
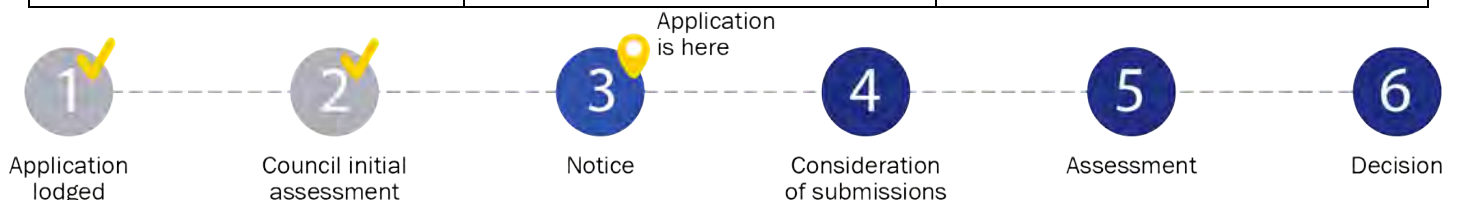


# Notice of Application for a Planning Permit

The land affected by the application is located at:	L3 PS511552 5-7 Palm Court, Emerald VIC 3782	
The application is for a permit to:	Use and development of the land for a Small Second Dwelling	
<b>A permit is required under the following clauses of the planning scheme:</b>		
35.06-1	Use of the land for a Small Second Dwelling	
35.06-5	Construct a building or construct or carry out works associated with a use in Section 2 (Small Second Dwelling)	
35.06-5	Construct a building within nominated setbacks	
35.06-5	Construct or carry out earthworks specified in a schedule to this zone	
42.01-2	Construct a building or construct or carry out works	
44.06-2	Construct a building or construct or carry out works associated with Accommodation (Small Second Dwelling)	
<b>APPLICATION DETAILS</b>		
The applicant for the permit is:	Placement Studio	
Application number:	T240505	
<p>You may look at the application and any documents that support the application at the office of the responsible authority:</p> <p>Cardinia Shire Council, 20 Siding Avenue, Officer 3809.</p> <p>This can be done during office hours and is free of charge.</p> <p>Documents can also be viewed on Council's website at <a href="http://cardinia.vic.gov.au/advertisedplans">cardinia.vic.gov.au/advertisedplans</a> or by scanning the QR code.</p>		
<b>HOW CAN I MAKE A SUBMISSION?</b>		
<p>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:</p>		<b>14 March 2025</b>
<p><b>WHAT ARE MY OPTIONS?</b></p> <p>Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.</p> <p>If you object, the Responsible Authority will notify you of the decision when it is issued.</p>	<p>An objection must:</p> <ul style="list-style-type: none"> <li>• be made to the Responsible Authority in writing;</li> <li>• include the reasons for the objection; and</li> <li>• state how the objector would be affected.</li> </ul>	<p>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.</p>



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## Application Summary

Portal Reference: A42451TW

## Basic Information

Proposed Use: A new small second dwelling (SSD) on the site.  
 Current Use: A single residential home.  
 Cost of Works: \$500,000  
 Site Address: 5-7 Palm Court Emerald 3782

## Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope? **No such encumbrances are breached**

Note: During the application process you may be required to provide more information in relation to any encumbrances.

## Contacts

Type	Name	Address	Contact Details
Applicant	Placement Studio	1/177 Beavers Rd, Northcote VIC 3070	M: 0414-922-959 E: jf@placement.net.au
Owner	[Redacted]	[Redacted]	[Redacted]
Preferred Contact	Placement Studio	1/177 Beavers Rd, Northcote VIC 3070	M: 0414-922-959 E: jf@placement.net.au

## Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 4 More than \$100,000 but not more than \$500,000	\$1,420.70	100%	\$1,420.70
<b>Total</b>			<b>\$1,420.70</b>

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20 Siding Avenue, Officer, Victoria

