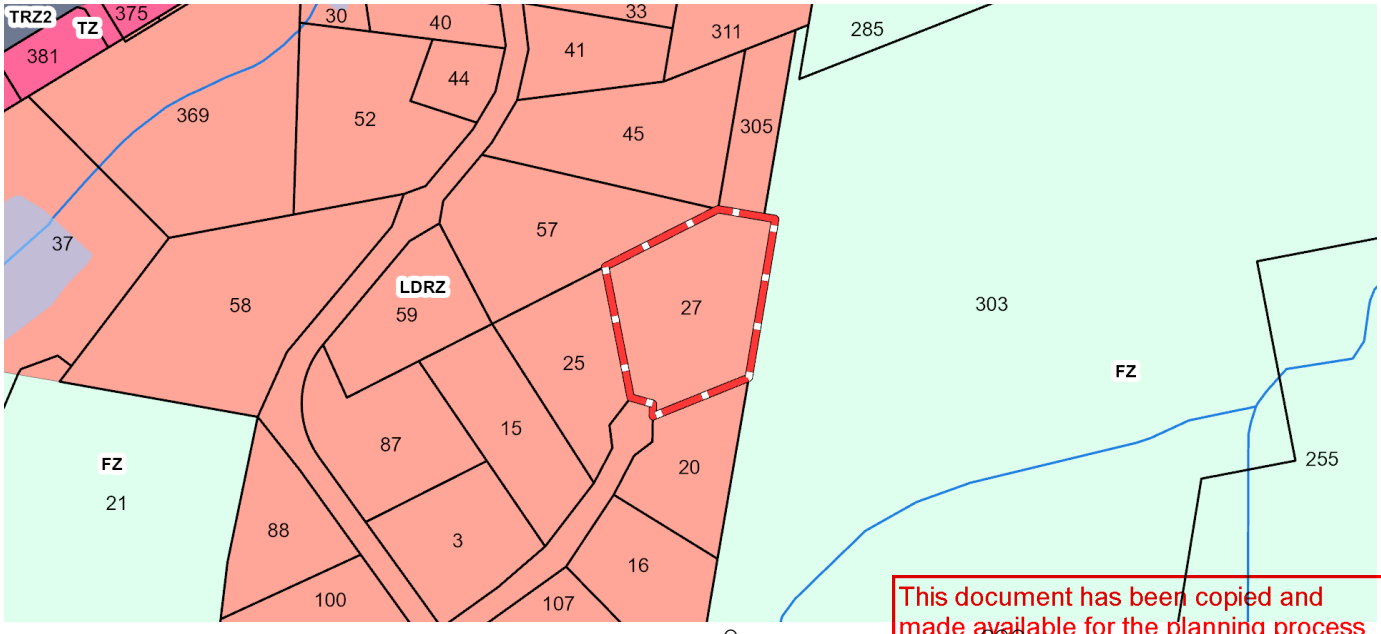
OTHER

Registered Aboriginal Party:	**Gunaikurnai Land and Waters Aboriginal Corporation**
Fire Authority:	**Fire Rescue Victoria & Country Fire Authority**

