

# Notice of Application for a Planning Permit

The land affected by the application is located at:	L1 PS606363 V11377 F814 131 Bathe Road, Pakenham VIC 3810
The application is for a permit to:	Use and Development of the Land for a Dwelling, Associated Earthworks, Removal of Native Vegetation and Other Vegetation Removal

**A permit is required under the following clauses of the planning scheme:**

Clause 35.06-5	Rural Conservation Zone a planning permit is required for buildings and works
Clause 35.06-1	Rural Conservation Zone a planning permit is required for the use
Clause 42.01-2	Environmental Significance Overlay a planning permit is required to remove, destroy or lop any vegetation, including dead vegetation
Clause 42.01-2	Environmental Significance Overlay a planning permit is required for buildings and works
Clause 44.06-1	Bushfire Management Overlay a planning permit is required for buildings and works

## APPLICATION DETAILS

The applicant for the permit is:	Hargreaves Design Group
Application number:	T220658

You may look at the application and any documents that support the application at the office of the responsible authority:

Cardinia Shire Council, 20 Siding Avenue, Officer 3809.

This can be done during office hours and is free of charge.

Documents can also be viewed on Council's website at [cardinia.vic.gov.au/advertisedplans](http://cardinia.vic.gov.au/advertisedplans) or by scanning the QR code.



## HOW CAN I MAKE A SUBMISSION?

This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:

**20 December 2024**

### WHAT ARE MY OPTIONS?

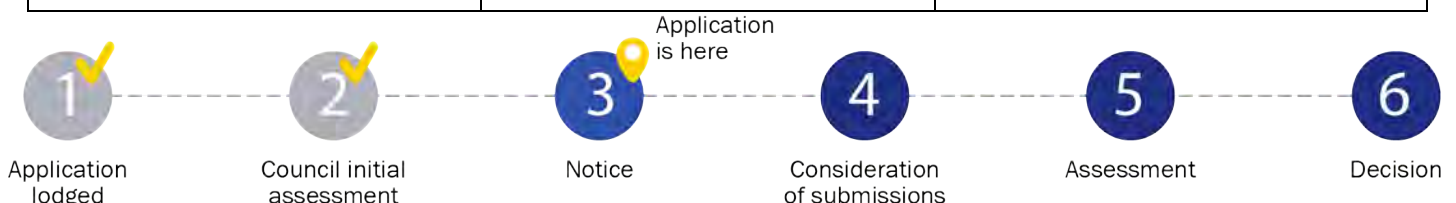
Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

If you object, the Responsible Authority will notify you of the decision when it is issued.

An objection must:

- be made to the Responsible Authority in writing;
- include the reasons for the objection; and
- state how the objector would be affected.

The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.



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# Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

## PERMIT APPLICATION DETAILS

Application No.:	T220658
Address of the Land:	131 Bathe Road, Pakenham

## APPLICANT DETAILS

Name:	[REDACTED]
Organisation:	Hargreaves Design Group
Address:	Suite 3, No 5 Cook Drive, Pakenham
Phone:	03 5940 2340
Email:	scott@hargreaves.design

## AMENDMENT TYPE

Under which section of the Act is this amendment being made? (select one)	
Section 50 - Amendment to application at request of applicant <b>before</b> notice:	<input type="checkbox"/>
Section 50A - Amendment to application at request of responsible authority <b>before</b> notice:	<input type="checkbox"/>
Section 57A - Amendment to application <b>after</b> notice is given:	<input checked="" type="checkbox"/>

## AMENDMENT DETAILS

What is being amended? (select all that apply)		
What is being applied for <input type="checkbox"/>	Plans / other documents <input checked="" type="checkbox"/>	Applicant / owner details <input type="checkbox"/>
Land affected <input type="checkbox"/>	Other <input type="checkbox"/>	
Describe the changes. If you need more space, please attach a separate page.		
New House design and location on site.		

Specify the estimated cost of any development for which the permit is required:		
Not applicable <input type="checkbox"/>	Unchanged <input checked="" type="checkbox"/>	New amount \$

**DECLARATION**

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.	
<b>Name:</b>	[REDACTED]
<b>Signature:</b>	[REDACTED]
<b>Date:</b>	16.04.24

**LODGEMENT**

Please submit this form, including all amended plans/documents, to [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

You can also make amendments to your application via the Cardinia ePlanning Portal at <https://eplanning.cardinia.vic.gov.au/>

If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.

**IMPORTANT INFORMATION**

It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.

Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.

No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the *Planning and Environment (Fees) Regulations 2016* for more information.

The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.

Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

Any material submitted with this request, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*.

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**HARGREAVES**  
DESIGN GROUP

3/5 Cook Drive, Pakenham 3810  
(03) 5940 2340  
scott@hargreaves.design  
www.hargreaves.design

16.04.24

Planning Dept.  
C/- Cardinia Shire Council  
20 Siding Ave  
Officer, VIC. 3809

**RE: Proposed Single Storey Dwelling  
At Lot 1, 131 Bath Road, Pakenham 3810  
Application No: T220658**

Dear Sir/Madam,

Please find attached, relevant documentation for the purpose of obtaining a town planning permit for a single dwelling at the above mentioned address.

The land currently has a single dwelling under construction as per expired planning Permit T160487. However the property has been sold and the new land owners wish to Construct a new dwelling.

1. Set of Town Planning drawings.
2. Copy of Title
3. Arborist Report
4. Bushfire Management Statement
5. Bushfire Management Plan
6. Application Form

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Yours faithfully,

**OFFICER MANAGER  
HARGREAVES DESIGN GROUP**



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

VOLUME 11377 FOLIO 814

Security no : 124114218060N  
Produced 16/04/2024 04:00 PM

**LAND DESCRIPTION**

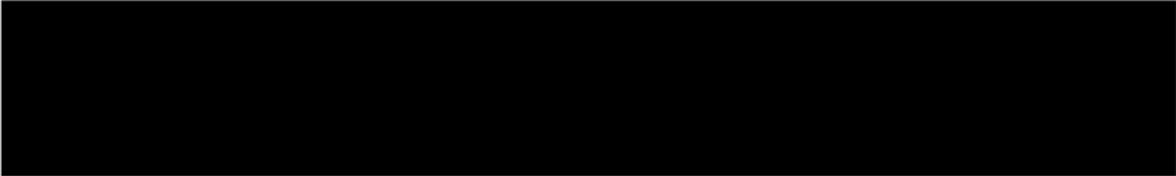
Lot 1 on Plan of Subdivision 606363K.

PARENT TITLES :

Volume 08434 Folio 529            Volume 08472 Folio 705  
Volume 08539 Folio 218    to    Volume 08539 Folio 219  
Volume 08889 Folio 250            Volume 08948 Folio 191            Volume 08981 Folio 540  
Volume 09017 Folio 371

Created by instrument PS606363K 24/09/2012

**REGISTERED PROPRIETOR**



**ENCUMBRANCES, CAVEATS AND NOTICES**

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

AGREEMENT Section 52A TOWN AND COUNTRY PLANNING ACT 1961  
M803438W 23/04/1987

AGREEMENT Section 173 Planning and Environment Act 1987  
AJ854930N 14/08/2012

**DIAGRAM LOCATION**

SEE PS606363K FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 131 BATHE ROAD PAKENHAM VIC 3810

**ADMINISTRATIVE NOTICES**

NIL



DOCUMENT END



# Imaged Document Cover Sheet

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Document Type	<b>Plan</b>
Document Identification	<b>PS606363K</b>
Number of Pages (excluding this cover sheet)	<b>8</b>
Document Assembled	<b>16/04/2024 16:00</b>

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<b>PLAN OF SUBDIVISION</b>	Stage No. /	LRS use only <b>EDITION 2</b>	Plan Number <b>PS 606363K</b>
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<p><b>Location of Land</b> Parish: <b>PAKENHAM</b> Crown Allotment: 189, 190, 191, 192, 193 (Part), 182 (Part) &amp; 183 (Part)</p> <p><b>Title References</b> C/T VOL 8948 FOL 191 VOL 8539 FOL 219 VOL 8889 FOL 250 VOL 8472 FOL 705 VOL 8434 FOL 529 VOL 8981 FOL 540 VOL 8539 FOL 218 VOL 9017 FOL 371</p> <p>Last Plan Reference: BP 2116J</p> <p>Postal Address: 255 LEPPIT ROAD (At time of subdivision) PAKENHAM 3810</p> <p>MGA Co-ordinates: E 362 975 Zone 55 (Of approx. centre of plan) N 5 789 810</p>	<p style="text-align: center;"><b>Council Certification and Endorsement</b></p> <p>Council Name: <b>CARDINIA SHIRE COUNCIL</b> Ref:</p> <ol style="list-style-type: none"> <li>This Plan is certified under Section 6 of the Subdivision Act 1988.</li> <li>This plan is certified under section 11(7) of the Subdivision Act 1988 Date of original certification under section 6 ...../...../</li> <li>This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</li> </ol> <p><b>OPEN SPACE</b></p> <p>(i) A requirement for public open space under Section 18 Subdivision Act 1988 has/has not been made.</p> <p>(ii) The requirement has been satisfied.</p> <p>(iii) The requirement is to be satisfied in Stage</p> <p>Council delegate Council seal Date / /</p> <p>Re-certified under section 11(7) of the Subdivision Act 1988.</p> <p>Council delegate Council seal Date / /</p>
<b>Vesting of Roads or Reserves</b>	
Identifier	Council/Body/Person
ROAD R-1 RESERVE No. 1 RESERVE No. 2	CARDINIA SHIRE COUNCIL CARDINIA SHIRE COUNCIL SPI ELECTRICITY PTY LTD

Notations	
Depth Limitations: DOES NOT APPLY	Staging: This is not a staged subdivision Planning permit No. T07018a

<p>Dimensions shown underlined are NOT subject of this survey and accord with BP2116J</p> <p>The area of Reserve No.1 has been obtained by deduction from title.</p>	<p style="color: red; border: 1px solid red; padding: 5px;">This is a SPEAR plan. This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> <p>This survey has been connected to permanent mark no(s). 303 &amp; 304 in Proclaimed Survey Area no. -</p>
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Easement Information					LRS use only
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					Statement of compliance/ Exemption Statement
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of	
E-1	Carriageway	4	This Plan	Country Fire Authority	Received <input checked="" type="checkbox"/>
E-2	Underground Powerline	2	This Plan	SPI Electricity Pty Ltd ABN: 91 064 651 118	
E-3	Underground Powerline	1.50	This Plan	SPI Electricity Pty Ltd ABN: 91 064 651 118	Date: 18 / 09 / 2012
E-4	Carriageway	2	This Plan	Country Fire Authority	LRS use only PLAN REGISTERED TIME 3:52 pm Date: 24 / 09 / 2012
E-4	Drainage	2	This Plan	Cardinia Shire Council Land in this plan	
E-5	Powerline	2	This Plan	SPI Electricity Pty Ltd ABN: 91 064 651 118	
E-6	Transmission of telecommunications signals by underground cables	0.50	This Plan	Land in this plan	
E-7	Transmission of telecommunications signals by underground cables	0.50	This Plan	Land in this plan	
E-7	Carriageway	0.50	This Plan	SPI Electricity Pty Ltd ABN: 91 064 651 118	<b>Ian D Thomson</b> Assistant Registrar of Titles.

<b>LEPPITT ROAD (9 LOTS)</b>	<b>AREA OF STAGE - 7.123ha</b>	Sheet 1 of 6 Sheets
<p><b>CPG</b> 24 Albert Road PO Box 305 South Melbourne Vic 3205 T 61 3 9993 7888 F 61 3 9993 7999 cpg-global.com</p>	<p>LICENSED SURVEYOR (PRINT) Gabrielle M McCarthy</p> <p><b>SIGNATURE - DIGITALLY SIGNED</b> DATE / /</p> <p>REF: 130545SV00 VERSION 9</p> <p><small>FILE NAME : 130545SV00.dwg FILE LOCATION : F:\13\130545\130545-SUB\DWG\ LAYOUT NAME : Sheet 1 SAVE DATE : Wed, 09 Feb 2011 - 15:39 LAST SAVED BY : gabbym</small></p>	<p>DATE / /</p> <p>COUNCIL DELEGATE SIGNATURE</p> <p>Original sheet size A3</p>

**PLAN OF SUBDIVISION**

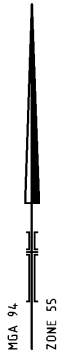
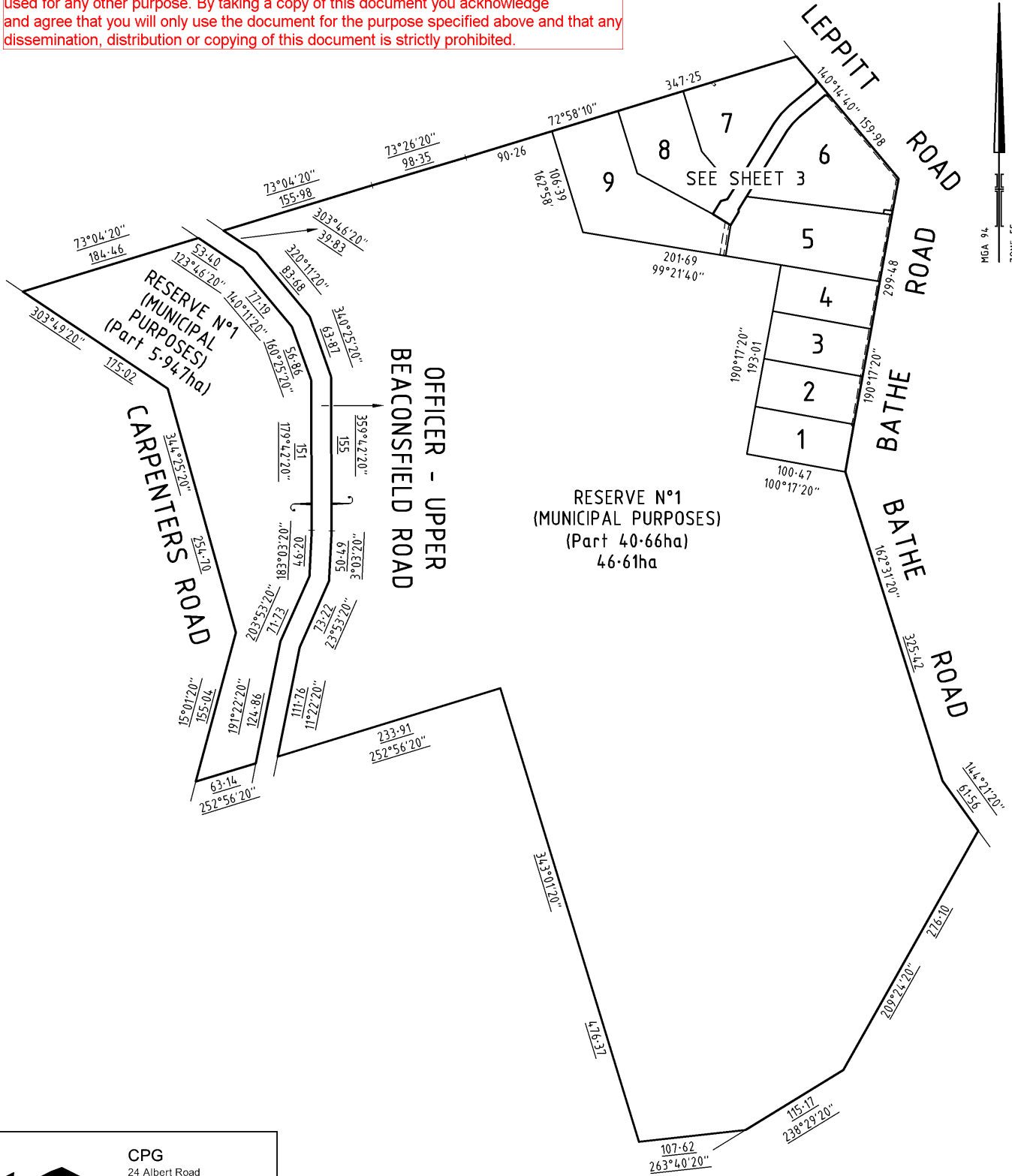
Stage No

/

Plan Number

**PS 606363K**

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 South Melbourne Vic 3205  
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 F 61 3 9993 7999  
 cpg-global.com

**SCALE**

LENGTHS ARE IN METRES

**ORIGINAL**  
 SCALE SHEET  
 1:4000 A3

**LICENSED SURVEYOR** Gabrielle M McCarthy  
**SIGNATURE - DIGITALLY SIGNED**  
 REF: 130545SV00  
 DATE / /  
 VERSION 9

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 LAYOUT NAME : Sheet 2 P  
 SAVE DATE : Wed, 09 Feb 2011 - 15:39 LAST SAVED BY : gabbym

Sheet 2

DATE / /  
 COUNCIL DELEGATE  
 SIGNATURE

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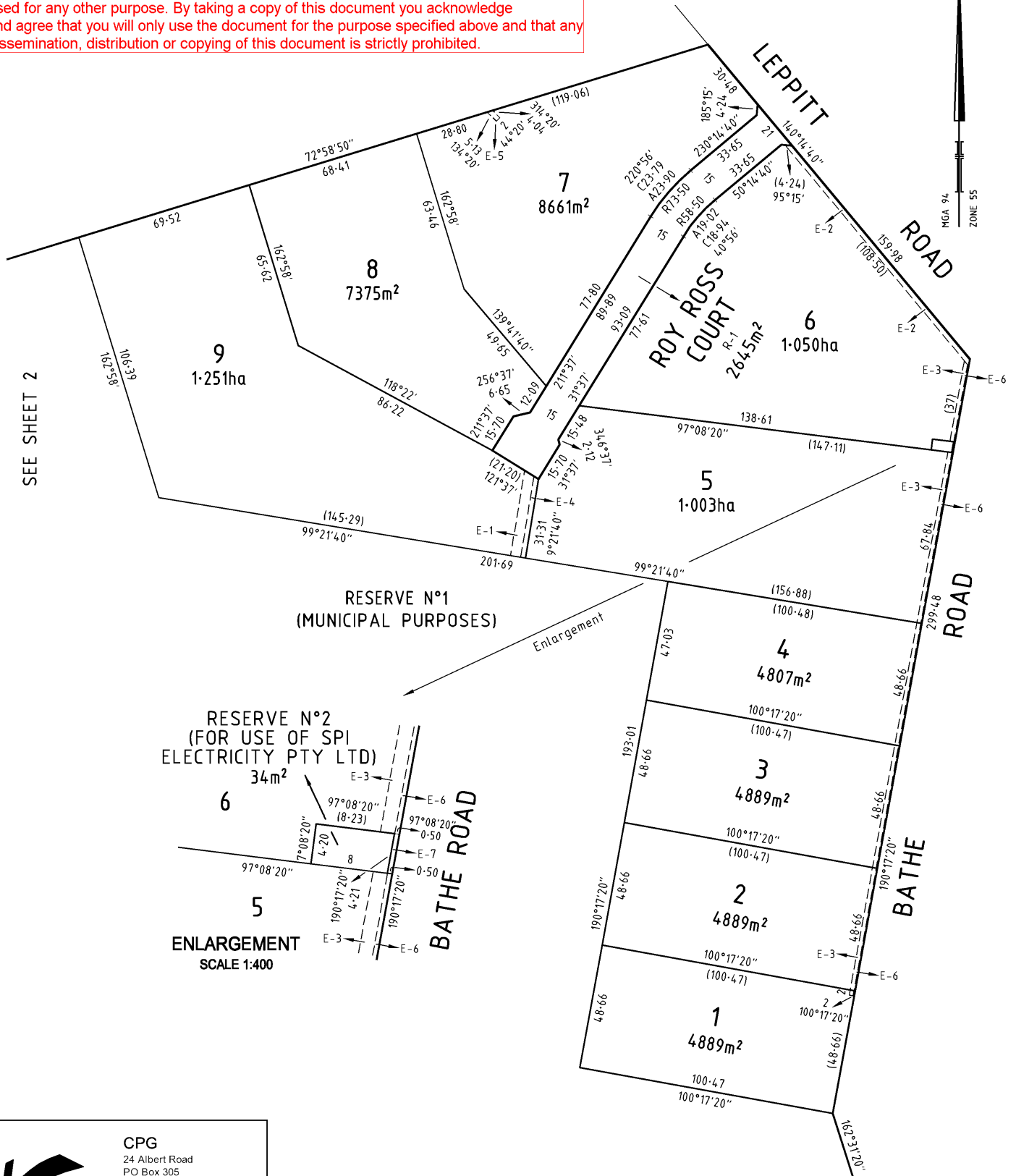
**PLAN OF SUBDIVISION**

Stage No  
/

Plan Number

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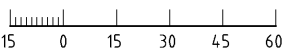
SEE SHEET 2

SEE SHEET 2



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**SCALE**



LENGTHS ARE IN METRES

**ORIGINAL**

SCALE SHEET  
1:1500 A3

LICENSED SURVEYOR Gabrielle M McCarthy

SIGNATURE - DIGITALLY SIGNED

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LAYOUT NAME : Sheet 3 P  
SAVE DATE : Wed, 09 Feb 2011 - 15:39 LAST SAVED BY : gabbym

DATE / /  
VERSION 9

Sheet 3

DATE / /  
COUNCIL DELEGATE  
SIGNATURE

Original sheet size A3

1		2		3		4		5		6		
<b>PLAN OF SUBDIVISION</b>						Stage No /		Plan Number <b>PS 606363K</b>				
A	<b><u>CREATION OF RESTRICTION No 1</u></b>											A
B	The following restriction is to be created upon registration of this plan :											B
	LAND TO BENEFIT : Lots 1 to 9 (all inclusive) on this plan											
	LAND TO BE BURDENED : Lots 1 to 9 (all inclusive) on this plan											
C	For the purposes of this restriction: (a) A dwelling means a house (b) A building means any structure except a fence (c) Primary street frontage means the boundary to which the vehicle access will be oriented											C
D	DESCRIPTION OF RESTRICTION The registered proprietor or proprietors for the time being of any lots to which any of the following restrictions applies shall not:											D
	1) Construct more than one dwelling on any lot on this plan.											
	2) Construct any dwelling or any part of a dwelling outside the building envelopes shown hatched on sheets 5 and 6 of this plan.											
	3) Construct a garage unless that garage is setback a minimum of 5.5 metres from the primary street frontage.											
	4) Construct any building over an easement without consent from the appropriate Referral Authority.											
	5) Construct or locate a septic system outside the effluent envelopes shown hatched on sheets 5 and 6 of this plan.											
E	This restriction will cease to have effect 10 years after the registration of this Plan of Subdivision.											E
F	This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.											F
G	 <p><b>CPG</b> 24 Albert Road PO Box 305 South Melbourne Vic 3205 T 61 3 9993 7888 F 61 3 9993 7999 cpg-global.com</p>											G
H	ORIGINAL SCALE SHEET SIZE <b>A3</b>		LICENSED SURVEYOR [REDACTED] <b>SIGNATURE - DIGITALLY SIGNED</b> REF: 130545SV00 <small>FILE NAME : 130545SV00.dwg FILE LOCATION : F:\131\130545\130545-SUB\DWG\ LAYOUT NAME : Sheet 4 P SAVE DATE : Wed, 09 Feb 2011 - 15:39 LAST SAVED BY : gabbym</small>					DATE / / <b>VERSION 9</b>		Sheet 4 DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3		H
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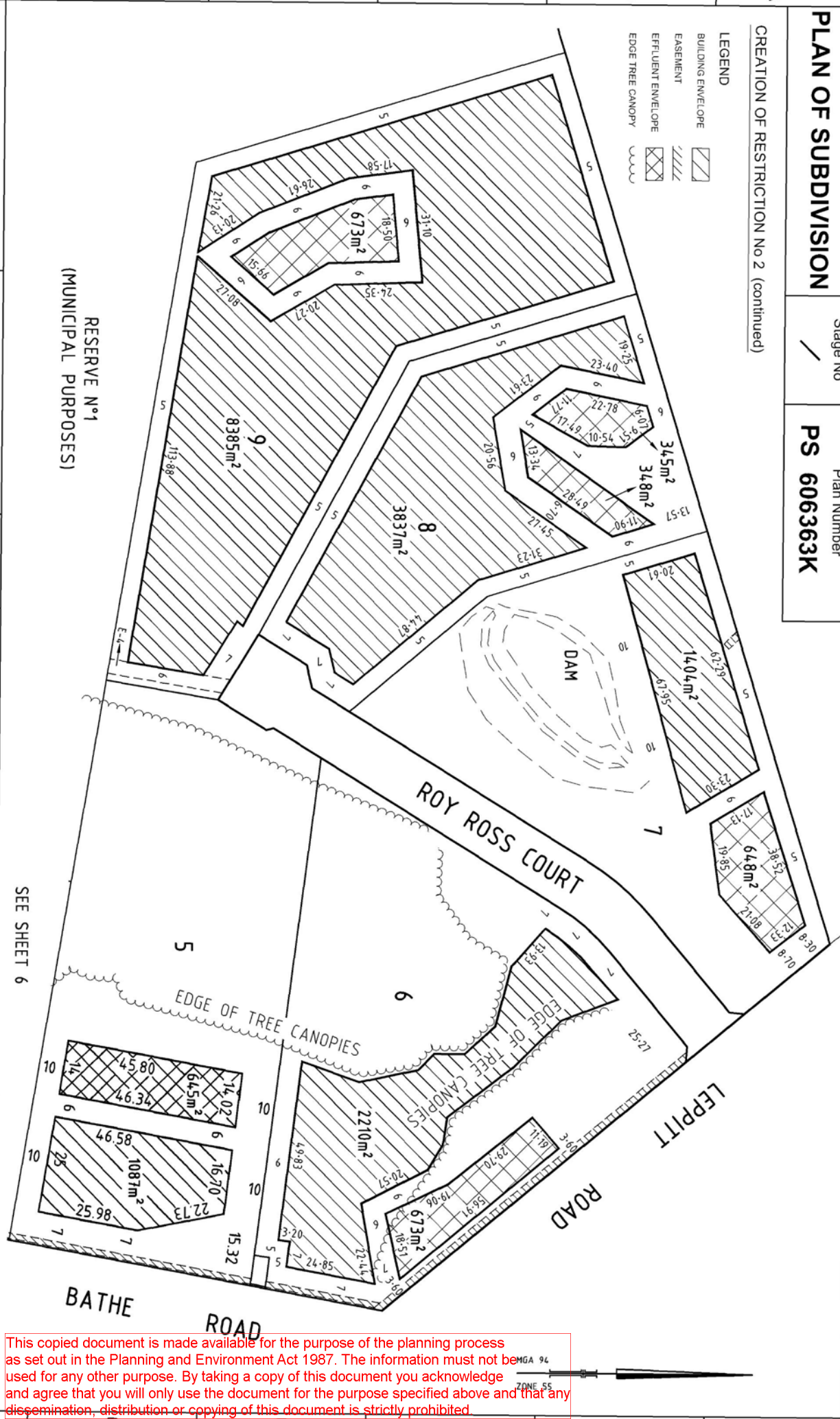
# PLAN OF SUBDIVISION

Stage No

Plan Number  
**PS 606363K**

CREATION OF RESTRICTION No 2 (continued)

- LEGEND**
- BUILDING ENVELOPE
  - EASEMENT
  - EFFLUENT ENVELOPE
  - EDGE TREE CANOPY



RESERVE N°1  
(MUNICIPAL PURPOSES)

SEE SHEET 6

BATHE ROAD

ROY ROSS COURT

LEPPITT ROAD

ROAD

EDGE OF TREE CANOPIES

EDGE OF TREE CANOPIES

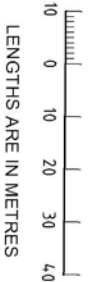
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MGA 94  
ZONE 55



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SCALE



ORIGINAL SCALE SHEET SIZE

1:1000 A3

LICENSED SURVEYOR (PRINT) ...

SIGNATURE - DIGITALLY SIGNED

REF: 1305455V00

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FILE LOCATION: F:\131\1305455\1305455.dwg  
LAYOUT NAME: S10/178  
SAVE DATE: Wed, 09 Feb 2011 - 15:39 LAST SAVED BY: jgallm

DATE / /

VERSION 9

Sheet 5

DATE / /

COUNCIL DELEGATE SIGNATURE



# PLAN OF SUBDIVISION

Stage No

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
Plan Number

**PS 606363K**

## CREATION OF RESTRICTION No 2 (continued)

SEE SHEET 5

### LEGEND

- BUILDING ENVELOPE 
- EASEMENT 
- EFFLUENT ENVELOPE 
- EDGE TREE CANOPY 



RESERVE N°1  
(MUNICIPAL PURPOSES)

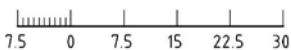
BATHE ROAD



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### SCALE



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### ORIGINAL SCALE SHEET SIZE

1:750 A3

LICENSED SURVEYOR SIGNATURE - DIGITALLY SIGNED

REF: 130545SV00

FILE NAME : 130545SV00.dwg  
 FILE LOCATION : F:\131130545\130545-SUB\DWG\  
 LAYOUT NAME : Sheet 6 P B E  
 SAVE DATE : Wed, 09 Feb 2011 - 15:39 LAST SAVED BY : gabbym

DATE / /  
VERSION 9

Sheet 6

DATE / /  
COUNCIL DELEGATE SIGNATURE

Original sheet size A3



## **Plan of Subdivision PS606363K Certification by Council (Form 5)**

SUBDIVISION (PROCEDURES) REGULATIONS 2000

SPEAR Reference Number: S009628S  
Plan Number: PS606363K  
Responsible Authority Name: Cardinia Shire Council  
Responsible Authority Reference Number 1: S10/178  
Surveyor's Plan Version: 9


### **Certification**

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

### **Public Open Space**

A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made

Digitally signed by Council Delegate:   
Organisation: Cardinia Shire Council  
Date: 10/02/2011

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240686 1125 4TCP \$39 M803438W

MADDOCK LONIE & CHISHOLM

VICTORIA

677  
1167E

APPLICATION PURSUANT TO SECTION 52B (1) OF THE  
TOWN AND COUNTRY PLANNING ACT 1958

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To: The Registrar of Titles

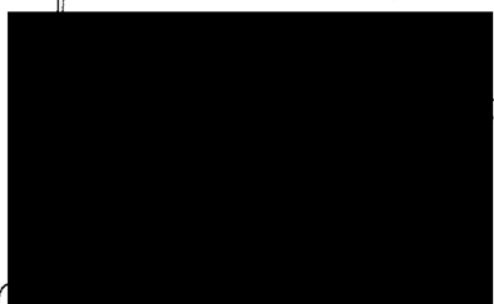
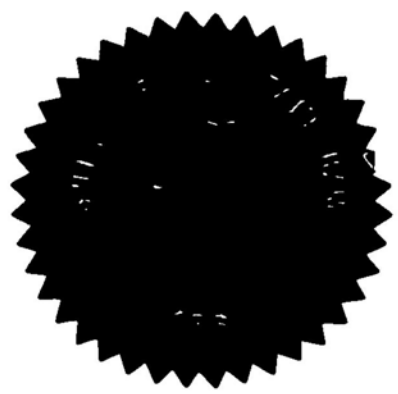
THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF PAKENHAM  
HEREBY APPLY to have a Memorandum of the Agreement pursuant to  
Section 52A of the Town and Country Planning Act 1958 dated the 12th  
day of May 1986 and made between themselves as the Council and  
Hillview Quarries Pty. Ltd. as the owner of ALL THOSE pieces of land  
more particularly described in Certificates of Title:-

- Volume 8948 Folio 191 ✓
- part Volume 9017 Folio 371 ✓ *as is coloured led on Schedule*
- part Volume 8981 Folio 540 ✓ *"C" annexed to the Agreement*
- Volume <sup>8472</sup> 8972 Folio <sup>705</sup> 765 ✓
- Volume 8889 Folio 250 ✓
- Volume 8434 Folio 529 ✓
- Volume 8539 Folio 218 ✓
- Volume 8539 Folio 219 ✓

a copy of which is annexed hereto and marked "A" entered on the said  
Certificates of Title.

DATED this 12th day of May, 1986.

THE CORPORATE SEAL of THE PRESIDENT  
COUNCILLORS AND RATEPAYERS OF THE  
SHIRE OF PAKENHAM was hereto  
affixed in the presence of:



..... President

..... Councillor

..... Shire Secretary



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



14/7/85



SEARCHED  
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number, 1986.

ie & Chisholm,

NE VIC 3000

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Dear Sirs,

RE: DEALING NO.M334827W.  
THE SHIRE OF PAKENHAM AND HILLVIEW QUARRIES P/L  
YOUR REF: [REDACTED]  
MY REF: [REDACTED]

In the above application reference to Certificate of Title Volume 8972 Folio 705 appears to be mistaken. Hillview is not registered proprietor of that title. It is the whole or part of the land in Certificates of Title Volume 9017 Folio 371 and Volume 8981 Folio 540. Is the subject of the application? If only part, that part must be fully described. Any amendment can be effected by your solicitor and agent for the Shire.

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In the annexed agreement the same comments apply. In addition it is noted that the land in Certificate of Title Volume 8539 Folio 219 is only part of Crown Allotment 193. If the Agreement requires amendment it would appear that both parties should make the amendment and a copy of the amended agreement should be provided to me.

It is noted that neither the application nor the agreement indicates that the agreement is intended to run with the land affected (see section 52B(2)). Please advise whether it is intended to run with the land affected.

In the agreement the plans annexed in Schedules A and C indicate that they are coloured. It is not possible for someone searching such an application to ascertain what land on the plans is coloured. A copy of the Agreement must be included with the application and I consider that if an agreement has coloured plans any photocopy of it included with the application must have the plans coloured accordingly. I await copies of the plans duly coloured.

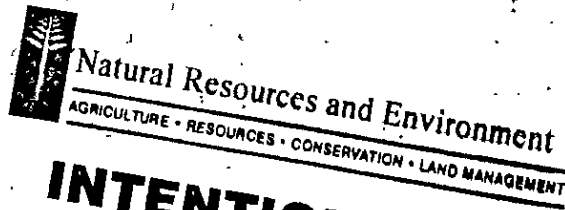
Plans coloured in accord with those attached to letter of 1/10/86  
[Signature]  
24/1/86

Yours faithfully,

[REDACTED]



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LEGAL AGREEMENT - HILLVIEW QUARRIES

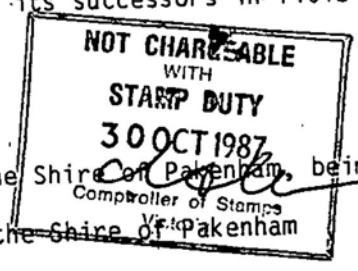
THIS AGREEMENT is made on the 12<sup>th</sup> day of May 1986

BETWEEN  
HILLVIEW QUARRIES PTY. LTD. OF 24-26 Albert Road, South Melbourne, in the State of Victoria of the One Part and THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF PAKENHAM of the Other Part.

In this Deed the following definitions shall apply unless inconsistent with the context or subject matter -

1. "THE COMPANY" means Hillview Quarries Pty. Ltd., and its successors in Title to THE LAND.

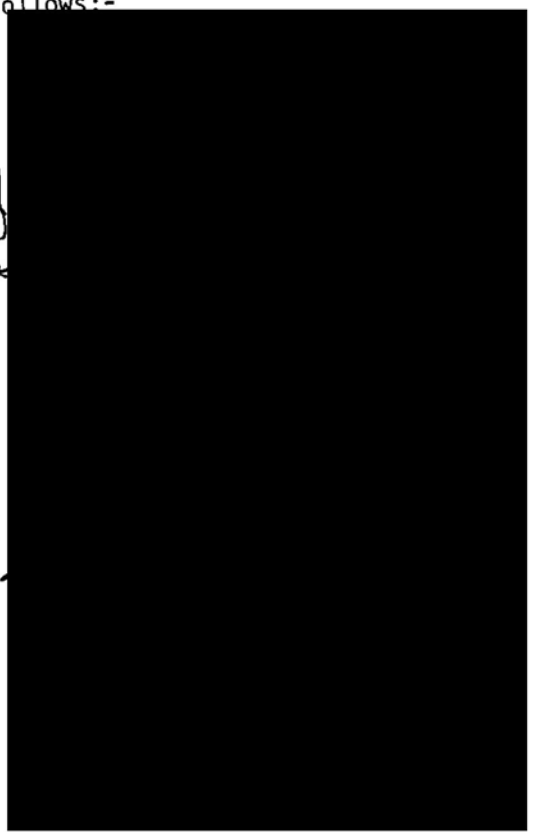
2. "THE RESPONSIBLE AUTHORITY" means the Council of the Shire of Pakenham, being the Responsible Authority pursuant to the Act for the Shire of Pakenham Planning Scheme Part I and Part II.



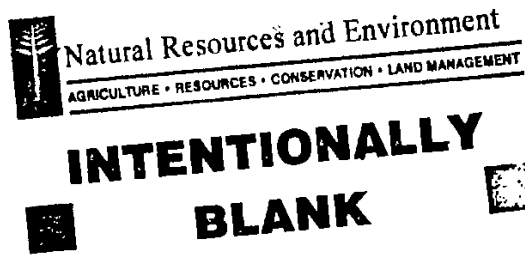
3. "THE LAND" means all those pieces of land as follows:-

- C/A No. 189 Volume 8948 Folio 191
- g. ~~h~~ C/A No. 183 part Volume 9017 Folio 371
- g. ~~h~~ C/A No. 183 part Volume 8981 Folio 540
- g. ~~h~~ C/A No. 182 Volume 8972 Folio 705
- C/A No. 190 Volume 8889 Folio 250
- C/A No. 191 Volume 8434 Folio 529
- C/A No. 192 Volume 8539 Folio 218
- ( C/A No. 193 Volume 8539 Folio 219
- ( Part of C/A 193 and being the whole of the
- ( land in Certificate of Title Volume 8539
- ( Folio 219

4. "THE ACT" means the Town and Country Planning thereto.







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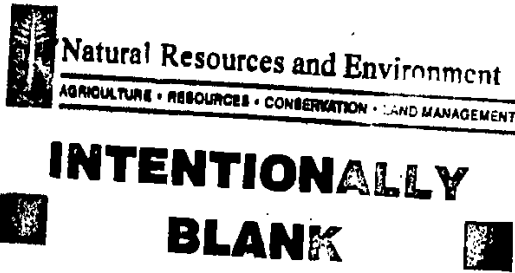
5. "THE PLANNING SCHEME PART I" means the Shire of Pakenham Planning Scheme Part I prepared in accordance with THE ACT.
6. "THE PLANNING SCHEME PART II" means the Shire of Pakenham Planning Scheme Part II prepared in accordance with THE ACT.
7. "EXTRACTIVE INDUSTRY LICENCE" means a Licence issued under the Extractive Industry Act 1966 by the Department of Industry, Technology and Resources.
8. "THE ACCESS ROUTE" means the roads and proposed roads marked with a broken black line on the Plans of Schedule "A" hereto.
9. "THE AMENDED ORDINANCE" means the Ordinance contained in Schedule "B" hereto.

AND WHEREAS

- A. THE COMPANY is the owner of THE LAND which is situated in Leppitt Road, Officer.
- B. THE LAND is zoned "Conservation 1 Zone" under THE PLANNING SCHEME PART II and THE COMPANY is thereby prohibited from carrying out extractive industry on THE LAND.
- C. As a result of submissions by THE COMPANY and a request from the Minister for Planning and Environment THE RESPONSIBLE AUTHORITY proposes to prepare a planning scheme for THE LAND to extend the area under the control of THE PLANNING SCHEME PART I and concurrently proposes the revocation of THE PLANNING SCHEME PART II in accordance with the provisions of THE ACT.

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- D. It is not intended that the conditions relating to the Town Planning permit for Extractive Industry contained herein will be the only conditions applicable in such a permit.
- E. The parties hereto have agreed to enter into this Agreement as hereinafter appears.
- F. This Agreement is made pursuant to the provisions of Section 52A of THE ACT.

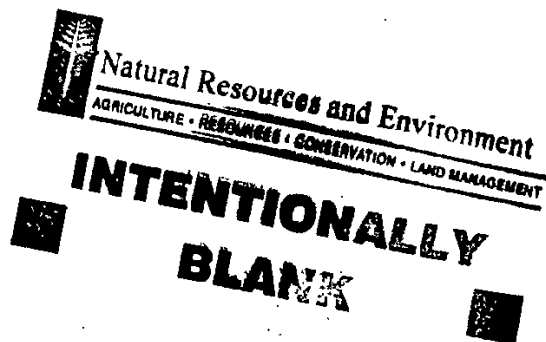
IN CONSIDERATION of the covenants and undertakings to be performed by the company as hereinafter contained AND IN THE FURTHER CONSIDERATION of the covenants and undertakings to be performed by THE RESPONSIBLE AUTHORITY as hereinafter contained this Agreement now witnesses.

1. THE RESPONSIBLE AUTHORITY'S UNDERTAKINGS

1.1 THE AMENDMENT OF THE PLANNING SCHEME PART I:

THE RESPONSIBLE AUTHORITY undertakes to THE COMPANY that it will prepare an amendment to THE PLANNING SCHEME PART I to extend its area in accordance with the provisions of THE ACT whereby THE LAND will be zoned "Conservation (Mineral Resources) Zone" or to some other zone in which extractive industry will be permitted to be carried out on THE LAND subject to the grant of a Town Planning Permit. It is intended that the amendment to THE PLANNING SCHEME PART I by THE RESPONSIBLE AUTHORITY shall be of similar form and effect and substantially in accordance with THE AMENDED ORDINANCE but shall be subject to whatever modifications, amendments, additions and alterations that THE RESPONSIBLE AUTHORITY may consider desirable as a result of submissions made to it pursuant to Section 28 of THE ACT or recommendations in any report of any Independent Panel appointed pursuant to the Act.