**Council's Operations Centre (Depot)**  
Purton Road, Pakenham, Victoria

**Postal Address**  
Cardinia Shire Council  
P.O. Box 7, Pakenham VC, 3810

**Email:** mail@cardinia.vic.gov.au


Monday to Friday 8.30am–5pm  
**Phone:** 1300 787 624  
**After Hours:** 1300 787 624  
**Fax:** 03 5941 3784

## Documents Uploaded

Date	Type	Filename
02-10-2024	A Copy of Title	5-7 Palm Crt Title Search.pdf
02-10-2024	A Copy of Title	5-7 Palm Crt Title Plan.pdf
02-10-2024	Additional Document	5-7 Palm Crt - Cover Letter .pdf
02-10-2024	Additional Document	5-7 Palm Crt Bushfire Management Plan.pdf
02-10-2024	Additional Document	5-7 Palm Crt Bushfire Management Statement.pdf
02-10-2024	Additional Document	5-7 Palm Crt Land Management Plan.pdf
02-10-2024	Additional Document	5-7 Palm Crt Land Survey.pdf
02-10-2024	Additional Document	5-7 Palm Crt Planning Report.pdf
02-10-2024	Site plans	2401_PALM CRT MODULAR TP_00.pdf

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

## Lodged By

Site User	 Placement Studio	1/177 Beavers Rd, Northcote VIC 3070	E: jf@placement.net.au
Submission Date	02 October 2024 - 09:02:AM		

## Declaration

By ticking this checkbox,  declare that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been notified of the application.



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20 Siding Avenue, Officer, Victoria

**Council's Operations Centre (Depot)**  
Purton Road, Pakenham, Victoria

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5pm  
**Phone:** 1300 787 624  
**After Hours:** 1300 787 624  
**Fax:** 03 5941 3784

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

Page 1 of 1

VOLUME 10871 FOLIO 396

Security no : 124118663043K  
Produced 01/10/2024 10:43 AM

**LAND DESCRIPTION**

Lot 3 on Plan of Subdivision 511552K.  
PARENT TITLE Volume 10857 Folio 027  
Created by instrument PS511552K Stage 2 27/04/2005

**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.

**DIAGRAM LOCATION**

SEE PS511552K FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 5-7 PALM COURT EMERALD VIC 3782

**ADMINISTRATIVE NOTICES**

NIL



DOCUMENT END

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PLAN OF SUBDIVISION

Stage No.

Plan Number  
PS 511552 K

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CORNISH ROAD

ROAD

FERRERES ROAD

ROAD

ROAD

RESERVE No.1  
(PLANTATION PURPOSES)  
1374m<sup>2</sup>

SEE SHEET 3  
1.519ha

6  
6.323ha

SEE SHEET 4  
1.487ha

NOT TO SCALE

NOT TO SCALE

S2



ROAD CLOSED  
(SEE CP119315)

**NICHOLAS PETRIS & ASSOC. P/L**  
ABN 50 005 633 081  
ENVIRONMENTAL PLANNING & DEVELOPMENT CONSULTANTS  
LAND SURVEYORS  
Unit 1 1569 Burwood Highway, Belgrave 3160  
Telephone: (03)9754 3930 Fax: (03)9752 5069

ORIGINAL	SCALE
SHEET SIZE A3	SCALE 1:2000
LENGTHS ARE IN METRES	

LICENSED SURVEYOR (PRINT) PETER CLYDE HANSEN  
SIGNATURE \_\_\_\_\_ DATE 9/12/03  
REF 3497/1 VERSION 3

SHEET 2 OF 4 SHEETS  
DATE \_\_\_\_\_  
COUNCIL DELEGATE SIGNATURE \_\_\_\_\_

PLAN OF SUBDIVISION

Stage No.