View location in VicPlan

Planning Zones

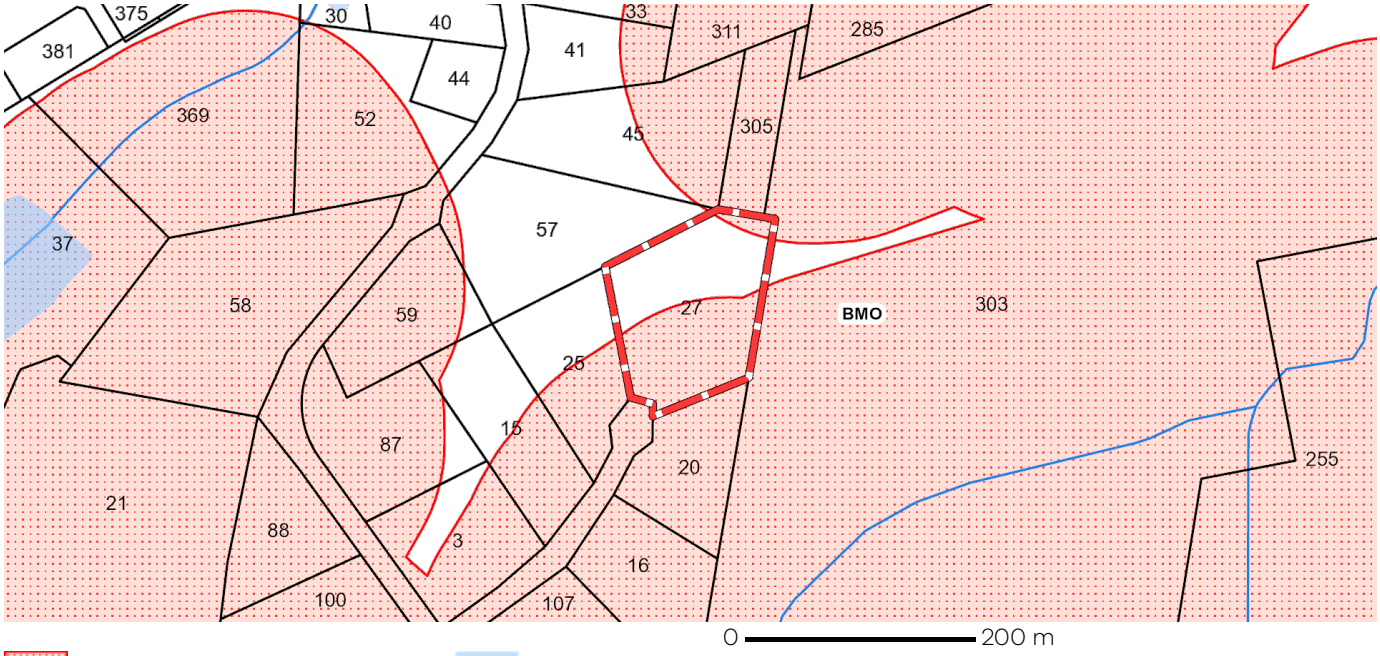
LOW DENSITY RESIDENTIAL ZONE (LDRZ)
SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE (LDRZ)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)

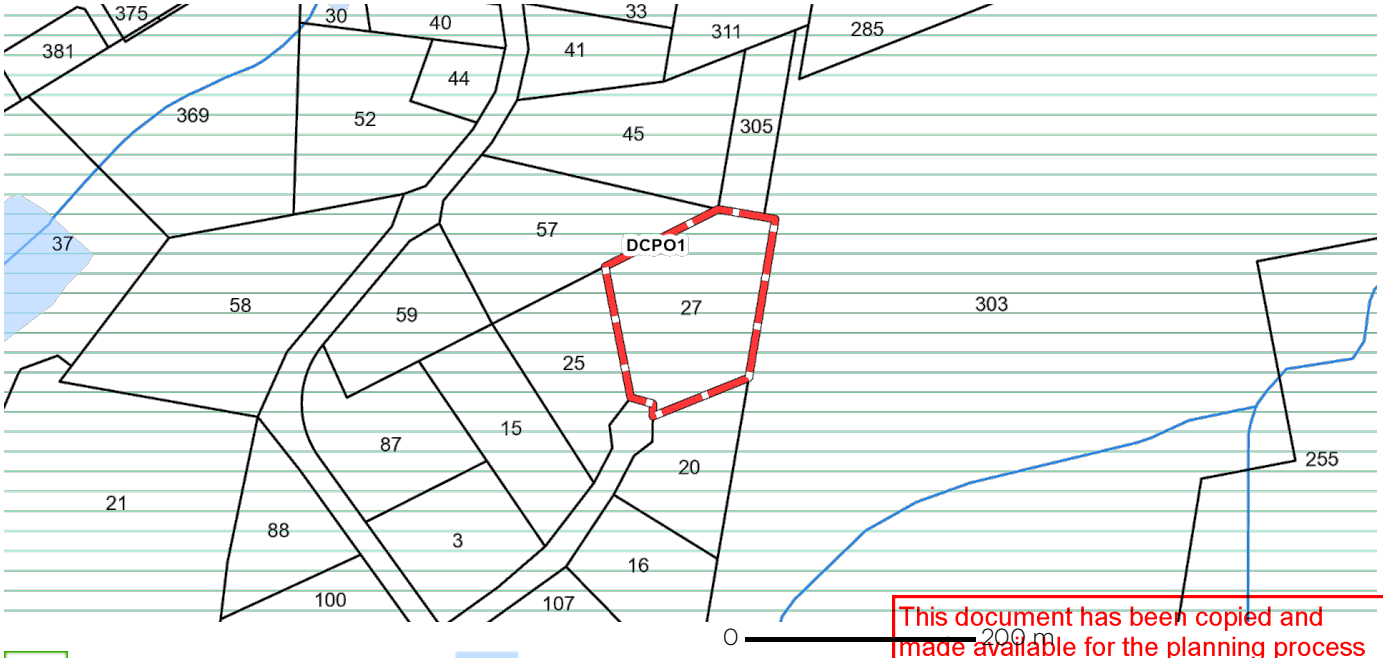


BMO - Bushfire Management Overlay | Water area | Water course

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)