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## 1.2 THE REVOCATION OF THE PLANNING SCHEME PART II

Concurrent with the submission of the amendment to THE PLANNING SCHEME PART I to the Minister of Planning and Environment THE RESPONSIBLE AUTHORITY shall in accordance with the provisions of THE ACT request the revocation of THE PLANNING SCHEME PART II to take effect simultaneously with the approval of the AMENDED ORDINANCE and the amendment of THE PLANNING SCHEME PART I by the inclusion therein of that part of the Shire presently covered by THE PLANNING SCHEME PART II.

## 2. THE COMPANY'S UNDERTAKINGS

THE COMPANY undertakes to THE RESPONSIBLE AUTHORITY that it will upon the amendment to THE PLANNING SCHEME PART I as provided in clause 1.1 hereof and the revocation of THE PLANNING SCHEME PART II being approved by the Governor in Council:

- 2.1. forthwith at the request of any property owner whose house is within 100 metres of THE ACCESS ROUTE and within three months of the completion of construction of any new house which is within 100 metres of THE ACCESS ROUTE until the expiration of the Extractive Industry Licence plant and maintain at its own cost and expense double rows of dense fast growing trees within the road reservation in front of the respective owner's house and extending for 150 metres on either side of the owner's house. The trees used for any such purpose shall be of species conforming to the specifications of THE RESPONSIBLE AUTHORITY and shall be planted and maintained to a standard which is to the satisfaction of THE RESPONSIBLE AUTHORITY and under THE RESPONSIBLE AUTHORITY'S supervision if it so requires.
- 2.2. shall remove and replace any dead or diseased or fallen trees planted and maintained pursuant to sub-paragraph 2.1 hereof for a period of 2 years from the planting hereof to THE RESPONSIBLE AUTHORITY'S satisfaction.





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The provisions of this Clause shall apply until:-

- (a) THE COMPANY gives notice in writing to THE RESPONSIBLE AUTHORITY of its intention not to proceed with an application for an EXTRACTIVE INDUSTRY LICENCE for THE LAND or
- (b) THE RESPONSIBLE AUTHORITY refuses or fails to grant a permit to THE COMPANY to use THE LAND for an extractive industry and any appeal against any such refusal or failure as determined by the Planning Appeals Board or Supreme Court pursuant to the Planning Appeals Board Act has resulted in the upholding of a refusal by the Responsible Authority and a determination that no permit issue, or
- (c) The expiration of THE EXTRACTIVE INDUSTRY LICENCE.

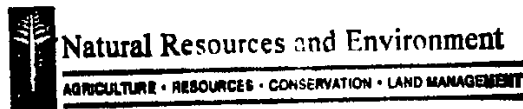
2.3 The Company will supply to the Council prior to the granting and issue of any town planning permits to enable the Company to carry an extractive industry on the land such information as the Council may request in connection with the proposed use including a detailed statement as at the date of the request of both local and regional demands for stone as compared to the existing availability of stone within those areas and acknowledges and agrees that in accordance with Section 18AA of the Town and Country Planning Act the Council may refuse to consider the application for a permit on the ground that it requires such information unless and until such information is supplied.

3. UPON THE ISSUE OF THE TOWN PLANNING PERMIT AND EXTRACTIVE INDUSTRY LICENCE:

Upon the issue of the necessary Town Planning Permit to enable THE COMPANY to carry out extractive industry on THE LAND and subject to issue of an EXTRACTIVE INDUSTRY LICENCE pursuant to the Extractive Industry Act 1966 to THE COMPANY for THE LAND, THE COMPANY shall forthwith:-



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## 3.1

(a) ROADS:

Purchase at its own cost and expense any additional land required for THE ACCESS ROUTE including any land required for road widening, intersection treatment and any other works specified by THE RESPONSIBLE AUTHORITY in accordance with sub-clause (b) hereof.

- (b) Construct at its own cost and expense sealed roads on THE ACCESS ROUTE to the specifications of THE RESPONSIBLE AUTHORITY and within such time as THE RESPONSIBLE AUTHORITY may prescribe. In the event of a disagreement between THE COMPANY and THE RESPONSIBLE AUTHORITY in regard to the specifications and standard of the construction of the roads on THE ACCESS ROUTE the parties shall appoint an arbitrator being a qualified civil engineer and his decision shall be binding upon the parties. In the event of the parties failing to agree upon an arbitrator then the parties shall request the Chairman for the time being of the Victorian Chapter of the Institution of Engineers, Australia, to appoint an arbitrator.

## 3.2

3.2.1 LEVY

In recognition of the impact of quarry traffic on public roads, during the term of THE EXTRACTIVE INDUSTRY LICENCE and within three months of the end of each financial year, pay to THE RESPONSIBLE AUTHORITY the sum determined by the product of:-

- (a) 1.5% of the average price per tonne ex bins charged by THE COMPANY to the Road Construction Authority, and
- (b) the number of tonnes of all stone quarried from THE LAND for the financial year preceding except for filling material and scalplings.

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3.2.2 The Company shall cause to be provided to the Responsible Authority a report by a firm of accountants which shall set out all the information required by the Responsible Authority to enable it to calculate the levy payable under the preceding sub-clause. The choice of the firm of accountants shall be mutually agreed upon by the parties and failing agreement the parties will accept the appointee of the president for the time of the Institute of Chartered Accountants in Australia.

3.3 NOISE BUFFERS:

In order to reduce as much as possible noise interference along THE ACCESS ROUTE:

(a) have all vehicles contracted to and/or owned by THE COMPANY which are used for the purposes of carrying quarry products along THE ACCESS ROUTE fitted with muffling and acoustic controls to a standard such as to ensure compliance at all times with the relevant standard for emission of engine noise from trucks as laid down from time to time by the Environment Protection Authority or other relevant Authority. Such muffling shall be fitted prior to the use of each respective vehicle for this purpose and be maintained in first class working order at all times.

(b) forthwith upon the request of an affected property owner at the full cost and expense of THE COMPANY construct a timber fence not in any case exceeding fifty metres in length of lapped and capped construction 1.8 metres high along the boundary adjacent to THE ACCESS ROUTE of any property where a house is within twenty metres of THE ACCESS ROUTE at any time within the period of THE EXTRACTIVE INDUSTRY LICENCE.

3.4 PROVISION OF ALTERNATIVE CONSERVATION AND RECREATIONAL LAND

Upon request of THE RESPONSIBLE AUTHORITY;

3.4.1 Transfer to the Responsible Authority without cost that part of the land described in Schedule "C" hereto on the basis that the land will be used as a place which facilitates the recreation, cultural enrichment, education and entertainment of residents of the municipal district.



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3.4.2 Donate the sum of FIVE THOUSAND DOLLARS (\$5,000.00) to the Victoria Conservation Trust or other like body approved of by the Responsible Authority with the express wish that the donation be used to provide such improvements consistent with a conservation park or nature reserve to the land transferred pursuant to Clause 3.4.1; such sum to be adjusted annually in accordance with C.P.I. movements until it is paid.

3.5 SITE RESTORATION GUARANTEE FUNDS:

THE COMPANY will create a site restoration guarantee fund of an amount determined by the Extractive Industry Advisory Committee at the time THE EXTRACTIVE INDUSTRY LICENCE is granted to THE COMPANY. Such Guarantee shall be by Banker's bank guarantee or an equivalent as required at the time by THE RESPONSIBLE AUTHORITY and provided THE COMPANY shall restore THE LAND in a manner satisfactory to THE RESPONSIBLE AUTHORITY and an inspector appointed by the Department of Industry, Technology and Resources THE COMPANY shall be entitled to obtain a release of the Bank Guarantee.

The Fund shall be controlled by THE RESPONSIBLE AUTHORITY upon the terms and conditions to be set out in the permit. PROVIDED HOWEVER that if by law THE COMPANY is obliged to create a Fund to be controlled by the Extractive Industry Advisory Committee or any other statutory authority as a condition of THE EXTRACTIVE INDUSTRY LICENCE then THE COMPANY shall not be obliged to comply with this clause.

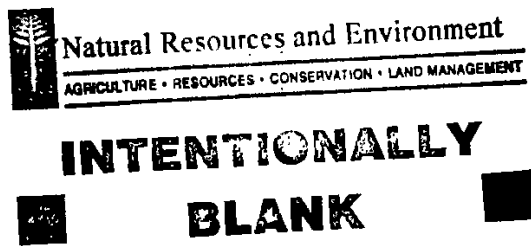
4. ROAD CONSTRUCTION MATERIAL

The conditions of the Town Planning Permit issued for extractive industry on THE LAND by THE RESPONSIBLE AUTHORITY shall not prohibit the extraction of material from THE LAND required for the construction of THE ACCESS ROAD.

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5. SITE RESTORATION:

Notwithstanding anything contained herein THE COMPANY shall in accordance with its present quarrying practice carry out progressive reclamation during the life of the quarry subject to the requirements of the Extractive Industry Licence and the Town Planning Permit.

6. USE OF LAND AFTER COMPLETION OF EXTRACTIVE INDUSTRY:

Upon completion of all extractive industry and restoration of THE LAND THE COMPANY shall transfer THE LAND to THE RESPONSIBLE AUTHORITY free of cost on the basis that the land will be used as a place which facilitates the recreation, cultural enrichment, education or entertainment of residents of the municipal district or for other Municipal Purposes as determined by the Responsible Authority.


PROVIDED HOWEVER such transfer will not take effect until THE COMPANY has completed any obligations it may have to any other Statutory Authority in regard to THE LAND unless with the agreement of such Statutory Authority the obligations are transferred with the ownership of THE LAND to THE RESPONSIBLE AUTHORITY. Subject to the foregoing IN THE EVENT of the reclamation of THE LAND not being carried out by THE COMPANY in accordance with the Extractive Industries Licence and Town Planning Permit, or in the event of THE RESPONSIBLE AUTHORITY determining that it does not require THE COMPANY to carry out its obligations to reclaim the land pursuant with this Agreement, THE RESPONSIBLE AUTHORITY may elect to take a transfer of THE LAND prior to the completion of the reclamation of THE LAND without prejudice to THE RESPONSIBLE AUTHORITY'S rights in respect of THE COMPANY'S obligations to reclaim THE LAND.

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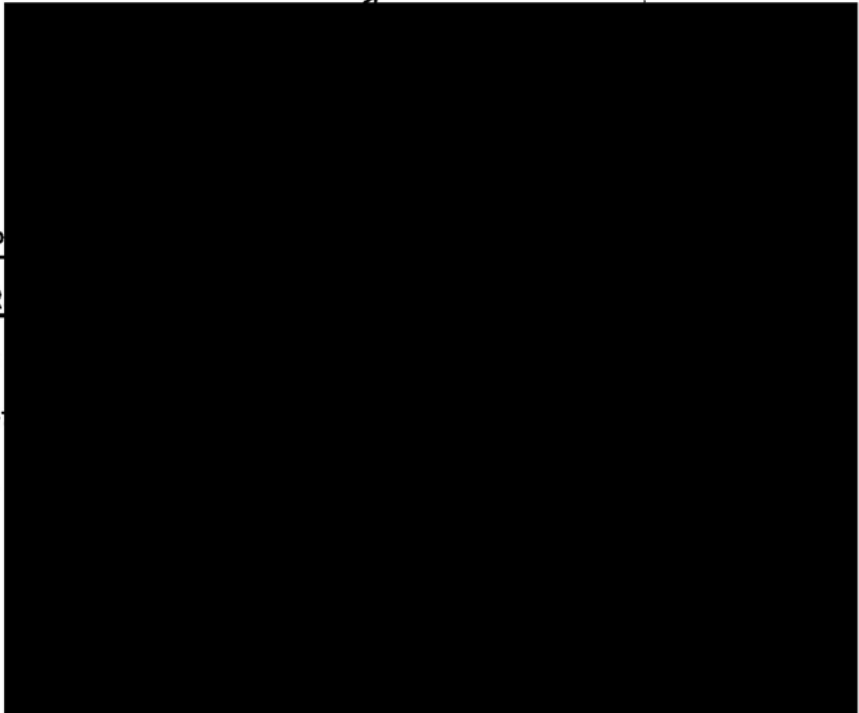
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THE COMMON SEAL of HILLVIEW )  
QUARRIES PTY. LTD. was hereunto )  
affixed in accordance with its )  
Articles of Association in the )  
presence of )



THE COMMON SEAL of THE P  
COUNCILLORS AND RATEPAYER  
THE SHIRE OF PAKENHAM was  
affixed in the presence of



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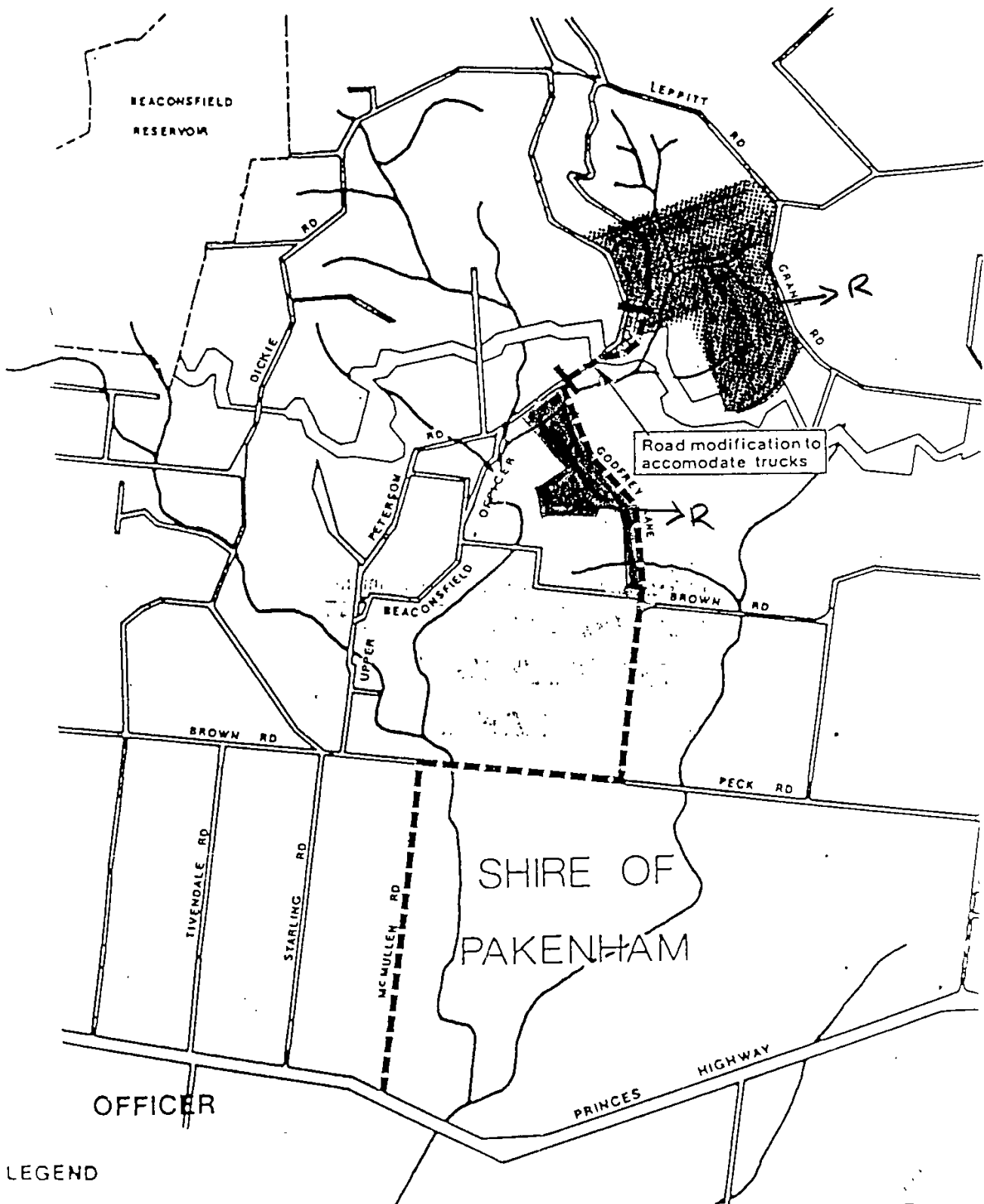


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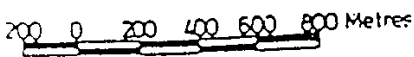
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LEGEND

-  ACCESS ROUTE
-  HILLVIEW QUARRIES PROPERTY



SCHEDULE A: ACCESS ROUTE

COLOUR CODE

- Y=Yellow O=Orange BR=Brown
- G=Green R=Red BL=Blue P=Purple
- H=Hatched CH=Cross Hatched



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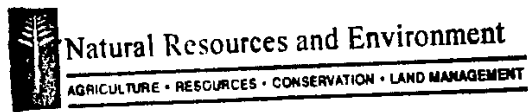


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### SCHEDULE A (Page 2)

The Company has acquired Title to the areas shown in red. It is proposed that the access route will pass via these areas and join Godfrey Lane at the point indicated.



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## SCHEDULE B

### 6.4A CONSERVATION (MINERAL RESOURCES) ZONE

#### 6.4A.2 Objectives of the Zone

The objectives of the Conservation (Mineral Resources) Zone are:

- (a) to conserve the natural environment and fauna habitat in the zone;
- (b) to make provision for environmentally acceptable living accommodation and the continuation of existing agricultural uses;
- (c) to discourage the clearing of vegetation and/or development of uses which would be likely to adversely affect the natural environment in the zone;
- (d) to recognize the stone resource within the zone and to enable its extraction in a manner compatible with the other objectives of and uses in the zone.

#### 6.4A.3 Area of Special Significance and Natural Beauty


Land within the Conservation (Mineral Resources) Zone is hereby specified as an area of special significance and an area of natural beauty pursuant to Clauses 8A and 8B of the Third Schedule of the Town and Country Planning Act.

#### 6.4A.4 Buildings and Works - the following provisions shall apply:

- (a) no building shall be located within 30 metres of a road boundary except with the permission of the Responsible Authority;
- (b) where any development involves the creation of waste water buildings and works shall be connected to a public sewer where available and where not available waste water shall be disposed of into an all wastes septic tank including sand filter and/or chemical treatment where necessary or such other form of treatment and disposal satisfactory to the Responsible Authority;
- (c) no waste water or polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into any watercourse or easement drain except in accordance with paragraph (b) of Clause 6.4A.4.

.../cont.



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- 2 -

6.4A

CONSERVATION (MINERAL RESOURCES) ZONE (cont'd)

6.4A.4 (cont'd)

- (d) except with the permission of the Responsible Authority no development shall take place within:
  - ( i ) 100 metres of any stream, watercourse or Public Purposes Reserve for water supply purposes;
  - ( ii ) 20 metres of the boundary of any other reserve other than a road reserve.
- (e) no house shall be constructed on any land unless proper and safe vehicular access to and within the land is provided;
- (f) all stormwater being discharged from the site shall be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority so they will not cause injury to or detrimental effect to the health and welfare of the community or prejudicially affect the environmental amenity of the locality;
- (g) save with the permission of the Responsible Authority no vegetation shall be destroyed, felled, lopped or uprooted on the subject land except on the actual site of buildings and access ways and other works pursuant to Clause 38.2.6;
- (h) the site shall be landscaped so that the buildings and works will not cause injury to or prejudicially affect the visual amenity of the locality;
- (i) the location and character of all buildings and works shall have regard to the existing and future amenity of the locality;
- (j) the exterior colour of all buildings shall not result in any adverse visual impact on the environment of the area;
- (k) all outbuildings shall be constructed of materials of a similar character to those used in the principal building or alternatively shall be painted in colours having the same characteristics as those specified in paragraph (j) of Clause 6.4A.4.

6.4A.5


Subdivision - the following provisions shall apply:

- (a) all subdivision of land in this zone shall be subject to the grant of a permit by the Responsible Authority;
- (b) except in the case of a cluster subdivision or a cluster redevelopment as defined in the Cluster Titles Act 1974 no person shall subdivide any land into allotments having an area of less than 40 hectares and a minimum width of frontage of 300 metres provided that the width of frontage may be reduced with the permission of the Responsible Authority.

.../cont'd.



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6.4A

CONSERVATION (MINERAL RESOURCES) ZONE (cont'd)

6.4A.5 (cont'd)

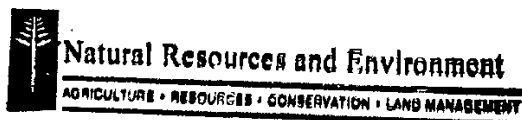
- (c) notwithstanding the provision of paragraph (b) of Clause 6.4A.5 the Responsible Authority may permit the excision of one (1) allotment lesser in area and/or frontage than prescribed therein from an allotment for the purpose of providing a site for one (1) house for a person being either an employee who is engaged in bona fide farming production on the subject land or a member of the owner's family provided that the allotment from which the excision is made is not less than 40 hectares in area and provided further that the excised allotment has an area of not less than 0.5 hectare and not greater than 1.0 hectare and provided that there has been no previous such excision.
- (d) notwithstanding the provisions of paragraph (b) of Clause 6.4A.5 the Responsible Authority may permit the creation of one (1) or more allotments lesser in area and/or frontage than prescribed therein in the case of the re-subdivision of land provided that there will not be created a greater number of allotments than existed before the resubdivisions or the potential for creation of any extra allotments pursuant to the provisions of this Ordinance at the date of the application to re-subdivide;
- (e) notwithstanding the provision of paragraph (b) of Clause 6.4A.5 the Responsible Authority may permit the excision of one (1) allotment lesser in area and/or frontage than prescribed therein for the purpose of:
  - ( i ) increasing the area of and consolidating with an existing allotment;
  - ( ii ) where a house exists on an allotment existing at the Approval Date providing a site for one (1) additional house for a person being an employee who is engaged in bona fide farming production on the subject land or a member of the owner's family provided that the area of the existing allotment is not less than ten (10) hectares and has a frontage of not less than 200 metres (or as approved by the Responsible Authority) and provided further that the excised allotment has an area of not less than 0.5 hectare and not greater than 1.0 hectare and provided that there has been no previous such excision;
  - ( iii ) providing a site for a utility installation;
  - ( iv ) providing an area for road purposes or other public purpose;

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6.4A CONSERVATION (MINERAL RESOURCES) ZONE (cont'd)

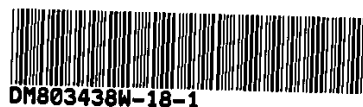
6.4A.5 (cont'd)

- (f) the area of a proportion of lots on a plan of subdivision may be reduced to not less than 75% of the minimum area as prescribed by paragraph (b) of Clause 6.4A.5 provided that the average area of all allotments proposed in the plan of subdivision complies with the minimum area so prescribed and provided that no proposed allotment in the plan shall exceed 1.75 times the minimum area so prescribed;


6.4A.6 Extractive Industry - In addition to the provisions of Clause 24, the following provisions shall also apply:

- (a) the applicant shall demonstrate to the satisfaction of the Responsible Authority that appropriate access provision is provided and maintained during the period of operation of the use;
- (b) the applicant shall establish site restoration guarantee funds and plans to the satisfaction of the Responsible Authority in order to re-establish the land to a state similar or compatible with the natural resources existing on adjoining land;
- (c) the applicant shall provide sufficient data to enable the Extractive Industries Advisory Committee and the Department of Industry, Technology & Resources to substantiate a demonstrated demand to support exploitation of the stone resource;
- (d) the Responsible Authority shall approve the hours of operation of the use;
- (e) noise levels, dust, vibration, runoff and other effects of the operations shall comply with the requirements of the Environment Protection Authority.

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Table of Uses (Section 4A of Table to Clause 6)

6.4A.

6.4A.1

Column 1	Column 2	Column 3	Column 4	Column 5
Zone and Notation on the Planning Scheme Map	Purposes for which land may be used or developed without the permission of the Responsible Authority	Purposes for which land may be used or developed without the permission of the Responsible Authority provided that conditions hereunder are complied with	Purposes for which land may be used or developed only with the permission of the Responsible Authority	Purposes for which land shall not be used or developed
Conservation (Mineral Resources) Zone Alternate broad khaki green and brown diagonal hatching	Family Flatette Minor Road Minor Utility Installation** Minor Widening or Deviation Prospecting	Agriculture  Animal Husbandry  House	Agriculture - other as in Column 3 Alteration to Topography Animal Husbandry - other than as in Column 3 Aquaculture Art Gallery Business Sign Camping Park Caretaker's Dwelling Car Park Clearing of Vegetation Educational Establishment	Any purpose not specified in any other Column of this Section of this Table.  Main Road other than a Minor Widening or Deviation thereof.
		** Subject to Clause 38.1 and 38.2		

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Conservation (Mineral Resources) Zone		Mineral Development (cont'd)	Institutional Home Intermediate Utility Installation Mineral Development - other than as in Column 3	
Alternate broad khaki green and brown diagonal hatching		(b) No alteration to topography with the exception of the construction of a mud sump not in excess of 1/2 metre deep x 2 metres x 5 metres and such sump to be filled on completion of exploration.	Place of Assembly Private Recreation Ground Retail Plant Nursery Tourist Facility Wholesale Plant Nursery	
		(c) No installation of fixed machinery		
		(d) Bore holes shall not exceed 150mm diameter and shall be back-filled and be securely plugged within 30 days of drilling and such		

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\*See Clauses 4.4A.6 and 24



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	Purpose	Condition
Conservation (Mineral Resources) Zone	Mineral Development (cont'd)	plugging shall be in accord with the requirements of the Department of Minerals and Energy and to the satisfaction of the Responsible Authority.
Alternate broad khaki green and brown diagonal hatching	(e)	The Council shall be notified seven days prior to the commencement of prospecting

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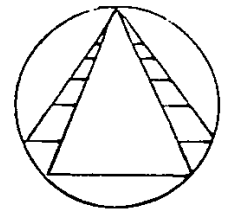
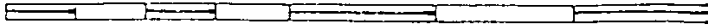
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# Shire of Pokanoham Planning Scheme Part 1.

## Amendment No. 47 1986

metres 200 100 0 200 400 600 800 metres



CONSERVATION (MINERAL RESOURCES) ZONE



PUBLIC OPEN SPACE RESERVATION



REFERENCE PART OF MAP No.5 13 & 18

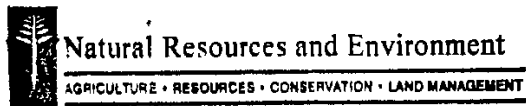
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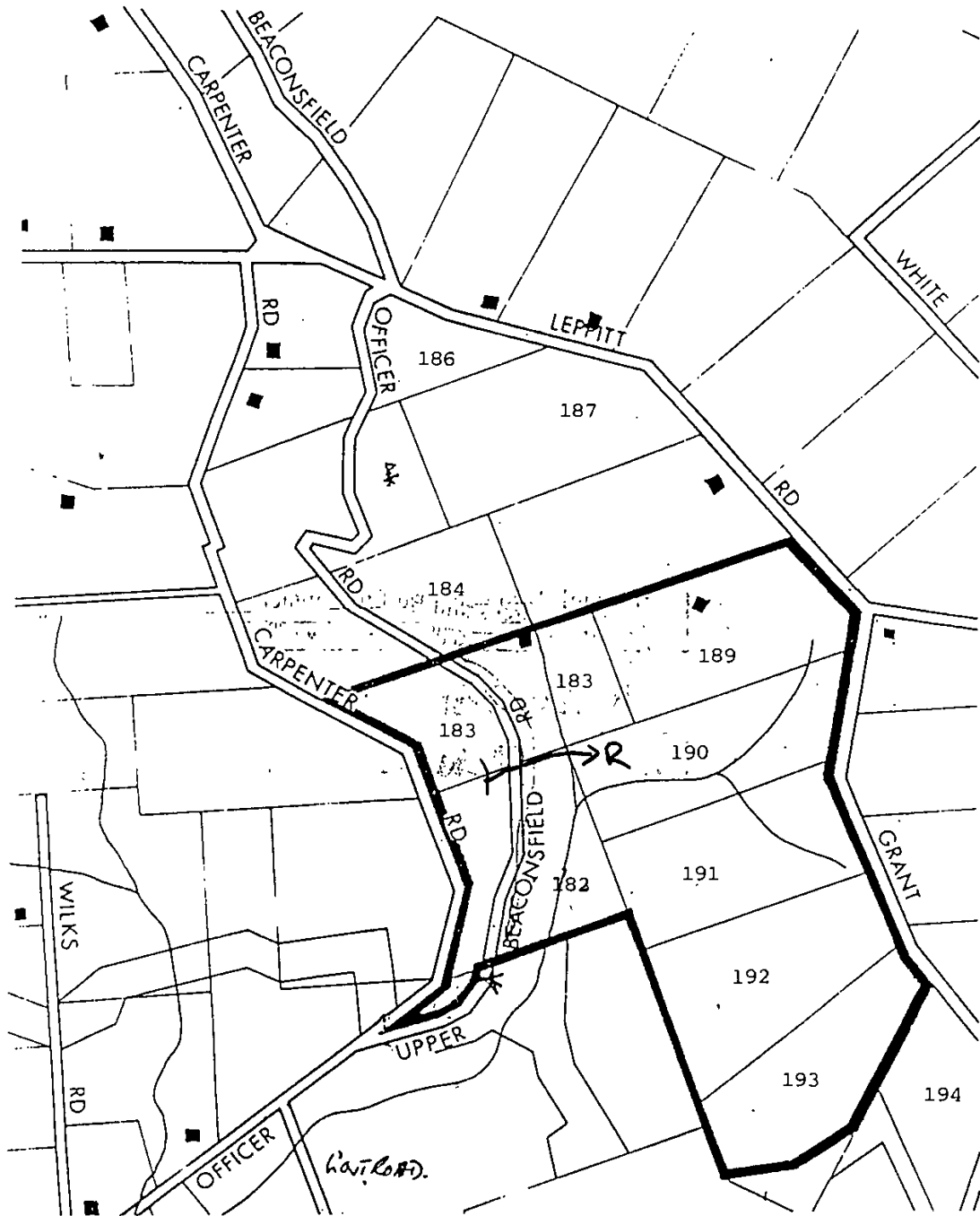
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SCHEDULE C

THE LAND ON THE WESTERN SIDE OF THE UPPER BEACONSFIELD ROAD



The land situate on the western side of the Upper Beaconsfield Road being part of Crown Allotments 182 and 183 and being part of the land in Volume 9017 Folio 371 Volume 8981 Folio 540 and Volume 8972 Folio 705 coloured red on the above plan.

8472 705  
 402  
*[Handwritten signatures and initials]*

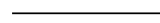
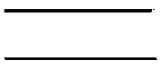
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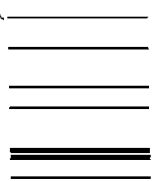
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*Assistant Registrar of Titles.*

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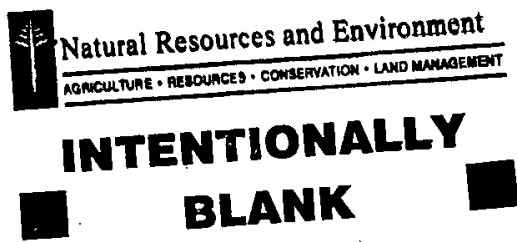
REGISTRATION OF INSTRUMENTS  
DEPARTMENT OF LANDS AND SURVEY  
MELBOURNE  
15 APR 2024 11:02 AM



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# Application by a responsible authority for the making of a recording of an agreement

Section 181 Planning and Environment Act 1987

Lodged by

Name: Allens

Phone: 9613 8190

Address: 101 Collins Street

Reference: TQCM:CESM:120012703

Customer Code: 0951R

The responsible authority having made an agreement referred to in Section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register.

*nl*

*Lots 1-9 on plan attached to the agreement, being part of the land in*

Land: *Certificates of Title Volume 8948 Folio 191; Volume 8889 Folio 250; Volume 8434 Folio 529; Volume 8539 Folio 218; Volume 8539 Folio 219; Volume 8472 Folio 705; Volume 8981 Folio 540; Volume 9017 Folio 371*

Responsible authority: *Cardinia Shire Council of Henty Way, Pakenham, Victoria*

Section and Act under which agreement made: Section 173 of the Planning and Environment Act 1987 (Vic)

A copy of the agreement is attached to this application:

Date: *20 JULY 2012*

Signature for responsible authority

Name of officer: (full name)

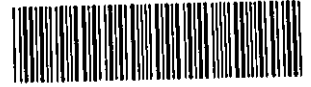


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# Allens > < Linklaters

**AJ854930N**

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## Section 173 Agreement

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This Agreement is made the **29<sup>th</sup>** day of **June** 2012  
pursuant to Section 173 of the *Planning and Environment Act 1987*  
(the Act)

Allens  
101 Collins Street  
Melbourne VIC 3000 Australia  
Tel +61 3 9614 1011  
Fax +61 3 9614 4661  
[www.allens.com.au](http://www.allens.com.au)

# Section 173 Agreement

All



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Section 173 Agreement

A

Date

29<sup>th</sup> June 2012

Parties

1. **Cardinia Shire Council** of Henty Way, Pakenham, Victoria 3810 (the **Responsible Authority**).
2. **South East Water Limited** ABN 89 066 902 547 of 20 Corporate Drive, Heatherton, Victoria, 3202 (**South East Water**)
3. **Hillview Quarries Pty Ltd** of Hillview Quarry Drive, Dromana, Victoria 3936 (the **Owner**).

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Recitals

- A The Responsible Authority is responsible for the administration and enforcement of the Planning Scheme pursuant to the Act.
- B South East Water is the holder of a water and sewerage licence pursuant to section 17 of the *Water Industry Act 1994* (Vic). The Subject Land is included in South East Water's licensed area.
- C The Owner is the registered proprietor or entitled to be registered as the proprietor of an estate in fee simple of the Subject Land.
- D The parties agree that certain controls are desirable for the appropriate development of the Subject Land.
- E On 12 August 2010 the Responsible Authority issued amended Planning Permit No. T070180b for the resubdivision of the Subject Land into nine (9) lots generally in accordance with the approved plans submitted in accordance with the Planning Permit.
- F Condition 2 of the Planning Permit provides as follows:  
 "The permit holder must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to:
  - (a) prevent any further subdivision of the land that creates additional lots;
  - (b) ensure the requirements for vegetation management will be met on an ongoing basis by successive owners of Reserve No. 1; and
  - (c) provide building envelopes on each lot as required under condition 1(b) – lots with frontages to Bathe Road and Leppitt Road (ensure retention of roadside vegetation).



**Section 173 Agreement**

All

	The form and content of the agreement must be to the satisfaction of the Responsible Authority and all costs relating to the preparation and registration of the agreement on title must be met by the permit holder. Prior to the issue of a Statement of Compliance, the permit holder must provide a dealing number to the Responsible Authority to demonstrate that the agreement has been lodged with the Land Titles Office."
G	The parties have agreed to enter into this Agreement to achieve these requirements and purposes.

**It is agreed** as follows.

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**1. Definitions**

In this Agreement, the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

**Act** means the Planning and Environment Act 1987.

**Agreement** means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

**Building Envelope Plan** means the plan showing building and waste envelopes on each lot approved by the Responsible Authority pursuant to condition 1(b) of the Planning Permit and a copy of which is provided in Schedule 1.

**Chief Health Officer** means the Chief Health Officer within the meaning of the Public Health and Wellbeing Act 2008 (Vic).

**EPA** means the Environment Protection Authority.

**Laws** means Commonwealth, Victorian or local government legislation, regulations, by-laws and other sub-ordinate legislation, codes and policies (including the State Environment Protection Policy (Waters of Victoria)), judicial , administrative or regulatory decrees, judgments or orders from time to time including as amended or modified or re-enacted from time to time.

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of the Subject Land or any lot created by the subdivision of the Subject Land and includes a Mortgagee in possession.

**party or parties** means the Owner, Responsible Authority and South East Water under this Agreement as appropriate.

**Planning Permit** means the permit number T070180b issued by Cardinia Shire Council under the *Planning and Environment Act 1987* (Vic) on 10 July 2008 and amended on 12 August 2010.

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## Section 173 Agreement

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**Planning Scheme** means the Cardinia Planning Scheme and any successor instrument or other planning scheme which applies to the Subject Land.

**Responsible Authority** means Cardinia Shire Council or its successor as the authority responsible for administering and enforcing the Planning Scheme and includes its agents, officers, employees, servants, workers and contractors.

**Sewage** means sewage as defined in the Water Act 1989 (Vic).

**South East Water** means South East Water Limited ABN 89 066 902 547 of 20 Corporate Drive, Heatherton, Victoria and includes any delegate of South East Water or any subsequent holder of a water and sewerage licence pursuant to Section 17 of the Water Industry Act that applies to the Land.

**Subject Land** means the land comprised in lots 1-9 inclusive shown on plan ~~attached~~ *attached* *u* ~~subdivision number 120012703~~ being part of the land referred to in Certificates of Title: Vol.8948 Fol.191; Vol.8889 Fol.250; Vol.8434 Fol.529; Vol.8539 Fol.218; Vol.8539 Fol.219; Vol.8472 Fol.705; Vol.8981 Fol.540; and Vol.9017 Fol.371.

**Water Industry Act** means the Water Industry Act 1994 (Vic).

## 2. Interpretation

In this Agreement, unless the context indicates otherwise:

- (a) The singular includes the plural and the plural includes the singular.
- (b) A reference to a gender includes a reference to each other gender.
- (c) A reference to a person includes a reference to a firm, corporation or other corporate body and their successors in law.
- (d) If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- (e) A reference to a "planning scheme" includes any amendment, consolidation or replacement of such a scheme and any document incorporated by reference into such a scheme.
- (f) A reference to a statute includes any statutes amending, consolidating or replacing same and any subordinate instruments made under such statutes.
- (g) Where in this Agreement the Responsible Authority may exercise any power, duty or function, that power may be exercised on behalf of the Responsible Authority by an authorised or delegated officer.
- (h) All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.
- (i) The recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals.
- (j) A reference to the Owner includes its officers, employees, agents, servants, workers and contractors.



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## Section 173 Agreement

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- (k) A reference to the Responsible Authority includes its agents, officers, employees, servants, workers and contractors.
- (l) The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

### **3. Agreement under Section 173 of the Act and intention of the parties**

---

- (a) The parties acknowledge and agree that, without limiting or restricting the respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.
- (b) The Owner's obligations under this Agreement will take effect as separate and several covenants which are annexed to and run with the Land at law and equity, provided that if the Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

### **4. Commencement of Agreement**

---

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

### **5. Agreement and Acknowledgement**

---

The Responsible Authority and the Owner acknowledge and agree that the execution and registration of a separate conservation covenant by the Cardinia Shire Council satisfies the requirement in condition 2(b) of the Planning Permit; to ensure requirements for vegetation management will be met on an ongoing basis by successive owners of 'Reserve No.1' referred to in the Planning Permit.

### **6. Obligations of the Owner to the Responsible Authority**

---

The Owner covenants and agrees with the Responsible Authority that with respect to the Subject Land, it will:

- (a) not further subdivide, or allow or permit any land to be further subdivided in any way which creates a net increase in the number of lots above that allowed by the Planning Permit and shown on plan of subdivision PS606363K; and
- (b) except with prior written permission of the Responsible Authority, only develop the Subject Land in accordance with the restrictions shown on the Building Envelope Plan.

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## Section 173 Agreement

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- (c) construct any buildings or works within the effluent envelope (as shown on the Building Envelope Plan) including the placement of fill or compaction of soil that will effect the use of the envelopes for domestic waste water treatment and disposal.

## 7. Obligations of Owner to South East Water and Responsible Authority

### 7.1 Owner's Covenants

If a reticulated sewerage system is not provided to the Subject Land, the Owner covenants and agrees with the Responsible Authority and South East Water as follows:

- (a) The Owner covenants and agrees that it will at the written request of the Responsible Authority, the Chief Health Officer or the EPA, upon 60 days notice, provide proof at the cost of the Owner, and to the satisfaction of the Responsible Authority, Chief Health Officer or the EPA making the request, that:
- (i) all sewage is being and will continue to be treated and retained within the Subject Land without danger to public health, safety and the environment; and
  - (ii) any treatment systems meet and will continue to meet the relevant requirements of all Laws relating to such systems;
- (b) For the purpose of providing proof under clause 7.1(a), and without limiting any other form of proof that may be required, it will conduct such tests reasonably required by the Responsible Authority, the Chief Health Officer or the EPA at the cost of the Owner;
- (c) The Owner covenants and agrees that it will at the written request of the Responsible Authority, and at the Owner's cost:
- (i) repair, replace or upgrade its treatment system; and
  - (ii) take any other steps required by the Responsible Authority to ensure that:
    - (A) all sewage is being and will continue to be adequately treated and retained within the Subject Land without danger to public health, safety or the environment; and
    - (B) any treatment system it uses meets and will continue to meet the requirements of Laws relating to such systems and the treatment of sewage from time to time;
- (d) Without limiting any powers of the Responsible Authority under clause 7.1(c), if the Responsible Authority is not satisfied that:
- (i) all sewage is being or will continue to be adequately treated and retained within the Subject Land without danger to public health, safety or the environment; or

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- (ii) any treatment system used by the Owner meets and will continue to meet the requirements of all Laws relating to such systems and the treatment of sewage from time to time,

subject to clause 7.1(e), the Owner will at the written request of the Responsible Authority, enter into an agreement with South East Water for the provision of reticulated sewerage services to the Subject Land and fulfil all requirements of South East Water;

- (e) If South East Water provides, agrees to provide, or is legally required to provide reticulated sewerage services to the Subject Land, whether pursuant to any agreement, or backlog or other program or scheme or otherwise, the Owner will pay the cost of extending and connecting the reticulated sewer and associated works to the Subject Land, including pay the cost of any works, and pay the area contribution charge and other charges applicable from time to time.

### 7.2 Responsible Authority's and Owner's Agreements and Acknowledgments

The Responsible Authority and the Owner acknowledge and agree that:

- (a) South East Water shall not be required to enter into an agreement with the Owner for the provision of reticulated sewerage services to the Subject Land except to the extent it is required to do so under the Water Industry Act; and
- (b) nothing in this Agreement shall limit the powers of South East Water under the Water Industry Act, including Section 65(1) of that act.