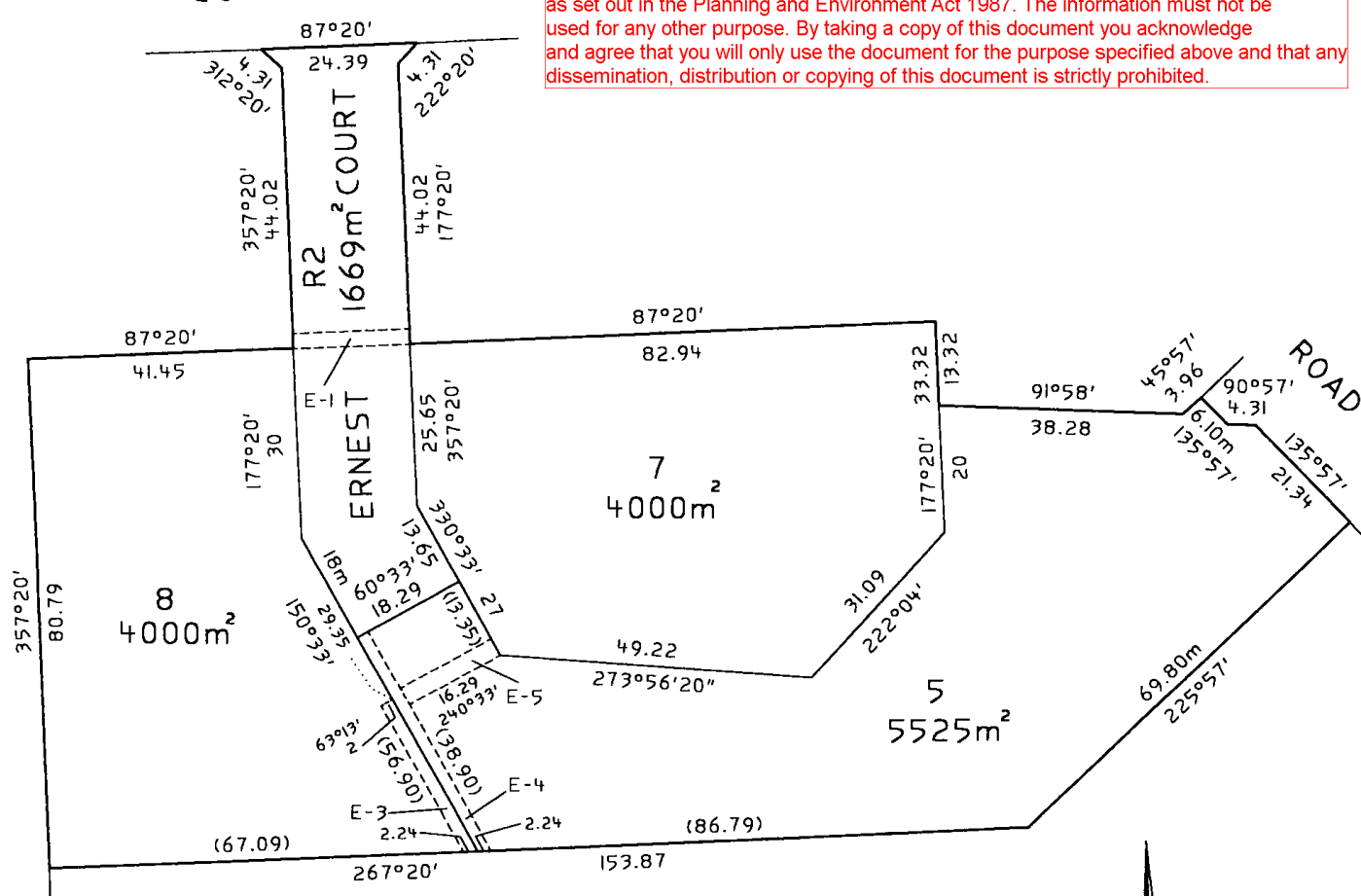
Plan Number  
PS 511552 K

CORNISH ROAD

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R2  
1669m<sup>2</sup> COURT  
ERNEST

ROAD



SEE SHEET 2



**NICHOLAS PETRIS & ASSOC. P/L**

ABN 50 005 633 081

ENVIRONMENTAL PLANNING & DEVELOPMENT CONSULTANTS  
LAND SURVEYORS

Unit 1 1569 Burwood Highway, Belgrave 3160  
Telephone: (03)9754 3930 Fax: (03)9752 5069