DCPO - Development Contributions Plan Overlay | Water area | Water course

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

PLANNING PROPERTY REPORT

Department of Transport and Planning

Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this parcel is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to https://heritage.achris.vic.gov.au/aavQuestion1.aspx

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - https://www.firstpeoplesrelations.vic.gov.au/aboriginal-heritage-legislation

Further Planning Information

Planning scheme data last updated on 1 August 2025.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.
This report provides information about the zone and overlay provisions that apply to the selected land.
Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting https://www.planning.vic.gov.au

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the ***Planning and Environment Act 1987.***
It does not include information about exhibited planning scheme amendments, or zonings that may abut the land.
To obtain a Planning Certificate go to Titles and Property Certificates at Landata - https://www.landata.vic.gov.au

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit https://mapshare.maps.vic.gov.au/vicplan

For other information about planning in Victoria visit https://www.planning.vic.gov.au

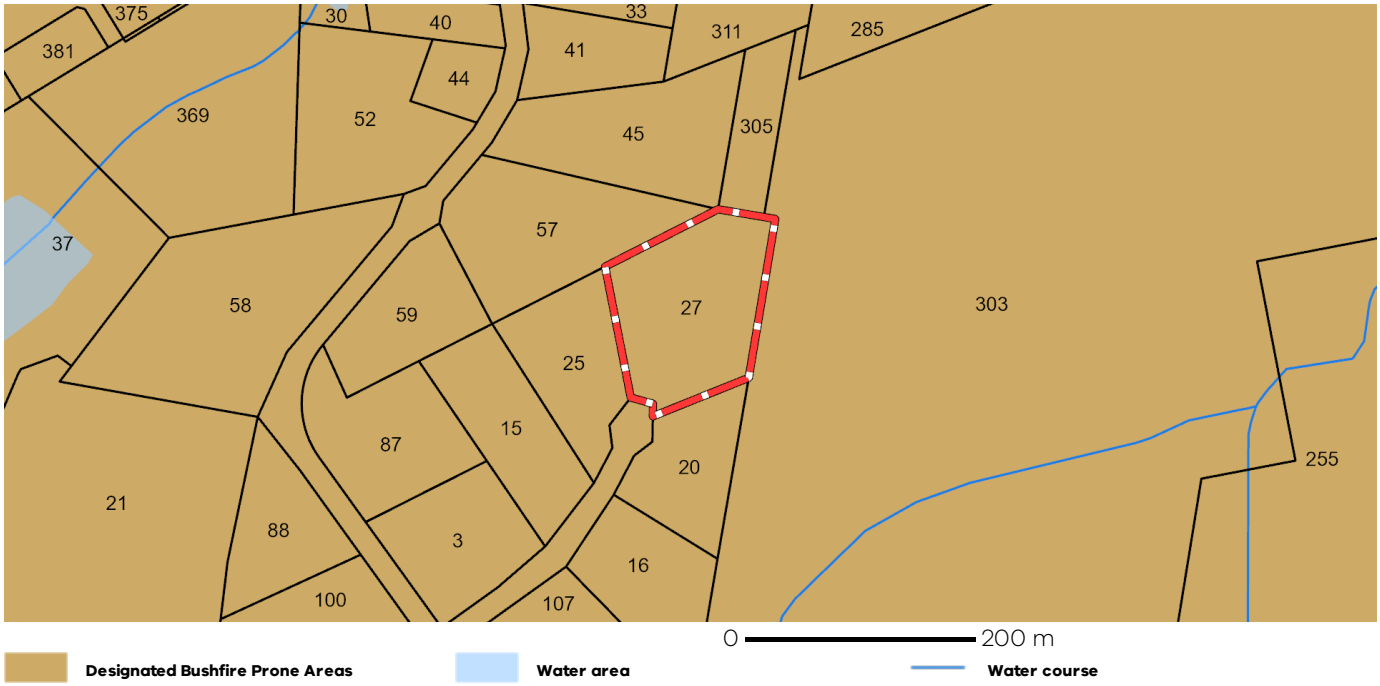
PLANNING PROPERTY REPORT

Designated Bushfire Prone Areas

This parcel is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at https://mapshare.vic.gov.au/vicplan/ or at the relevant local council.