### 7.3 South East Water's Agreement

Any payments required to be paid by the Owner by South East Water under Sections 27 and 29 of the Water Industry Act shall be assessed by South East Water in accordance with those respective provisions of that Act.

### 7.4 Owner's Indemnity and Release

- (a) The Owner agrees not to make any claim for damage or loss of any kind against the Responsible Authority or South East Water arising from or referable to the provision of sewerage services to the Subject Land, this Agreement or any non-compliance with this Agreement.
- (b) The Owner agrees to hold harmless and keep the Responsible Authority and South East Water indemnified for and against all actions, claims, liability, demands, damages, losses, expenses and/or costs by or at the instance of any person or body whatsoever and howsoever caused, including but without limiting, any claim in negligence or arising from personal injury, arising from or referable to the provision of sewerage services to the Subject Land, this Agreement or any non-compliance with this Agreement.

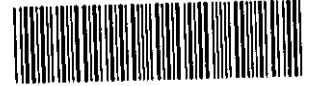
### 7.5 Owner's Default

If the Owner fails to comply with the provisions of this clause 7 or any requirement made under the provisions of this clause 7, the Responsible Authority or South East Water may

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serve a notice on the Owner (as the case may be) specifying the works, matters and things in respect of which the Owner is in default. If the alleged default continues for 30 days after the service of such notice, the Responsible Authority or South East Water may by its officers, employees, agents and contractors enter the Subject Land and ensure that the works, matters and things are carried out. The costs incurred by the Responsible Authority or South East Water in undertaking the works as a result of the Owner's default will be payable by the Owner.

### 8. Further Obligations of the Owner

The Owner further agrees that:

(a) Notice and Registration

The Owner must bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns.

(b) Mortgagee to be Bound

The Owner covenants to obtain the consent of any mortgagee to be bound by the covenants in this Agreement if the mortgagee becomes Mortgagee in possession of the Subject Land.

(c) Registration of Agreement

The Owner consents to the Responsible Authority making an application to the Registrar of Titles to make a recording of this Agreement on the Certificate of Title to the Subject Land in accordance with Section 181 of the Act, and will do all things necessary to enable the Responsible Authority to make an application, including the signing of any further agreement, acknowledgement or other document.

(d) Other Parties' Costs to be Paid by Owner

The Owner will pay immediately on demand the reasonable costs and expenses (including legal expenses) of the Responsible Authority and South East Water incidental to the preparation, review, execution and registration of this Agreement.

### 9. Further Assurance

The parties to this Agreement must do or cause to be done all things that are reasonably necessary to give effect to this Agreement.

### 10. Agreement Runs with the Subject Land

The parties acknowledge and agree that the obligations in this Agreement take effect as covenants annexed to the Subject Land that run at law and in equity with Subject Land and bind the Owner.

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**11. Owner's Warranties**

- (a) Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.
- (b) The Owner covenants to obtain the consent by any mortgagee to be bound by the covenants in this Agreement if the mortgagee becomes a mortgagee in possession of the Subject Land.
- (c) Without limiting the operation or effect of this Agreement, the Owner must ensure that until a Memorandum of this Agreement is registered on the Certificate of Title to this Land, the Owner will ensure that its transferees:
- (i) give effect to, do all acts and sign all documents to give effect to this Agreement; and
  - (ii) execute a deed agreeing to be bound by this Agreement.

**12. Planning Objectives**

The parties acknowledge that the provisions of this Agreement are intended to achieve or advance the objectives of Planning in Victoria and the objectives of the Planning Scheme.

**13. Successors in Title**

Without limiting the operation or effect which this Agreement, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, its successors in title must be required to:

- (a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- (b) execute a deed agreeing to be bound by the terms of this Agreement.

**14. GST****14.1 Recovery of GST**

If GST is payable, or notionally payable, on a supply made under or in connection with this Agreement, the party providing the consideration for that supply must pay as additional consideration an amount equal to the amount of GST payable, or notionally payable, on that supply (the *GST Amount*). Subject to the prior receipt of a tax invoice, the GST Amount is payable at the same time that the other consideration for the supply is provided. This clause does not apply to the extent that the consideration for the supply is expressly stated to be GST inclusive or the supply is subject to reverse charge.

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### 14.2 Liability net of GST

Where any indemnity, reimbursement or similar payment under this Agreement is based on any cost, expense or other liability, it shall be reduced by any input tax credit entitlement, or notional input tax credit entitlement, in relation to the relevant cost, expense or other liability.

### 14.3 Adjustment events

If an adjustment event occurs in relation to a supply made under or in connection with this Agreement, the GST Amount will be recalculated to reflect that adjustment and an appropriate payment will be made between the parties.

### 14.4 Survival

This clause will not merge upon completion and will continue to apply after expiration or termination of this Agreement.

### 14.5 Definitions

Unless the context requires otherwise, words and phrases used in this clause that have a specific meaning in the GST law (as defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth)) shall have the same meaning in this clause.

## 15. General Matters

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### 15.1 Service of Notice

A notice or other communication required or permitted to be served by a party on another party shall be in writing and may be served:

- (a) by delivering it personally on that party;
- (b) by sending it by pre paid post, addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- (c) by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or pre paid post.

### 15.2 Time of Service

A notice or other communication is deemed served:

- (a) if delivered personally, on the next following business day;
- (b) if posted within Australia to an Australian address, two (2) business days after the date of posting and in any other case, seven (7) business days after the date of posting;
- (c) if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that day; or
- (d) if received after 6.00pm in the place of receipt or on a day which is not a business day, at 9.00am on the next business day.

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## Section 173 Agreement

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### **16. No Waiver**

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Any time or other indulgence granted by the Responsible Authority or South East Water to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by the Responsible Authority or South East Water against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Responsible Authority or South East Water in relation to the terms of this Agreement.

### **17. Jurisdiction**

---

For the purposes of this Agreement, the parties acknowledge that they are subject to the jurisdiction of the Act and the Victorian Courts for the enforcement of this Agreement.

### **18. Severability**

---

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed and the other provisions of this Agreement shall remain operative.

### **19. No Fettering of Responsible Authority's Powers**

---

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Responsible Authority to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

### **20. Amendment**

---

Subject to the consent of the Minister responsible for administering the Act, the parties may agree in writing to amend this Agreement.

### **21. Ending of Agreement**

---

- (a) This Agreement will come to an end on agreement between the parties.
- (b) Once this Agreement ends, the Responsible Authority will, as soon as practicable following a request from the Owner and at the cost of the Owner, make application to the Registrar of Titles under Section 183(2) of the Act to cancel the recording of this Agreement on the register.

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## Section 173 Agreement

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**SIGNED, SEALED AND DELIVERED** as a Deed by the parties on the date set out at the commencement of the Agreement.

**Executed by and on behalf and within the authority of the Cardinia Shire Council by** [REDACTED] **in the exercise of power conferred by an instrument of delegation dated 24 January 2011 in the presence of:**

[REDACTED]

**Executed in accordance with section 127 of the Corporations Act 2001 by Hillview Quarries Limited:**

[REDACTED]

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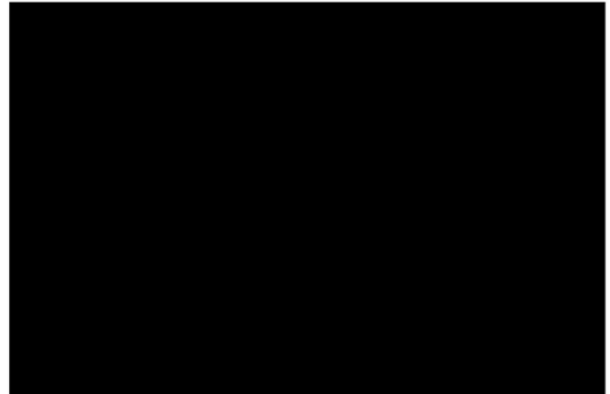
## Section 173 Agreement

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**Executed by South East Water Limited, by its duly authorised Attorney in the presence of:**



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# Section 173 Agreement

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## Schedule 1

## Building Envelope Plan

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Stage No. / LRS use only / Plan Number  
**EDITION**

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**Location of Land**  
 Parish: **PAKEHAM**  
 Crown Allotment: 189, 190, 191, 192, 193 (Part),  
 182 (Part) & 183 (Part)

**Title References**

C/T	VOL 8948	FOL 191	VOL 8539	FOL 219
	VOL 8889	FOL 250	VOL 8472	FOL 705
	VOL 8434	FOL 529	VOL 8981	FOL 540
	VOL 8539	FOL 218	VOL 9017	FOL 371

Last Plan Reference: BP 2116J

Postal Address: 255 LEPPIT ROAD  
 (At time of subdivision) PAKENHAM 3810

MGA Co-ordinates: E 362 975 Zone 55  
 (Of approx. centre of plan) N 5 789 810

**Council Certification and Endorsement**

Council Name: **CARDINIA SHIRE COUNCIL** Ref:

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

Re-certified under section 11(7) of the Subdivision Act 1988.

Council delegate  
 Council seal  
 Date / /

**Vesting of Roads or Reserves**

Identifier	Council/Body/Person
ROAD R-1 RESERVE No. 1 RESERVE No. 2	CARDINIA SHIRE COUNCIL CARDINIA SHIRE COUNCIL SPI ELECTRICITY PTY LTD

**Notations**

Depth Limitations: DOES NOT APPLY

Staging: This is not a staged subdivision  
 Planning permit No. T07018a

Dimensions shown underlined are NOT subject to survey. The area of Reserve No.1 has been obtained by deduction from title.

This is a **SPEAR** plan.

Survey: This plan is based on survey

This survey has been connected to permanent mark no(s). 303 & 304  
 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	Carrageway	4	This Plan	Country Fire Authority
E-2	Underground Powerline	2	This Plan	SPI Electricity Pty Ltd ABN: 91 064 651 118
E-3	Underground Powerline	1.50	This Plan	SPI Electricity Pty Ltd ABN: 91 064 651 118
E-4	Carrageway	2	This Plan	Country Fire Authority
E-4	Drainage	2	This Plan	Cardinia Shire Council
E-4	Drainage	2	This Plan	Land in this plan
E-5	Powerline	2	This Plan	SPI Electricity Pty Ltd ABN: 91 064 651 118
E-6	Transmission of telecommunications signals by underground cables	0.50	This Plan	Land in this plan
E-7	Transmission of telecommunications signals by underground cables	0.50	This Plan	Land in this plan
E-7	Carrageway	0.50	This Plan	SPI Electricity Pty Ltd ABN: 91 064 651 118

**LRS use only**

Statement of compliance/  
 Exemption Statement

Received

Date: / /


**LRS use only**

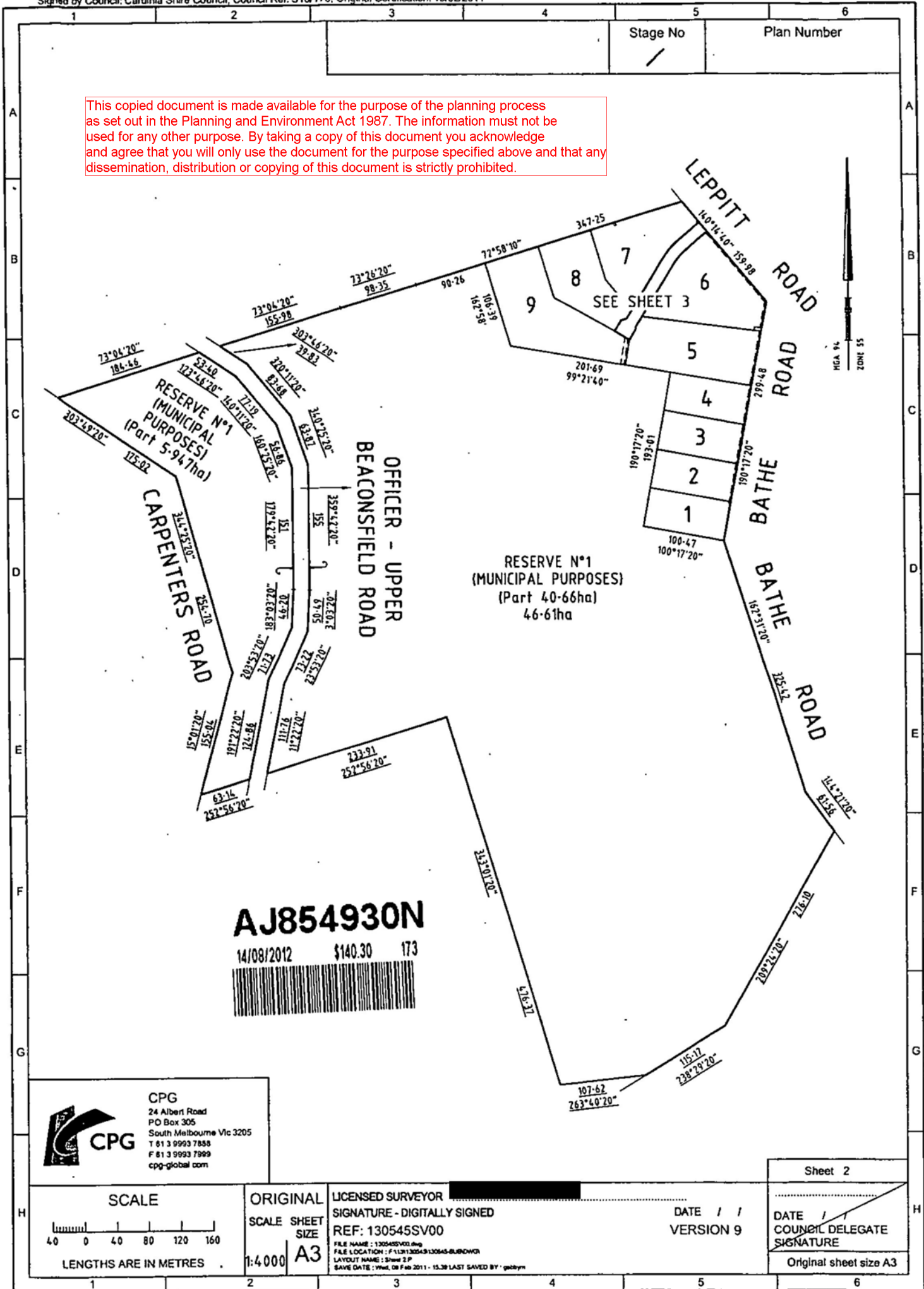
PLAN REGISTERED  
 TIME

Date: / /

Assistant Registrar of Titles.

LEPPITT ROAD (9 LOTS) AREA OF STAGE - 7.123ha Sheet 1 of 6 Sheets

 <p>CPG                  24 Albert Road                  PO Box 305                  South Melbourne Vic 3205                  T 61 3 9993 7888                  F 61 3 9993 7999                  cpg-global.com</p>	LICENSED SURVEYOR (PRINT) ..... SIGNATURE - DIGITALLY SIGNED DATE / / REF: 130545SV00 VERSION 9 <small>FILE NAME : 130545SV00.dwg                  FILE LOCATION : F:\130545\130545-SUB\DWG                  LAYOUT NAME : Sheet 1                  SAVE DATE : Wed, 08 Feb 2011 - 15:39 LAST SAVED BY : gpbym</small>	DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3
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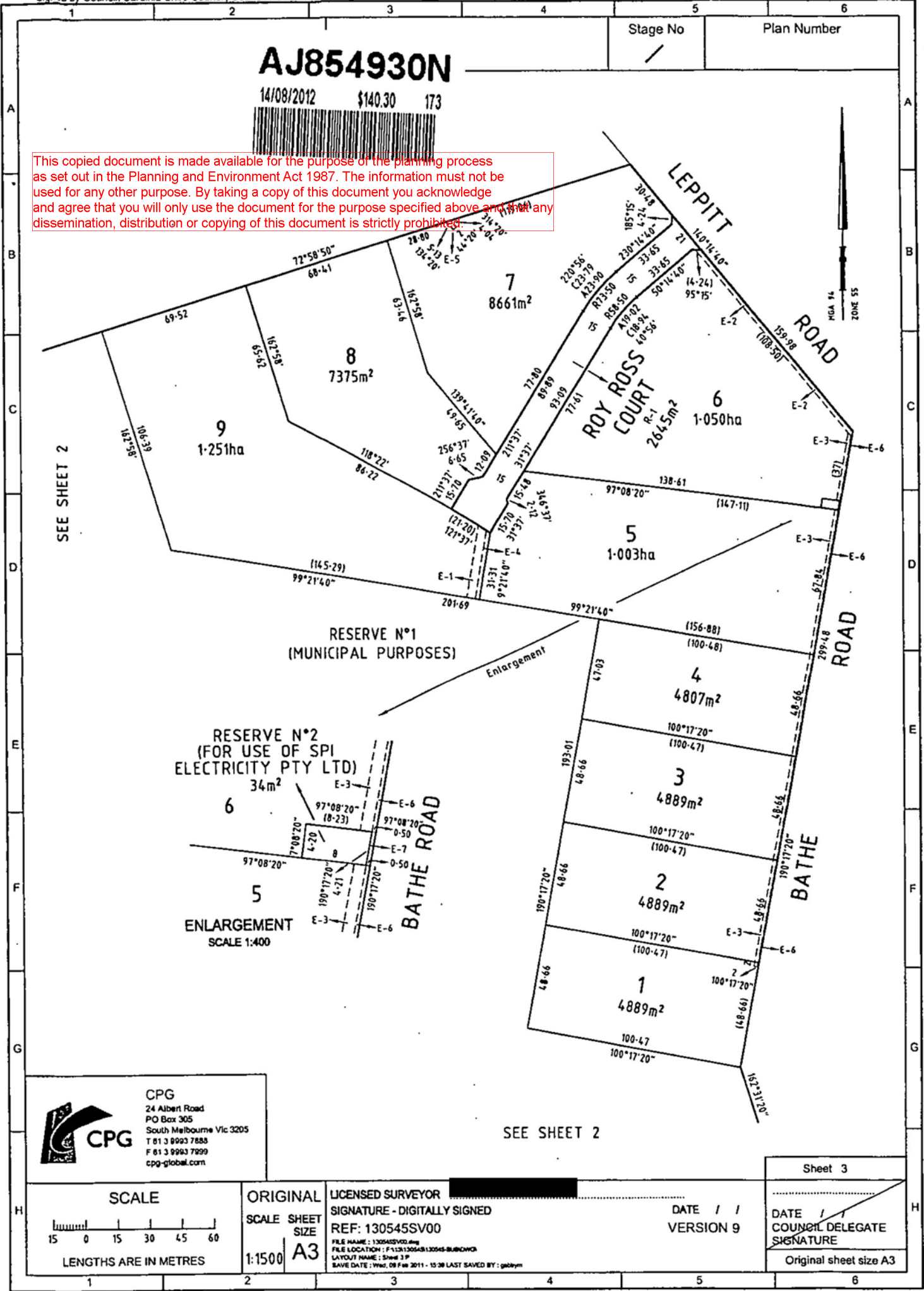
**CPG**  
 24 Albert Road  
 PO Box 305  
 South Melbourne Vic 3205  
 T 81 3 9993 7858  
 F 81 3 9993 7999  
 cpg-global.com

**SCALE**  
  
 LENGTHS ARE IN METRES

**ORIGINAL SCALE SHEET SIZE**  
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**LICENCED SURVEYOR**  
 SIGNATURE - DIGITALLY SIGNED  
 REF: 130545SV00  
 FILE NAME : 130545SV00.dwg  
 FILE LOCATION : F:\131\130545\130545-BLURDWIN  
 LAYOUT NAME : Sheet 2.P  
 SAVE DATE : Wed, 08 Feb 2011 - 15:38 LAST SAVED BY : gabrynn

Sheet 2  
 DATE / /  
 COUNCIL DELEGATE SIGNATURE  
 Original sheet size A3

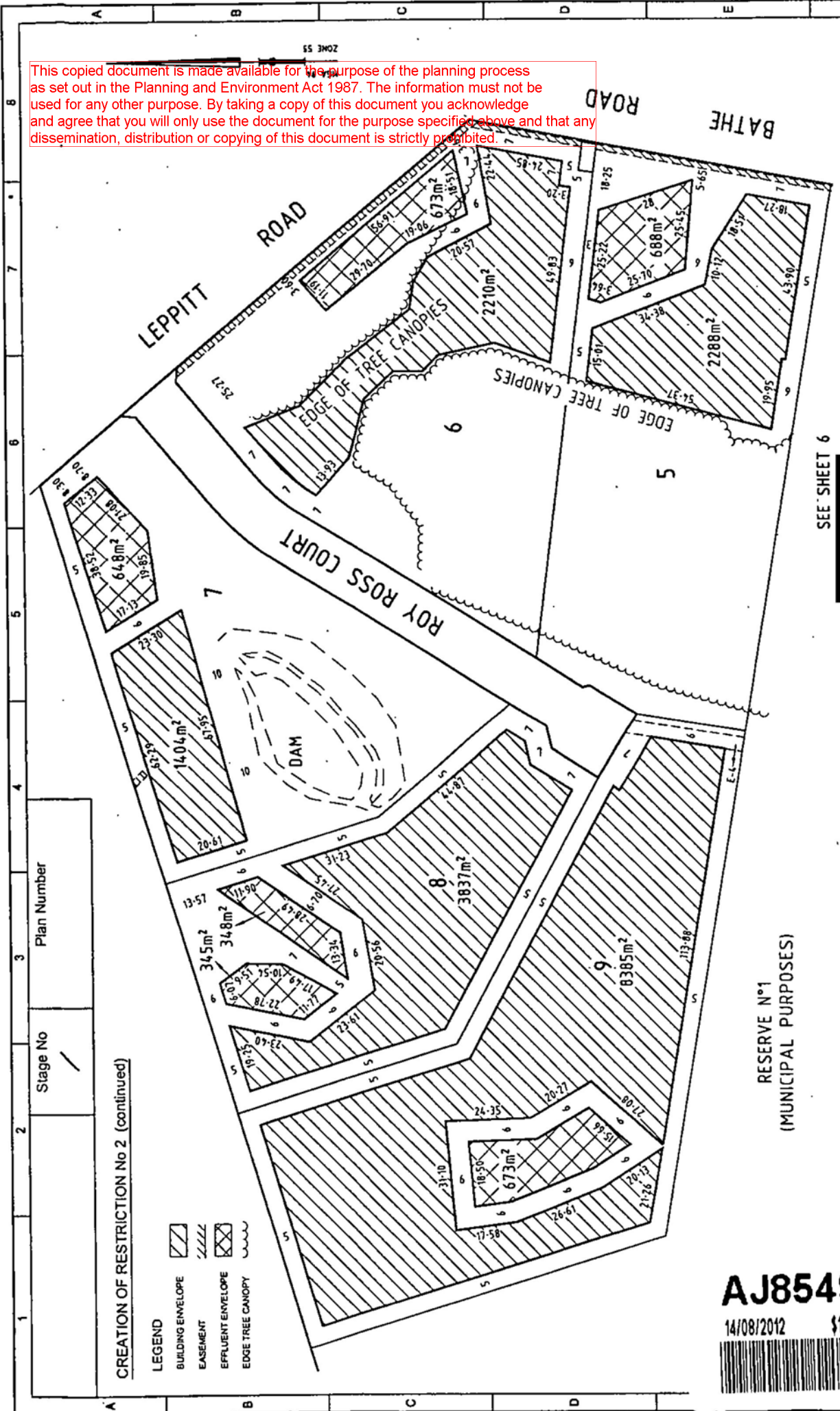


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1	2	3	4	5	6
				Stage No /	Plan Number
A	<p><b>CREATION OF RESTRICTION No 1</b></p> <p>The following restriction is to be created upon registration of this plan :</p> <p style="margin-left: 40px;">LAND TO BENEFIT : Lots 1 to 9 (all inclusive) on this plan</p> <p style="margin-left: 40px;">LAND TO BE BURDENED : Lots 1 to 9 (all inclusive) on this plan</p> <p>For the purposes of this restriction:</p> <p>(a) A dwelling means a house</p> <p>(b) A building means any structure except a fence</p> <p>(c) Primary street frontage means the boundary to which the vehicle access will be oriented</p> <p><b>DESCRIPTION OF RESTRICTION</b></p> <p>The registered proprietor or proprietors for the time being of any lots to which any of the following restrictions applies shall not:</p> <ol style="list-style-type: none"> <li>1) Construct more than one dwelling on any lot on this plan.</li> <li>2) Construct any dwelling or any part of a dwelling outside the building envelopes shown hatched on sheets 5 and 6 of this plan.</li> <li>3) Construct a garage unless that garage is setback a minimum of 5.5 metres from the primary street frontage.</li> <li>4) Construct any building over an easement without consent from the appropriate Referral Authority.</li> <li>5) Construct or locate a septic system outside the effluent envelopes shown hatched on sheets 5 and 6 of this plan.</li> </ol> <p>This restriction will cease to have effect 10 years after the registration of this Plan of Subdivision.</p>				A
B					B
C					C
D					D
E	<div style="border: 1px solid red; padding: 5px; color: red; font-size: small;"> <p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> </div>				E
F					F
G					G
H	<p><b>AJ854930N</b></p> <p>14/08/2012      \$140.30      173</p> 				H
 <p><b>CPG</b> 24 Albert Road PO Box 305 South Melbourne Vic 3205 T 61 3 9993 7888 F 61 3 9993 7999 cpg-global.com</p>		<p><b>ORIGINAL</b> SCALE SHEET SIZE <b>A3</b></p>	<p><b>LICENSED SURVEYOR</b> SIGNATURE - DIGITALLY SIGNED REF: 130545SV00 <small>FILE NAME : 130545SV00.dwg FILE LOCATION : F:\313130545\130545-SUBDIVOR LAYOUT NAME : Sheet 4 P SAVE DATE Wed, 09 Feb 2011 - 15:36 LAST SAVED BY : gabbym</small></p>	<p>DATE / / <b>VERSION 9</b></p>	<p>Sheet 4</p> <p>DATE / / COUNCIL DELEGATE SIGNATURE</p> <p>Original sheet size A3</p>
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CREATION OF RESTRICTION No 2 (continued)

- LEGEND**
- BUILDING ENVELOPE
  - EASEMENT
  - EFFLUENT ENVELOPE
  - EDGE OF TREE CANOPY

Stage No /

Plan Number

RESERVE No 1  
(MUNICIPAL PURPOSES)

SEE SHEET 6

PG  
Albert Road  
Box 305  
Mt Melbourne Vic 3205  
113 9953 7888  
113 9952 7996  
cp-global.com

**SCALE**

LENGTHS ARE IN METRES

**ORIGINAL**  
SCALE SHEET SIZE  
1:1000 A3

LICENSED SURVEYOR (PRINT) .....  
SIGNATURE - DIGITALLY SIGNED  
REF: 130545SV00  
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SAVE DATE: Wed, 08 Feb 2012 11:43:28 LAST SAVED BY: gmm

DATE / /  
VERSION 9

Sheet 5  
DATE / /  
COUNCIL DELEGATE SIGNATURE

**AJ854930N**





14/08/2012 \$140.30 173



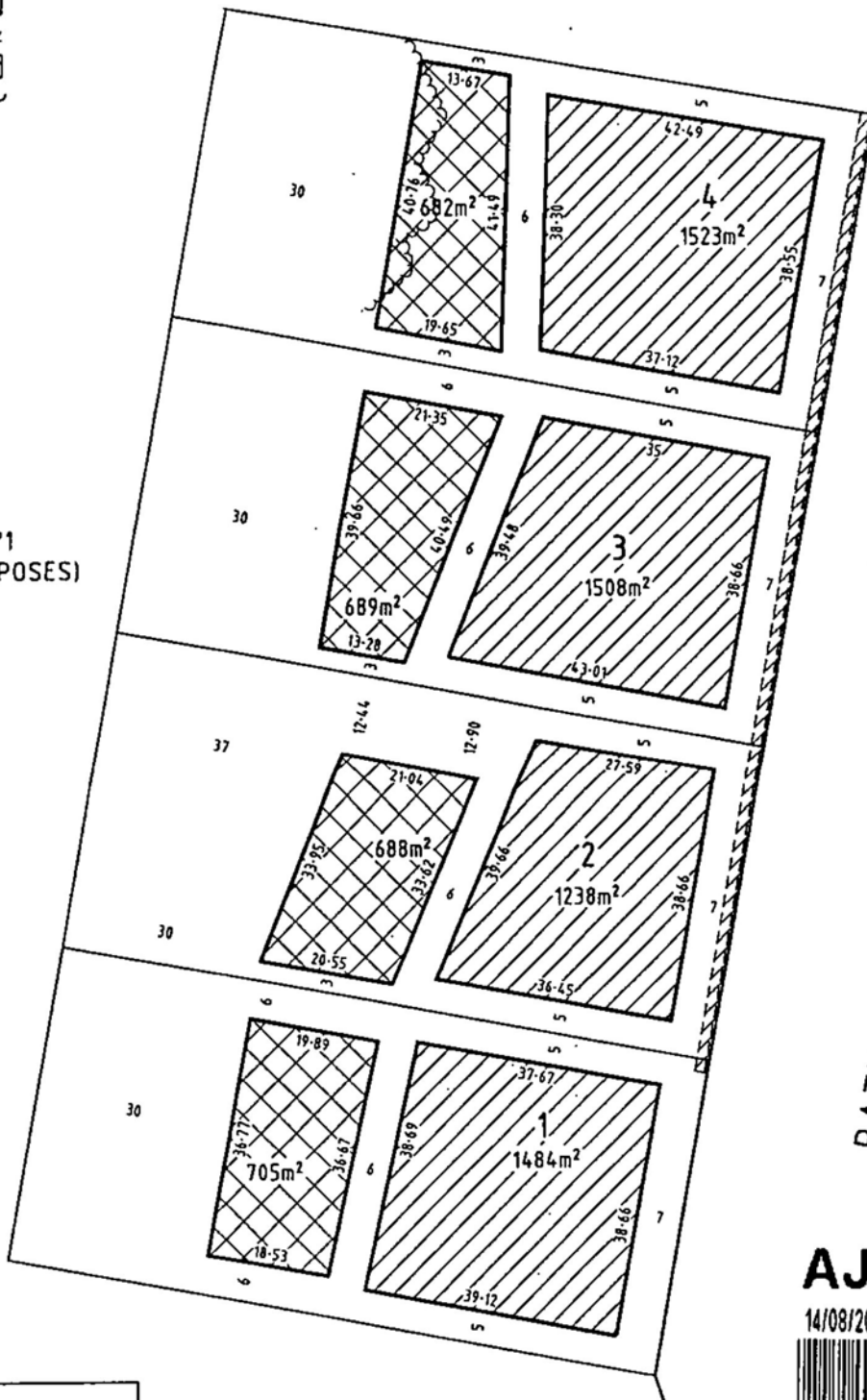
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CREATION OF RESTRICTION No 2 (continued)

LEGEND

- BUILDING ENVELOPE 
- EASEMENT 
- EFFLUENT ENVELOPE 
- EDGE TREE CANOPY 

RESERVE N°1  
(MUNICIPAL PURPOSES)



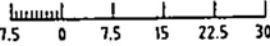
BATHE ROAD

**AJ854930N**

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 24 Albert Road  
 PO Box 305  
 South Melbourne Vic 3205  
 T 61 3 9993 7859  
 F 61 3 9993 7999  
 cpg-global.com

**SCALE**  
  
 LENGTHS ARE IN METRES

**ORIGINAL SCALE SHEET SIZE**  
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 LAYOUT NAME: Sheet 8 P 8 E  
 SAVE DATE: Wed, 09 Feb 2011 - 15:38 LAST SAVED BY: gabbym

DATE / /  
VERSION 9

Sheet 6  
 DATE / /  
 COUNCIL DELEGATE  
 SIGNATURE  
 Original sheet size A3





## **ARBORICULTURAL ASSESSMENT (Defendable space requirements)**

**SITE ADDRESS:** 131 Bathe Road, Pakenham, Vic. 3810

**REPORT DATE:** 24 July 2023

**TREETEC REFERENCE:** bath0324hw\_DSR

**PREPARED FOR:**

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# 1 Introduction

## 1.1 Purpose

Treetec have been engaged to assess the tree population within the defensible space at 131 Bathe Road, Pakenham (the site).

In accordance with AS4970-2009 Protection of trees on development sites (section 2.3.5), the purpose of this report is to identify and assess development related impacts relating to assessed trees.

Additionally, due to the applicable Bushfire Management Overlay (BMO), this report discusses the actions required to comply with the defensible space requirements.

## 1.2 Background

The proposed works involve construction of a residential dwelling on site, including establishing a suitably accessible driveway, and the installation of typical residential infrastructure.

## 1.3 Scope

- Based on the current proposal, determine which trees may be applicable to defensible space requirements
- Provide details on the subject trees including species, condition, amenity value, canopy width (at widest point), and location
- Comment on required management actions to comply with defensible space requirements (prune, remove, or no action).

## 1.4 Method

- Hayden Watt undertook an arboricultural assessment on 18 March 2024
- All observations were taken at ground level, using stage 1 of the Visual Tree Assessment (VTA) method (Mattheck and Breloer 1994)
- Data collected has been categorised in line with definitions found in Appendix 7.2- Glossary

## 1.5 Limitations

- Root assessment requiring excavation was not undertaken. Therefore, root condition has not been included unless above ground signs, such as soil heaving or cracking were observed
- Aerial examination (tree climbing) was not undertaken
- Tree height was estimated
- Canopy width was measured at ground level

For the full list of assumptions and limitations for this report please refer to Appendix 7.1

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## 1.6 Documents viewed

- Proposed site plans. Drawing number- PD-6/17. Dated- 21/02/2024. Prepared by- G.J. Gardner Homes.
- Bushfire Management Plan (BMP). Ref# - B24256/1.0. Dated – March 24. Prepared by – Keystone Alliance Bushfire Assessments.

## 1.7 Planning scheme and applicable overlays

The site is covered by the Cardinia Planning Scheme and is zoned Rural Conservation Zone-Schedule 2 (RCZ2)

### Local law

(None applicable)

### Relevant planning overlays

- Bushfire Management Overlay (BMO)
- Environmental Significant Overlay (ESO1)
- Clause 52.17 – Native Vegetation

## 2 Findings

### 2.1 Site summary

The ~4,889sqm site is occupied by the foundations of a double storey dwelling. Significant site vegetation comprises indigenous tree species, located primarily towards the rear (western) boundary. The central and eastern portions of the block are sparsely vegetated with further indigenous trees species.



Plate 1 – Panoramic view from on site, illustrating site conditions.

### 2.2 Vegetation not detailed

Two dead trees (D1 & D2) located close to the driveway have been excluded from the assessment. These trees are outside of the defendable space and are already dead, so are not required within the impact assessment.

They have been shown on the plan, simply to illuminate any concern over further vegetation impacts resulting from the construction of a sealed driveway.

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### 2.3 Site map



## 2.4 Tree data

TREE #	SPECIES	COMMON NAME	TYPE	DBH (CM)	HEIGHT (M)	SPREAD (M)	STRUCTURE	HEALTH	AGE	RETENTION VALUE	ULE (YRS)	TPZ (M)	SRZ (M)
1	<i>Eucalyptus dives</i>	Broad-leaved Peppermint	Indigenous	22	8	3	Good	Good	Juvenile	Offsite	>40	2.6	2.1
	<b>Notes:</b> Growing within the road reserve.												
	<b>Impact assessment:</b> Low. Existing compacted surface within the TPZ (no new encroachment).												
	<b>Recommendations:</b> Ensure no excavation occurs within the TPZ to establish driveway surface or connect to underground services/utilities.												
2	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	46	12	6	Good	Fair	Semi-mature / mature	Offsite	5 > 15	5.5	2.6
	<b>Notes:</b> Growing within the road reserve, very close to Tree 1												
	<b>Impact assessment:</b> Low. Existing compacted surface within the TPZ (no new encroachment).												
	<b>Recommendations:</b> Ensure no excavation occurs within the TPZ to establish driveway surface or connect to underground services/utilities.												
3	<i>Acacia mearnsii</i>	Late Black Wattle	Indigenous	8	7	2	Good	Good	Juvenile / semi-mature	Low	5 > 15	2.0	1.5
	<b>Notes:</b> -												
	<b>Impact assessment:</b> High. Proposed to be removed.												
	<b>Recommendations:</b> Remove to comply with defensible space requirements												
4	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	27	8	6	Fair	Fair	Semi-mature	Low	5 > 15	3.2	2.1
	<b>Notes:</b> Leaning form. Some fill already established.												
	<b>Impact assessment:</b> Low. Proposed works are unlikely to reduce ULE.												
	<b>Recommendations:</b> Retain - No action.												
5	<i>Eucalyptus dives</i>	Broad-leaved Peppermint	Indigenous	44	12	8	Good	Good	Semi-mature	Medium	15 > 40	5.3	2.6
	<b>Notes:</b> -												
	<b>Impact assessment:</b> Moderate. Canopy pruning required.												
	<b>Recommendations:</b> Prune canopy to achieve adequate canopy separation.												
6	<i>Eucalyptus sp.</i>	Eucalyptus	Indigenous	62	9	4	Poor	Dead	Mature	Low	0	7.4	2.8
	<b>Notes:</b> Current plans show fill within the TPZ.												
	<b>Impact assessment:</b> N/A - Dead												
	<b>Recommendations:</b> N/A - Dead												
7	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	84	16	12	Good	Poor	Mature	Low	5 > 15	10.1	3.3
	<b>Notes:</b> Current plans show fill within the TPZ.												
	<b>Impact assessment:</b> High. Proposed to be removed.												
	<b>Recommendations:</b> Remove to comply with defensible space requirements.												
8	<i>Eucalyptus sp.</i>	Eucalyptus	Indigenous	106	16	10	Fair	Dead	Mature	Low	0	12.7	0.0
	<b>Notes:</b> No obvious hollows. Current plans show fill within the TPZ.												
	<b>Impact assessment:</b> N/A - Dead												
	<b>Recommendations:</b> N/A - Dead												

TREE #	SPECIES	COMMON NAME	TYPE	DBH (CM)	HEIGHT (M)	SPREAD (M)	STRUCTURE	HEALTH	AGE	RETENTION VALUE	ULE (YRS)	TPZ (M)	SRZ (M)
9	<i>Eucalyptus dives</i>	Broad-leaved Peppermint	Indigenous	13	8	2.5	Good	Good	Juvenile	Medium	>40	2.0	1.5
<b>Notes:</b> Codominant stems - union appears sound.													
<b>Impact assessment:</b> Low. No works shown on plans in proximity.													
<b>Recommendations:</b> Retain - No action.													
10	<i>Eucalyptus dives</i>	Broad-leaved Peppermint	Indigenous	13	8	3	Fair	Good	Juvenile	Low	15 > 40	2.0	1.5
<b>Notes:</b> Close to Tree 11.													
<b>Impact assessment:</b> High. Proposed to be removed.													
<b>Recommendations:</b> Remove to comply with defensible space requirements													
11	<i>Eucalyptus dives</i>	Broad-leaved Peppermint	Indigenous	89	18	15	Good	Fair	Mature	High	15 > 40	10.7	0.0
<b>Notes:</b> Forming multiple stems from base. Wound at base with established decay.													
<b>Impact assessment:</b> Low. No works shown on plans in proximity.													
<b>Recommendations:</b> Retain - No action.													
12	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	68	16	8	Poor	Poor	Mature	Low	<5	8.2	3.0
<b>Notes:</b> Declining canopy. Major deadwood throughout.													
<b>Impact assessment:</b> High. Proposed to be removed.													
<b>Recommendations:</b> Remove to comply with defensible space requirements													
13	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	88	16	12	Fair	Fair	Mature	High	5 > 15	10.6	3.3
<b>Notes:</b> Trunk hollow with signs of use. Minor deadwood throughout.													
<b>Impact assessment:</b> Low. No works shown on plans in proximity.													
<b>Recommendations:</b> Retain - No action.													
14	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	46	10	6	Fair	Good	Semi-mature	Low	5 > 15	5.5	2.4
<b>Notes:</b> Codominant stems- union appears sound. Recent branch failures. Epicormic growth on some branches.													
<b>Impact assessment:</b> High. Proposed to be removed.													
<b>Recommendations:</b> Remove to comply with defensible space requirements													
15	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	36	10	4	Good	Good	Semi-mature	Low	15 > 40	4.3	2.3
<b>Notes:</b> Tall form with no lower branches.													
<b>Impact assessment:</b> Low. No works shown on plans in proximity.													
<b>Recommendations:</b> Retain - No action.													
16	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	42	15	4	Fair	Fair	Semi-mature	Low	5 > 15	5.0	2.6
<b>Notes:</b> Small dead stub in primary union.													
<b>Impact assessment:</b> Low. No works shown on plans in proximity.													
<b>Recommendations:</b> Retain - No action.													



TREE #	SPECIES	COMMON NAME	TYPE	DBH (CM)	HEIGHT (M)	SPREAD (M)	STRUCTURE	HEALTH	AGE	RETENTION VALUE	ULE (YRS)	TPZ (M)	SRZ (M)
17	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	58	15	4	Fair	Fair	Mature	High	15 > 40	7.0	2.8
<b>Notes:</b> Trunk wound from base - no obvious decay. Minor deadwood throughout.													
<b>Impact assessment:</b> Low. No works shown on plans in proximity.													
<b>Recommendations:</b> Retain - No action.													
18	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	46	8	5	Poor	Poor	Semi-mature	Low	<5	5.5	2.7
<b>Notes:</b> Mostly dead; some epicormic regrowth. No obvious hollows.													
<b>Impact assessment:</b> High. Proposed to be removed.													
<b>Recommendations:</b> Remove to comply with defensible space requirements													
19	<i>Eucalyptus goniocalyx</i>	Long-leaved Box	Indigenous	61	18	9	Fair	Fair	Mature	High	15 > 40	7.3	2.8
<b>Notes:</b> Trunk wound in central stem with fungal fruiting body protruding. Small hollow below bracket with possum inhabitant.													
<b>Impact assessment:</b> Low. No works shown on plans in proximity.													
<b>Recommendations:</b> Retain - No action.													