SHEET 3 OF 4 SHEETS

ORIGINAL	SCALE
SHEET SIZE A3	SCALE 1:800
LENGTHS ARE IN METRES	

LICENSED SURVEYOR (PRINT) PETER CLYDE HANSEN  
SIGNATURE \_\_\_\_\_ DATE 9/12/03  
REF 3497/3 VERSION 3

DATE \_\_\_\_\_  
COUNCIL DELEGATE SIGNATURE \_\_\_\_\_

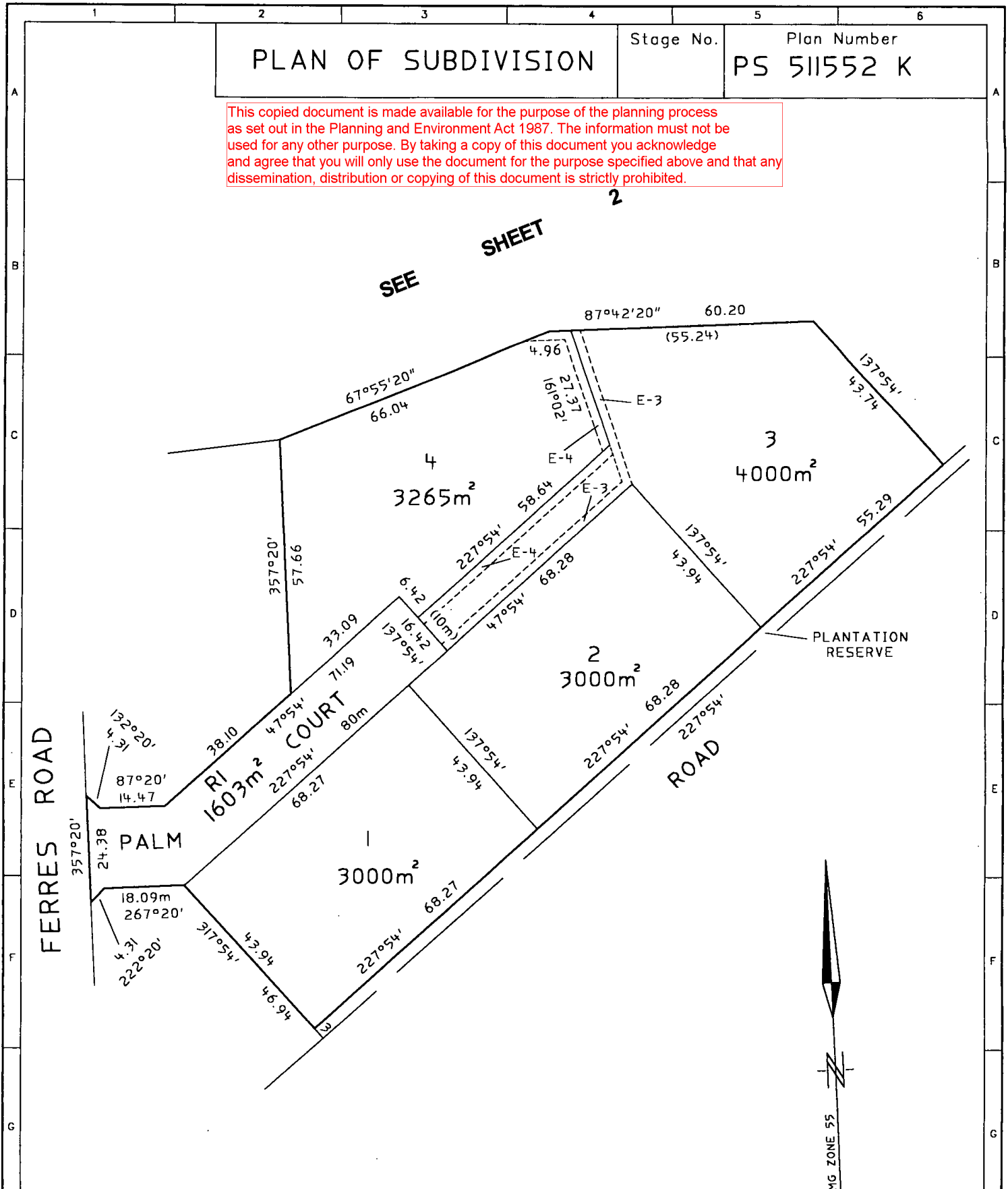
# PLAN OF SUBDIVISION

Stage No.