Create a BPA definition plan in VicPlan to measure the BPA.

Information for lot owners building in the BPA is available at https://www.planning.vic.gov.au.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website https://www.vba.vic.gov.au. Copies of the Building Act and Building Regulations are available from http://www.legislation.vic.gov.au. For Planning Scheme Provisions in bushfire areas visit https://www.planning.vic.gov.au.

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see Native Vegetation (Clause 52.17) with local variations in Native Vegetation (Clause 52.17) Schedule

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system https://nvim.delwp.vic.gov.au/ and Native vegetation (environment.vic.gov.au) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit NatureKit (environment.vic.gov.au)

RURAL RESIDENTIAL ZONE: SUBDIVISION INTO LOTS

The following provisions apply to the subdivision into lots of land in the Rural Residential Zone.

59 (1)(a) Subject to Clause 18A, a permit is required to subdivide land in the Rural Residential Zone.

(b) An application must be referred to a referral authority listed in Clause 18C.

(2) With an application for subdivision, the Responsible Authority may require the applicant to provide information as indicated in the Second Schedule.

(3) Land shall not be subdivided into lots until the requirements of the appropriate service supply authority and other relevant authorities with regard to the provisions to each lot, other than a lot intended for use as a car parking space of suitable water, sewerage, drainage, electricity, roads and like services, have been determined to the satisfaction of the Responsible Authority.

(4) The Responsible Authority shall refer to the Country Fire Authority for comment any subdivision proposals in areas of high or upper moderate fire hazard, as specified in the report Fire Hazards compiled by the Department of Planning for the Shire of Narracan in December 1982 (as amended).

60 (1) The Responsible Authority may grant a permit for a subdivision where the majority of lots front or have access to a common driveway or common property,in the Rural Residential Zone, if the number of lots (including those to be created pursuant to the permit) does not exceed:

(a) one for each 2 hectares of area of the parcel of land comprised in subdivision ;or

(b) where reticulated sewerage and water is available to all lots in the subdivision and the applicant shows, to the satisfaction of the Responsible Authority, that the land is suitable for the 0.5 hectare of the area of the parcel of land comprised, other than a lot intended for use as a car parking space, in the subdivision.

(2) Applications under this Clause shall be considered on their merits by the Responsible Authority with the onus on the applicant to demonstrate significant advantages to the resulting local rural residential environment when compared with rural residential use otherwise enabled by this Section.

(3) All applications under this clause proposing to create sites:

(a) for more than two dwellings shall be accompanied by proposals from the applicant setting out provisions for access, water supply, storm water drainage, effluent disposal and other servicing of all lots, other than a lot intended for use as a car parking space to the satisfaction of the Responsible Authority; and

(b) where the number of sites exceeds ten, shall be exhibited for public comment in accordance with notification procedures specified under the Act and by the Responsible Authority.

61 (1) Except as may be permitted in Clauses 18B and 138 and sub-clauses (2) and (3) of this Clause, the Responsible Authority shall not permit a subdivision unless:

(a) the number of lots to be created by the subdivision is not more than one for each 2 hectares of the area of the parcel of land proposed to be subdivided;

(b) each lot to be created by the subdivision is not less than 0.8 hectare in area nor more than 4 hectares in area provided that one lot greater than 4 hectares in area may be created where such lot:

(i) has an area not more than 20 per cent of the total area of the parcel of land to be subdivided or is the balance of land which is to be subdivided in subsequent stages; (Am L1 Pt A); and

(ii) is shown to the satisfaction of the Responsible Authority to be essential to ensure a suitable subdivision, having regard to topographic and other constraints; and

(c) the Responsible Authority is satisfied that the applicant has maximised the number of lots of 2 hectares each in area and has not sought to maximize the number of lots with an area of or near to the lower end of the range provided for in paragraph (b) of this subclause.