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## 3 Discussion

### 3.1 Defendable space

In accordance with Clause 53.02 – Bushfire Planning, a bushfire hazard assessment has identified a Bushfire Attack Level (BAL) rating and requirements for the management of vegetation within the defendable space have been defined based on the rating.

Required actions are assigned with consideration to the proximity of trees to one another, their species, health, structure, and useful life expectancy (ULE).

Where practicable, trees of lower value (exotics, weed species, etc.), reduced health, structure and/or shorter ULE are prioritised for removal ahead of trees of higher value (indigenous/native), better health, structure and/or longer ULE.

Pruning of trees may be recommended to limit the outright loss of vegetation onsite while achieving the defendable space requirements.

### 3.2 Proposed driveway

To comply with the requirements of the BMP, the driveway must be constructed to accommodate a load limit of at least 15 tonnes. This is likely to result in excavation occurring within the TPZs of Trees 1 and 2. Due to the established compacted driveway, it is likely these two trees will tolerate some disturbance, providing no roots greater than 40mm diameter are disturbed.

### 3.3 Habitable hollows

Trees 13 and 19 contain hollows considered to be of a size that could be habitable for fauna.

Tree 19 in particular has a hollow with confirmed use by a possum (see right).



Plate 2 – Furry bottom exposed from hollow.

## 4 Conclusion

The arboricultural assessment undertaken at 131 Bathe Road, Pakenham comprised 19 trees. Due to the proximity of trees to the driveway, additional trees were collected for clarification on impacts, however, these do not require defendable space management.

Retention Value	Defendable Space summary		
	No action Compliant with defendable space requirements.	Prune canopy Canopy separation pruning required to isolate canopy from surrounding trees (see required distance in recommendations).	Remove Tree requires removal to comply with defendable space canopy separation requirements.
● - Low	4, 6, 8, 15, 16	-	3, 7, 10, 12, 14, 18
● - Medium	9	5	-
● - High	11, 13, 17, and 19	-	-
● - Offsite	1 and 2		

Of the trees requiring removal, all six are Victorian native or indigenous to the site and may trigger a planning permit under Clause 52.17.

With the exception of the driveway in proximity to Trees 1 and 2, no TPZ encroachments have been identified from activities shown on plans.

Routes for underground services and utilities are not shown on plans. Depending on their final location and installation method, the impact to assessed trees may increase.

## 5 Recommendations

### Tree removal -

Avoid stump grinding to protect remaining tree root systems from unnecessary physical disturbance.

### Canopy separation pruning-

- Engage an AQF level 3 (or higher) arborist to establish 5.0m canopy separation pruning to comply with the requirements outlined in the applicable BMP.
- All pruning cuts must comply with AS4373 2007 – *Pruning of amenity trees - unless intermodal cuts (lopping) will allow the retention of valuable hollows*. While ensuring the required canopy separation is achieved, endeavour to retain all hollows as far as is practicable.
- Pruning on each individual tree must not exceed 25%.

### Underground services –

Ensure underground services/utilities are routed outside of TPZs. If they must pass through a TPZ, utilise low impact methods (hand tools, air spade/hydro) for the installation, ensuring larger roots are protected from cutting or damage.

### General –

Design of any landscaping should be cognisant of root protection. Do not excavate within the nominated tree protection zones of retained trees including those trees on neighbouring properties unless permitted by the responsible authority.

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## 6 References

Department of Environment, Land, Water and Planning. VicPlan, Accessed March 2023, Available at: <https://mapshare.vic.gov.au/vicplan/>

Mattheck, C. and Breloer, H. (1994), *The Body Language of Trees: A Handbook for Failure Analysis*, London: HMSO.

Costermans, L. (1981), *Native Trees and Shrubs of South-Eastern Australia*, New Holland publishers (Australia) Pty Ltd, Sydney

Standards Australia (2009), AS 4970-2009 *Protection of trees on development sites*

Standards Australia (2007), AS 4373-2007 *Pruning of amenity trees*

## 7 Appendix

### 7.1 Assumptions & Limitations

1. **Treetec** does not assume responsibility for legal matters, and assumes that legal descriptions, titles and ownerships are correct and good.
2. **Treetec** assumes that any property or project is not in violation of any applicable codes, ordinances, statutes or other government regulations.
3. **Treetec** takes all reasonable care to ensure all referenced material is accurate and quoted in correct context but does not take responsibility for information quoted or supplied.
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10. Site plans, 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 reports or surveys.
11. Information in this report covers only those items that were examined in accordance with the Terms of Reference, and reflects the condition of those items that were examined at the time of the inspection.
12. Inspections are limited to visual examination of accessible components unless otherwise stated in the "Method of Inspection".
13. There is no warranty or guarantee, expressed or implied, that the problems or deficiencies of the plants or property in question may not arise in the future.
14. Due to the dynamic nature of trees and development there can be no guarantee that the Useful Life Expectancy (ULE) of the subject tree/s won't be adversely impacted.

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## 7.2 Glossary

AGE CATEGORY	The age of the tree is represented as Juvenile, Semi-mature, Mature or Senescent.
	<p>Juvenile: A young tree, given normal environmental conditions for that tree it will not yet flower or fruit.</p> <p>Semi-mature: Able to reproduce but not yet nearly the size of a mature specimen in that location.</p> <p>Mature: Has reached or nearly reached full size and spread for that species in the given location.</p> <p>Senescent: Health and / or structure is being adversely impacted by the old age of the tree.</p>
ARBORICULTURAL VALUES	Values assigned to a tree or group of trees to provide an overview of their significance with consideration to a range of factors (see below)
RETENTION VALUE	<p>A rating assigned to a tree or group of trees based on; Amenity Value, Useful Life Expectancy (ULE), suitability for the site, location, cultural or historical significance, legislative vegetation controls (such as Planning or Local Law). Age is a primary consideration as it is the determining factor when considering how long it would take to replace the amenity lost when trees are removed. For proposed development, the retention value may help shape decisions to ensure site amenity value is maximised. Tree removal may require a planning permit. Check with your local council prior to removing any vegetation.</p> <p>Offsite: Located outside of the subject site. Must be retained and protected regardless of other factors.</p> <p>High: Worthy of retention and incorporation into any development proposal. Medium or High Amenity Value, 15&gt;40 years or greater Useful Life Expectancy (ULE), rare or endangered/ ecologically valuable.</p> <p>Medium: Should be considered for retention, if practicable. Low or Medium Amenity Value, 15-40 years or less ULE. May be minimal canopy cover in the local area (loss would be detrimental to the landscape).</p> <p>Low: Low Amenity Value, 5-15 years or less ULE, may be problematic to retain. Retain if desired, otherwise consider removal.</p>
CANOPY SPREAD	Overall size of the canopy as looking from a plan view. Recorded at the widest point.
CODOMINANT STEMS	Two stems of approximately the same thickness and height originating from the same position in the tree.
COMMON NAME	A non-scientific name commonly used for that tree.
CROWN WIDTH	See 'Canopy spread'
DEAD (AS DEAD)	Cessation of all metabolic processes (or very soon to be)
DEADWOOD	Deceased above ground tree parts such as stems or branches. <i>Minor</i> deadwood – less than 40mm diameter <i>Major</i> deadwood – greater than 40mm diameter
DEVELOPMENT	The use of land including; the subdivision of land, erection or demolition of a building or works, the carrying out of a work, road works, the installation of utilities and services, and any other act, matter or thing as defined by the relevant legislation.

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<b>DIAMETER AT BREAST HEIGHT (DBH)</b>	The diameter of the trunk measured at or near 1.4m above ground level. Where there is more than 1 stem originating below 1.4m the measurement recorded is calculated as described in AS 4970-2009.
<b>EPICORMIC GROWTH</b>	New shoots forming from dormant buds within the bark on the trunk and/or branches.
<b>FORM</b>	Reference to the symmetry of the crown as observed from all angles and in accordance with the morphology of that species, and documented as Poor, Fair or Good.
<b>HEALTH</b>	<p>A trees vigour as exhibited by the crown density, leaf colour, seasonal extension growth, presence of stress indicators, ability to withstand diseases and pests, and the degree of dieback. Where a deciduous tree is inspected without foliage and health is undetermined a '?' will be noted.</p> <p><b>Dead:</b> Cessation or near cessation of all metabolic processes.</p> <p><b>Poor:</b> Indicating symptoms of extreme stress such as minimal foliage, or extensively damaged leaves from pests and diseases. Death probable if condition of tree deteriorates.</p> <p><b>Fair:</b> Some minor deadwood or terminal dieback indicating a stressed condition. Minor leaf damage from pests.</p> <p><b>Good:</b> Usual for that species given normal environmental conditions – full canopy with only minor deadwood, normal leaf size and extension growth, minimal pest or disease damage</p>
<b>HEIGHT</b>	The distance in metres from the ground to the highest point in the crown, calculated in the vertical plane. This measurement unless otherwise specified is an estimation only.
<b>IMPACT ASSESSMENT</b>	<p>An assessment of adverse impact the proposed works are likely to have on a tree or tree group. May be short or long term; usually judged on the likely reduction in ULE directly attributable to the works. Impact usually relates to the level of TPZ encroachment, but also factors the type of impact. One or more factors may apply.</p> <p><b>Low:</b> Proposed works are outside of the TPZ and impacts are likely to be nil. Or, minor damage may occur such as; smaller roots may be damaged or a small area of canopy pruned. Unlikely to significantly impact tree health, form, or ULE.</p> <p><b>Moderate:</b> Direct (physical wounding), or indirect (environmental impacts) are possible, root damage may occur, canopy pruning likely, and an occurrence will reduce the ULE.</p> <p><b>High:</b> Tree/s likely to be lost in the medium or short term, or adversely impacted so that tree health, and therefore, ULE are significantly reduced, or the tree will become unstable and/or present an unacceptable level of risk.</p> <p><b>Proposed to be removed:</b> Trees that are within the footprint of works and proposed to be removed by the client, or are not viable to retain due to the factors listed in the conclusions of this report. Trees proposed for removal are not always required to be removed.</p>
<b>INCLUDED BARK UNION</b>	<p>A union within a tree that has included bark (bark pressing on bark), these unions are usually poorly attached and more likely to fail as the included bark is equivalent to a split. Often characterized by an acute angle and sometimes forming ribs or flaring immediately below the union where the tree reacts to the weakness by placing secondary growth.</p> <p>Though these unions are weaker than a 'good' union, the risk of failure cannot be calculated and a poor union does not automatically justify the removal of the tree.</p>
<b>LOPPING / TOPPING (includes coppicing)</b>	The removal of parts of a tree giving no consideration to the trees natural defence systems.

PRUNING	Systematic removal of branches of a plant whilst giving consideration to the trees natural defence systems.								
RESPONSIBLE AUTHORITY	Those bodies, such as councils, responsible for the area to which the report relates to								
STRUCTURAL ROOT ZONE (SRZ)	<p>The area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres.</p> <p>This zone considers a tree's structural stability only, this is different from the root zone required for a tree's vigour and long-term viability, which will usually be a much larger area.</p>								
STRUCTURE	<p>Reference to the structural integrity of the tree with consideration of the crown, trunk and roots. Determined using the Visual Tree Assessment (VTA) method (Mattheck and Breloer 1994). The failure of small (&lt;60mm calliper) live or dead limbs is normal and not considered here.</p> <table border="1"> <tr> <td>Very poor:</td> <td>Clear indications that a significant failure is likely in the near future</td> </tr> <tr> <td>Poor:</td> <td>Obvious signs of structural weakness and a failure is likely, one might expect a significant failure event within the next 5 years, possibly tomorrow</td> </tr> <tr> <td>Fair:</td> <td>Signs of weakness present though not obviously significant, likely to become worse over time</td> </tr> <tr> <td>Good:</td> <td>No obvious signs of structural weakness</td> </tr> </table>	Very poor:	Clear indications that a significant failure is likely in the near future	Poor:	Obvious signs of structural weakness and a failure is likely, one might expect a significant failure event within the next 5 years, possibly tomorrow	Fair:	Signs of weakness present though not obviously significant, likely to become worse over time	Good:	No obvious signs of structural weakness
Very poor:	Clear indications that a significant failure is likely in the near future								
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Fair:	Signs of weakness present though not obviously significant, likely to become worse over time								
Good:	No obvious signs of structural weakness								
TREE	Long-lived, woody perennial plant with one or relatively few main, self-supporting, stems or trunks. Greater than (or usually greater than) 3m in height (or as defined by the responsible authority).								
TREE NUMBER	Identifying number allocated to individual trees or groups of trees, may be used to locate trees using site plans or tags on trees.								
TREE PROTECTION ZONE (TPZ)	An exclusion area radius measured from the centre of the trunk at ground level that allows for protection of canopy and roots; both the structural roots that give the tree stability and the smaller absorption roots. The radius of the TPZ is normally calculated for each tree by multiplying the DBH × 12. The minimum distance will be 2m and maximum 15 as stipulated in AS 4970-2009 – Protection of Trees on Development Sites.								
TREETEC REFERENCE	Unique identifier assigned to an individual report by Treetec								
TYPE	<p>Status of the species as it relates to the location.</p> <table border="1"> <tr> <td>Indigenous:</td> <td>Naturally occurring to the local area</td> </tr> <tr> <td>Victorian Native:</td> <td>Naturally occurring within Victoria</td> </tr> <tr> <td>Australian Native:</td> <td>Naturally occurring within Australia</td> </tr> <tr> <td>Exotic:</td> <td>Introduced species to Australia</td> </tr> </table>	Indigenous:	Naturally occurring to the local area	Victorian Native:	Naturally occurring within Victoria	Australian Native:	Naturally occurring within Australia	Exotic:	Introduced species to Australia
Indigenous:	Naturally occurring to the local area								
Victorian Native:	Naturally occurring within Victoria								
Australian Native:	Naturally occurring within Australia								
Exotic:	Introduced species to Australia								
UNION	The point where a branch or stem is attached to another branch or stem.								
USEFUL LIFE EXPECTANCY (ULE)	<p>Useful Life Expectancy is an estimation of how many years a tree can reasonably be retained in the landscape provided growing conditions do not significantly worsen and any recommended works are completed. It takes into consideration factors such as risk, species, age, health and site conditions.</p> <p>Usually represented as either <b>0, &lt;5, 5 - 15, 15 - 40, or &gt;40.</b></p>								
WORKS	Any physical activity in relation to development. See 'development'.								

### **7.3 General comments**

#### **Pruning standards/Lopping**

An Australian Standard exists to give guidance on pruning of trees (*AS 4373 2007 - Pruning of Amenity Trees*).

It is important that all remedial works are carried out by a competent contractor in accordance with the Australian Standard.

Lopping, as defined within the standard, is detrimental to trees and often results in decay and poorly attached epicormic shoots. Natural Target Pruning methods should be used wherever possible when removing sections from trees.

### **7.4 Impact on trees**

#### **Physical/Mechanical damage to trees**

Physical damage to tree parts, particularly the trunk, provides entry points for pests and diseases such as fungal infections. This may cause long-term decay and can lead to partial or complete tree failure and death.

#### **Alteration of soil levels**

Alteration of soil levels around trees will affect the root zone and stability of a tree as well as tree metabolism. This may result in reduced tree health, excessive deadwood, thinning foliage and poor vigour. It can take years for impacts to become evident, at which time it is usually irreversible.

#### **Works within a TPZ**

Works such as site cut and fill, re-grading, installation of underground services, building footings or landscaping have the potential to damage tree roots.

It may be possible to work within a TPZ without significantly impacting a tree, however the size and number of roots in the area, and the specifics of the tree and its resilience to impacts, would all need to be reviewed prior to commencement. Design and construction methods may need alteration to minimise adverse impacts.

Site cut and fill has the potential to physically impact roots and thus should be located to ensure minimal disturbance within the TPZ of retained trees. If a shallow cut is proposed within a TPZ, consider increasing fill to eliminate the cut. If the grade is to be raised, the material should be coarser or more porous than the underlying material. If site cuts must occur, avoid batter cuts and instead design a vertical retaining wall to minimise disturbance.

Installation of underground services should also be routed outside TPZs; if there is no other option, they should be installed using non-destructive methods such as air or hydro excavation, or installed by boring under the TPZ at a depth of at least 700 mm (where practicable). The project arborist should assess the likely impacts of boring (including bore pit locations) on retained trees.

Driveways and pathways should not encroach into a TPZ; if encroachment is unavoidable, any hard surfaces should:

- 1) not involve any scraping or excavation – most small absorbing roots are within the upper 100mm of soil.
- 2) be constructed of a permeable material and laid on a base and sub-base specifically designed to allow the movement of water through and into the soil below.

If buildings are permitted within a TPZ, foundations should be suspended on piers leaving the ground undisturbed other than the careful placement of pier holes. The bottom of supporting beams should be above existing ground level or, if this is not possible, beams should run radially



away from the tree trunk. There should be no excavation of any description, including piers, within a Structural Root Zone (SRZ).

All works within TPZs must be approved by the responsible authority prior to commencement.

### Description of TPZ encroachment

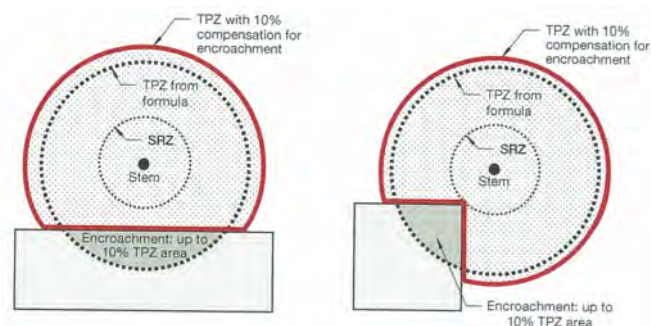
In accordance with *Australian Standard 4970-2009 (Protection of trees on development sites)* encroachment and TPZ variations is determined as per below.

#### General

*It may be possible to encroach into or make variations to the standard TPZ. Encroachment includes excavation, compacted fill and machine trenching.*

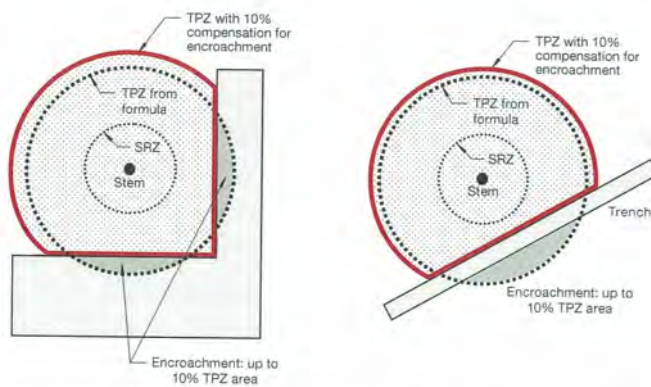
#### Minor encroachment

*If the proposed encroachment is less than 10% of the area of the TPZ and is outside the SRZ detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. Variations must be made by the project arborist considering relevant factors listed in (see standard)...*



#### Major encroachment

*If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborist must demonstrate that the tree(s) would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This may require root investigation by non-destructive methods and consideration of relevant factors listed in (see standard)...*



NOTE: Less than 10% TPZ area and outside SRZ. Any loss of TPZ compensated for elsewhere.

Any additional encroachment that becomes necessary as the site works progress should be reviewed by the project arborist and be approved by the Responsible Authority before being carried out.

Where the project arborist identifies roots to be pruned within or at the outer edge of the TPZ, they should be pruned with a final cut to undamaged wood. Pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds should not be treated with dressings or paints.

It is not acceptable for roots within the TPZ to be severed with machinery such as backhoes or excavators.

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## 7.5 Photographs



Tree 1



Tree 2



Tree 3



Tree 4

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Tree 5



Tree 6



Tree 7



Tree 8

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Tree 9



Tree 10



Tree 11



Tree 12

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Tree 13



Tree 14



Tree 15



Tree 16

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**Tree 17**



**Tree 18**



**Tree 19**

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A.B.N. 63 101 322 089 A.C.N. 101 322 089

## **Land Capability Assessment**

**Report No. PER-0908**

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# **Lot 1 Bathe Road PAKENHAM UPPER**

**12<sup>th</sup> May 2014**



PO Box 72, TOORADIN VIC 3980  
Phone: (03) 5998 3888 Fax: (03) 5998 3999

## 1. Site Location:

Lot 1 Bathe Road  
PAKENHAM UPPER

## 2. Client:

Kialla Homes  
Factory 2/22 Embrey Court  
PAKENHAM VIC 3810

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## 3. Construction Proposal:

Septic system for proposed residence.

## 4. Site Description:

The site is located in a semi-rural area, has a moderate to steep slope to the rear and is currently covered by natural grass and heavily treed.

## 5. Geology:

The site is situated within a geological area of Silurian, Marine Mudstone & Sandstone. The site investigation confirmed this.

## 6. Site Investigation:

Two boreholes were drilled by hand auger within the recommended effluent disposal area to check for ground water, rock and estimate soil percolation rates using AS/NZS 1547:2012 'On-site domestic waste water management'. The attached borehole log shows layer descriptions and depths.

## 7. Soil Profile:

The boreholes revealed a soil profile consisting of the following:

- 500mm to 600mm of Grey/Orange Clayey SILT (Soil Category 4 – Clay Loam) *overlying*
- Brown/Orange Silty CLAY (Soil Category 5 – Light Clay)

## 8. Land Assessment for Effluent Disposal:

	Land features		Site Rating
<b>A</b>	Site drainage	Slow	2
<b>B</b>	Inundation Potential / Flooding	Never	1
<b>C</b>	Slope of land (%)	12-20	4
<b>D</b>	Landslip	Nil	1
<b>E</b>	Depth to seasonal or perched water table (m)	>5	1
<b>E</b>	Rainfall (mm)	750-1000	4
<b>F</b>	Pan Evaporation (mm/yr)	1250-1500	2
<b>G</b>	Soil Structure	High	1
<b>H</b>	Soil Profile Depth (m)	1.5-1.0	4
<b>I</b>	Soil Sodicity ESP%	< 3	1
<b>J</b>	Estimated soil permeability (m/day) Soil Category 5	0.2	1
<b>K</b>	Soil Stoniness (%)	< 10	1
<b>L</b>	Soil Emerson Test (dispersion/slaking)	7	3
<b>M</b>	Soil Salinity (dS/m)	< 0.3	1
	<b>Site Rating</b>		<b>4 (Poor)</b>

**Note: Site rated 'Poor' due to relatively shallow ROCK depth and slope. A closely monitored secondary treatment system should be adopted.**

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## 9. Sub Soil Absorption Trench Length:

### EPA Publication 891.3 & AS/NZS 1547:2012

The corresponding sub-soil absorption trench length is as follows:

Trench Width (mm)	500	600	900	1000
Required Trench Length (m)	150	126	84	75

This trench length was determined via a full water balance using the following:

- 4 Bedrooms
- DLR = 10mm/day – AS/NZS 1547:2012 TABLE L1 – Secondary Treated Effluent

## 10. Required Surface Irrigation Area for 20/30 Standard Effluent or Improved Primary Treated Effluent via LPED:

### EPA Publication 891.3 & AS/NZS 1547:2012

Indicative Soil Permeability $K_{sat}$	Design Irrigation Rate (Spray/Drip)	Design Irrigation Rate (LPED)	Design Wastewater Discharge	Spray / Drip Irrigation Area	LPED Irrigation Area
0.2 m/day	3mm/day	2.5mm/day	750litres/day	250m <sup>2</sup>	300m <sup>2</sup>

This irrigation area was determined after assuming the following:

- 4 Bedrooms

## 10. Suitable Disposable Area:

A suitable area for secondary treated effluent disposal through shallow sub-surface absorption trenches or irrigation exists to the rear of the proposed residence.

## 11. Recommendations:

Geocore recommends and can validate the use of secondary treatment septic system (e.g. aerated system) that uses shallow sub-surface absorption or irrigation treating and maintaining wastewater within the site.

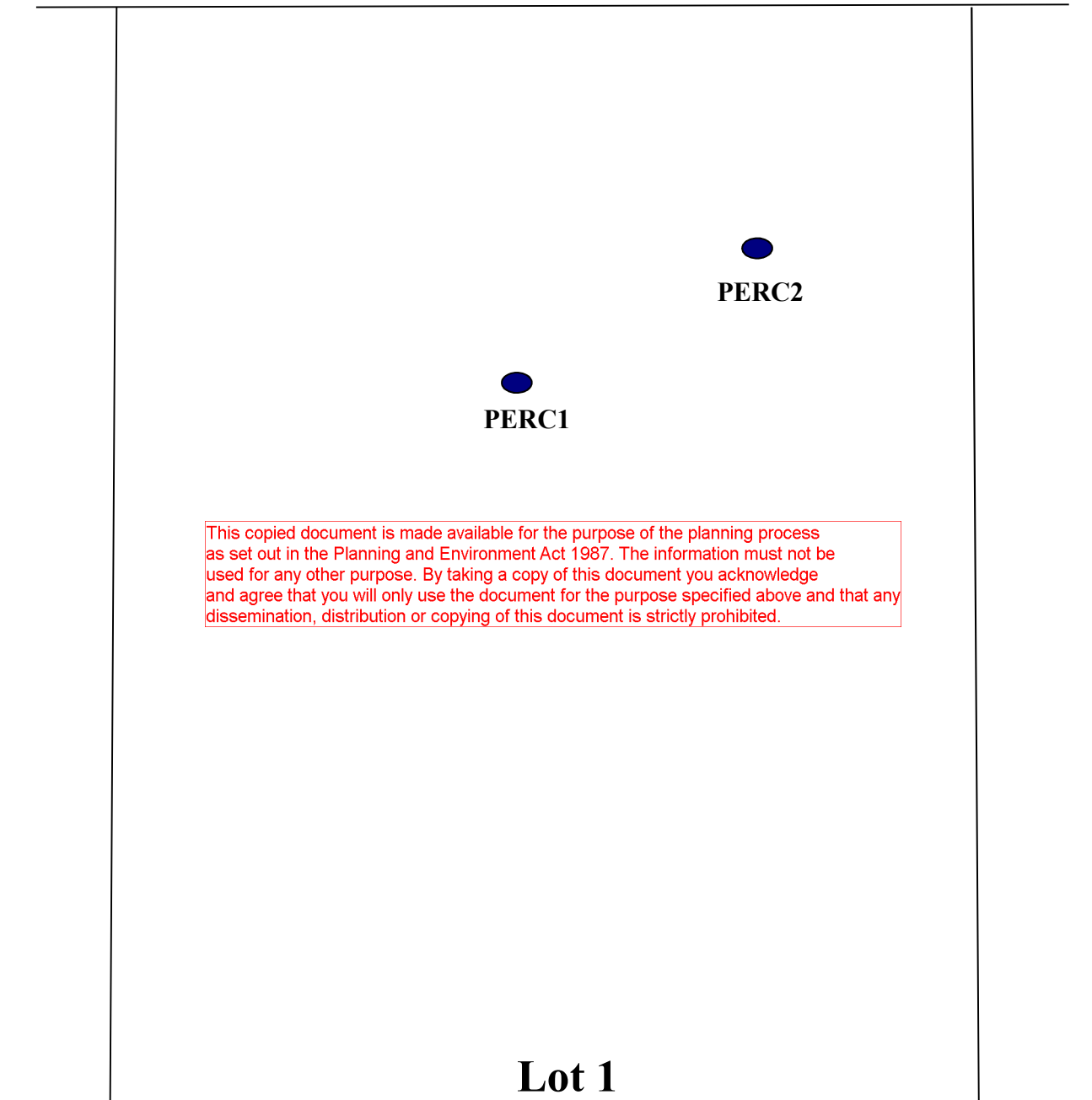
**Vegetation should be maintained around the disposal field at all times.**

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**Mr Bradley D McMillan B.E. (Civil & Computing)**  
**Geotechnical Engineer**  
**GEOCORE PTY LTD**

## 12. Site Plan:

Note: Plan not to scale



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**Lot 1**

**Bathe Road**



PO Box 72  
TOORADIN VIC 3980

03 5998 3888

03 5998 3999

### GEOTECHNICAL TEST LOGS

**Project:** Lot 1 Bathe Road  
PAKENHAM UPPER

**Proposal:** Residential Septic System

**Report No.** PER-0908

**Client:** Kialla Homes

**Date:** 12/05/2014

**Topography:**

- Essentially Level
- Undulating
- Hilly
- Steep Slope
- Moderate Slope
- Slight Slope
- Extreme Condition

- Virgin Site
- Filled Site

Comments:

Slope Direction

Rear

Water

type:

Depressions

type:

depth:

Contaminants

type:

source:

Trees

type: Eucalypts

size: Medium

**Soil Drainage:**

- Good:  Sandy
- Fair:  to
- Poor:  Clay

**Existing Structures**

Condition:

Good

Fair

Poor

Comments:

Layer Description BH1	Depth	Layer Description BH2	Depth	Depth
Clayey SILT Grey/Orange Firm Moist to Dry  <b>Soil Category 4</b> <b>Clay Loam</b>	500mm	Clayey SILT Grey/Orange Firm Moist to Dry  <b>Soil Category 4</b> <b>Clay Loam</b>	600mm	
Silty CLAY Medium to High Plasticity Brown/Orange Stiff Dry  <b>Soil Category 5</b> <b>Light Clay</b>	1200mm	Silty CLAY Medium to High Plasticity Brown/Orange Stiff Dry  <b>Soil Category 5</b> <b>Light Clay</b>	1200mm	
Extremely WEATHER SiltSTONE		Extremely WEATHER SiltSTONE		
End of BH1 12/05/2014	1500mm	End of BH2 12/05/2014	1500mm	

**Operator:** B. McMillan

**Auger Type:** Hand

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# Bushfire Management Statement Pathway 2

**Property Address:**

**131 Bathe Road, Pakenham**

**Prepared for:** [REDACTED]

**Date:** November 2024

**Ref#** 24256/3.0



M 0450 770 778 T 03 9478 8991

131 Bathe Road, Pakenham  
Email paul@keystonealliance.com.au

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Bushfire Assessments project: 24256/3.0

## Bushfire Assessments

ABN 44 103 792 088

277 Plenty Road, Preston Vic

M: 0450 770 778

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## Version Control

Version	Date		Name
1.0	7/03/2024	Analysis, mapping and report compilation	[REDACTED] Manager, Bushfire Planning and Design
1.0	7/03/2024	Peer review	[REDACTED] Admin
1.0	7/03/2024	Bushfire Assessment and BMP reports	To client
2.0	19/06/2024	BAL 40 INLO 29	To client
3.0	23/11/2024	Def Space all around 31 except north is to PB	To client

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## 1 Executive Summary

The property was visited to undertake a bushfire hazard assessment.

The site is a **residential** lot in a **Rural Conservation Zone** of **Cardinia Shire**. The parcel to be developed has a total area of approximately **4,889m<sup>2</sup>**.

We are seeking development approval to **construct a building (dwelling)**.

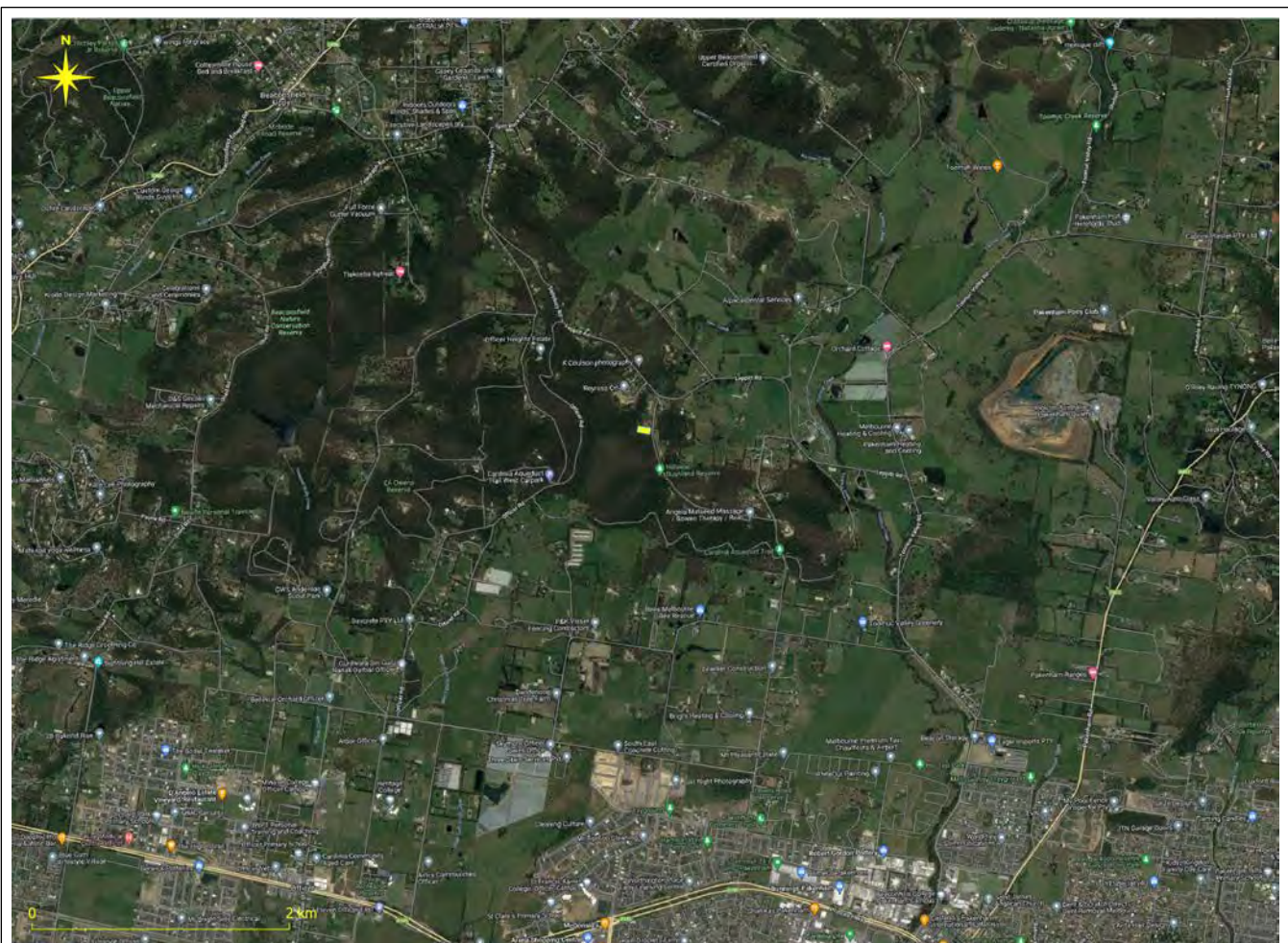
On-site and surrounding area vegetation within the 150m assessment area is classified as **forest**. Classified vegetation **forest** on a **5-10° downslope** constructing with a **BAL 40** defensible space around the building is **31m east, south, west and to the property boundary north**, corresponding to Clause 53.02-5 Table 2

The area close to the site has no bushfire history, and in the event of a bushfire, the impact to the dwelling will be from **ember attack and radiant heat**.

There are several designated NSP in **Cardinia Shire** the **Narre Warren North** is the closest one.

A **10,000** litre water tank will be required for firefighting purposes,

Access can meet BMO's access requirements (Appendix 4).



**Figure 1** Aerial view of site highlighted parcel to be developed QGIS, data.vic.gov.au, google maps & nearmap

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## 2 Introduction

The proposal seeks development approval to **construct a building (dwelling)** on the land known as; **131 Bathe Road, Pakenham**. The property comprises of one parcel as seen in *Figure 1 & Figure 2*

Keystone Alliance Bushfire Assessments has been engaged by [REDACTED] to provide a Bushfire Management Statement in accordance with Clause 44.06 Bushfire Management Overlay and 53.02 Bushfire Planning Requirements at which is to accompany the planning permit application lodged with **Cardinia Shire**.

This assessment describes the subject site and surrounding area in relation to the risk associated with the Bushfire Attack Level (BAL), together with the relevant planning controls, namely, Australian Standard 3959 "Construction of buildings in bushfire-prone areas."

The parcel to be developed has a **rectangular** shape and an area of approx. **4,889m<sup>2</sup>** it is located approximately **8.0 km** via road, **north-west from Pakenham's township** in one of **Cardinia Shire** semi-rural areas. The property's static water supply will be from water tanks, it is provided with telecommunication services, and is connected to the sealed road network. Vehicular access to the land is via **Bathe Road**. (as in Figures 1 & 2)

The purpose of the report is to assist in a decision of issuing a planning permit for the construction of the proposed development in a Bushfire Management Overlay.

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## 3 Site Description

### 3.1 Site shape, dimensions, size and planning controls

Local government:	Cardinia Shire
Lot and Plan Number:	Lot 1 PS606363
The shape of the site is:	rectangular
The dimensions of the site are:	Please refer to Image 2 Site Dimensions
The site has a total area of:	Approximately 4,889m <sup>2</sup>
The zoning of the site is:	RURAL CONSERVATION ZONE (RCZ) RURAL CONSERVATION ZONE - SCHEDULE 2 (RCZ2)
The overlays that apply to the site are:	BMO & ESO
Effected:	Extractive Industry Work Authorities (WA)
Assessed by:	[REDACTED]

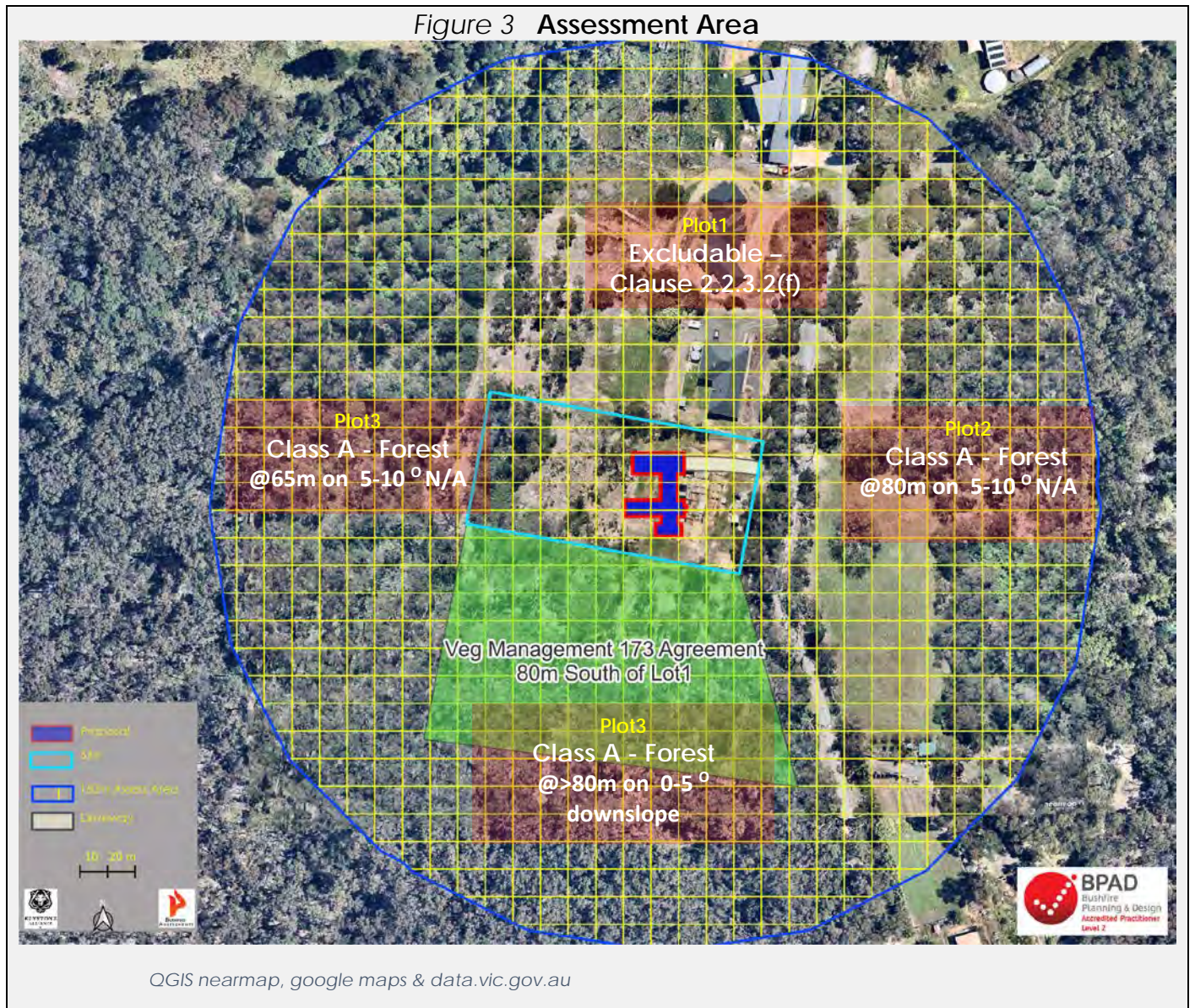




## 4 Bushfire hazard site assessment

A vegetation hazard assessment was carried out within a 150m radius from the proposed development. Within this area our interest was directed on the type of vegetation surrounding the proposal the distance from the proposal and the effective slope it stood (see Figure 3 below).

Figure 3 Assessment Area



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## 4.1 Hazard Assessment

The proposed development has been assessed under Victoria's Planning Provisions Clause 44.06, 53.02 and AS 3959 – 2018 "Construction of buildings in bushfire prone areas."

Plot	Vegetation Classification	Effective Slope (degrees)		Separation (m)	BAL	Defendable Space
1	Excludable – Clause 2.2.3.2(f)	N/A	N/A	NA	BAL – LOW	PB
2	Class A - Forest	5-10	downslope	80	BAL – 29	39
3	Class A - Forest	0-5	downslope	>80	BAL – 29	32
4	Class A - Forest	5-10	downslope	65	BAL – 29	39

**PB= property boundary**

An assessment of the site conditions has categorized this site as **BAL-40** fire risk but due to landscape assessment Bushfire Attack Level increases to BAL40 and defendable space is **31m east, south, west and to the property boundary north** complying with a BAL 40 Table 2.