Plan Number  
**PS 511552 K**

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SEE SHEET 2



**NICHOLAS PETRIS & ASSOC. P/L**

ABN 50 005 633 081  
 ENVIRONMENTAL PLANNING & DEVELOPMENT CONSULTANTS  
 LAND SURVEYORS  
 Unit 1 1569 Burwood Highway, Belgrave 3160  
 Telephone: (03)9754 3930 Fax: (03)9752 5069

SHEET 4 OF 4 SHEETS

ORIGINAL SCALE

SHEET SIZE A3 SCALE 1:800

LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) PETER CLYDE HANSEN

SIGNATURE \_\_\_\_\_ DATE 9/12/03

REF 3497/2 VERSION 3

DATE \_\_\_\_\_  
 COUNCIL DELEGATE SIGNATURE \_\_\_\_\_







# 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.:	T240505 PA
Address of the Land:	L3 PS511552, 5-7 Palm Court, Emerald VIC 3782

## APPLICANT DETAILS

Name:	[REDACTED]
Organisation:	Placement Studio
Address:	1/177 Beavers Rd Northcote
Phone:	0414922959
Email:	jf@placement.net.au

## AMENDMENT TYPE


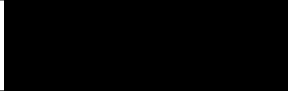
Under which section of the Act is this amendment being made? (select one)	
Section 50 - Amendment to application at request of applicant <b>before</b> notice:	<input checked="" type="checkbox"/>
Section 50A - Amendment to application at request of responsible authority <b>before</b> notice:	<input type="checkbox"/>
Section 57A - Amendment to application <b>after</b> notice is given:	<input 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.		
Updates and clarifications with regard to the extent of retaining in and around the tree protection zone.		

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>	
<b>Signature:</b>	
<b>Date:</b>	18.02.25

**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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Please find attached updated application documents regarding the planning application a Small Second Dwelling (SSD) at 5-7 Palm Crt, Emerald.


The following documents are attached:

- Updated Architectural Drawings
- Arborist Report

A summary of updates outlining responses to the RFI dated 30.10.24 is also below:

1. *Driveway materiality (confirmed as concrete to be an extension of the existing driveway), see updated drawings*
2. *Vegetation (refer to arborist report for details). The design of the earthworks surrounding the SSD has been amended in the south-east corner to allow for the natural ground level to be maintained around 'Tree 2'. This will enable the reduction of the allowable incursion into the TPZ to fall below 7% - in line with the recommendations of the report.*
3. *Cut and Fill – refer to updated drawings (Site Section 01/A300) for dimensions of cut and fill. Please note that cut and fill dimensions shown are indicative only and are representative of Section 01 only. The intent is to show the worst case scenario.*
4. *Cut from boundary (Section 01/A300) – refer to updated drawings*

Kind regards

  
Placement, Director

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# Arborist Report

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5-7 Palm Court, Emerald 3782



Client	Placement Design
Client Address	Studio. 1/177 Beavers Rd, Northcote 3070
Site Address	5-7 Palm Court, Emerald 3782
Document Type	Arborist Report – Tree assessment & recommendations.
Date	13/12/2024

## 1. Contents

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## 2. Key findings

- This is a finalized arborist report, it includes an arboricultural impact assessment.
- The subject site is a large property, there are 9 trees that are within 15m of the proposed works.
- Trees 1-6 are in the road reserve (Madigan Way) at the back of this property, except for trees 2-4 these trees will not be directly affected by the proposal.
- Tree 2 will be directly affected by the proposal; this is a major intrusion, and the proposal will need to be amended.
- Trees 3-4 will be directly affected by the proposal; this is a minor intrusion, and no amendment is required
- There is one tree (#9) on the subject site that is included in this report. This tree will be retained and will not be directly affected by the proposed development.
- Tree groups 7-8 are in an adjoining property.
- Tree group 7 will be directly affected by the proposal; this is a major intrusion. The trees concerned are small-sized, early mature trees that will tolerate a greater level of root disturbance with no adverse impact on their health. Based on this I am not recommending that the proposal is amended as it affects these trees.
- Tree group 8 will not be directly affected by the proposed development.

