



Department of Environment,
Land, Water and Planning

89 Sydney Road, Benalla
Telephone: 03 5761 1611
DX 214480
p&a.north@delwp.vic.gov.au

Ref:SP481521
20220909 ac

Ms Natalie Stewart
Murrindindi Shire Council
P O Box 138
ALEXANDRA VIC 3714

Attn: Nicole Maguire

Dear Ms Stewart

**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 19 August 2022 about the above planning permit application.

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*.

I provide this response under delegation from the Minister of Energy Environment and Climate Change, as the Minister responsible for administering the Act under which the land is controlled or managed.

Comments/Issues

2427 Maroondah Hwy Buxton consists of four parcels split by Crown land (Acheron River). A bridge is located on the Crown land providing a form of informal access to the west side of the subject land. It is currently unclear if DELWP consented to the construction and use of this bridge.

The application outlines a proposal to split 2427 Maroondah Hwy Buxton, resulting in separate ownership on each side of the Acheron River. The proposed carriageway easement is to enable access, via the Crown land, to the future owners of properties on the West side of the river.

DELWP does not support the use of Crown land for vehicular access in perpetuity. Whilst the Crown land may contain a bridge, it is not intended for vehicular access and DELWP is not responsible for its care, maintenance or management.

DELWP recommends that the applicant discuss with Murrindindi Shire Council (Council) ways in which formal vehicular access could be provided to the subject land, options could include using the existing Government Road network (and easements) or proclaiming the existing alignment as a Government Road which could be managed by either the applicant or Council. DELWP would be willing to assist with the road proclamation process if this was considered the most practical means for providing vehicular access.

Response

The Department of Environment, Land, Water and Planning **objects** to the granting of a permit as the department does not support the use of a proposed carriageway easement to facilitate public vehicular traffic across Crown land.

If you have any questions regarding this matter, please contact James Newton via email Land.Admin@delwp.vic.vic.gov.au or Anya Cardilini via email p&a.north@delwp.vic.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "Stewart Dekker".

Stewart Dekker
Program Manager – Planning and Approvals
Hume Region

27 September 2022