## 4.2 Vegetation

### Low Threat Vegetation

Excluded vegetation and non-vegetated areas

Areas of low threat vegetation and non-vegetated areas have been excluded under one or more of the following AS 3959-2018 exclusion criteria (Standards Australia, 2018):

- i. Vegetation more than 150m from the site.
- ii. Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.
- iii. Low threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks.

### Forest

Trees 10–30 metres high with foliage cover in the range of 30 per cent to 70 per cent at maturity, predominantly dominated by Eucalypts. Sclerophyllous understorey (vegetation that has hard leaves and short internodes [the distance between leaves along the stem]), small trees, tall scrubs or tall shrubs. Forests generally have several layers of tiered vegetation arranged vertically extending from the surface to the canopy including a pronounced shrubby middle layer in addition to a taller canopy and an underlying layer of grasses, herbs or sedges. AS 3959 Method 1 cannot differentiate between open, closed, tall or short forest. It should all be classified as Class A Forest. Includes plantations, which are classified as Class A Forest.

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## 4.3 Photos of Assessment Area



**PLOT1** *Northern vegetation*



**PLOT2** *Eastern vegetation*





**PLOT3** *Southern vegetation*



**PLOT4** *Western vegetation.*



## 5 Bushfire Hazard Landscape Assessment

### 5.1 Location description

The proposed development is sited at approx. **8.0km northwest of Pakenham.**

Land north of the proposal within a 500m radius are established rural residential blocks which vary in size. All these sites have houses, sheds, driveways and gardens. The blocks of land are sited within open space with scattered patches of trees. Expanding landscape assessment to the South, east and west beyond the 500m radius, land is occupied by a mid-dense forest. Land is occupied by an established mid density forest creates a bushfire risk to the area. In the surrounding landscape bushfire risk is considered high.

Considering the siting of the proposal within the landscape, likelihood of a bushfire event is considered **possible**; signifying the threat could take place sometime in the future. The consequences from a bushfire event are indicated as **major**, some fatalities, significant damage, significant financial loss, extensive injuries.

Due to the type & extent of vegetation surrounding the proposal a potential fire run can take place in extreme weather conditions. A landscape fire is possible approaching from the west or the south.

The main driveway access into the site is from **Bathe Road**. This is a dual carriageway, linking to **Toomuc's** closest CFA Fire Station located **2.9 km** via road on **44 Brown Road Pakenham southeast** of the entrance driveway.

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## Location & Landscape Assessment



**Figure 4** Location of site

Wind Directions	Proposal	Root to NSP	NSP

Cardinia Shire has **several** designated Neighbourhood Safe Places (NSP). The Narre Warren North at the Municipal Reserve is the closest NSP at approx. 17.0km as you can see in *Figure 4* above. But Pakenham CBD is closer at approx. 8.0km

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## 5.1.1 Landscape risk

Clause 13.05 stipulates that new development is only permitted where ‘the risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level’. To assist in defining the risk, four 'broader landscape types', representing different risk levels are described in “*Planning Permit Applications Bushfire Management Overlay Technical Guide Sep. 2017*”.

The four types range from low risk landscapes where there is little hazardous vegetation beyond 150m of the site and extreme bushfire behaviour is not credible, to extreme risk landscapes with limited or no evacuation options.

The Technical Guide outlines four Landscape Types. The local landscape character surrounding the property is most attributable to Landscape **Type 3**;

Table 1- Landscape risk

Broader Landscape Type 1	Broader Landscape Type 2	Broader Landscape Type 3	Broader Landscape Type 4
<ul style="list-style-type: none"> <li>• There is little vegetation beyond 150m of the site (except grasslands and low-threat vegetation).</li> <li>• Extreme bushfire behaviour is not possible.</li> <li>• The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property.</li> <li>• Immediate access is available to a place that provides shelter from bushfire.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Bushfire can only approach from one aspect and the site is located in a suburban, township or urban m area managed in a minimum fuel condition.</li> <li>• Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Bushfire can approach from more than one aspect.</li> <li>• The site is in an area that is not managed in a minimum fuel condition.</li> <li>• Access to an appropriate place that provides shelter from bushfire is not certain.</li> </ul>	<ul style="list-style-type: none"> <li>• The broader landscape presents an extreme risk.</li> <li>• Evacuation options are limited or not available.</li> </ul>

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## 5.2 Bushfire History

Cardinia Shire areas are prone to bushfires, the area has been impacted by bushfires in the recent history, bushfires have been recorded in the wider area and in the immediate area surrounding the subject site.

Controlled burns have taken place and a wildfire history has been recorded in the wider areas surrounding the proposal as you can see on Map 2. The immediate area has a fire history, and the publicly available database indicates that the site itself has experienced bushfire in 1983.

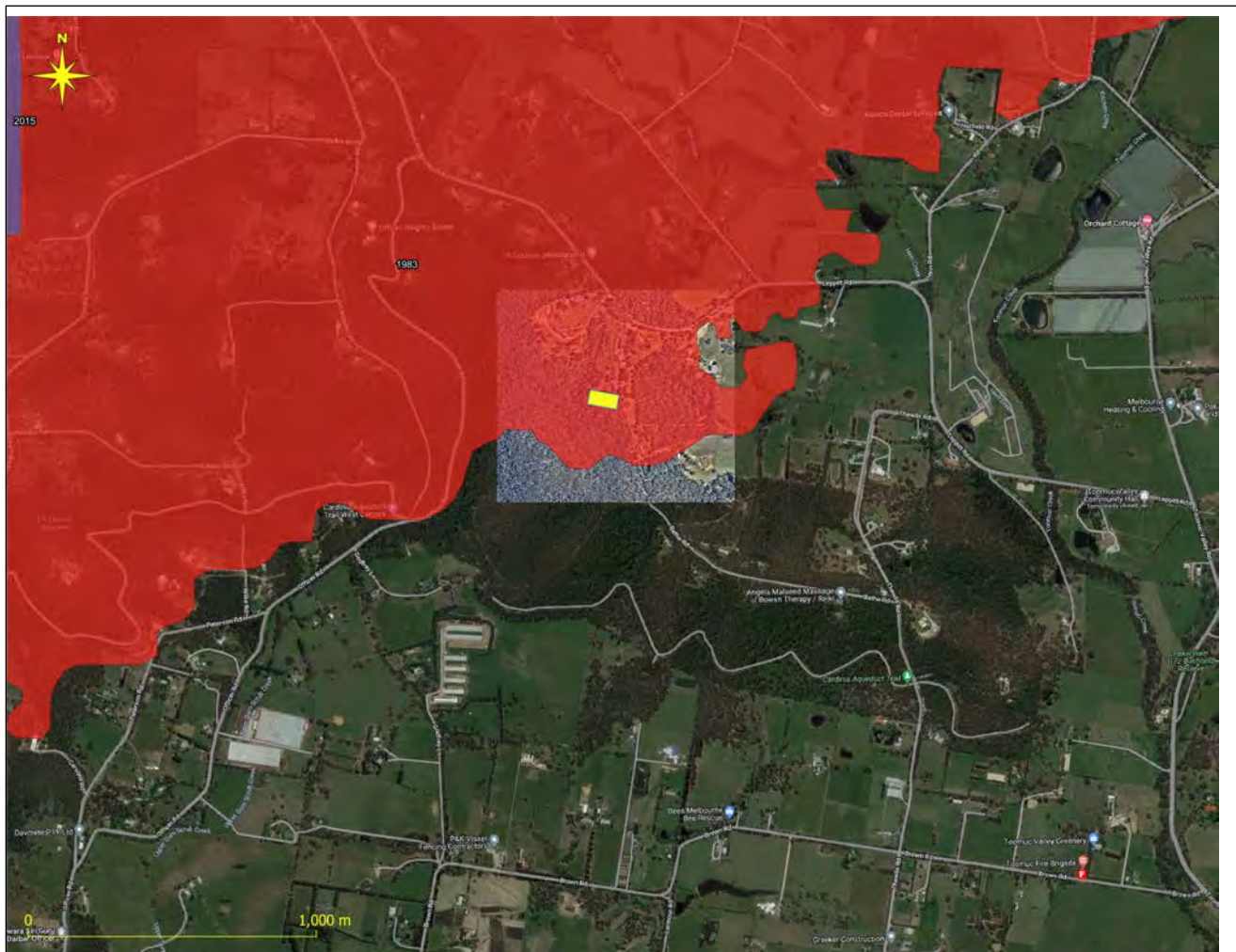
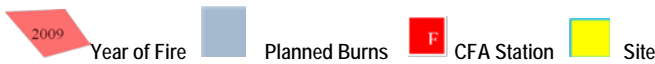


Figure 5 Bushfire history & planned burns around the proposal QGIS data.vic.gov.au, google maps & nearmap



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## 5.3 Bushfire Scenario

The most likely bushfire scenarios are those typically associated with the direction of the wind on severe or higher, fire danger days i.e. approach of bushfire from the north, northwest, west or southwest.

Hazard vegetation in this occasion is located **west** from the proposal, the development site will be impacted upon by a **moderate, landscape scale** fire approaching from the **west, southwest**. A fire from these directions would approach through the **forested** areas of driven by hot, dry **west, south-western** winds commonly experienced during summer after a wind change.

Whilst the **south & western forested** areas may temperate the speed and intensity of the fire before it impacted the site, under the BMO conditions of low humidity, elevated temperatures and fierce winds, the development could be subjected to significant ember attack and possibly radiant heat. The cleared areas around the development are a considerable asset in this scenario and substantially reduce the threat of radiant heat and flame impacts.

The **forested** areas to the **west and south** of the site are a potential hazard to the development and could result in a fire approaching from the **west or south**, generating significant ember attack and radiant heat.

Whilst the **forested** area, can cause substantial amounts of embers and burning material to be blown long distances, the development site is sufficiently setback (173 agreement) from the **hazard** such that it will be able to provide appropriate defendable space, commensurate with the risk and proposed construction standard of the building.

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## 6 Bushfire Management Statement

### 6.1 Landscape, siting and design objectives

- Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.
- Development is sited to minimise the risk from bushfire.
- Development is sited to provide safe access for vehicles, including emergency vehicles. Building design minimises vulnerability to bushfire attack.

Compliance with these objectives at Clause 53.02-4.1 is proposed via the following Approved measures.

#### 6.1.1 Approved measure 2.1 Landscape

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

As identified in Section 5 the landscape is **one** of extreme bushfire risk. Whilst a landscape scale bushfire could impact the site, the speed and intensity of a fire approaching from the **south**, will be somewhat moderated by maintained land managed to low fuel levels Surroundings of the proposal and of areas of low threat and/or non-vegetated areas north, east and south of the site as in the attached 173 Agreement.

To the west & **south** there are large contiguous **forested** areas and the possibility of a potential fire run in extreme weather conditions of high temperatures and low humidity is feasible.

It is proposed that the risk can be mitigated to an acceptable level by implementing bushfire protection measures in compliance with the BMO requirements including BAL construction standard, commensurate defensible space, provision of a water supply for firefighting, ensuring good access and egress are available for occupants and emergency services and, most importantly, management planning in the form of a Bushfire Emergency Management Plan.

#### 6.1.2 Approved measure 2.2 Siting

*A building is sited to ensure the site best achieves the following:*

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

The proposed development is sited to have maximum distance from hazard vegetation from all aspects. Sufficiently distant to achieve BAL-29 but due to landscape assessment and Council's requirement not to encroach on western vegetation the bushfire attack level increases to **BAL-40** and defensible space of **31m east, south, west and to the property boundary north** .

The building will be sufficiently distant from hazardous vegetation such that 'Table 2' to Clause 53.02-5 setbacks are achieved (please refer to Defensible Space Map 3).

The proposed development is close to a main public road enabling access and egress in compliance with BMO requirements for emergency vehicles and occupants/visitors.

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## 6.1.3 Approved measure 2.3 Design

*A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.*

All BAL standards above BAL-Low are deemed to satisfy the building code requirement that buildings be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the:

- (a) 'potential for ignition caused by embers, radiant heat or flame generated by a bushfire; and
- (b) intensity of the bushfire attack on the building' (Building Code of Australia 2016).

The design of the buildings will aim to facilitate wind flow over the building and easy maintenance (e.g. cleaning of gutters) and avoid complex roof lines which may allow build-up of debris (e.g. accumulation of leaves and bark) and trap embers. Walls and eaves should similarly avoid or minimise re-entrant corners and other features that may trap debris and embers. The proposal will be constructed with a **BAL-40**.

## 6.2 Defendable space and construction objectives

*'Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings'.*

Compliance with this objective is proposed via the following Approved and Alternative measures.

**Approved measure 3.1 (AM 3.1)** requires that: 'A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:

- Column A, B or C of Table 2 to Clause 53.02-5 wholly within the title boundaries of the land; or If there are significant siting constraints,
- Column D of Table 2 to Clause 53.02-5.

The building is sufficiently distant to achieve BAL-29 but due to landscape assessment and Council's requirement not to encroach on western vegetation the bushfire attack level increases to **BAL-40** and defendable space of **31m east, south, west and to the property boundary north** provided in accordance with Clause 53.02-5 Table 2.

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## 6.2.1 Building defensible space

The habitable building will be constructed with a **BAL-40**. for vegetation classified as **forest** on an effective slope of 5-10° downslope, required defensible space is **31m east, south, west and to the property boundary north** .



**Figure 6** Defensible Space is within *adjacent* property complying with Table 6 standards.

## 6.2.2 Adjoining property defensible space

### Alternative measures 3.3 (AltM 3.3)

Adjoining land may be included as defensible space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.

Required vegetation setback of **31m east, south, west and to the property boundary north** are achieved within **adjacent** property where vegetation is **maintained to low fuel levels** as in Clause 53.02-5 Table 6 standards.

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### 6.3 Water supply and access objectives

*'A static water supply is provided to assist in protecting the property.*

*Vehicle access is designed and constructed to enhance safety in the event of a bushfire'.*

These objectives can be achieved via Approved measures 4.1 (AM 4.1):

*'A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:*

- A static water supply for firefighting and property protection purposes specified in Table 4 to Clause 53.02-5.*
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5'.*

*The water supply may be in the same tank as other water supplies if a separate outlet is reserved for firefighting water supplies.*

It is proposed that a minimum total capacity of **10,000**-litres be provided as a dedicated static water supply for bushfire firefighting only.

#### **Access**

Internal roads will provide access in accordance with the vehicle access design and construction specifications in Table 5 to Clause 53.02-5 (detail provided as Appendix 4).

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## 7 Clause 13.02-1S Bushfire

Clause 13.02-1S Bushfire has the objective to “strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life”. This clause applies to land within the Bushfire Prone Area (BPA), BMO or proposed to be used or developed in a way that may create a bushfire hazard. Clause 13.02-1S contains five strategies to meet the objective, being:

- Protection of human life.
- Bushfire hazard identification and assessment.
- Settlement planning.
- Areas of high biodiversity conservation value; and
- Use and development control in a BPA.

This development addresses the requirements of Clause 13.02-1S in several ways. It is considered that the development can appropriately prioritise the protection of human life by ensuring that the proposed building within the development will not be exposed to a radiant heat flux of more than **40** kilowatts/square metre, which is commensurate to a BAL **40** construction standard.

The lot is **4,889** m<sup>2</sup> and is required to provide a minimum static water supply of **10,000** - litres as per Table 4 to Clause 53.02-5. Vehicles can easily access the development since it is on a main public road.

This report identifies the bushfire hazard and applies the standard site assessment methodology used in AS3959-2018 and Clause 53.02, which is applied to developments in the BMO and is based on the best available science. The bushfire modelling inputs that form the basis for this methodology factor in vegetation type (e.g., Woodland, Grassland), potential fuel-loads in a long-unburnt vegetation community, weather conditions on higher bushfire risk days (e.g. wind speed, fuel moisture content, days since last rainfall) and the effect of slope gradient on the way fire travels through unmanaged vegetation. The site assessment process and desktop assessment using GIS software has determined the most appropriate vegetation type and commensurate slope category for each section/aspect of unmanaged vegetation.

Non-vegetated areas such as dwellings, roads, driveways and footpaths are considered part of a landscape in which a building would be rated as BAL-LOW (AS3959- 2018). Occupants will be able to move towards areas rated as BAL-LOW by travelling in a generally **southern** direction into a highly urbanised area, or at the more localised scale, directly **north** on **Bathe Road** leading to the closest NSP in **Narre Warren North**.

The CFA specify that areas where development should not proceed could include:

- Isolated settlements where the size and/or configuration of the settlements will be insufficient to modify fire behaviour and provide protection from a bushfire.
- Where bushfire protection measures will not reduce the risk to an acceptable level.
- Where evacuation (access) is severely restricted.
- Where the extent and potential impact of required bushfire protection measures may be incompatible with other environmental objectives or issues, e.g., vegetation protection, land subject to erosion or landslip’ (CFA, 2015).

None of these criteria or characteristics are applicable to the area of the proposed.



## 8 Overall Conclusion

The proposed development has been assessed under Clause 53.02 & AS 3959 – 2018.

An assessment of the site conditions & adjoining property has categorised this site as “**BAL 40**” fire risk, with Sections 3 & 8 utilised for the building construction under AS3959 and is subject to the recommendations outlined above.

The proposed development has been sited and designed to avoid on and off-site constraints. AS3959 2018’ Construction of buildings in a bushfire prone area’ describes **risk category for:**

- BAL – 12.5 as: “Ember Attack”
- BAL – 19 as: “Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 12.5-19KW”
- **BAL – 29 as: “Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 19-29KW”**
- BAL – 40 as: “Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux with the increased likelihood of exposure to flames.
- BAL – FZ as: Direct exposure to flames from fire front in addition to heat flux and ember attack.

The final categorization of this site is subject to the relevant fire authority (CFA/MFB) review and approval.

Overall, the proposed development meets the requirements of the BMO and Clause 53.02– Bushfire Protection: Planning requirements.

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## Appendix 1: BMO vegetation management standards

### Clause 53.02.5 Table 6 Vegetation management requirement

#### Vegetation management requirement

Defendable space is provided and is 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.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

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## Appendix 2: BMO static water supply requirements

Table 4 from Clause 53.02-5

**Table 4 Water supply**

Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

Water tank

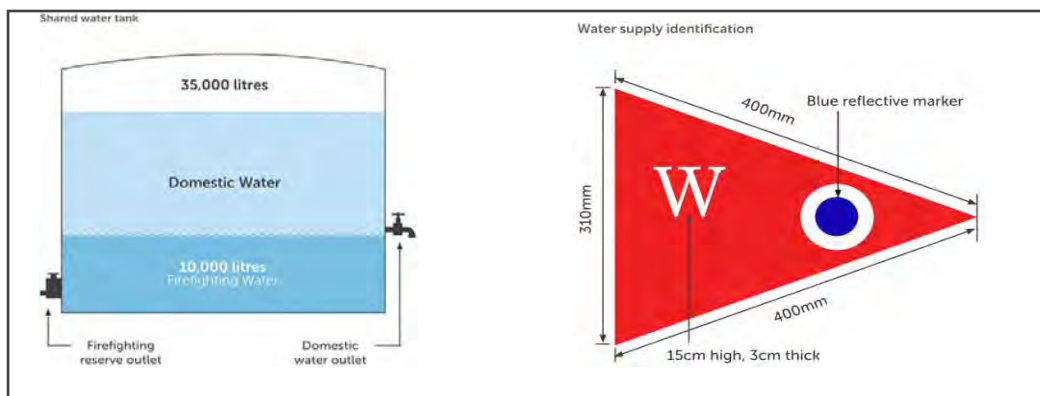
*Note 1: A hydrant is available if it is located within 120 metres of the rear of the building*

*Note 2: Fittings must be in accordance with the published requirements of the relevant fire authority.*

requirements

The water supply should

be stored in an above ground water tank constructed of concrete, steel or corrugated iron. The water supply should be identified. The water supply may be provided in the same water tank as other water supplies



provided they are separated with different outlets'.

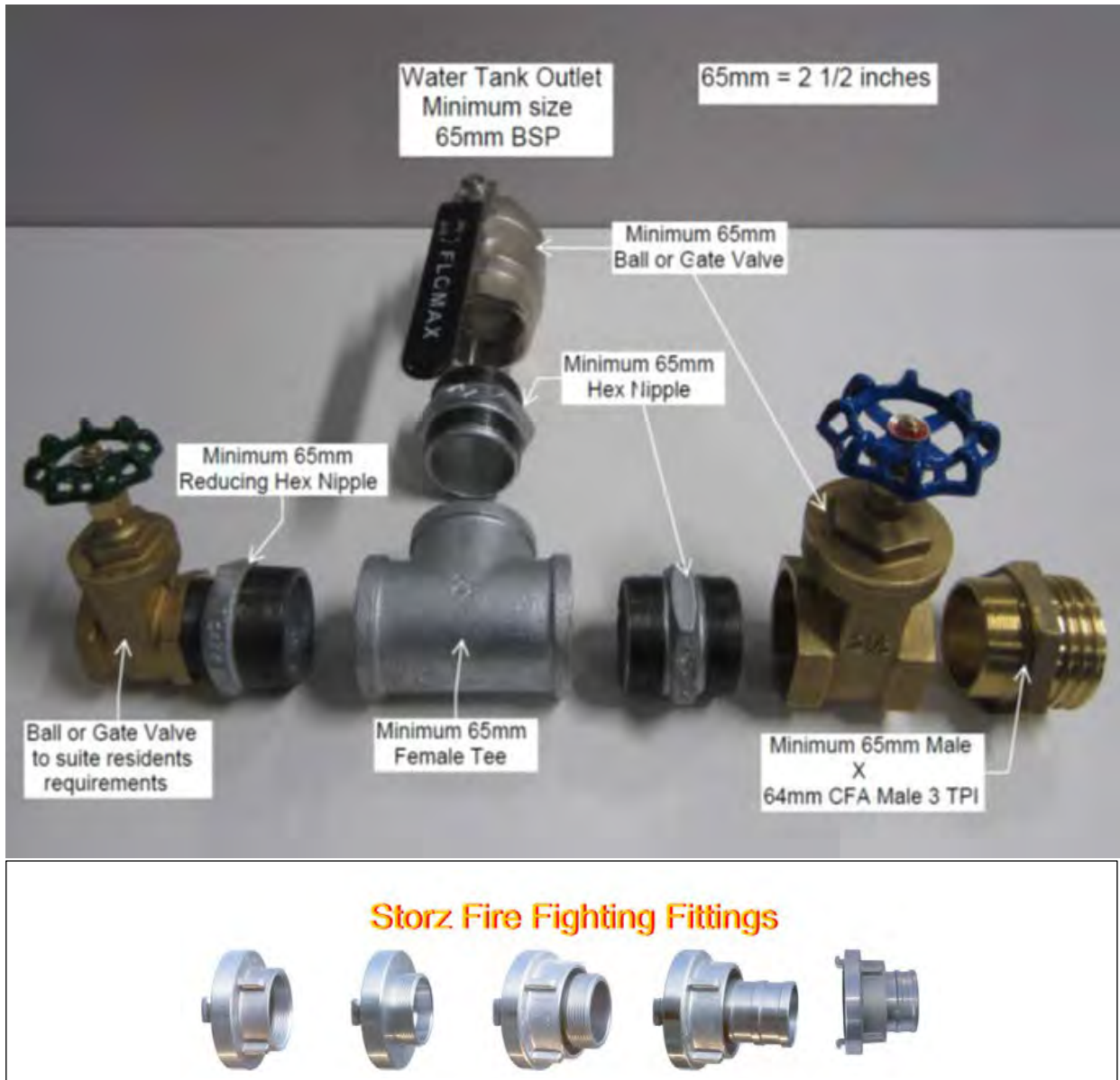
### CFA Fittings (CFA, 2014b)

'If specified within Table 4 to Clause 53.02-5 (if fire brigade access to your water supply is required), CFA's standard BMO permit conditions require the pipe work, fittings and tank outlet to be a minimum size of 64 mm.

65 mm BSP (British Standard Pipe) is the most common size available. A 65mm fitting is equivalent to the old 2 1/2 inch. A 65 mm BSP (2 1/2 inch) fitting exceeds CFA's requirements and will therefore comply with CFA's standard permit conditions for the BMO.

Diagram 1 below shows some common tank fittings available at most plumbing suppliers which meet the connection requirements. It includes a 65mm tank outlet, two 65 mm ball or gate valves with a 65mm male to 64 mm CFA 3 threads per inch male coupling. This is a special fitting which allows the CFA fire truck to connect to the water supply. An additional ball or gate valve will provide access to the water supply for the resident of the dwelling'

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**Diagram 1 CFA Standard permit conditions for water supply, in FRV areas pls check if they use same fittings or Storz Fitting apply.**

### Conditions required for all applications

'Show [xx litres] of effective water supply for firefighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal'.

Additional conditions to apply if CFA fittings and access is required

'The water supply must also –

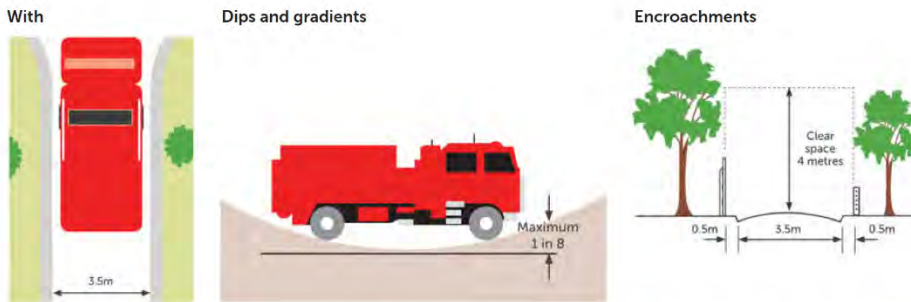
- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the access way and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling)'.



## Appendix 3: BMO access requirements

Where the length of access is greater than 30 metres the following design and construction requirements apply:

- 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 of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- A load limit of at least 15 tonnes and be of all-weather construction.
- 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.
- A cleared area of 0.5 metres is required to allow for the opening of vehicle doors along driveways.



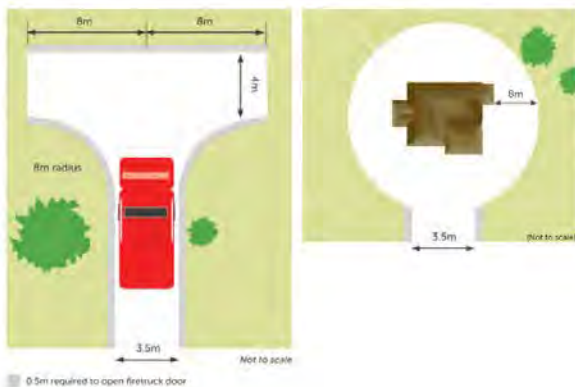
Practice Note 65 | Preparing and Assessing a Planning Application Under the Bushfire Provisions in Planning Schemes

### Access between 100 metres to 200 metres in length

In addition to the above:

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 8 metres
- a driveway encircling the dwelling
- 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.

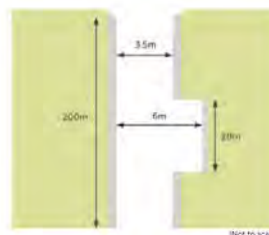


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### Access greater than 200 metres in length

In addition to the above, passing bays are required at least every 200 metres that are:

- a minimum of 20 metres long
- with a minimum trafficable width of 6 metres.



development.





**Bushfire Protection Measures**

**Mandatory Condition**  
The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

**a) Defendable Space**  
Defendable space is provided for a distance around the building of **31m east, south, west and to the property boundary north** and managed in accordance with the following:

- 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.

**b) Construction Standard**  
Building designed and constructed to a minimum Bushfire Attack Level of BAL 40

**c) Water Supply**  
The following requirements apply:

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

**d) Access**  
Access Required: Yes  
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 nom more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.10) entry and exit angle.

**Length of access is greater 100 metres: No**

- A turning circle with a minimum radius of eight metres, or
- A driveway encircling the building, or
- 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.

**Length of driveway is greater than 200 metres: No**  
Where length of access is greater than 100 metres the following design and construction requirements apply:

- Passing bays are required at least every 200 metres that are a minimum 20 metres long and a minimum trafficable width of 6 metres.



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## **NATIVE VEGETATION REMOVAL REPORT (NVR)**

**SITE ADDRESS:**

131 Bathe Rd Pakenham

**REPORT DATE:**

8th July 2024

**TREETEC REFERENCE:**

bath0324hw\_NVA

**PREPARED FOR:**

[REDACTED]

**PREPARED BY:**

[REDACTED]

*Bachelor of Applied Science (Hort)*

*Accredited Native Vegetation Assessors*

03 8644 8005

admin@treetec.net.au

# Native Vegetation Removal Report

NVRR ID: 311\_20240708\_I36

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines). This report **is not an assessment by DEECA** of the proposed native vegetation removal. Offset requirements have been calculated using modelled condition scores.

## Report details

**Date created:** 08/07/2024

**Local Government Area:** CARDINIA SHIRE

**Registered Aboriginal Party:** Bunurong


**Coordinates:** 145.44069, -38.02848

**Address:** 131 BATHE ROAD PAKENHAM 3810

## Summary of native vegetation to be removed

Assessment pathway	Intermediate Assessment Pathway		
<b>Location category</b>	<b>Location 1</b> The native vegetation extent map indicates that this area is not typically characterised as supporting native vegetation, it does not meet the criteria to be classified as Location Category 2 or 3. The removal of less than 0.5 hectares of native vegetation in this area will not require a Species Offset.		
<b>Total extent including past and proposed removal (ha)</b> <i>Includes endangered EVCs (ha): 0</i>	<b>0.061</b>	<i>Extent of past removal (ha)</i>	0
		<i>Extent of proposed removal - Patches (ha)</i>	0.061
		<i>Extent of proposed removal - Scattered Trees (ha)</i>	0.000
<b>No. Large Trees proposed to be removed</b>	<b>1</b>	<i>No. Large Patch Trees</i>	1
		<i>No. Large Scattered Trees</i>	0
<b>No. Small Scattered Trees</b>	0		

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## Offset requirements if approval is granted

Any approval granted will include a condition to secure an offset, before the removal of native vegetation, that meets the following requirements:

<b>General Offset amount <sup>1</sup></b>	<b>0.064 General Habitat Units</b>
Minimum strategic biodiversity value score <sup>2</sup>	0.624
Large Trees	1
Vicinity	Melbourne Water CMA or CARDINIA SHIRE LGA

NB: values within tables in this document may not add to the totals shown above due to rounding.


The availability of third-party offset credits can be checked using the Native Vegetation Credit Register (NVCR) Search Tool - <https://nvcr.delwp.vic.gov.au>

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1. The General Offset amount required is the sum of all General Habitat Units in Appendix 1.

2. Minimum strategic biodiversity value score is 80 per cent of the weighted average score across habitat zones where a General Offset is required.





## Application requirements

Applications to remove, destroy or lop native vegetation must include all the below information. If an appropriate response has not been provided the application is not complete.

### Application Requirement 1 - Native vegetation removal information

If the native vegetation removal is mapped correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 1.

### Application Requirement 2 - Topographical and land information

This statement describes the topographical and land features in the vicinity of the proposed works, including the location and extent of any ridges, hilltops, wetlands and waterways, slopes of more than 20% gradient, low-lying areas, saline discharge areas or areas of erosion.

The land is in private ownership. The owners wish to construct a dwelling which requires the establishment of compliant defensible space to BAL40. The block slopes steeply down to the west and has a westerly aspect. There was an existing foundation of a building constructed under a previous permit and previous ownership. This has since been cleared and a new proposal developed. Most of the site is mapped as Location 1, with a small area to the south-west corner mapped as Location 3 and connecting to excellent quality bush offsite. The location of the development is towards the front of site due to the steepness and access gradient required for the driveway.

### Application Requirement 3 - Photographs of the native vegetation to be removed

Application Requirement 3 is not addressed in this Native Vegetation Removal Report. All applications must include recent, timestamped photos of each Patch, Large Patch Tree and Scattered Tree which has been mapped in this report.

### Application Requirement 4 - Past removal

If past removal has been considered correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 4.

### Application Requirement 5 - Avoid and minimise statement

This statement describes what has been done to avoid and minimise impacts on native vegetation and associated biodiversity values.

The location of the dwelling is as far to the front of the site (east) as practicable due to the steep slope and the gradient required to be met to establish a driveway compliant with CFA and trafficable. Existing site cuts are utilised as are existing levels.

The vegetation proposed to be offset is a remnant to the edge of the calculated defensible space perimeter which contains 5 trees (3 live and two dead, one of which is a Large Old Tree) and native understorey vegetation which will need to be considered lost due to modification required to meet the defensible space requirements.

The defensible space area has been reduced by increasing the BAL from 29 to 40, which has in turn reduced the area and avoided the better quality vegetation mapped as Location 3 to the south west of the site.



No current opportunities exist to avoid and minimise the vegetation removal without undermining the objectives of the project.

**Application Requirement 6 - Property Vegetation Plan**

This requirement only applies if an approved Property Vegetation Plan (PVP) applies to the property  
Does a PVP apply to the proposal?

No

**Application Requirement 7 - Defendable space statement**

Where the removal of native vegetation is to create defendable space, this statement:

- Describes the bushfire threat; and
- Describes how other bushfire risk mitigation measures were considered to reduce the amount of native vegetation proposed for removal (this can also be part of the avoid and minimise statement).

This statement is not required if, the proposed defendable space is within the Bushfire Management Overlay (BMO), and in accordance with the 'Exemption to create defendable space for a dwelling under Clause 44.06 of local planning schemes' in Clause 52.12-5.

A BMP and BMS has been prepared by Keystone Alliance. BAL proposed is 40. The adopted defendable space does not exceed the specifications outlined in Table 1, Cl. 53.02-3.

The bushfire risk to the site is recognised, as is the establishment and maintenance of compliant defendable space, which will require the modification of the understorey vegetation, and canopy separation between trees to be maintained as per the BMS. Regular fuel load reduction also needs to be undertaken.

Building BAL has been increased to 40, and bushfire resilient design measures employed. Water tanks are to be installed for fire fighting purposes.

Despite these bushfire mitigation measures proposed, native vegetation will still require removal to meet the defendable space criteria.

**Application Requirement 8 - Native Vegetation Precinct Plan**

This requirement is only applicable if you are removing native vegetation from within an area covered by a Native Vegetation Precinct Plan (NVPP), and the proposed removal is not identified as 'to be removed' within the NVPP.

Does an NVPP apply to the proposal?

No

**Application Requirement 9 - Offset statement**

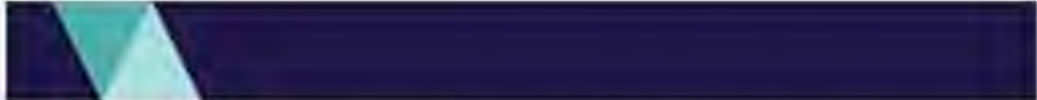
This statement demonstrates that an offset is available and describes how the required offset will be secured. The Applicant's Guide provides information relating to this requirement.

A third party offset will be purchased as a Vegetation credit once the planning process has progressed. First party offset is not available on our site due to the proximity of neighbouring dwellings. Vegetation

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## Next steps

Applications to remove, destroy or lop native vegetation must address all the application requirements specified in the Guidelines. If you wish to remove the mapped native vegetation you are required to apply for approval from the responsible authority (e.g. local Council). This Native vegetation removal report must be submitted with your application and meets most of the application requirements. The following requirements need to be addressed, as applicable.

### **Application Requirement 3 - Photographs of the native vegetation to be removed**

Recent, dated photographs of the native vegetation to be removed **must be provided** with the application. All photographs must be clear, show whether the vegetation is a Patch of native vegetation, Patch Tree or Scattered Tree, and identify any Large Trees. If the area of native vegetation to be removed is large, provide photos that are indicative of the native vegetation.

Ensure photographs are attached to the application. If appropriate photographs have not been provided the application is not complete.

### **Application Requirement 6 - Property Vegetation Plan**

If a PVP is applicable, it must be provided with the application.

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## Appendix 1: Description of native vegetation to be removed

General Habitat Units for each zone (Patch, Scattered Tree or Patch Tree) are calculated by the following equation in accordance with the Guidelines.

***General Habitat Units = extent without overlap x condition score x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)***

The General Offset amount required is the sum of all General Habitat Units per zone.

### Native vegetation to be removed

Information provided by or on behalf of the applicant			Information calculated by NVR Map							
Zone	Type	DBH (cm)	EVC code (modelled)	Bioregional conservation status	Large Tree(s)	Condition score (modelled)	Polygon extent (ha)	Extent without overlap (ha)	SBV score	General Habitat Units
1	Patch	-	HSF_0128, HSF_0016	Least Concern, Vulnerable	1	0.790	0.061	0.061	0.780	0.064



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## Appendix 2: Images of mapped native vegetation

### 1. Property in context



-  Proposed Removal
-  Property Boundaries



200 m

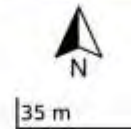
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## 2. Aerial photograph showing mapped native vegetation



Proposed Removal



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### 3. Location Risk Map



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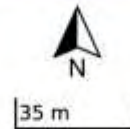
#### 4. Strategic Biodiversity Value Score Map



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### 5. Condition Score Map



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## 6. Endangered EVCs

Not Applicable

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Site with existing cuts looking south with Bathe Rd entrance to the top ( Left – east)



Vegetation along the north boundary (exempt)

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Tree 5 & Tree 4- retain, Tree 3 – remove      Tree 6 - remove



Trees 7 & 8 - remove

Tree 7 (LHS) - remove

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Looking south with Trees 7 & 8 (LHS)    Looking east with Tree 8 (RHS)



Trees 7 & 8 and existing earthworks looking north

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Tree 9



Tree 10



Looking north-west from south boundary Tree 11 at LHS & Trees 10 & 9 above

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Good quality native understorey vegetation – moderate-high biodiversity



Sundew and Mat-rush

Soil crust/profile and litter - native

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Weeds of concern – Pokeroot (above) and Ragwort



Burgan regrowth (FR) and mature specimens (RR)

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Native understorey vegetation to be offset



Native Heath and Saw Sedge



Understorey vegetation along north boundary

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Looking east along south boundary fence line



Looking north (west to east)



Looking east (north to south)

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Looking west showing highest quality native vegetation to remain (RR)



Looking west down southern fenceline. Driveway to Bathe Rd



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Trees on nature-strip -retained including Pine Trees (weed species)

Table 1: Trees assessed onsite (proposed for removal) showing DBH (arb report) and then DBH of largest trunk @ 1.3m above NGL in line with Native vegetation assessment guidelines

No.	Species	DBH cm	Circ cm Lrgst Trunk	TPZ	R/ Ret	Offset	Notes
1	<i>Eucalyptus dives</i> (Broad-leaved Peppermint)	22	69	2.6	Ret	N	Retained – existing conditions
2	<i>Eucalyptus goniocalyx</i> (Long-leaf Box)	46	144	5.5	Ret	N	Retained – existing conditions
3	<i>Acacia mearnsii</i> (Black Wattle)	16	50	2.0	R	N	High impact. Can be removed under Clause 52.12-2 as <1m from boundary fence.
4	<i>Eucalyptus goniocalyx</i>	29	91	3.2	Ret	N	Retained
5	<i>Eucalyptus dives</i>	36+ 23= 43	113	5.3	Ret	N	Retained

No.	Species	DBH cm	Circ cm Lrgst Trunk	TPZ	R/ Ret	Offset	Notes
6	<i>Eucalyptus</i> sp.	63	198		R	Y >40cm DBH	Dead. Current plans show fill within the TPZ.
7	<i>Eucalyptus goniocalyx</i>	67+ 49= 83	210	10.1	R	Y	High impact assessment.
8	<i>Eucalyptus</i> sp.	104 L.O.T.	326		R	Y >40cm DBH	Dead. Current plans show fill within the TPZ.
9	<i>Eucalyptus dives</i>	16	50	2.0	Ret	Y	Retained – considered lost
10	<i>Eucalyptus dives</i>	15	47	2.0	R	Y	Offset
11	<i>Eucalyptus dives</i>	35+ 83= 90 L.O.T.	261	10.7	Ret	N	Retained – manage understorey
12	<i>Eucalyptus goniocalyx</i>	68		8.2	Ret	N	No longer affected. Beyond revised Defendable Space perimeter.
13	<i>Eucalyptus goniocalyx</i>	88 L.O.T.		10.6	Ret	N	No longer affected. Beyond revised Defendable Space perimeter.
14	<i>Eucalyptus goniocalyx</i>	46		5.5	Ret	N	No longer affected. Beyond revised Defendable Space perimeter.
15	<i>Eucalyptus goniocalyx</i>	36		4.3	Ret	N	No longer affected. Beyond revised Defendable Space perimeter.
16	<i>Eucalyptus goniocalyx</i>	42		5.0	Ret	N	No longer affected. Beyond revised Defendable Space perimeter.