## 3. Introduction

I was contacted by Placement Design regarding providing an Arborist report for a proposed development at this address. The proposed development will affect 9 trees, most of these trees are in adjoining properties. As part of my assessment, I have reported on the health and condition of these trees and have provided recommendations based on my assessment.

The site is within the City of Cardinia, it is located within a Rural Conservation Zone (RCZ2). The site is covered by an Environmental Significance overlay (ESO1), this states that a permit is required to remove, destroy or lop any vegetation. This does not apply if:

- The vegetation is a tree overhanging the roof of a building used for Accommodation. This exemption only allows the removal, destruction, or lopping of that part of the tree which is overhanging the building, and which is necessary for fire protection.
- The vegetation is dead as a result of natural circumstances or the spread of noxious weeds and which has been assessed as being suitable for removal by an authorised officer of the responsible authority. This exemption does not apply to standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.



No trees are proposed to be removed as part of the proposed development.

This report is a finalized arboricultural report and includes an arboricultural impact assessment. This considers the proposed development and evaluates the potential impact on any trees to be retained on the site as well as trees located on adjoining properties and street trees. The evaluation is based upon *AS4970-2009: Protection of trees on development sites* as well as considering basic tree information (particularly health, condition, and age) and species factors. Tree protection zones and structural root zones as outlined in *AS4970-2009: Protection of trees on development sites* are intended to be used as a guideline, generally tree roots do not develop in a uniform manner and vary greatly in their size, spread and depth dependent on soil characteristics, available resources, and species factors. The TPZ as defined by the standard provides a quick and useful guideline for evaluating the potential impact from development on retained trees. Where there is a need to determine the size and spread of roots a non-invasive root investigation may be required, this will precisely determine the below ground impact of development on a tree's root system more accurately.

I have conducted a site visit on the 3/12/2024, and assessed the health, condition, and safety of the trees in question. Recommendations are outlined in section 5 of this report. A detailed list of the surveyed trees is provided in Appendix 2 of this report. A site plan is included which identifies and shows the location of the trees concerned, photographs of the trees have also been included.

#### 4. Methodology

The trees were assessed using the standard Visual Tree Assessment technique (VTA). The trees were assessed from the ground for the purpose of this report. VTA is an internationally recognised practice in the visual assessment of trees as formulated by Mattheck & Breloer (1999).

A Yama 20m diameter tape was used to obtain the Diameter at breast height (DBH) at 1.4 metres above ground level. The height was measured using a Nikon Forestry Pro Laser Range Finder, the spread of the tree's canopy was paced out. Photographs were taken with a Canon 700D DSLR camera. Aerial photographs were taken from [www.nearmap.com.au](http://www.nearmap.com.au).

The report considers relevant sections of the Australian Standard: AS4970-2009: Protection of trees on development sites and uses this as the basis for determining tree protection and structural root zones.

This report includes all trees located on the subject site/s, trees in adjoining properties that may be impacted by the proposed development (within 5m of the property boundary unless requested otherwise) and council street trees located directly outside the subject property/s. For the purposes of this report the definition of a tree is based on AS4970, which states that a tree is a *'long lived woody perennial plant greater than (or usually greater than) 3 m in height with one or relatively few main stems or trunks (or as defined by the determining authority)'*.

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The ULE rating system has been used as a guide to assist in determining the Useful Life Expectancy of the tree surveyed. Refer to Appendix 1 (Barrell 1993).

A scaled site plan has been prepared using ArborCAD software.

Reference was made to the Shire of Cardinia Planning Scheme through DELWP maps and spatial data: <https://www2.delwp.vic.gov.au/maps>.

This report referred to the proposed site plan for 5-7 Palm Court Emerald prepared by Placement Design and dated 1/10/2024.