(2) The Responsible Authority may permit land to be subdivided into lots less than 0.8 hectare or greater than 4.0 hectares in area where: (Am L1 Pt A)

(a) the purpose of the subdivision is to effect an adjustment to the common boundary between two or more existing lots and such adjustment: (Am L1 Pt A)

(i) does not create a greater number of lots than existed before the adjustment; and

(ii) does not create any lots with size, shape or configuration which are inconsistent with the primary purpose for which the land is zoned;

(b) each lot which is less than 0.8 hectare in area will be consolidated with an existing lot by the approval of a plan of consolidation under the Subdivision Act 1988; or (Am L1 Pt A)

(c) the purpose of the subdivision is to excise land which is required for public purposes by the Crown, a public authority or a municipality. (Am L1 Pt A)

(3) A permit may be granted to create smaller lots for uses including flats and car parking spaces if any of the following apply:

(a) a permit is granted to use the land or the use is in accordance with the provisions for this zone.

(b) the lots are created by subdividing a building or buildings which are used in accordance with the scheme.

62 In addition to any other condition which it may impose, the Responsible Authority; may, when permitting a subdivision, include a condition requiring the consolidation of lots by the approval of a plan of consolidation under the Subdivision Act 1988.

RURAL RESIDENTIAL ZONE: CONSTRUCTION OF DWELLINGS, DEVELOPMENTS AND USES

The following provisions apply to the construction of dwellings and other developments and uses which may be permitted by the Responsible Authority in the Rural Residential Zone.

63 (1) In considering whether or not to permit a development or use in Column 4 of the Table to this Section, the Responsible Authority will have regard to all of this Local Section and may require the applicant to provide information as indicated in the Second Schedule.

(2) Except as may be permitted by the Responsible Authority, any application for the development or use of land not serviced by a reticulated water supply shall:

(a) provide for a permanent water supply of at least 90,000 litres of which 10,000 litres is to be set aside and kept available at all times for the purposes of fire fighting and shall be located adjacent to existing or proposed buildings, with a total roof or approved alternative catchment area used for harvesting run-off rain water of not less than 250 square metres;

(b) ensure this supply is capable permanently of quick and appropriate coupling to Country Fire Authority fire fighting units;

all to the satisfaction of the Responsible Authority.

(3) Except as may be permitted by the Responsible Authority, buildings and works shall be set back a distance of at least 20 metres from any property boundary.

RURAL RESIDENTIAL ZONE: CONSIDERATION OF APPLICATIONS

64 In considering any application under this Section, the Responsible Authority will have particular regard to:

(a) Clause 13 (relating to Consideration of Applications Generally) of this Local Section;

(b) Clauses 14 to 17 (relating to Additional Matters to be Considered) of this Local Section;

(c) Clause 143 (relating to Building Setbacks) of this Local Section;

(d) Clause 147 (relating to Overall Development Plans) of this Local Section;

(e) Clause 151 (relating to Tree Preservation Areas) of this Local Section;

(f) the submissions received as a result of any notification procedures including those required under Clause 60 (3) (b) above;

(g) the degree of slope of the land and the location and extent of portions thereof in excess of twenty per cent slope;

(h) whether any part of the land is liable to flood;

(i) the prevention of erosion;

(j) protection of the drainage function of the land;

(k) the methods of waste disposal;

(l) the effect upon the quantity and quality of water for human consumption;

(m) the preservation of the natural environment and the character and the need for the proposed development to harmonise with the surrounding environment;

(n) the planning purpose and intent specified in this Section as applying to land in this Zone and in particular that the primary purpose of the Zone is for rural residential development and use;

and may impose such appropriate conditions on a permit as it deems fit including the planting, replanting or sowing down of any part of the land and the consolidation of lots in a parcel of land by the approval of a plan of consolidation under the Subdivision Act 1988.

SECTION 8: RESIDENTIAL B ZONE

PURPOSE OF ZONE

65 The intent of the Residential B Zone is:-

(a) to encourage lower than conventional density residential development and use of land in this Zone which is associated with urban centres;

(b) to preserve and enhance the amenity of the area for residential development and use and, in particular:

(i) to promote attractive residential development together with safe and, where possible, separated pedestrian and vehicular access and spaces; and

(ii) to protect and enhance the landscape character;

(c) to provide limited opportunities for some non-residential developments and uses which are essential within the residential areas and which are of a size and intensity of use compatible with neighbouring residential uses;

(d) to encourage the efficient use of water supply mains, roads, other infrastructure services and community facilities; and

(e) to prevent subdivisions, developments, uses and activities inconsistent or incompatible with the intent of this Zone.