Table 2: Plant list – Indigenous

Species	Common Name
<i>Eucalyptus goniocalyx</i>	Long-leaf Box
<i>Eucalyptus dives</i>	Broad-leaved Peppermint
<i>Acacia mearnsii</i>	Black Wattle
<i>Kunzea</i> sp.	Burgan
<i>Acacia stricta</i>	Hop Wattle
<i>Cassinia aculeata</i>	Common Cassinia

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<b>Species</b>	<b>Common Name</b>
<i>Epacris impressa</i>	Common Heath
<i>Acrotriche serrulata</i>	Honey Pots
<i>Acaena novae-zealandiae</i>	Bidgee Widgee
<i>Xanthosia leophylla</i>	Parsley Xanthosia
<i>Gonocarpus humilis</i>	Shade Raspwort
<i>Gonocarpus tetragynus</i>	Common Raspwort
<i>Goodenia lanata</i>	Trailing Goodenia
<i>Senecio minimus</i>	Shrubby Fireweed
<i>Senecio glomeratus</i>	Annual Fireweed
<i>Senecio linearifolius</i>	Fireweed Groundsel
<i>Drosera</i> sp.	Sundew
<i>Euchiton japonicus</i>	Creeping Cudweed
<i>Gahnia radula</i>	Thatch Saw-sedge
<i>Gahnia sieberiana</i>	Red-fruit Saw-sedge
<i>Juncus pallidus</i>	Pale Rush
<i>Lomandra filiformis</i>	Wattle Mat-rush
<i>Rytidosperma</i> sp.	Wallaby Grass
<i>Themeda triandra</i>	Kangaroo Grass
<i>Microlaena stipoides</i>	Weeping grass
<i>Carex breviculmis</i>	Short-stem Sedge
<i>Poa sieberiana</i>	Grey Tussock Grass
<i>Eragrostis brownii</i>	Common Love-grass
<i>Austrostipa</i> sp.	Spear-grass
<i>Anthrosachne scabra</i>	Common Wheat Grass

Table 3: Plant list – Weeds

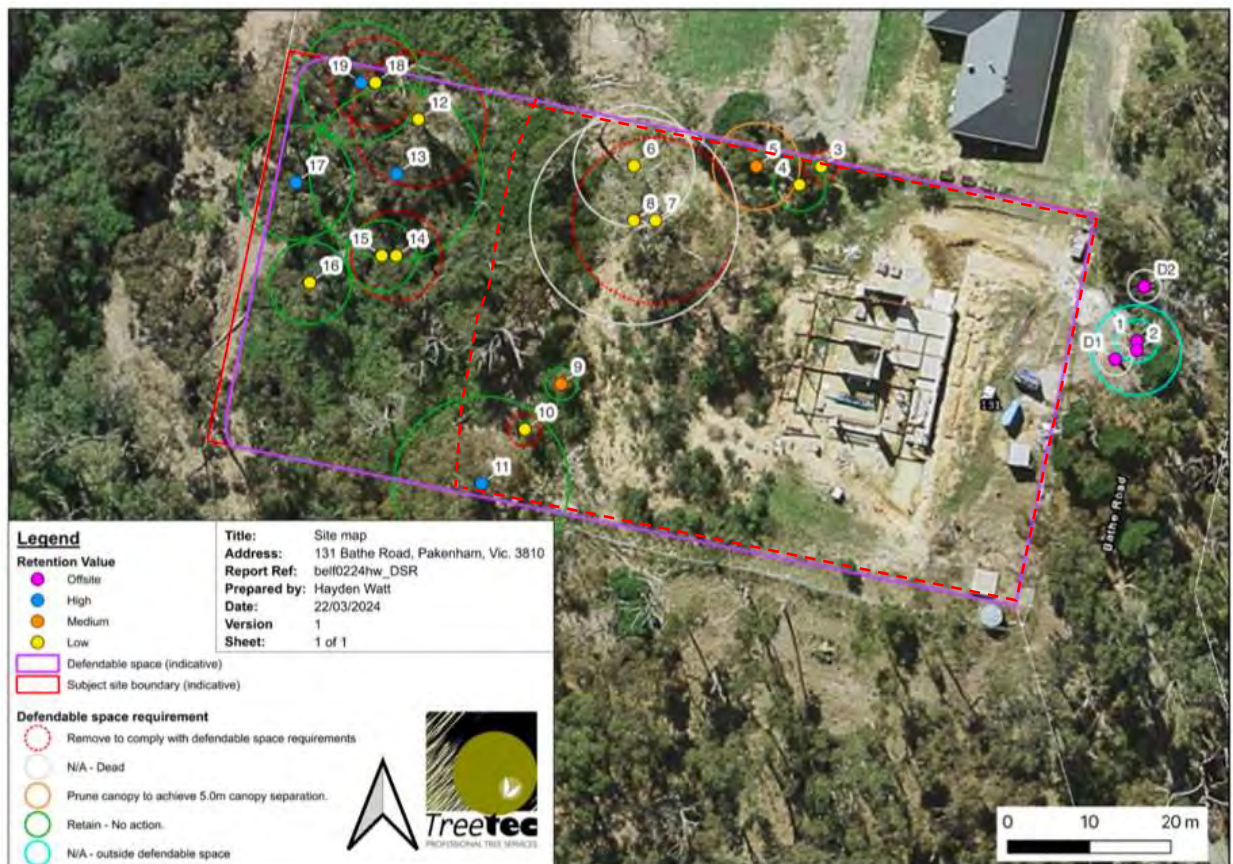
<b>Species</b>	<b>Common Name</b>
<i>Pinus radiata</i>	Radiata Pine
<i>Phytolacca americana</i>	Pokeweed
<i>Rubus fruticosus</i>	Blackberry
<i>Senecio jacobaea</i>	Ragwort
<i>Cortaderia sellowana</i>	Pampas Grass
<i>Cirsium vulgare</i>	Spear Thistle
<i>Sonchus oleraceus</i>	Sow Thistle
<i>Stellaria media</i>	Chickweed
<i>Trifolium repens</i>	Clover
<i>Centaureum erythraea</i>	Common Centaury
<i>Cynodon dactylon</i>	Common Couch grass
<i>Cyperus eragrostis</i>	Umbrella Sedge
<i>Holcus lanatus</i>	Yorkshire Fog Grass
<i>Watsonia meriana</i>	Bulbil Watsonia

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Location risk showing Loc.3 now avoided with BAL40 applied.



Map 1: Site plan showing development and tree management proposed (retain/remove)  
 NB: Trees 11-19 are now all being retained as they are beyond the new reduced Defendable Space perimeter – refer BMP

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**DOCUMENT TRANSMITTAL**

DATE 17/06/2024

JOB NO. GJG24123 370272

TO [REDACTED]

PROJECT ADDRESS Lot 1, 131 Bathe Road Pakenham

We forward herewith the following drawings:

**Drawing Transmittal**

Issued date	ID	Name	Issue
<b>17/06/2024 9:55 AM, Working Drawings</b>			
	WD-1	Transmittal	05-WD-01
	WD-2	3D Perspectives	05-WD-01
	WD-3	General Notes	05-WD-01
	WD-4	Feature Survey	05-WD-01
	WD-5	Bushfire Details	05-WD-01
	WD-6	Site Plan	05-WD-01
	WD-7	Floor Plan	05-WD-01
	WD-8	Roof Plan	05-WD-01
	WD-9	Gutter Calculations	05-WD-01
	WD-10	Elevations	05-WD-01
	WD-11	Elevations	05-WD-01
	WD-12	Section	05-WD-01
	WD-13	Section	05-WD-01
	WD-14	Section	05-WD-01
	WD-15	Electrical Plan	05-WD-01
	WD-16	Floor Coverings	05-WD-01
	WD-17	Internals	05-WD-01
	WD-18	Internals	05-WD-01

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Please find attached Working Drawings for your review in pdf format.  
Please check the current design is in accordance with your requirements.

**CLIENT AUTHORISATION**  
**PLEASE ✓ BOX AND RETURN TO BUILDINGDESIGNED**

- NO FURTHER CHANGES ARE REQUIRED
- AMEND THE DRAWINGS, PLEASE MARK UP THE DRAWINGS IN ACCORDANCE WITH ANY CHANGES THAT YOU REQUIRE
- COMMENCE FULL WORKING DRAWINGS

CLIENTS SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_

CLIENTS SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_









## GENERAL NOTES

### INTELLECTUAL PROPERTY AND USE OF THIS DOCUMENT

- This document has been prepared for the exclusive use of the client of buildingdesigned, for the purpose expressly notified to the designer. Any other person who uses or relies on these plans without the designer's written consent does so at their own risk and no responsibility is accepted by the designer for such use and/or reliance.
- This document is to be read in conjunction with all drawings, details and information provided by the consultants named herein, and with any other written instructions issued in the course of the contract.
- A building permit is required prior to the commencement of these works. The release of this document is conditional on the client obtaining the required building permit.

### MATERIALS AND TRADE PRACTICES

- All materials, construction and work practices shall comply with but not be limited to the current issue of Building Regulations 2018, National Construction Code 2022 Building Code Of Australia Vol. 2 (hereafter referred to as BCA), and all relevant current Australian Standards referred to therein.
- Work and site management practices shall comply with all relevant laws and by-laws.
- If any performance solution is proposed, it shall be assessed and approved by the [relevant building surveyor/building certifier] as meeting BCA performance requirements prior to implementation or installation.
- Installation of all services shall comply with the respective supply authority's requirements.

### VARIATIONS

- Should any conflict arise between these plans and BCA, Australian Standards or a manufacturer's instructions, this discrepancy shall be reported immediately to the designer, before any other action is taken.
- The client and/or the client's builder shall not modify or amend the plans without the knowledge and consent of the designer, except where the [relevant building surveyor/building certifier] makes minor necessary changes to facilitate the building permit application, and where such changes are reported back to the designer within 48 hours of their making.
- The approval by the designer of a substitute material, work practice or the like is not an authorisation for its use or a contract variation. Any variations and/or substitutions to materials or work practices shall be accepted by all parties to the building contract and, where applicable, the [relevant building surveyor/building certifier], prior to implementation.

### MEASUREMENTS

- Figured dimensions take precedence over scaled dimensions.
- Site plan measurements are in metres. All other measurements are in millimetres, unless noted otherwise.
- Unless noted otherwise, dimensions on floor plans, sections and external elevations represent timber frame and structural members, not finished linings/cladding.
- Window sizes are nominal only. Actual size may vary according to manufacturer.
- The builder and subcontractors shall check and verify all dimensions, setbacks, levels, specifications, and all other relevant documentation prior to the commencement of any works. Report all discrepancies to the designer for clarification.

### SITE CLASSIFICATIONS & PROPERTY INFORMATION

The climate zone for this site is 6.

Assumed design gust wind speed / wind classification is N1 (to be confirmed on site by [relevant building surveyor/building certifier]).

Environmental classification (saline and/or aggressive industrial environment per BCA Table 7.2.2a) is LOW. Soil classification is class 'M'

Refer to soil report no. ST-20812

by Geocore

The builder shall immediately report to the engineer any observable variation from this soil type. No cut/fill shall be within 100mm of neighbouring boundaries. This site is in a declared termite area. This site is in a declared bushfire area. Site bushfire attack level assessment is BAL 40. This site is not subject to flood overlay This site is not in an alpine area.

### SITE PROTECTION DURING THE CONSTRUCTION PERIOD

- Protective outriggers, fences, awnings, hoarding, barricades and the like shall be installed where necessary to guard against danger to life or property or when required by the relevant building surveyor and/or council.
- Where required by council, the builder shall construct a temporary crossing placed over the footpath.
- All practicable measures shall be implemented to minimise waste to landfill. The builder may use a construction waste recovery service, or sort and transport recyclable materials to the appropriate registered recycler. Materials shall not be burned on site.
- A site management plan shall be implemented from the commencement of works, to control sediment run-off in accordance with [insert relevant state/council guidelines or regulation]. Silt fences shall be provided to the low side of the allotment and around all soil stockpiles and storm water inlet pits/sumps and 'silt stop' filter bags or equivalent shall be placed over all storm water entry pits. Erosion control fabric shall be placed over garden beds to prevent surface erosion.
- Dust-creating material shall be kept sprayed with water so as to prevent any nuisance from dust.
- Waste materials shall not be placed in any street, road or right of way.
- Earthworks (unretained) shall not exceed 2m.
- Cut and fill batters shall comply with BCA Table 3.2.1.

### PROTECTION OF THE BUILDING FABRIC

- The builder shall take all steps necessary to ensure the stability and general water tightness of all new and/or existing structures during all works.
- Windows, doors and service penetrations shall be flashed all around.
- All pliable membranes shall be installed to comply and be in accordance with BCA 10.8.1
- Gutters and drainage shall be supplied and installed in accordance with AS3500.3.
- Anti-ponding devices/boards shall be installed according to BCA 7.3.5.
- Dampcourses with weepholes and cavity flashings shall be installed in accordance with AS4773.2.
- Surfaces around the perimeter of a residential slab shall fall away from that slab by not less than 50mm over the first 1m. Where not stipulated in the geotechnical report, freeboard shall be not less than 50mm from an impermeable surface or 150mm from a permeable surface.
- Subfloor vents shall be located >600mm from corners and be installed below bearers. Such vents shall provide a rate per 1000mm run of external or internal cross walls of:
  - 7,500mm<sup>2</sup> clear ventilation where particle board flooring is used; or
  - 6,000mm<sup>2</sup> for other subfloor types.
- [Where a building other than detached class 10 is located in a termite-prone area] the building shall be provided with a termite management system compliant with AS3660.1 or AS3660.2.
- In saline or industrial environments, masonry units, mortar, and all built-in components shall comply with the durability requirements of Table 4.1 of AS4773.1, Part 1: Design.
- Building tie-downs shall be appropriate for the site wind classification and provided in accordance with BCA 5.6.6.
- Corrosion protection shall be suited to the site context and provided for built-in structural steel members such as steel lintels, self angles, connectors, accessories (other than wall ties) in accordance with Table 4.1 of AS4773.1 Masonry in Small Buildings, Part 1: Design.
- Sheet roofing shall be protected from corrosion in a manner appropriate to the site context, in accordance with BCA Table 7.2.2a.
- Single leaf masonry walls shall be weatherproofed per BCA 5.7.6.
  - [In climate zones 6, 7 and 8] Unless excluded by BCA 10.8.3(2) roofs shall be provided with ventilation openings per BCA 10.8.3.
- External waterproofing for on flat roofs, roof terraces, balconies and terraces and other similar horizontal surfaces located above internal spaces of a building shall comply with BCA H2D8.
- Waterproofing of wet areas- being bathrooms, showers, shower rooms, laundries, sanitary compartments and the like- shall be provided in accordance with BCA 10.2.
- Balcony waterproofing shall be installed in accordance with AS4654.1 & AS4654.2.

### GLAZING

- Glazed units shall be installed in accordance with BCA 8.3.2.
  - Fully framed glazing installed in the perimeter of buildings shall comply with BCA 8.3.3.
  - Glass- including, but not limited to, windows, doors, screens, panels, splashbacks and barriers- shall comply with BCA 3.3.3.
  - Glazing subject to human impact shall comply with BCA 8.4.
- ### FOOTINGS
- Footings shall not, under any circumstance, encroach over title boundaries or easement lines.
  - Where concrete stumps are to be used, these shall be:
    - 100 x 100mm (1x 5mm HD wire) if up to 1400mm long
    - 100 x 100mm (2x 5mm HD wires) if 1401mm to 1800mm long
    - 125 x 125mm (2x 5mm HD wires) if 1801mm to 3000mm long.
  - 100mm x 100mm stumps that exceed 1200mm above ground level shall be braced where no perimeter base brickwork is provided.
  - All concrete footings shall be founded at a depth to a minimum required bearing capacity and/or in accordance with recommendations contained in soil report (or otherwise at engineer's discretion).

### Stormwater and sewers

- 90mm dia. Class 6 UPVC stormwater line min grade 1:100 shall be connected to the legal point of discharge to the relevant authority's approval. Provide inspection openings at 9m centres and at each change of direction.
- Covers to underground stormwater drains shall be not less than:
  - 100mm under soil
  - 50mm under paved or concrete areas
  - 100mm under unreinforced concrete or paved driveways
  - 75mm under reinforced concrete driveways
- The builder and subcontractor shall ensure that all stormwater drains, sewer pipes and the like are located at a sufficient distance from any buildings, footing and/or slab edge beams so as to prevent general moisture penetration, dampness, weakening and undermining of any building and its footing system.

### Safety of building users

- Where stairs, ramps and balustrades are to be constructed, these shall comply with all provisions of BCA 11.2.
- Other than spiral stairs:
  - Risers shall be 190mm max and 115mm min
  - Goings shall be 355mm max and 240mm min
  - 2r+g shall be 700mm max and 550mm min
  - There shall be less than 125mm gap between open treads.
- All treads, landings and the like shall have a slip resistance classification of P3 or R10 for dry surface conditions and P4 or R11 for wet surface conditions, or a nosing strip with a slip-resistance classification of P3 for dry surface conditions and P4 for wet surface conditions.
- Barriers shall be provided where it is possible to fall 1m or more from the level of the trafficable surface to the surface beneath. Such barriers (other than tensioned wire barriers) shall be:
  - 1000mm min above finished stair level (FSL) of balconies, landings etc; and
  - 865mm min above FSL of stair nosing or ramp; and
  - vertical, with gaps of no more than 125mm.
- Where the floor below a bedroom window is 2m or more above the surface beneath, the window shall comply with BCA Clause 11.3.7.
- Where the floor below a window other than in a bedroom is 4m or more above the surface beneath, the window shall comply with BCA Clause 11.3.8.
- Where a bedroom window is 2m or more above the surface beneath, or it is possible to fall 4m or more from the level of any trafficable surface to the surface beneath, any horizontal element within a barrier between 150mm and 760mm above the floor shall not facilitate climbing.
- Handrails shall be continuous, with tops set >865mm vertically above stair nosing and floor surface of ramps.
- Wire barriers shall comply with BCA 11.3.4 and 11.3.6.
- A glass barrier or window serving as a barrier shall comply with BCA H1D8.
- Class 1 buildings with air permeability of not more than 5 m<sup>3</sup>/hr.m<sup>2</sup> at 50 Pa shall be provided with a mechanical ventilation system complying with H6V3.Inward-opening swing doors to fully enclosed sanitary compartments shall comply with BCA Clause 10.4.2.
- All shower walls and walls adjacent to toilet shall be braced with 12mm ply for future grab rails or supply noggings with a thickness of at least 25mm in accordance with recommendations of Liveable Housing Design Guidelines.
- Flooring in wet areas, laundry and kitchen shall be slip resistant.
- Door hardware shall be installed 900mm- 1100mm above the finished floor.
- There shall be a level transition between abutting internal surfaces (a maximum vertical tolerance of 5mm between abutting surfaces is allowable provided the lip is rounded or bevelled).

### SERVICES

- Solar collector panel locations are indicative only. Location and size are dependent on manufacturer's/installer's recommendation.
- Ductwork for heating and cooling systems shall comply with AS4254 & AS/NZS 4859.1 in accordance with climate zone requirements set down in BCA Table 3.

### TIMBER FRAMING

- Standard timber roofing and wall framing shall be provided in accordance with AS1684 (Residential Timber-Framed Construction) and all relevant supplements.

### Electrical

- Smoke detectors shall be fitted where none are present, or where existing are non-compliant with AS3786.
- New smoke detectors shall be interconnected; mains-powered; and located and installed per BCA 9.5.2 and 9.5.4.
- In a Class 10a private garage, an alternative alarm may be installed per BCA 9.5.1(b).
- Light switches shall be positioned in a consistent location 900mm- 1100mm above the finished floor level; horizontally aligned with the door handle at the entrance to a room.
- Power points shall not be installed lower than 300mm above finished floor level.
- All electrical penetrations shall be sealed using material appropriate to the rating of the cable and/ or device.
- Only stamped IC4-rated downlights shall be installed and insulation shall not be penetrated for downlights.
- Ductwork for exhaust fans and heating and cooling systems shall comply with AS4254 & AS/NZS 4859.1 in accordance with climate zone requirements set down in BCA 13.7.4.
- Exhaust from a bathroom, sanitary compartment or laundry shall be discharged directly via an insulated shaft or R1 insulated ducting to outdoor air. Minimum flow rates shall be:
  - 40 l/s for kitchen & laundry
  - 25 l/s for bathroom or sanitary compartment.
- An exhaust system that is not run continuously and is serving a bathroom or sanitary compartment that is not ventilated in accordance with BCA 10.6.2(a) shall be interlocked with the room's light switch; and include a 10 minute run-on timer.
- Exhaust fans, rangehoods and the like shall be installed with self-closing dampers.

### RATING BAL-29

#### SUBFLOOR SUPPORTS

- IF ENCLOSED BY EXTERNAL WALL COMPLY WITH THE EXTERNAL WALLS SECTION THEN THERE ARE NO REQUIREMENTS.
- IF IT IS UNENCLOSED THEN IT MUST BE EITHER NONCOMBUSTIBLE OR A SYSTEM COMPLYING WITH AS 1530.8.1

- FLOORS - ENCLOSURE BY EXTERNAL WALL COMPLY WITH THE EXTERNAL WALLS SECTION, OR
- CONCRETE SLAB ON GROUND, OR
- PROTECT THE UNDERSIDE OF THE COMBUSTIBLE ELEMENTS WITH A NON-COMBUSTIBLE MATERIAL SUCH AS FIBRE CEMENT SHEET, OR
- BE CONSTRUCTED OF NON-COMBUSTIBLE MATERIALS, OR
- A SYSTEM COMPLY WITH AS1530.8.1

#### EXTERNAL WALLS

- NON-COMBUSTIBLE MATERIAL (MASONRY, BRICK VENEER, MUD BRICK, AERATED CONCRETE, CONCRETE),
- TIMBER FRAMED OR, STEEL FRAMED WALLS SARKED EXTERNALLY AND CLAD WITH 9 MM FIBRE CEMENT SHEETING OR STEEL SHEETING OR
- A SYSTEM COMPLY WITH AS1530.8.1 • VENTS & WEEP HOLES SCREENED.

#### EXTERNAL WINDOWS

- PROTECTED BY BUSHFIRE SHUTTER; OR 6 MM TOUGHENED GLASS TO BE USED AND SCREENING REQUIRED AND THE FRAME/HARDWARE BE MADE OF METAL WITH
- OPENABLE AND FIXED PORTION SCREENED WITH STEEL OR BRONZE MESH AND SEALS TO HAVE A FLAMMABILITY INDEX OF LESS THAN 5 OR BE MADE OF SILICONE

#### EXTERNAL DOORS

- PROTECTED BY BUSHFIRE SHUTTER, OR
- NON-COMBUSTIBLE OR 35 MM SOLID TIMBER DOOR, FRAME TO BE METAL TIGHT-FITTING WITH WEATHER STRIPS AT BASE AND ANY GLASS TO BE 6MM TOUGHENED, BE PROTECTED BY A METAL FRAMED SCREEN OF BRONZE OR CORROSION RESISTANT STEEL. SEALS TO HAVE A FLAMMABILITY INDEX OF LESS THAN 5 OR BE MADE OF SILICONE; OR
- A SYSTEM TESTED FOR BUSHFIRE RESISTANCE TO AS 1530.8.1

#### SLIDING DOORS

- BUSHFIRE SHUTTERS; OR
- FRAME AND DOOR TO BE MADE OF METAL INCLUDING ANY HARDWARE WITH 6MM TOUGHENED GLASS, DOORS TO BE TIGHT IN FRAMES.
- SCREENING IS REQUIRED FOR THE OPENABLE AND FIXED PORTIONS OF THE DOOR.
- SEALS TO HAVE A FLAMMABILITY INDEX OF LESS THAN 5 OR BE MADE OF SILICONE

#### GARAGE DOORS

- NON-COMBUSTIBLE MATERIAL
- PANEL LIFT, TILT DOORS OR SIDE HUNG TO HAVE WEATHER STRIPS, DRAUGHT EXCLUDERS, DRAUGHT SEALS OR GUIDE TRACKS. NO GAPS GREATER THAN 3MM ARE ALLOWED
- ROLLER DOORS TO HAVE GUIDE TRACKS NOT ALLOWING ANY GAPS GREATER THAN 3MM AND MUST BE FITTED WITH NYLON BRUSHES THAT ARE IN CONTACT WITH THE DOOR.
- VENT SLOTS ARE NOT ALLOWED

#### ROOFS

- NON-COMBUSTIBLE COVERING. ROOF/WALL JUNCTION SEALED.
- CORRUGATIONS OR RIBS OF SHEETS TO BE SEALED AT FASCIA, HIPS, VALLEYS AND RIDGES USING METAL MESH, MINERAL WOOL OR NON-COMBUSTIBLE MATERIAL.
- OPENINGS FITTED WITH NON-COMBUSTIBLE EMBER GUARDS.
- ROOF TO BE FULLY SARKED ON TOP OF RAFTER IF TILED ON TOP OF BATTENS IF METAL.
- VERANDAS, DECKS ETC.
- DECKING MATERIAL MUST NOT BE SPACED.
- ENCLOSED SUB-FLOOR SPACE OR NON-COMBUSTIBLE SUPPORTS.
- DECKING TO BE NON-COMBUSTIBLE OR • BE TESTED FOR BUSHFIRE RESISTANCE TO AS 1530.8.1
- BALLUSTRADE & HANDRAILS WITHIN 125MM OF A GLAZED ELEMENT OR COMBUSTIBLE MATERIALS TO BE NON-COMBUSTIBLE MATERIAL.
- EXPOSED WATER OR GAS PIPES TO BE METAL

PLEASE NOTE THAT THIS IS A CONDENSED VERSION OF THE AS 3959 BAL REQUIREMENTS FOR RESIDENTIAL CONSTRUCTION AND SHOULD ONLY BE USED AS A GUIDE AND THE AUTHOR TAKES NO RESPONSIBILITY FOR THE ACCURACY OF THE DOCUMENT.

## ENGINEER & BUILDER ADVICE

### THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS, ENGINEERS DESIGNS, COMPUTATIONS AND GEOTECHNICAL REPORTS.

### WRITTEN SPECIFICATION TAKE PRECEDENCE OVER THESE DRAWINGS.

### LOCAL AUTHORITIES TO ADVISE REQUIREMENTS FOR

LOCATION OF LPOD  
SEWER POINT LOCATION  
AUTHORITIES ASSET LOCATIONS  
SNOW LOAD REQUIREMENTS  
FLOOD INUNDATION  
BUSHFIRE PROTECTION  
TERMITE TREATMENT  
WIND SPEED  
CALL 1100 DIAL BEFORE YOU DIG

### Energy Rating Key Construction & Insulation Materials

#### Insulation

Walls - R2.5  
Roof - R5.0 ceiling batts + R1.3 roof blanket  
Floor - R1.2 underslab

#### Glazing

Aluminium Double Glazed Low-E

#### Type

	U-Value	SHGC
ALS-025-04 A 50mm Carinya Classic Awning Window DG 4ET/10/4Clr	3.64	0.52
ALS-037-04 A 92mm Carinya Classic Sliding Door DG 4ET/10/4Clr	3.24	0.56
ALS-028-04 A 50mm Carinya Classic Fixed Window DG 4ET/10/4	2.64	0.63
ALS-045-02 A Carinya Select 125 Hinged Door DG 4ET/16/4Gy	3.41	0.43
ALS-050-04 A 50mm Carinya Classic Sliding Window DG 4ET/10/4	3.64	0.50

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# G.J. Gardner. HOMES

## ALPINE 360 ALPINE

Tyrrell Constructions Pty Ltd CDB-U 54497  
Trading as G.J. Gardner Homes Warragul  
26 Hazel Drive Rd, Warragul, Vic 3820

© COPYRIGHT EXCLUSIVE  
TO G.J. GARDNER HOMES

DRAWING TITLE:

### Working Drawings

PROJECT: PROPOSED NEW DWELLING

Lot 1, 131 Bathe Road Pakenham

DRAWING SHEET SIZE:

WD-2/18 A2

JOB NO: 370272

DRAWN: SNW

PLOT: 23/10/2024

DATE: 27/11/2023

AREA SUMMARY

AREA SQM

01 Living Area 288.39

02 Garage Area 52.33

03 Porch Area 3.14

04 Alfresco Area 20.82

05 Patio 1 Area 5.46

06 Patio 2 Area 8.59

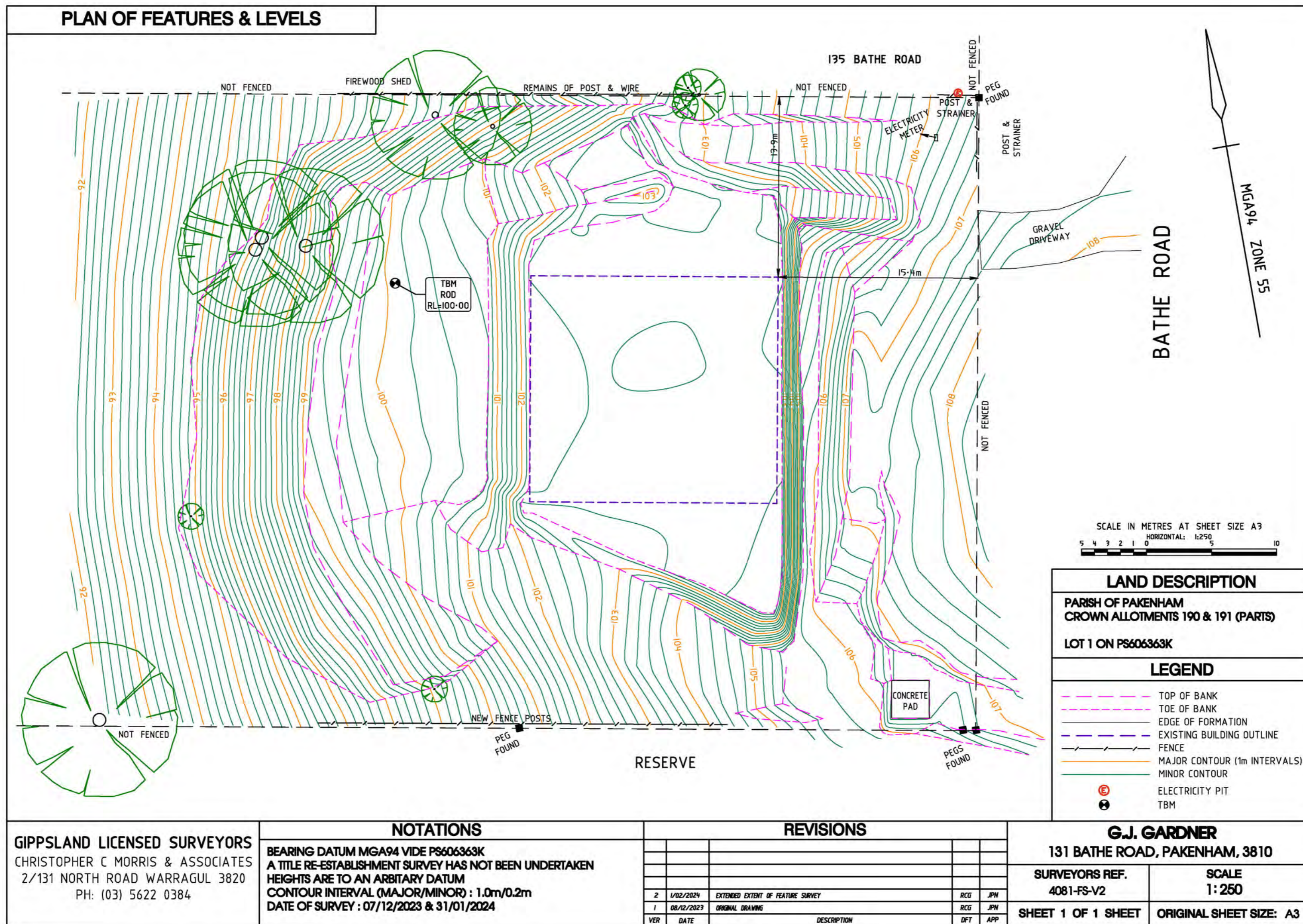
378.73 m<sup>2</sup>

I/WE HAVE CHECKED THE PLANS AND AGREE THEY ACCURATELY DEPICT THE HOUSE FOR CONSTRUCTION. ANY VARIATIONS REQUESTED AFTER SIGNING WILL INCUR A PROCESSING FEE IN ADDITION TO THE COST OF THE VARIATION ITEMS AND ANY FURTHER PLANS TO BE PREPARED.

OWNER SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

BUILDER SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_





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<p><b>G.J. Gardner. HOMES</b></p> <p>ALPINE 360 ALPINE</p> <p style="font-size: x-small;">Tyrrell Constructions Pty Ltd CDB-U 54497 Trading as G.J. Gardner Homes Warragul 26 Hazel Drive Rd, Warragul, Vic 3820</p>	<p>CLIENT: _____</p> <p>DRAWING TITLE: <b>Working Drawings</b></p>	<p>PROJECT: PROPOSED NEW DWELLING Lot 1, 131 Bathe Road Pakenham</p> <p>DRAWING: SHEET SIZE WD-3/18 <b>A2</b></p> <p>JOB NO: 370272</p> <p>DRAWN: SNW PLOT: 23/10/2024 DATE: 27/11/2023</p>	<p><b>AREA SUMMARY</b></p> <table style="font-size: x-small;"> <tr><td>01 Living Area</td><td>288.39</td></tr> <tr><td>02 Garage Area</td><td>52.33</td></tr> <tr><td>03 Porch Area</td><td>3.14</td></tr> <tr><td>04 Alfresco Area</td><td>20.82</td></tr> <tr><td>05 Patio 1 Area</td><td>5.46</td></tr> <tr><td>06 Patio 2 Area</td><td>8.59</td></tr> <tr><td><b>Total</b></td><td><b>378.73 m<sup>2</sup></b></td></tr> </table>	01 Living Area	288.39	02 Garage Area	52.33	03 Porch Area	3.14	04 Alfresco Area	20.82	05 Patio 1 Area	5.46	06 Patio 2 Area	8.59	<b>Total</b>	<b>378.73 m<sup>2</sup></b>
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<b>Total</b>	<b>378.73 m<sup>2</sup></b>																





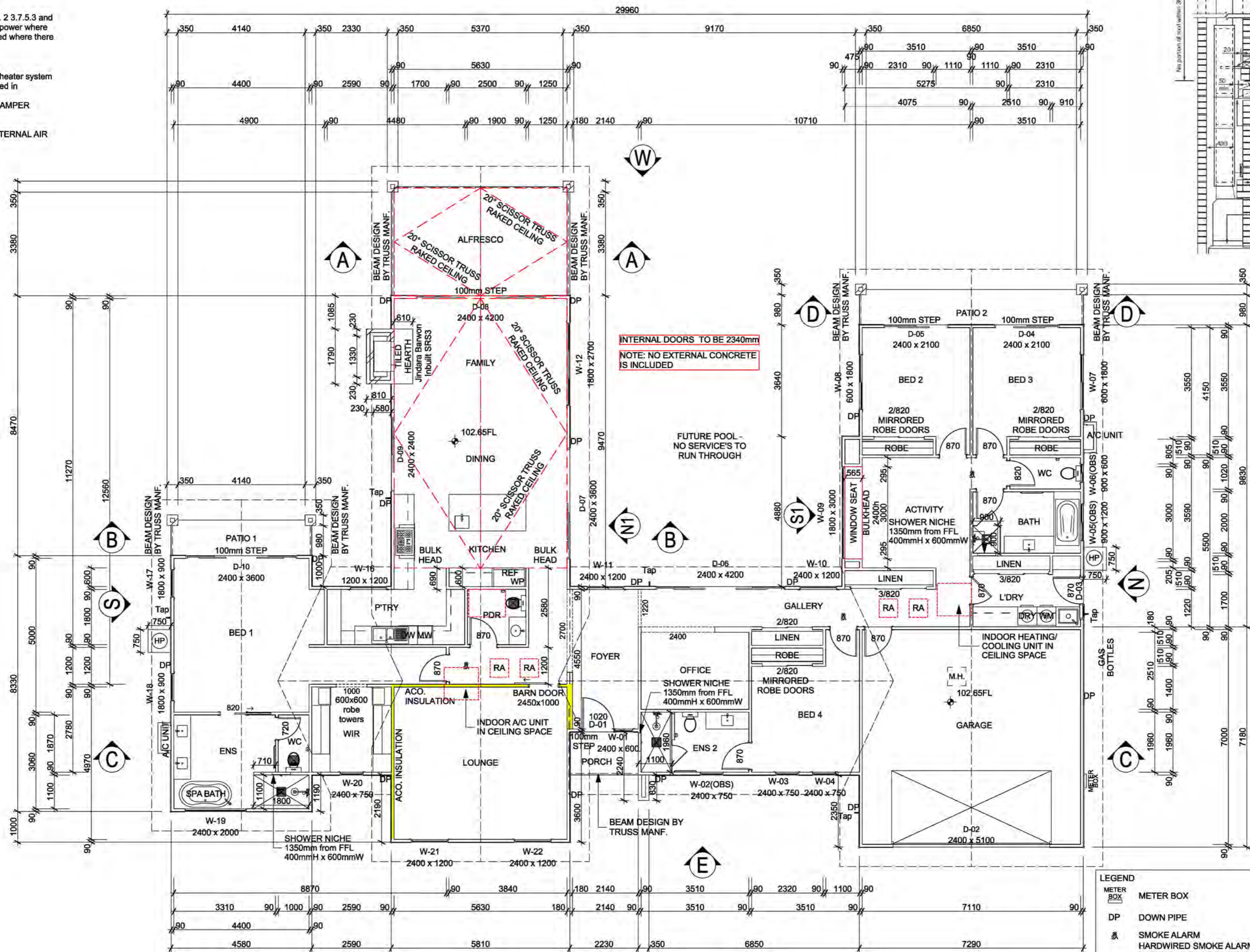


PROVIDE TERMITE TREATMENT IN ACCORDANCE WITH AS 3660.1

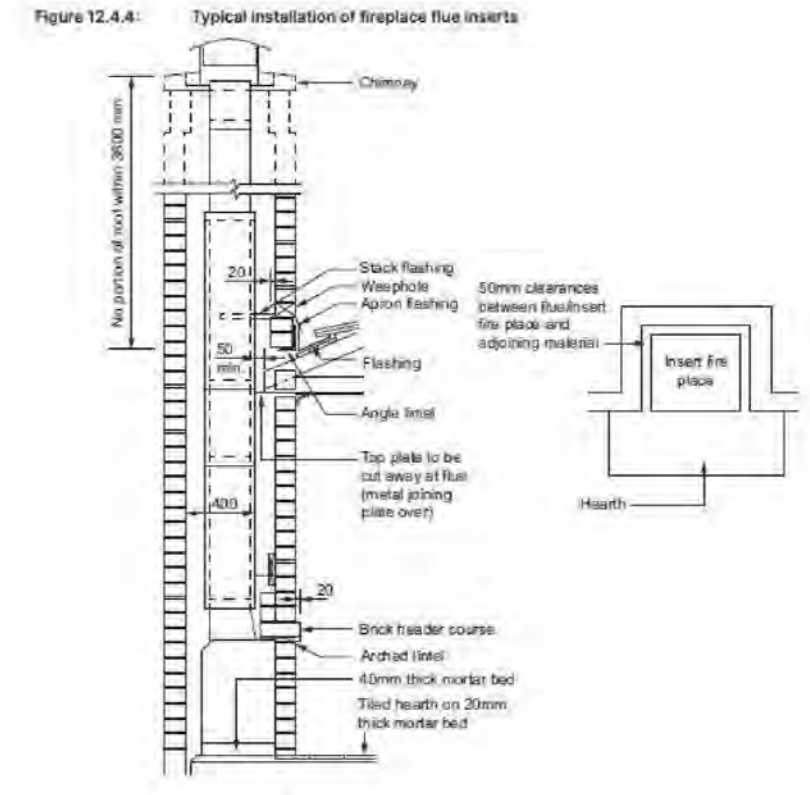
ALL STRUCTURAL MEMBERS INCLUDING BEAMS, LINTELS, BRACING AND TIE DOWNS AS PER ENGINEERS DESIGN

WC HINGED DOOR TO HAVE REMOVABLE HINGES  
Smoke alarms must be located in accordance with NCC VOL. 2 3.7.5.3 and comply with AS 3786 and connected to the consumer mains power where consumer power is supplied to the building and interconnected where there is more than one alarm.

Residential Sustainability Measures  
Both the DTS and the Verification Method require that new Class 1 buildings also require a solar water heater system (which may include a heat pump water heater system) installed in accordance with the Plumbing Regulations 2008.  
EXHAUST FANS TO BE FITTED WITH A SELF CLOSING DAMPER  
MIN. 25L/S TO BATHROOMS AND WC  
MIN. 40L/S TO KITCHEN AND LAUNDRY  
EXHAUST FROM BATHROOM, WC AND LAUNDRY TO EXTERNAL AIR  
ANY TOILETS THAT HAVE NO OPENING (WINDOW) TO EXTERNAL AIR MUST HAVE AN EXHAUST FAN WIRED TO THE LIGHT.  
ANY TOILETS THAT HAVE NO OPENING (WINDOW) TO EXTERNAL AIR MUST HAVE AN EXHAUST FAN WIRED TO THE LIGHT.



INTERNAL DOORS TO BE 2340mm  
NOTE: NO EXTERNAL CONCRETE IS INCLUDED



Eureka Jindara  
General Product Specifications  
Eureka Garnet Inbuilt SR53 & Jindara Barwon Inbuilt SR53

Dimensions and Specifications	
Overall Dimension (Height)	828 mm
Overall Dimension (Width)	994 mm
Fascia Depth	42 mm
Rear Casing Dimension (Height)	750 mm
Rear Casing Dimension (Width)	430 mm
Rear Casing Dimension (Depth)	430 mm
Firebox Dimension (Height)	420 mm
Firebox Dimension (Width)	572 mm
Firebox Dimension (Depth)	374 mm
Door Opening Dimension (Height x Width)	309 x 622mm
Glass Viewing Size (Height x Width)	333 x 588mm
Flue Size	175mm
Back of Fascia to Flue Centre	295 mm
Shipping weight	174kg
Linings	Firebricks on walls
Baffle thickness	8mm
Class Type	Flat, toughened 5mm ceramic
Hearth & Clearance Requirements	
Min. Hearth Width	1025 mm
Min. Hearth Depth (in front of unit)	610 mm
Min. Hearth Thickness	18 mm
Clearance to Mantle Lintel	50 mm
Clearance to Mantle Shelf (from appliance base)	1545 mm
Clearance to Mantle Breast Plate (from appliance base)	1545 mm
Emissions and Efficiency	
Emissions	1.4g/kg
Efficiency	65%*
Peak Output	23kw

\*Peak efficiency % quoted  
CLEARANCES AND SPECIFICATIONS PROVIDED IN THIS TABLE ARE FOR REFERENCE ONLY. ALWAYS REFER TO THE OWNER'S MANUAL FOR EXACT SPECIFICATIONS PRIOR TO INSTALLATION

Ground Floor Plan  
SCALE 1:100

Energy Rating Key Construction & Insulation Materials

Insulation	U-Value	SHGC
Walls - R2.5		
Roof - R5.0 ceiling batts + R1.3 roof blanket		
Floor - R1.2 underslab		
Glazing	U-Value	SHGC
Aluminium Double Glazed Low-E		
Type		
ALS-025-04 A 50mm Carinya Classic Awning Window DG 4ET/10/4Cir	3.64	0.52
ALS-037-04 A 92mm Carinya Classic Sliding Door DG 4ET/10/4Cir	3.24	0.56
ALS-028-04 A 50mm Carinya Classic Fixed Window DG 4ET/10/4	2.64	0.63
ALS-045-02 A Carinya Select 125 Hinged Door DG 4ET/16/4Gy	3.41	0.43
ALS-050-04 A 50mm Carinya Classic Sliding Window DG 4ET/10/4	3.64	0.50

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LEGEND

- METER BOX
- DP DOWN PIPE
- SMOKE ALARM HARDWIRED SMOKE ALARM WITH BATTERY BACKUP AS PER BCA REQUIREMENTS
- 600x600 MANHOLE
- EXHAUST FAN TO EXTERNAL AIR
- ACOUSTIC INSULATION

WE HAVE CHECKED THE PLANS AND AGREE THEY ACCURATELY DEPICT THE HOUSE FOR CONSTRUCTION. ANY VARIATIONS REQUESTED AFTER SIGNING WILL INCUR A PROCESSING FEE IN ADDITION TO THE COST OF THE VARIATION ITEMS AND ANY FURTHER PLANS TO BE PREPARED.