Bluegum consultancy has been engaged by the client to provide an arborist report for this project following the development of the proposed plans.

## 5. Site Context

This is an average sized property (3994m<sup>2</sup>) which is in a low-density residential area; the site is sloping from left to right and has a north-south orientation with a northerly aspect. There are 9 trees included in this report.



Figure 1: Assessment area (Nearmap, 2024)

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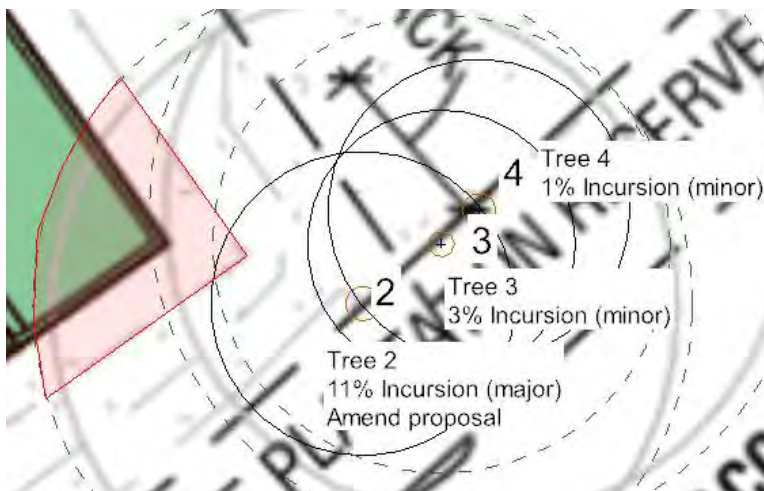


## 6. Discussion

The subject site is a large property, there are 9 trees that are within 15m of the proposed works.

Trees 1-6 are in the road reserve (Madigan Way) at the back of this property. Except for trees 2-4 these trees will not be directly affected by the proposed development as the proposal will not intrude into their tree protection zone (TPZ). Provided that basic tree protection measures are implemented there should be no adverse impact on the health of these trees from the proposed development.

Tree 2 will be directly affected by the proposed development as the proposal will intrude into its TPZ. Based on AS4970: Protection of trees on development sites this is classified as a major intrusion (11%). The standard states that *'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'*. Based on this I am recommending that the proposal is amended to reduce the extent of intrusion where it intrudes into the TPZ of this tree.



<p><u>Tree 2</u> TPZ: 5.9m Encroachment: 11% Recommendation: Major intrusion amend proposal to reduce intrusion.</p> <p><u>Tree 3</u> TPZ: 4.1m Encroachment: 3% Recommendation: Minor intrusion implement basic tree protection measures.</p> <p><u>Tree 4</u> TPZ: 5.9m Encroachment: 1% Recommendation: Minor intrusion implement basic tree protection measures.</p>
--

Trees 3-4 will be directly affected by the proposed development as the proposal will intrude into their TPZ. Based on AS4970: Protection of trees on development sites this is classified as a minor intrusion ( $\leq 10\%$ ). The standard allows for minor variations to the TPZ provided that the area lost can be compensated for elsewhere and is contiguous with the TPZ. As this is a minor intrusion and the area lost to encroachment can be offset, I am not recommending that further specific tree protection measures are needed.

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*Figure 2: Tree 2 is in the road reserve at the back of this property. The tree will be directly affected by the proposed new unit which will intrude into which will intrude into its TPZ and structural root zone (SRZ). This is a major intrusion, and the proposal will need to be amended.*

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There is one tree on the subject site that is within 15m of the proposed works and has been included in this report. This tree will be retained and will not be directly affected by the proposed development as the proposal will not intrude into its TPZ. Provided that basic tree protection measures are implemented there should be no adverse impact on the health of this tree from the proposed development.



*Figure 3: Tree 9 Betula pendula (Silver Birch) will be retained. This tree will not be directly affected by the proposed development. Provided that basic tree protection measures are implemented there should be no adverse impact on the health of this tree from the proposed development.*

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Tree groups 7-8 are in an adjoining property.

