



Department of Energy, Environment and Climate Action

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Ref: SP481521
20230601 BY

Nicole Maguire
Murrindindi Shire Council
P O Box 138
ALEXANDRA VIC 3714

Dear Ms Maguire,

**PLANNING PERMIT APPLICATION 2022/104
RODNEY AUJARD & ASSOCIATES: CREATION OF A CARRIAGEWAY EASEMENT
2427 MAROONDAH HIGHWAY, BUXTON 3711**

Thank you for your letter dated and received on 13 April 2023 regarding the above planning permit application and subsequent objection issued by the department.

The application is for the creation of a carriageway easement. The subject land is zoned Farming and is affected by the Bushfire Management, Land Subject to Inundation and Floodway Overlays under the Murrindindi Planning Scheme.

Notice of the application was given to the Minister of Energy Environment and Climate Change, as the Minister responsible for administering the Act under which the land is controlled or managed in accordance with Section 52 of the *Planning and Environment Act 1987* in a separate referral from 19 August 2022.

This letter is provided in response to your correspondence relating to the objection and subsequent responding submission from the applicant.

Comments

The applicant proposed the creation of a carriageway easement to enable access, via the Crown land, to the future owners of parcels on the West side of the river.

DEECA is unsupportive of the use of Crown land for vehicular access in perpetuity. Whilst the Crown land may contain a bridge, it is not intended for public vehicular access and DEECA (as the landowner) is not responsible for its ongoing care, maintenance or management. For these reasons the department subsequently lodged an objection to the proposal 27 September 2022 (Ref: SP481521).

Further correspondence from the applicant in relation to the objection was received by the department on 4 May 2023. While the past use of the bridge and rationale/reasoning of the proposal is recognised, the position of the department in relation to the matter remains unchanged. If a bridge and road access is required for practical access to the proposed (newly titled) allotments it must be via a proclaimed road and managed by council or the applicant. The department's objection as issued 27 September 2022 still stands.

If you have any questions regarding this matter, please contact me via p&a.north@delwp.vic.gov.au or Gavin Mathieson via Land.Admin@delwp.vic.gov.au.

Yours sincerely,



Ben Yates
Program Officer
Planning and Approvals

6 June 2023