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**G.J. Gardner. HOMES** ALPINE 360 ALPINE

Tyrrell Constructions Pty Ltd CDB-U 54497  
Trading as G.J. Gardner Homes Warragul  
26 Hazel Drive Rd, Warragul, Vic 3820

CLIENT: [REDACTED]

DRAWING TITLE: Working Drawings

PROJECT: PROPOSED NEW DWELLING  
Lot 1, 131 Bathe Road Pakenham

DRAWING: SHEET SIZE: WD-6/18 A2  
JOB NO: 370272  
DRAWN: SNW  
PLOT: 23/10/2024  
DATE: 27/11/2023

AREA SUMMARY

01 Living Area	288.39
02 Garage Area	52.33
03 Porch Area	3.14
04 Alfresco Area	20.82
05 Patio 1 Area	5.46
06 Patio 2 Area	8.59
<b>Total</b>	<b>378.73 m²</b>

Construction Standards To Comply With Australian Standard 3959 -2018  
Bush Fire Attack Level (BAL) - 40

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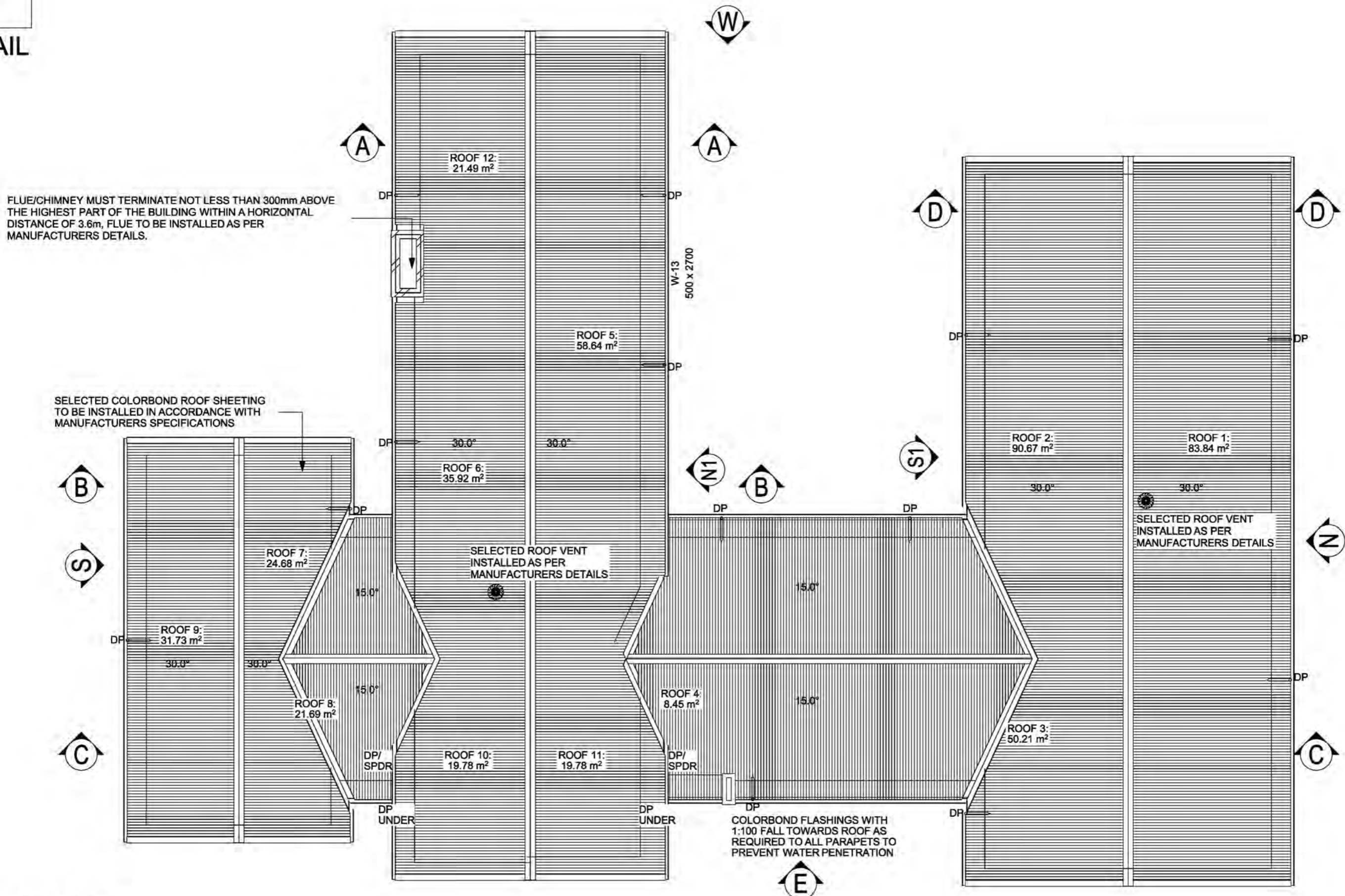
PROVIDE TERMITE TREATMENT IN ACCORDANCE WITH AS 3660.1

ALL STRUCTURAL MEMBERS INCLUDING BEAMS, LINTELS, BRACING AND TIE DOWNS AS PER ENGINEERS DESIGN

**Table a. Acceptable continuous overflow measure**

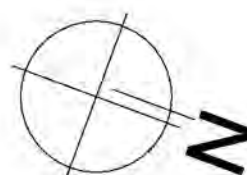
Description	Overflow Capacity (L/s/m)	Construction
Front face slotted gutter with— (a) a minimum slot opening area of 1200 mm <sup>2</sup> per metre of gutter; and (b) the lower edge of the slots installed a minimum of 25 mm below the top of the fascia.	0.5	

**GUTTER OVERFLOW DETAIL**



**Roof Plan**  
SCALE 1:100

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**G.J. Gardner. HOMES**

Tyrrell Constructions Pty Ltd CDB-U 54497  
 Trading as G.J. Gardner Homes Warragul  
 26 Hazel Drive Rd, Warragul, Vic 3820

**ALPINE 360**  
ALPINE

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CLIENT: \_\_\_\_\_

DRAWING TITLE:  
**Working Drawings**

PROJECT: PROPOSED NEW DWELLING  
 Lot 1, 131 Bathe Road Pakenham

DRAWING SHEET SIZE:  
 WD-7/18 **A2**

JOB NO: 370272

DRAWN: SNW  
 PLOT: 23/10/2024  
 DATE: 27/11/2023

**AREA SUMMARY**

AREA	SQM
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06 Patio 2 Area	8.59
<b>TOTAL</b>	<b>378.73 m<sup>2</sup></b>

Construction Standards To Comply With Australian Standard 3959 -2018  
 Bush Fire Attack Level (BAL) - 40

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**EAVES GUTTER AND DOWN PIPE DESIGN TO AS/NZS 3500.3: 2021**

Horizontal catchment area	Ah	= 83.84	sq.m
Roof Average slope	S	= 30	degrees
Intensity ARI 20 (AEP 5%)(5 min)	I	= 132	mm/hr
Is Gutter slope steeper than 1:500 ?		No	
Down pipe size selected	dia	= 90	mm
Cross referencing From Table 3.5.2 and Fig 3.5.4(A)or(B)			
Theoretical number of DPs required	Tnum	= 1.91	
Selected Number of Down pipes	n	= 2	
from AS3500 Table 3.4.3.2, C'ment Area Multiplier	f	= 1.29	
Roof Area allowing for slope	Ac	= Ah*f	
		= 108.2	sq.m
Catchment Area per DP	A	= Ac/n	sq.m
		= 54.1	sq.m
Flow/DP	q	= I*A/3600 litres/sec	
		= 1.98	litres/sec
from AS/NZS 3500 fig 3.5.4(B), Gutter Area		= 8480	sq.mm
Gutter Area rounded to nearest 100sq.mm		= 8500	sq.mm
From AS/NZS 3500 Table 3.5.2, Down Pipe size		= 90	mm
Down Pipe size selected		= 90	mm
<b>Summary</b>			
This catchment requires :- number of DPs		= 2	
Downpipe size		= 90	mm
minimum eaves gutter cross sectional Area		= 8480	sq.mm

Notes: Catchment area of each DP to be roughly similar size.  
Length of any gutter draining to a downpipe to be not longer than 12m.(NCC vol2).  
Not applicable in Victoria.

**Roof 1**

**EAVES GUTTER AND DOWN PIPE DESIGN TO AS/NZS 3500.3: 2021**

Horizontal catchment area	Ah	= 90.67	sq.m
Roof Average slope	S	= 30	degrees
Intensity ARI 20 (AEP 5%)(5 min)	I	= 132	mm/hr
Is Gutter slope steeper than 1:500 ?		No	
Down pipe size selected	dia	= 90	mm
Cross referencing From Table 3.5.2 and Fig 3.5.4(A)or(B)			
Theoretical number of DPs required	Tnum	= 2.07	
Selected Number of Down pipes	n	= 3	
from AS3500 Table 3.4.3.2, C'ment Area Multiplier	f	= 1.29	
Roof Area allowing for slope	Ac	= Ah*f	
		= 117	sq.m
Catchment Area per DP	A	= Ac/n	sq.m
		= 39	sq.m
Flow/DP	q	= I*A/3600 litres/sec	
		= 1.43	litres/sec
from AS/NZS 3500 fig 3.5.4(B), Gutter Area		= 6216	sq.mm
Gutter Area rounded to nearest 100sq.mm		= 6200	sq.mm
From AS/NZS 3500 Table 3.5.2, Down Pipe size		= 75	mm
Down Pipe size selected		= 90	mm
<b>Summary</b>			
This catchment requires :- number of DPs		= 3	
Downpipe size		= 90	mm
minimum eaves gutter cross sectional Area		= 6216	sq.mm

Notes: Catchment area of each DP to be roughly similar size.  
Length of any gutter draining to a downpipe to be not longer than 12m.(NCC vol2).  
Not applicable in Victoria.

**Roof 2**

**EAVES GUTTER AND DOWN PIPE DESIGN TO AS/NZS 3500.3: 2021**

Horizontal catchment area	Ah	= 50.21	sq.m
Roof Average slope	S	= 30	degrees
Intensity ARI 20 (AEP 5%)(5 min)	I	= 132	mm/hr
Is Gutter slope steeper than 1:500 ?		No	
Down pipe size selected	dia	= 90	mm
Cross referencing From Table 3.5.2 and Fig 3.5.4(A)or(B)			
Theoretical number of DPs required	Tnum	= 1.15	
Selected Number of Down pipes	n	= 2	
from AS3500 Table 3.4.3.2, C'ment Area Multiplier	f	= 1.29	
Roof Area allowing for slope	Ac	= Ah*f	
		= 64.8	sq.m
Catchment Area per DP	A	= Ac/n	sq.m
		= 32.4	sq.m
Flow/DP	q	= I*A/3600 litres/sec	
		= 1.19	litres/sec
from AS/NZS 3500 fig 3.5.4(B), Gutter Area		= 5225	sq.mm
Gutter Area rounded to nearest 100sq.mm		= 5200	sq.mm
From AS/NZS 3500 Table 3.5.2, Down Pipe size		= 75	mm
Down Pipe size selected		= 90	mm
<b>Summary</b>			
This catchment requires :- number of DPs		= 2	
Downpipe size		= 90	mm
minimum eaves gutter cross sectional Area		= 5225	sq.mm

Notes: Catchment area of each DP to be roughly similar size.  
Length of any gutter draining to a downpipe to be not longer than 12m.(NCC vol2).  
Not applicable in Victoria.

**Roof 3**

**EAVES GUTTER AND DOWN PIPE DESIGN TO AS/NZS 3500.3: 2021**

Horizontal catchment area	Ah	= 58.64	sq.m
Roof Average slope	S	= 30	degrees
Intensity ARI 20 (AEP 5%)(5 min)	I	= 132	mm/hr
Is Gutter slope steeper than 1:500 ?		No	
Down pipe size selected	dia	= 90	mm
Cross referencing From Table 3.5.2 and Fig 3.5.4(A)or(B)			
Theoretical number of DPs required	Tnum	= 1.34	
Selected Number of Down pipes	n	= 2	
from AS3500 Table 3.4.3.2, C'ment Area Multiplier	f	= 1.29	
Roof Area allowing for slope	Ac	= Ah*f	
		= 75.6	sq.m
Catchment Area per DP	A	= Ac/n	sq.m
		= 37.8	sq.m
Flow/DP	q	= I*A/3600 litres/sec	
		= 1.39	litres/sec
from AS/NZS 3500 fig 3.5.4(B), Gutter Area		= 6041	sq.mm
Gutter Area rounded to nearest 100sq.mm		= 6000	sq.mm
From AS/NZS 3500 Table 3.5.2, Down Pipe size		= 75	mm
Down Pipe size selected		= 90	mm
<b>Summary</b>			
This catchment requires :- number of DPs		= 2	
Downpipe size		= 90	mm
minimum eaves gutter cross sectional Area		= 6041	sq.mm

Notes: Catchment area of each DP to be roughly similar size.  
Length of any gutter draining to a downpipe to be not longer than 12m.(NCC vol2).  
Not applicable in Victoria.

**Roof 5**

**EAVES GUTTER AND DOWN PIPE DESIGN TO AS/NZS 3500.3: 2021**

Horizontal catchment area	Ah	= 82.09	sq.m
Roof Average slope	S	= 30	degrees
Intensity ARI 20 (AEP 5%)(5 min)	I	= 132	mm/hr
Is Gutter slope steeper than 1:500 ?		No	
Down pipe size selected	dia	= 90	mm
Cross referencing From Table 3.5.2 and Fig 3.5.4(A)or(B)			
Theoretical number of DPs required	Tnum	= 1.87	
Selected Number of Down pipes	n	= 2	
from AS3500 Table 3.4.3.2, C'ment Area Multiplier	f	= 1.29	
Roof Area allowing for slope	Ac	= Ah*f	
		= 105.9	sq.m
Catchment Area per DP	A	= Ac/n	sq.m
		= 52.9	sq.m
Flow/DP	q	= I*A/3600 litres/sec	
		= 1.94	litres/sec
from AS/NZS 3500 fig 3.5.4(B), Gutter Area		= 8311	sq.mm
Gutter Area rounded to nearest 100sq.mm		= 8300	sq.mm
From AS/NZS 3500 Table 3.5.2, Down Pipe size		= 90	mm
Down Pipe size selected		= 90	mm
<b>Summary</b>			
This catchment requires :- number of DPs		= 2	
Downpipe size		= 90	mm
minimum eaves gutter cross sectional Area		= 8311	sq.mm

Notes: Catchment area of each DP to be roughly similar size.  
Length of any gutter draining to a downpipe to be not longer than 12m.(NCC vol2).  
Not applicable in Victoria.

**Roof 6, 7 & 12**

**EAVES GUTTER AND DOWN PIPE DESIGN TO AS/NZS 3500.3: 2021**

Horizontal catchment area	Ah	= 31.73	sq.m
Roof Average slope	S	= 30	degrees
Intensity ARI 20 (AEP 5%)(5 min)	I	= 132	mm/hr
Is Gutter slope steeper than 1:500 ?		No	
Down pipe size selected	dia	= 90	mm
Cross referencing From Table 3.5.2 and Fig 3.5.4(A)or(B)			
Theoretical number of DPs required	Tnum	= 0.72	
Selected Number of Down pipes	n	= 1	
from AS3500 Table 3.4.3.2, C'ment Area Multiplier	f	= 1.29	
Roof Area allowing for slope	Ac	= Ah*f	
		= 40.9	sq.m
Catchment Area per DP	A	= Ac/n	sq.m
		= 40.9	sq.m
Flow/DP	q	= I*A/3600 litres/sec	
		= 1.5	litres/sec
from AS/NZS 3500 fig 3.5.4(B), Gutter Area		= 6508	sq.mm
Gutter Area rounded to nearest 100sq.mm		= 6500	sq.mm
From AS/NZS 3500 Table 3.5.2, Down Pipe size		= 80	mm
Down Pipe size selected		= 90	mm
<b>Summary</b>			
This catchment requires :- number of DPs		= 1	
Downpipe size		= 90	mm
minimum eaves gutter cross sectional Area		= 6508	sq.mm

Notes: Catchment area of each DP to be roughly similar size.  
Length of any gutter draining to a downpipe to be not longer than 12m.(NCC vol2).  
Not applicable in Victoria.

**Roof 9**

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<p><b>G.J. Gardner. HOMES</b></p> <p>Tyrrell Constructions Pty Ltd CDB-U 54497 Trading as G.J. Gardner Homes Warragul 26 Hazel Drive Rd, Warragul, Vic 3820</p>	<p><b>ALPINE 360</b> ALPINE</p> <p>© COPYRIGHT EXCLUSIVE TO G.J. GARDNER HOMES</p>	CLIENT:	PROJECT: PROPOSED NEW DWELLING	DRAWING SHEET SIZE:	AREA SUMMARY
			Lot 1, 131 Bathe Road Pakenham	WD-8/18 A2	01 Living Area 288.39 02 Garage Area 52.33 03 Porch Area 3.14 04 Alfresco Area 20.82 05 Patio 1 Area 5.46 06 Patio 2 Area 8.59
		DRAWING TITLE:		DATE: 27/11/2023	378.73 m <sup>2</sup>
		Working Drawings			

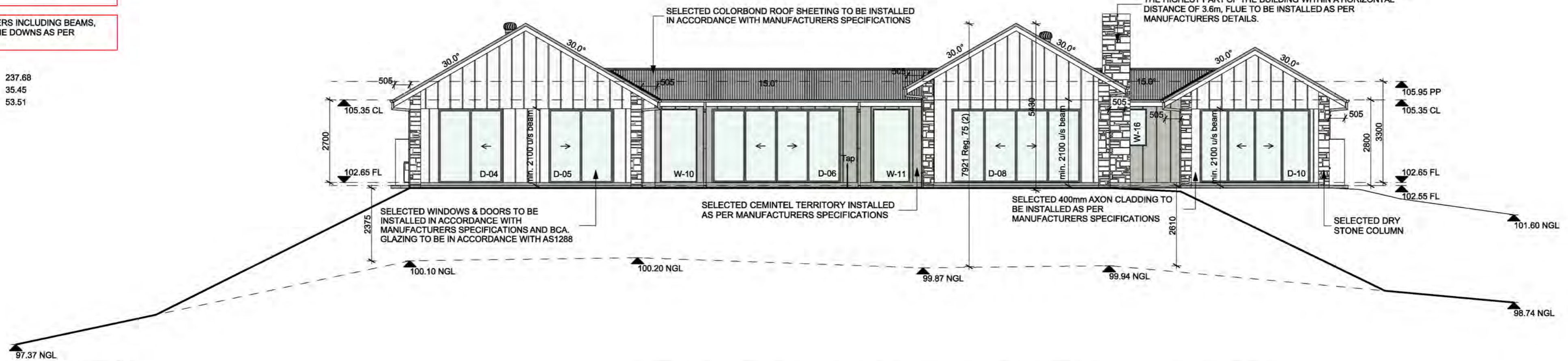


PROVIDE TERMITE TREATMENT IN ACCORDANCE WITH AS 3660.1

ALL STRUCTURAL MEMBERS INCLUDING BEAMS, LINTELS, BRACING AND TIE DOWNS AS PER ENGINEERS DESIGN




Wall Area sqm	237.68
400mm Axon	35.45
Cemintel Territory Cladding	53.51
Stacked Stone Cladding	

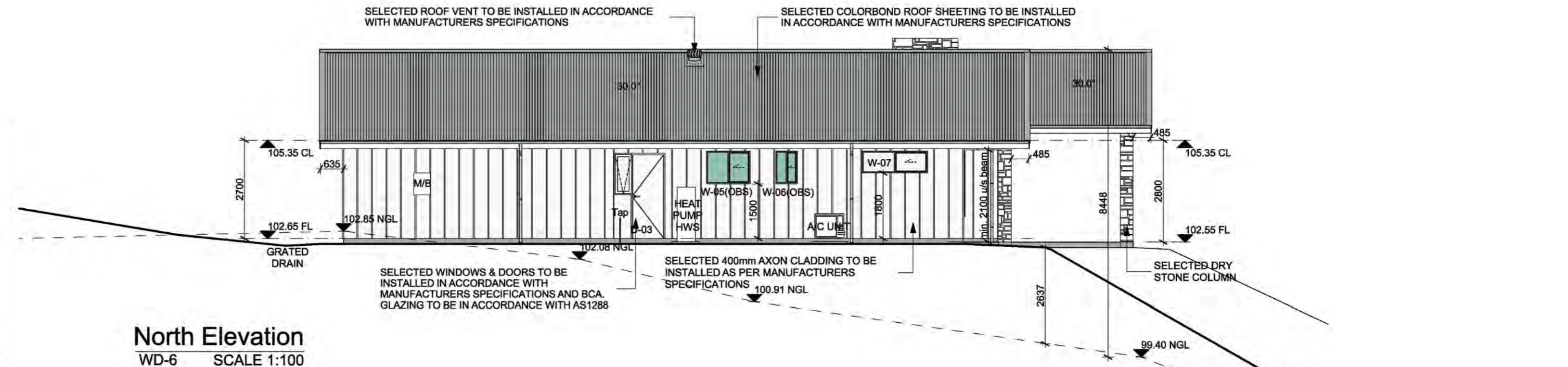
FLUE/CHIMNEY MUST TERMINATE NOT LESS THAN 300mm ABOVE THE HIGHEST PART OF THE BUILDING WITHIN A HORIZONTAL DISTANCE OF 3.6m. FLUE TO BE INSTALLED AS PER MANUFACTURERS DETAILS.



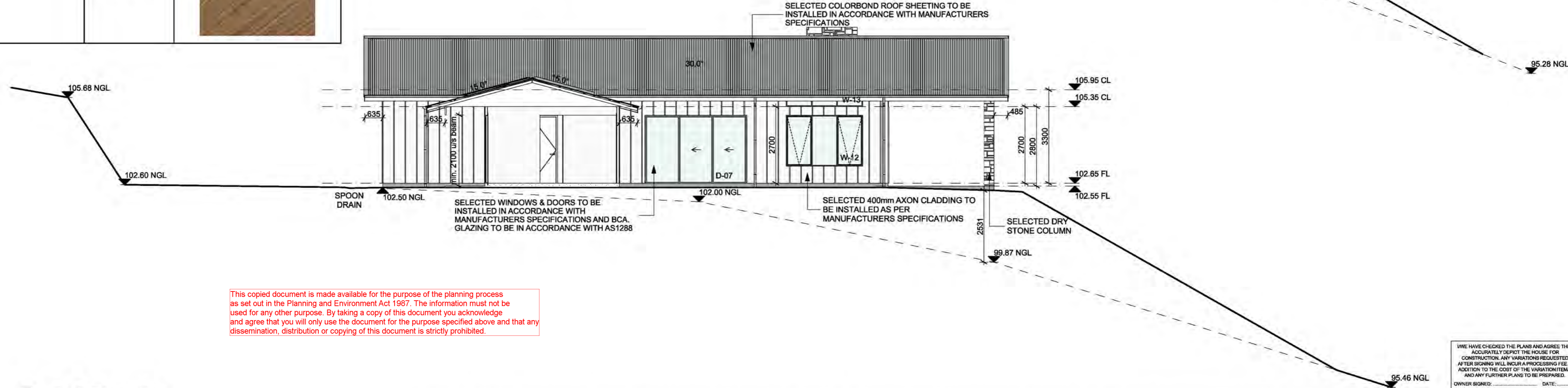
**West Elevation**  
WD-6 SCALE 1:100

**EXTERNAL COLOURS**

Roofing/fascia/gutter/downpipes	Monument (or similar)	
Windows		
Garage door		
Cladding		
Cladding	Decorstone (or similar)	
Cladding	Timber look cladding	



**North Elevation**  
WD-6 SCALE 1:100



**North 1 Elevation**  
SCALE 1:100

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**ALPINE 360**  
ALPINE

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Lot 1, 131 Bathe Road Pakenham

DRAWING: SHEET SIZE  
WD-9/18 A2

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AREA SQM

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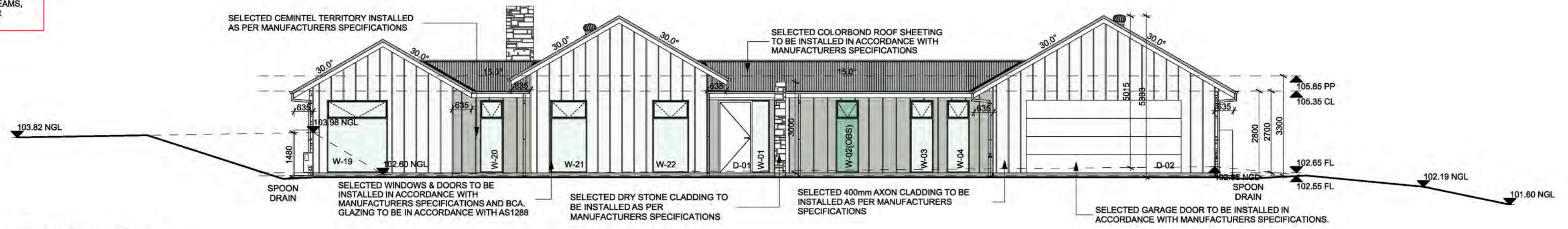
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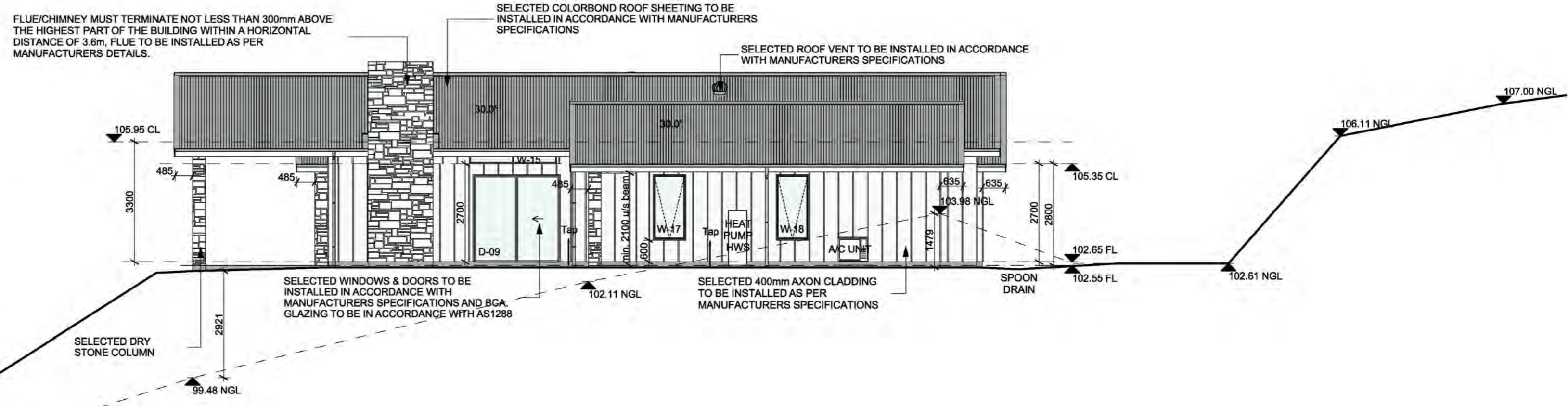
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Cemintel Territory Cladding	53.51
Stacked Stone Cladding	



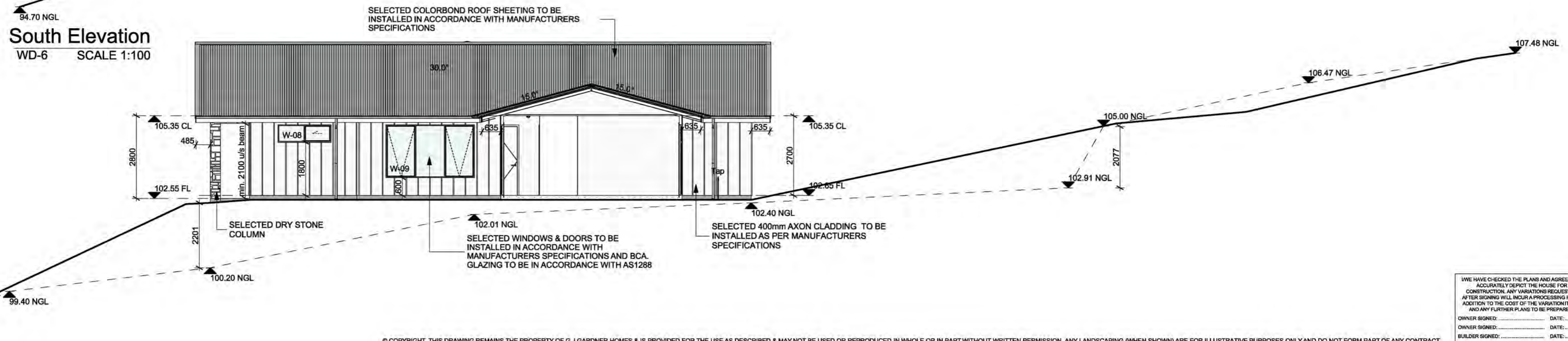
**East Elevation**  
WD-6 SCALE 1:100

**EXTERNAL COLOURS**

Roofing/fascia/gutter/downpipes	Monument (or similar)	
Windows		
Garage door		
Cladding		
Cladding	Decorstone (or similar)	
Cladding	Timber look cladding	



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**South 1 Elevation**  
SCALE 1:100

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**G.J. Gardner. HOMES**  
ALPINE 360  
ALPINE  
Tyrrell Constructions Pty Ltd CDB-U 54497  
Trading as G.J. Gardner Homes Warragul  
26 Hazel Drive Rd, Warragul, Vic 3820

**ALPINE 360**  
ALPINE  
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CLIENT: [REDACTED]  
DRAWING TITLE: Working Drawings

PROJECT: PROPOSED NEW DWELLING  
Lot 1, 131 Bathe Road Pakenham

DRAWING: SHEET SIZE: WD-10/18 A2  
JOB NO: 370272  
DRAWN: SNW  
PLOT: 23/10/2024  
DATE: 27/11/2023

**AREA SUMMARY**

AREA	SQM
01 Living Area	288.39
02 Garage Area	52.33
03 Porch Area	3.14
04 Alfresco Area	20.82
05 Patio 1 Area	5.46
06 Patio 2 Area	8.59
<b>TOTAL</b>	<b>378.73 m²</b>

Construction Standards To Comply With Australian Standard 3959 -2018  
Bush Fire Attack Level (BAL) - 40

GL:\projects\alpine-by-511\VR\G\10\_24\10\131BatheRd\Warragul\Warragul-3820\Drawings\131\_Bathe\_Road\_Pakenham\_23-10-2024.dwg















PROVIDE TERMITE TREATMENT IN ACCORDANCE WITH AS 3660.1

ALL STRUCTURAL MEMBERS INCLUDING BEAMS, LINTELS, BRACING AND TIE DOWNS AS PER ENGINEERS DESIGN

**Energy Rating Key Construction & Insulation Materials**

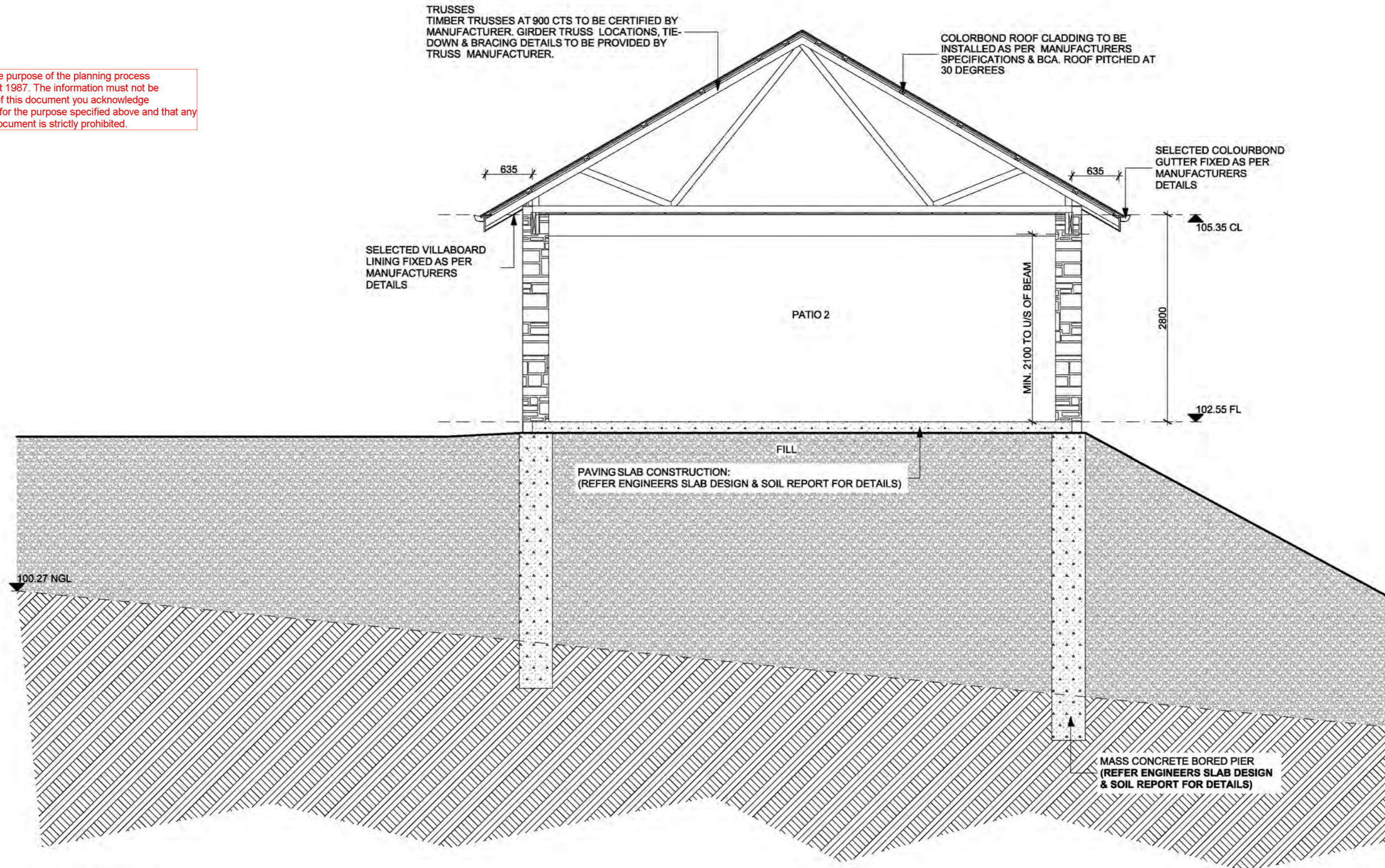
**Insulation**

Walls - R2.5  
 Roof - R5.0 ceiling batts + R1.3 roof blanket  
 Floor - R1.2 underslab

**Glazing**

Aluminium Double Glazed Low-E Type	U-Value	SHGC
ALS-025-04 A 50mm Carinya Classic Awning Window DG 4ET/10/4Clr	3.64	0.52
ALS-037-04 A 92mm Carinya Classic Sliding Door DG 4ET/10/4Clr	3.24	0.56
ALS-028-04 A 50mm Carinya Classic Fixed Window DG 4ET/10/4	2.64	0.63
ALS-045-02 A Carinya Select 125 Hinged Door DG 4ET/16/4Gy	3.41	0.43
ALS-050-04 A 50mm Carinya Classic Sliding Window DG 4ET/10/4	3.84	0.50

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**Section D-D**  
 SCALE 1:50

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 26 Hazel Drive Rd, Warragul, Vic 3820

**ALPINE 360**  
 ALPINE

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**Working Drawings**

PROJECT: PROPOSED NEW DWELLING  
 Lot 1, 131 Bathe Road Pakenham

DRAWING: SHEET SIZE: WD-14/18 **A2**  
 JOB NO: 370272  
 DRAWN: SNW  
 PLOT: 23/10/2024  
 DATE: 27/11/2023

**AREA SUMMARY**

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05 Patio 1 Area	5.46
06 Patio 2 Area	8.59
<b>TOTAL</b>	<b>378.73 m²</b>



PROVIDE TERMITE TREATMENT IN ACCORDANCE WITH AS 3660.1

ALL STRUCTURAL MEMBERS INCLUDING BEAMS, LINTELS, BRACING AND TIE DOWNS AS PER ENGINEERS DESIGN

Light Fixtures		
Element ID	Symbol	Quantity
Ceiling Fan		4
External Wall Light		5
Heat Lamp		3
LED D/L		61
LED Fluro		2
Pendant		3
Spotlight		1

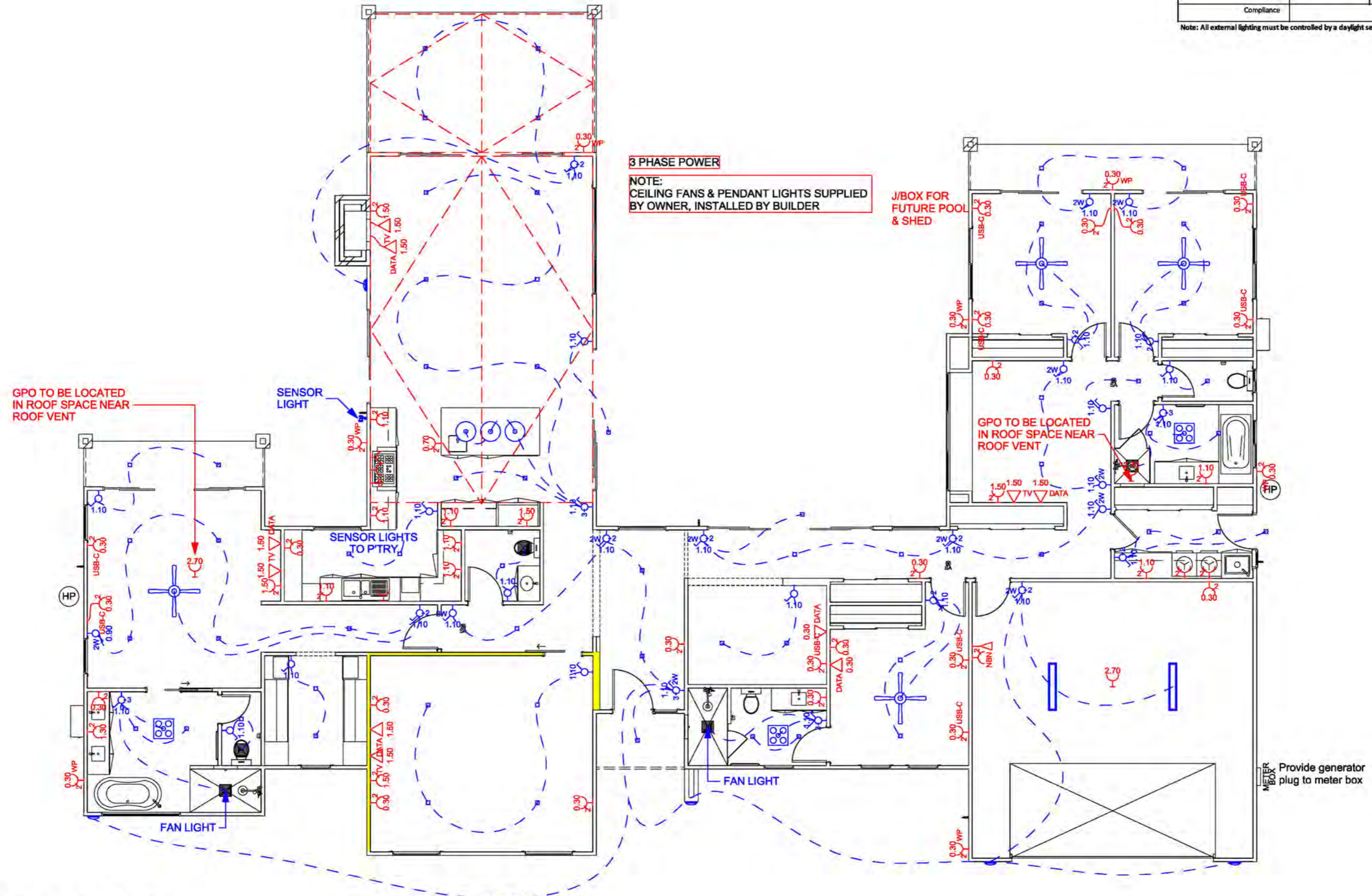
Electrical Fixtures		
Name	Symbol	Quantity
DATA		6
Double GPO		34
Double GPO USB-C		7
Double Switch		6
Double Switch - 2 Way		7
Exhaust Fan		5
Isolator		1
NBN		1
Single GPO		5
Single Switch		11
Single Switch - 2 Way		6
Smoke Alarm		3
Triple Switch		1
Triple Switch - 2 Way		1
TV		4
Water Proof Double GPO		7

**LIGHTING**  
 Downlights have been included in this assessment. Yes  
 All lighting in the dwelling will be designed at 5W/m<sup>2</sup> or better.  
 All lighting on the verandah, balcony will be designed at 4W/m<sup>2</sup> or better.  
 All lighting in the garage will be designed at 3W/m<sup>2</sup> or better.  
 Artificial lighting around the perimeter of the building must be controlled by a daylight sensor.

**ARTIFICIAL LIGHTING CALCULATIONS**

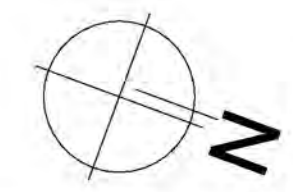
Lighting						
Room	Watts	Number	Total Watts	Area	Maximum W/m <sup>2</sup>	Allowable Watts
Dwelling	9	56	504	288.6	5.0	1443.0
LED	25	3	75			
Pendant			0			
			0			
Porch/Alfresco	9	9	81	37.8	4.0	151.2
LED			0			
Garage	16	2	32	52.3	3.0	157.0
LED Fluro Light			0			
<b>Total Watts</b>	<b>692.0</b>		<b>1751.2</b>			
<b>Compliance</b>	<b>PASS</b>					

Note: All external lighting must be controlled by a daylight sensor for a minimum efficiency of 40 lumens per watt.



**Electrical Plan**  
SCALE 1:100

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Construction Standards To Comply With Australian Standard 3959 -2018  
 Bush Fire Attack Level (BAL) - 40

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<b>G.J. Gardner. HOMES</b> ALPINE 360 ALPINE Tyrrell Constructions Pty Ltd CDB-U 54497 Trading as G.J. Gardner Homes Warragul 26 Hazel Drive Rd, Warragul, Vic 3820	CLIENT: 	PROJECT: PROPOSED NEW DWELLING Lot 1, 131 Bathe Road Pakenham	DRAWING: SHEET SIZE WD-15/18 <b>A2</b> JOB NO: 370272 DRAWN: SNW PLOT: 23/10/2024 DATE: 27/11/2023	<b>AREA SUMMARY</b> AREA SQM 01 Living Area 288.39 02 Garage Area 52.33 03 Porch Area 3.14 04 Alfresco Area 20.82 05 Patio 1 Area 5.46 06 Patio 2 Area 8.59 <b>378.73 m<sup>2</sup></b>
	© COPYRIGHT EXCLUSIVE TO G.J. GARDNER HOMES	DRAWING TITLE: <b>Working Drawings</b>	DRAWING: SNW PLOT: 23/10/2024 DATE: 27/11/2023	DATE: _____



PROVIDE TERMITE TREATMENT IN ACCORDANCE WITH AS 3660.1

ALL STRUCTURAL MEMBERS INCLUDING BEAMS, LINTELS, BRACING AND TIE DOWNS AS PER ENGINEERS DESIGN

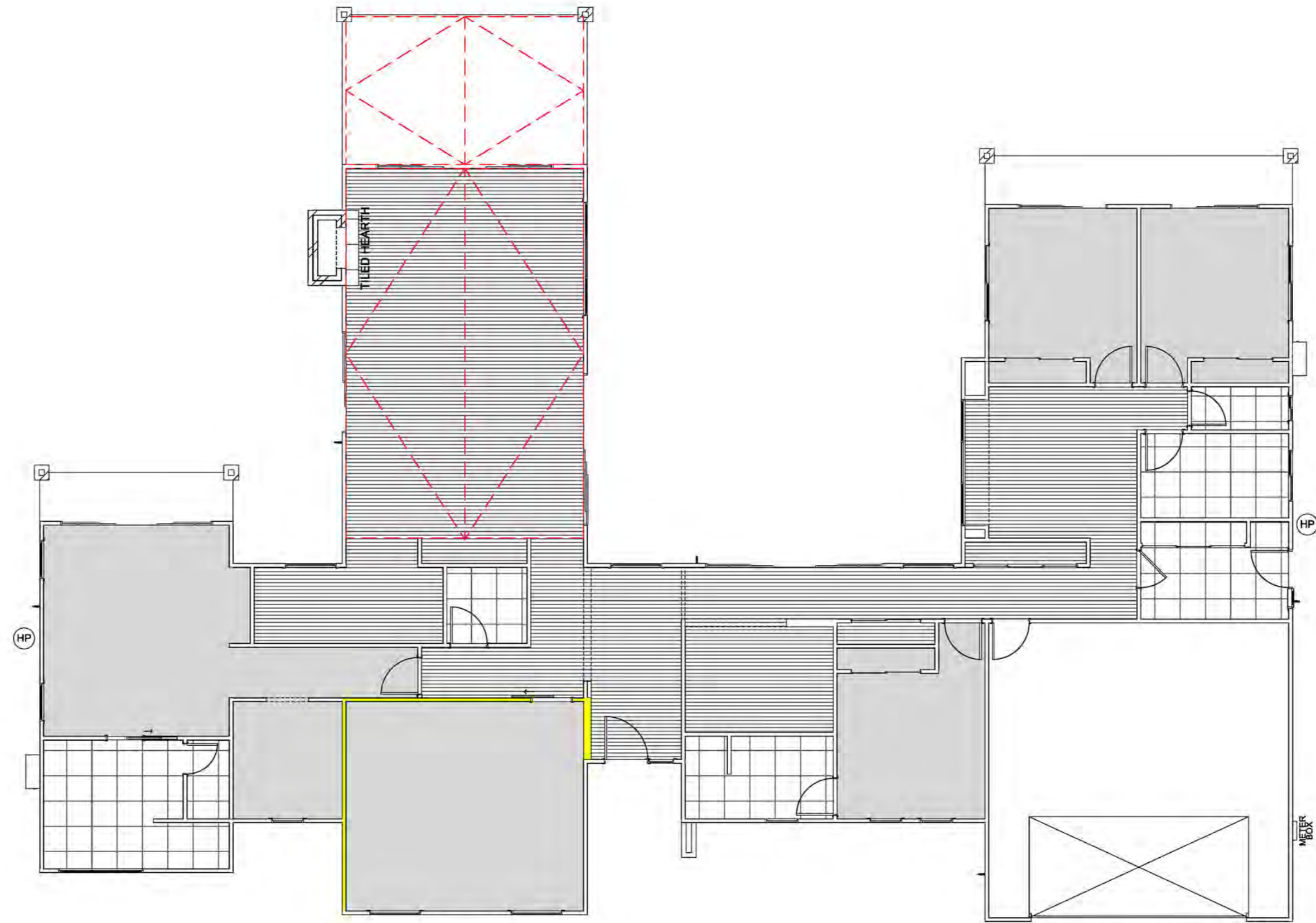
PROVIDE SELECTED ENGINEERED TIMBER

PROVIDE SELECTED TILES

PROVIDE SELECTED CARPET

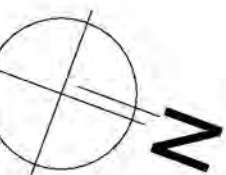
Floor Coverings

Carpet sqm 107.51  
Engineered Timber sqm 119.43  
Tiles sqm 41.49



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Floor Coverings  
SCALE 1:100



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ALPINE

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PROJECT: PROPOSED NEW DWELLING  
Lot 1, 131 Bathe Road Pakenham

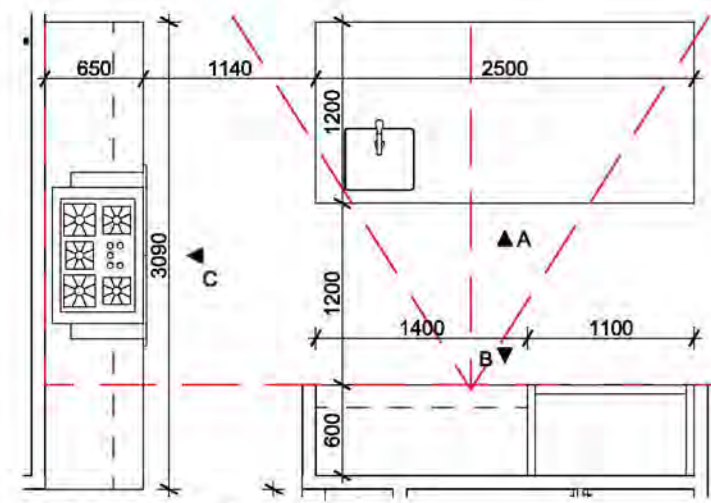
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WD-16/18 **A2**  
JOB NO: 370272  
DRAWN: SNW  
PLOT: 23/10/2024  
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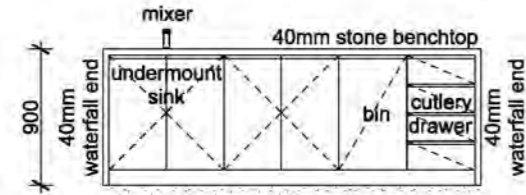
Construction Standards To Comply With Australian Standard 3959 -2018  
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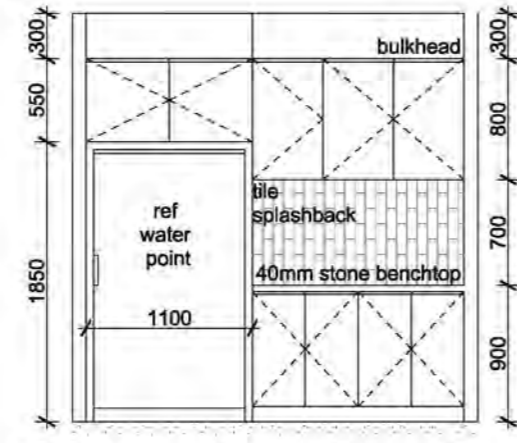




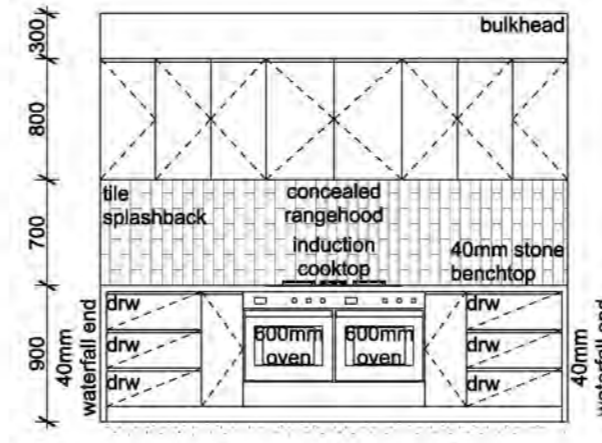
**Kitchen Plan**  
SCALE 1:50



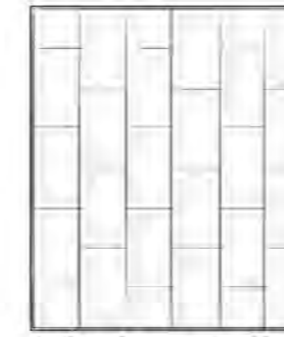
**Kitchen Elevation A**  
SCALE 1:50



**Kitchen Elevation B**  
SCALE 1:50

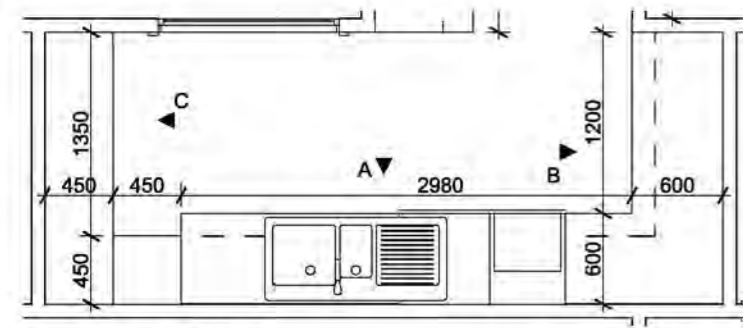


**Kitchen Elevation C**  
SCALE 1:50

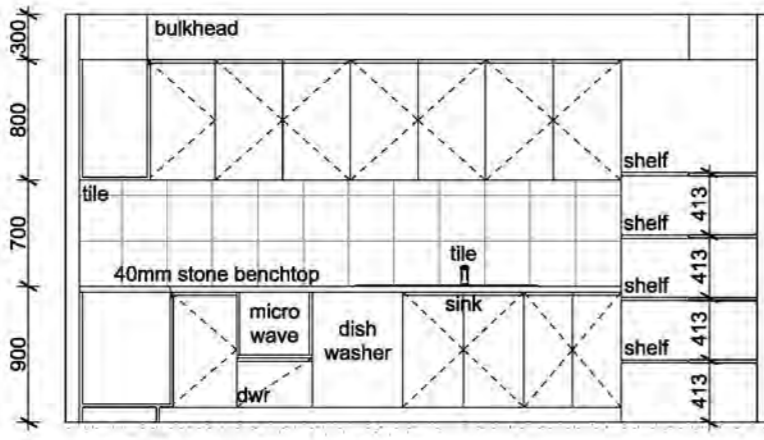


**Kitchen Tile  
Splashback Configuration**

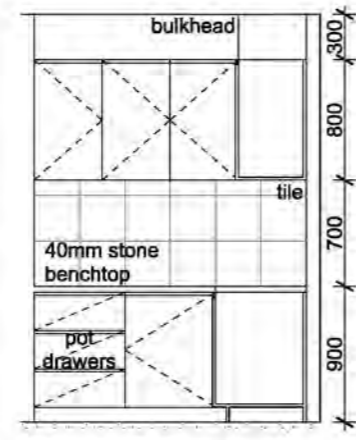
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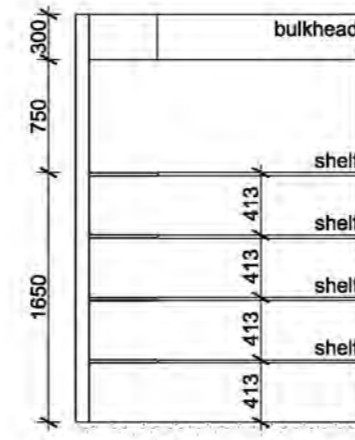
**Pantry Plan**  
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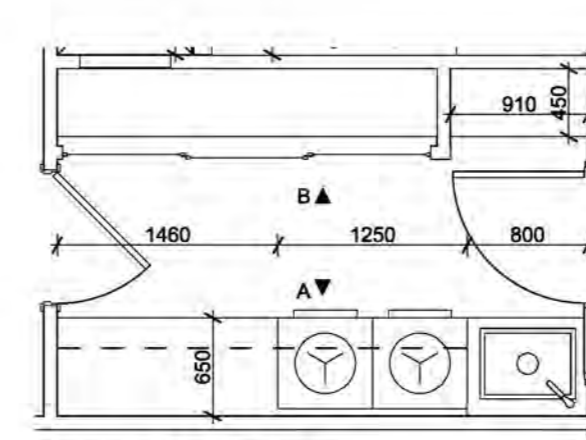
**P'try Elevation A**  
SCALE 1:50



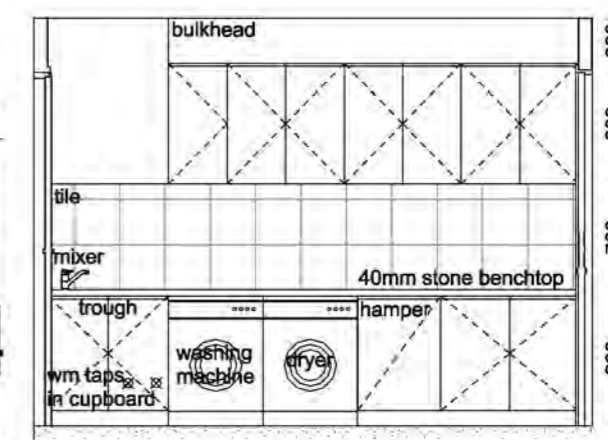
**P'try Elevation B**  
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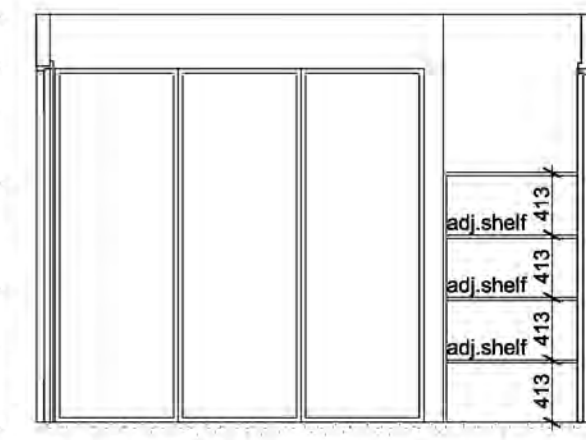
**P'try Elevation C**  
SCALE 1:50



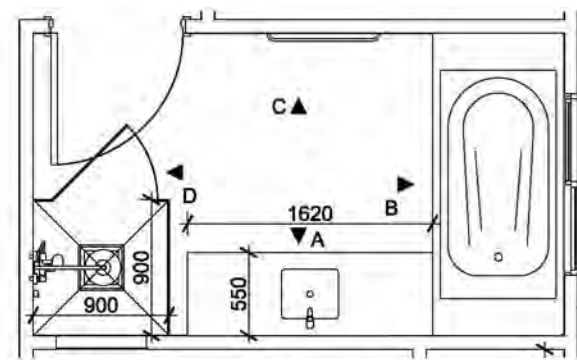
**Laundry Plan**  
SCALE 1:50



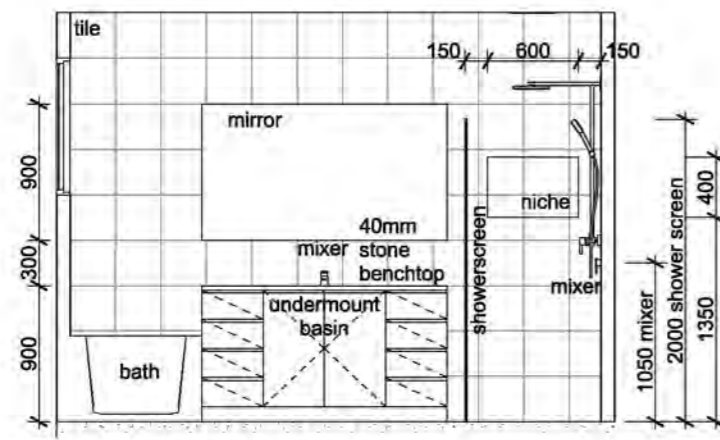
**L'dry Elevation A**  
SCALE 1:50



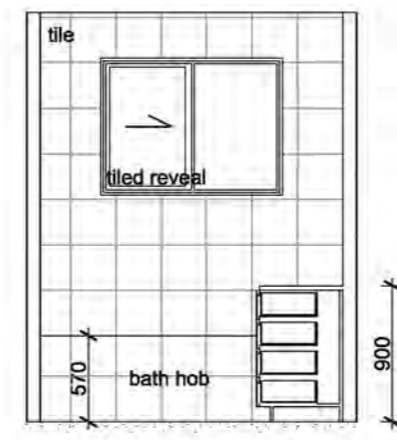
**L'dry Elevation B**  
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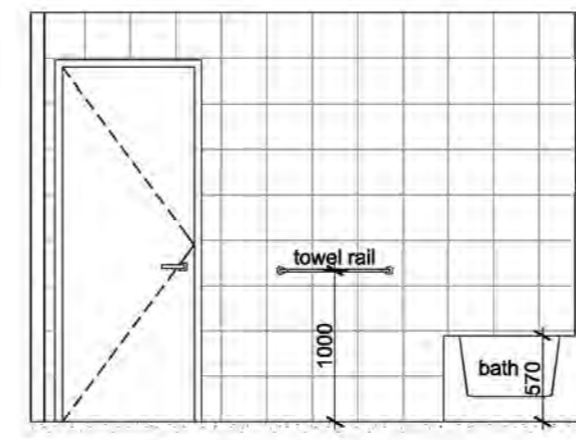
**Bathroom Plan**  
SCALE 1:50



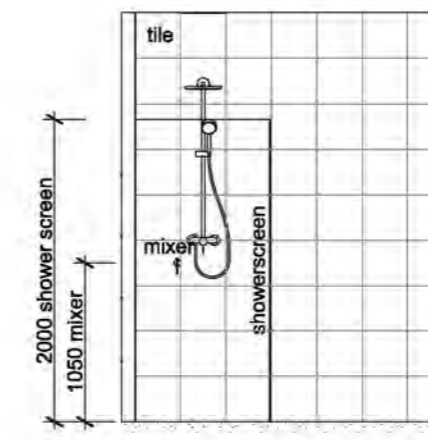
**Bath Elevation A**  
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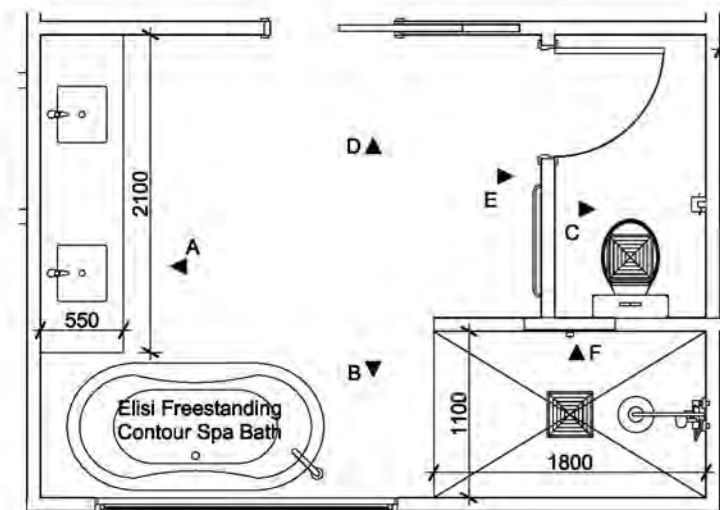
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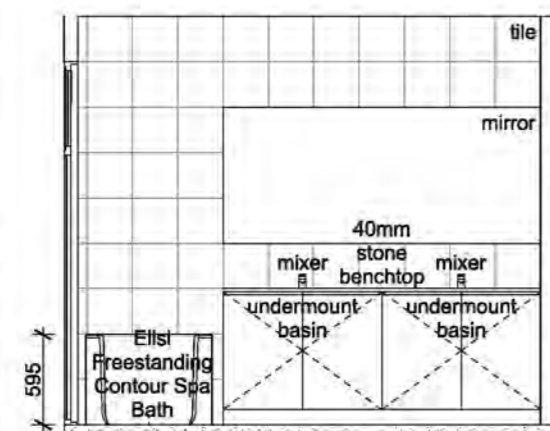
**Bath Elevation C**  
SCALE 1:50



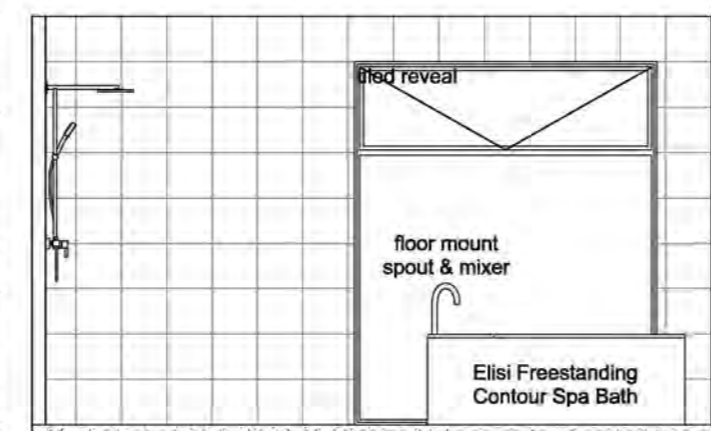
**Bath Elevation D**  
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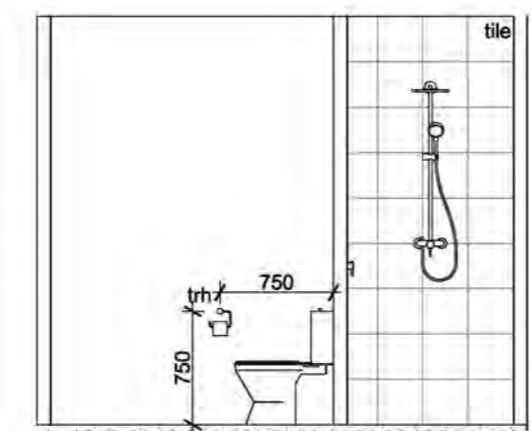
**Ensuite Plan**  
SCALE 1:50



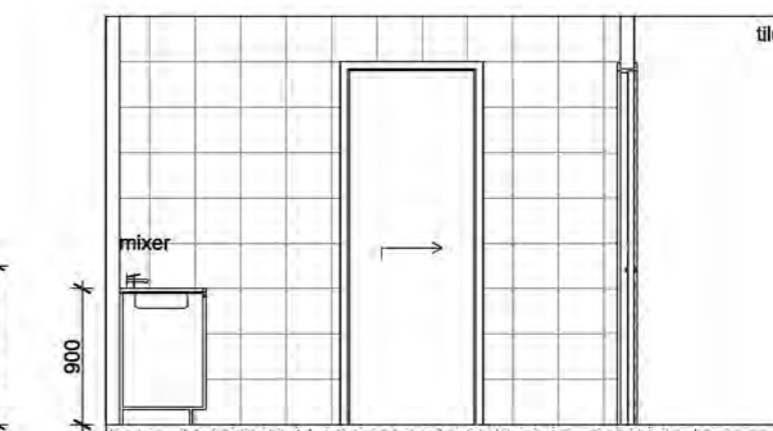
**Ens Elevation A**  
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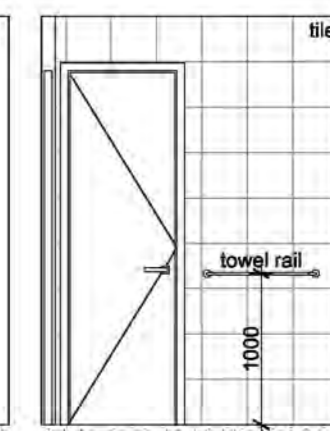
**Ens Elevation B**  
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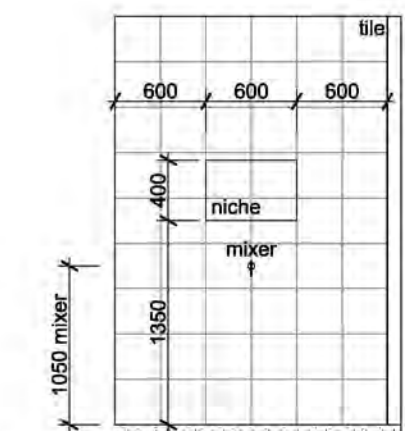
**Ens Elevation C**  
SCALE 1:50



**Ens Elevation D**  
SCALE 1:50



**Ens Elevation E**  
SCALE 1:50



**Ens Elevation F**  
SCALE 1:50

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ALPINE

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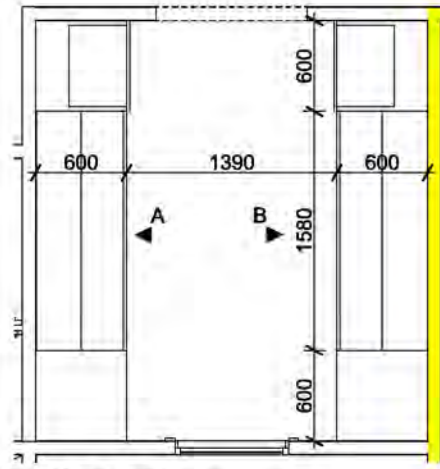
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DRAWING TITLE:  
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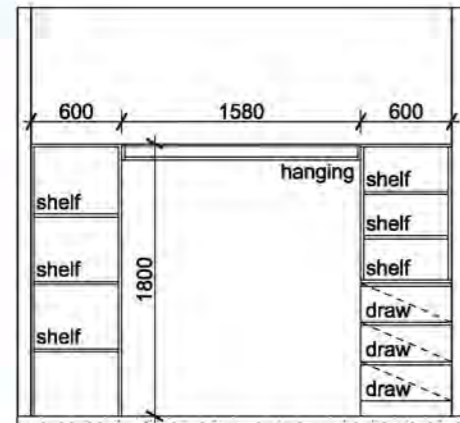
DRAWING SHEET SIZE:  
WD-17/18 **A2**  
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**378.73 m²**

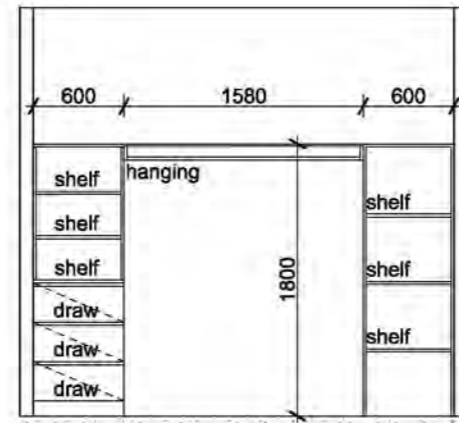




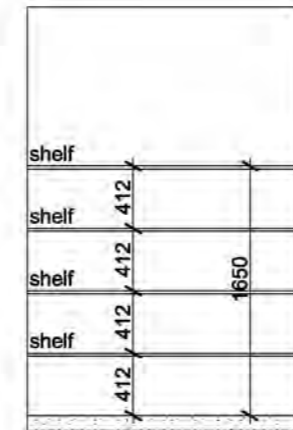
**WIR Plan**  
SCALE 1:50



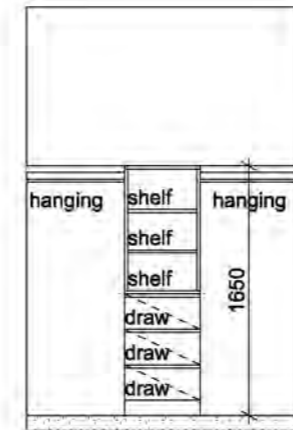
**WIR Elevation A**  
SCALE 1:50



**WIR Elevation B**  
SCALE 1:50

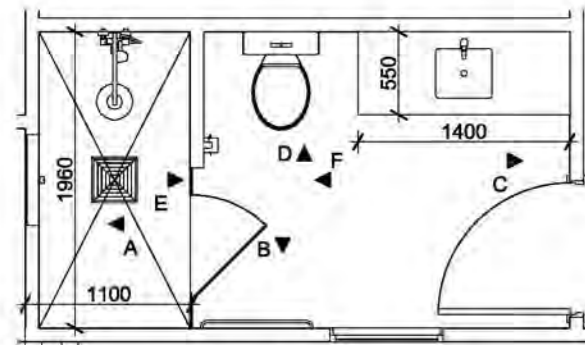


**Typical Linen**  
SCALE 1:50

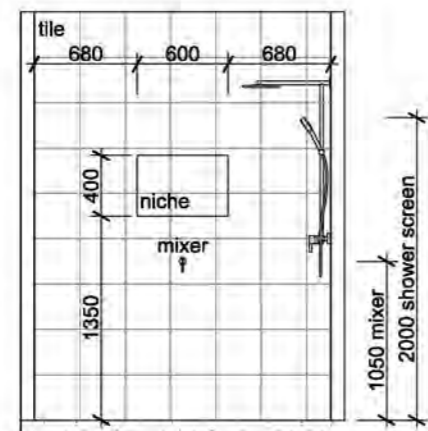


**Typical Robe**  
SCALE 1:50

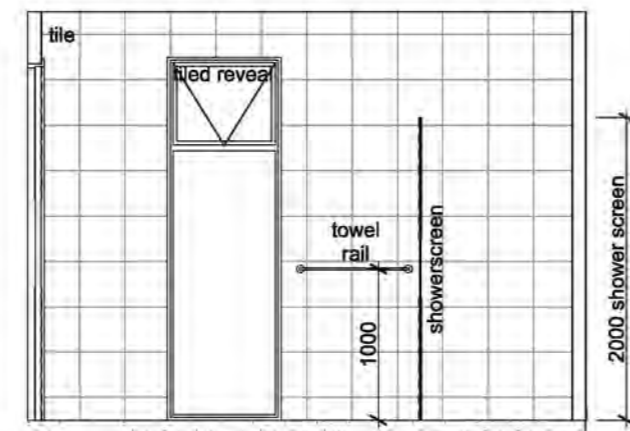
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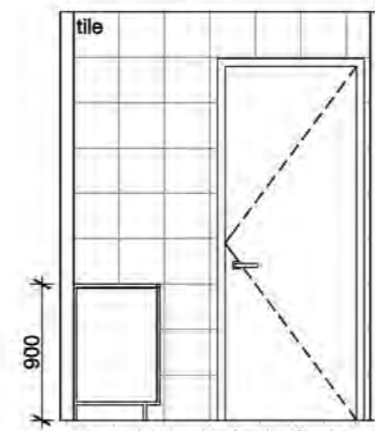
**Ensuite 2 Plan**  
SCALE 1:50



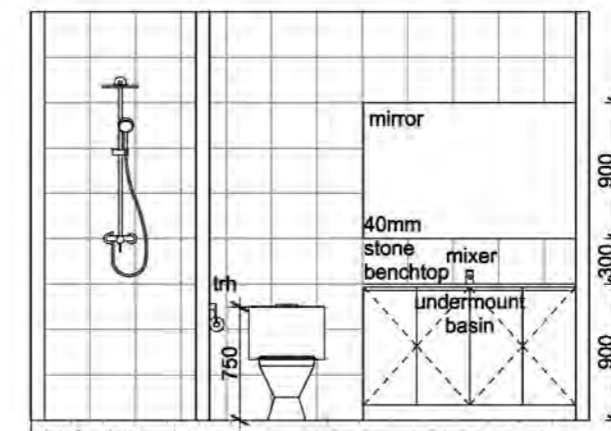
**ENS 2 Elevation A**  
SCALE 1:50



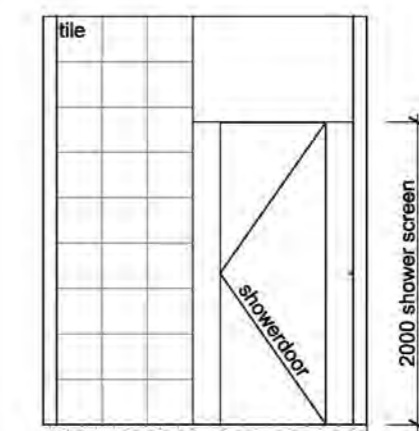
**ENS 2 Elevation B**  
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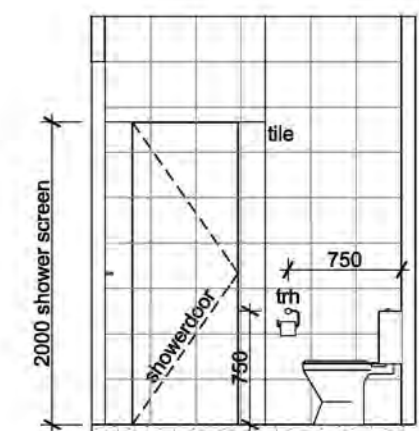
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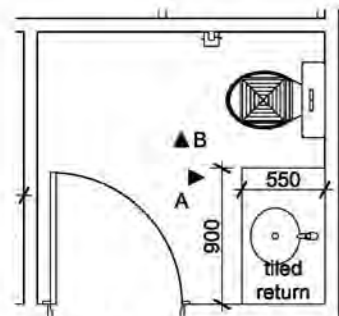
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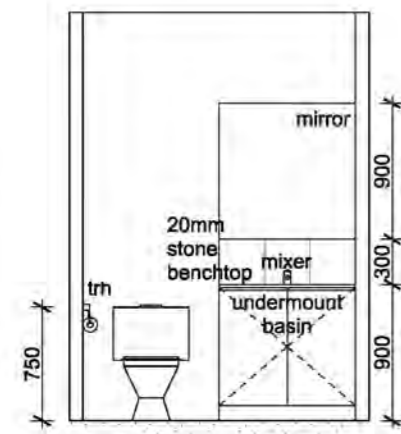
**ENS 2 Elevation E**  
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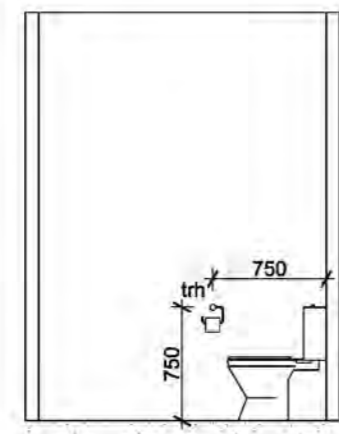
**ENS 2 Elevation F**  
SCALE 1:50



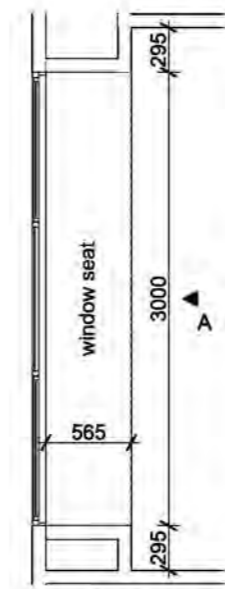
**PDR Plan**  
SCALE 1:50



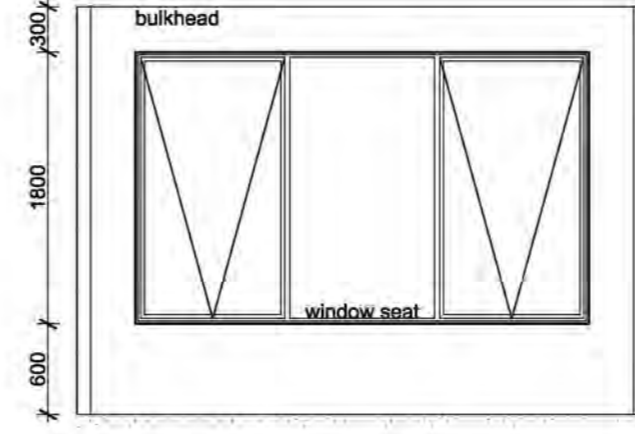
**PDR Elevation A**  
SCALE 1:50



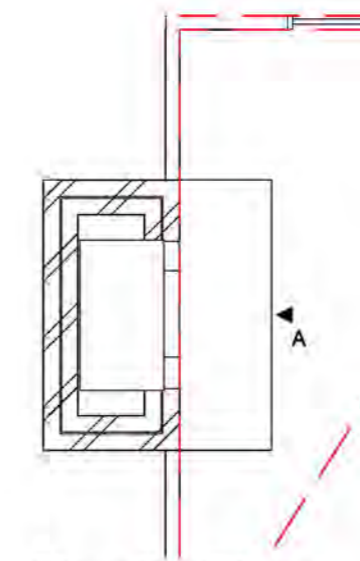
**PDR Elevation B**  
SCALE 1:50



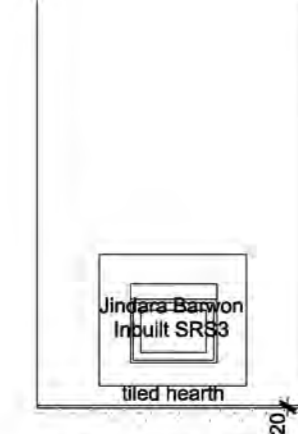
**Activity Plan**  
SCALE 1:50



**Activity Elevation A**  
SCALE 1:50



**Family Plan**  
SCALE 1:50



**Family Elevation A**  
SCALE 1:50

I/WE HAVE CHECKED THE PLANS AND AGREE THEY ACCURATELY DEPICT THE HOUSE FOR CONSTRUCTION. ANY VARIATIONS REQUESTED AFTER SIGNING WILL INCUR A PROCESSING FEE IN ADDITION TO THE COST OF THE VARIATION ITEMS AND ANY FURTHER PLANS TO BE PREPARED.  
OWNER SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
OWNER SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
BUILDER SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

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**G.J. Gardner. HOMES**

**ALPINE 360**  
ALPINE

Tyrrell Constructions Pty Ltd CDB-U 54497  
Trading as G.J. Gardner Homes Warragul  
26 Hazel Drive Rd, Warragul, Vic 3820

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CLIENT: \_\_\_\_\_  
DRAWING TITLE:  
**Working Drawings**

PROJECT: PROPOSED NEW DWELLING  
Lot 1, 131 Bathe Road Pakenham

DRAWING SHEET SIZE:  
WD-18/18 **A2**  
JOB NO: 370272  
DRAWN: SNW  
PLOT: 23/10/2024  
DATE: 27/11/2023

**AREA SUMMARY**  
AREA SQM  
01 Living Area 288.39  
02 Garage Area 52.33  
03 Porch Area 3.14  
04 Alfresco Area 20.82  
05 Patio 1 Area 5.46  
06 Patio 2 Area 8.59  
**378.73 m²**





**Bushfire Protection Measures**

**Mandatory Condition**

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

**a) Defendable Space**

Defendable space is provided for a distance around the building of **31m east, south, west and to the property boundary north** and managed in accordance with the following:

- 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.

**b) Construction Standard**

Building designed and constructed to a minimum Bushfire Attack Level of BAL 40

**c) Water Supply**

The following requirements apply:

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

**d) Access**

Access Required: **Yes**

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 nom more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.10) entry and exit angle.

**Length of access is greater 100 metres: No**

- A turning circle with a minimum radius of eight metres, or
- A driveway encircling the building, or
- 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.

**Length of driveway is greater than 200 metres: No**

Where length of access is greater than 100 metres the following design and construction requirements apply:

- Passing bays are required at least every 200 metres that are a minimum 20 metres long and a minimum trafficable width of 6 metres.