Tree group 7 will be directly affected by the proposed development as the proposal will intrude into its TPZ. Based on AS4970: Protection of trees on development sites this is classified as a major intrusion (~20%). The standard states that ‘*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 tree concerned are small sized, early mature *Pittosporum tenuifolium* CV (Kohuhu), these trees are young and will not have developed structural tree roots (>40mm diameter roots). The proposal will affect smaller, minor roots, these tree roots will quickly regrow and as a result the health of these trees will not be adversely affected. Based on this I am not recommending that the proposal is amended as it affects these trees. Provided that basic tree protection measures are implemented there should be no adverse impact on the health of these trees from the proposed development.



Figure 4: Tree group 7 *Pittosporum tenuifolium* CV (Kohuhu). These trees will be directly affected by the proposed development, this is classified as a major intrusion. The trees are small sized, early mature trees and will not have developed structural tree roots (>40mm diameter roots). The proposal will affect smaller, minor roots that will quickly regrow, and as a result the health of these trees will not be adversely affected.

Tree group 8 will not be directly affected by the proposed development as the proposal will not intrude into their TPZ. Provided that basic tree protection measures are implemented there should be no adverse impact on the health of these trees from the proposed development.

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**Table 1: Trees to be retained:**

Trec#	TPZ	Intrusion	Recommended tree protection measures
1	5.5	0%	Road reserve tree, no intrusion, implement basic tree protection measures.
2	5.9	11%	Road reserve tree, major intrusion, amend proposal to reduce intrusion.
3	4.1	3%	Road reserve tree, no intrusion, implement basic tree protection measures.
4	5.9	1%	Road reserve tree, no intrusion, implement basic tree protection measures.
5	2.0	0%	Road reserve tree, no intrusion, implement basic tree protection measures.
6	2.0	0%	Road reserve tree, no intrusion, implement basic tree protection measures.
7	2.0	20%	Neighbouring tree, major intrusion, no amendment required implement tree protection measures.
8	2.0	0%	Neighbouring tree, no intrusion, implement basic tree protection measures.
9	2.0	0%	Retain tree, no intrusion, implement basic tree protection measures.

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## 7. Recommendations

The subject site is a large property, there are 9 trees that are within 15m of the proposed works.

Trees 1-6 are in the road reserve (Madigan Way) at the back of this property. Except for trees 2-4 these trees will not be directly affected by the proposed development. Provided that basic tree protection measures (see below) are implemented there should be no adverse impact on the health of these trees from the proposed development.

Tree 2 will be directly affected by the proposed development; this is classified as a major intrusion (11%). Based on this I am recommending that the proposal is amended to reduce the extent of intrusion where it intrudes into the TPZ of this tree.

Trees 3-4 will be directly affected by the proposed development; this is classified as a minor intrusion ( $\leq 10\%$ ). As this is a minor intrusion and the area lost to encroachment can be offset, I am not recommending that further specific tree protection measures are needed. Provided that basic tree protection measures (see below) are implemented there should be no adverse impact on the health of these trees from the proposed development.

Tree groups 7-8 are in an adjoining property.

Tree group 7 will be directly affected by the proposed development; this is classified as a major intrusion ( $\sim 20\%$ ). The tree concerned are small sized, early mature *Pittosporum tenuifolium* CV (*Kohuhu*), these trees are young and will not have developed structural tree roots ( $>40\text{mm}$  diameter roots). The proposal will affect smaller, minor roots, these tree roots will quickly regrow and as a result the health of these trees will not be adversely affected. Based on this I am not recommending that the proposal is amended as it affects these trees. Provided that basic tree protection measures (see below) are implemented there should be no adverse impact on the health of these trees from the proposed development.

Tree group 8 will not be directly affected by the proposed development. Provided that basic tree protection measures (see below) are implemented there should be no adverse impact on the health of these trees from the proposed development.

Tree 9 is located on the subject site. This tree will be retained and will not be directly affected by the proposed development. Provided that basic tree protection measures (see below) are implemented there should be no adverse impact on the health of this tree from the proposed development.

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## 8. Tree Protection Requirements

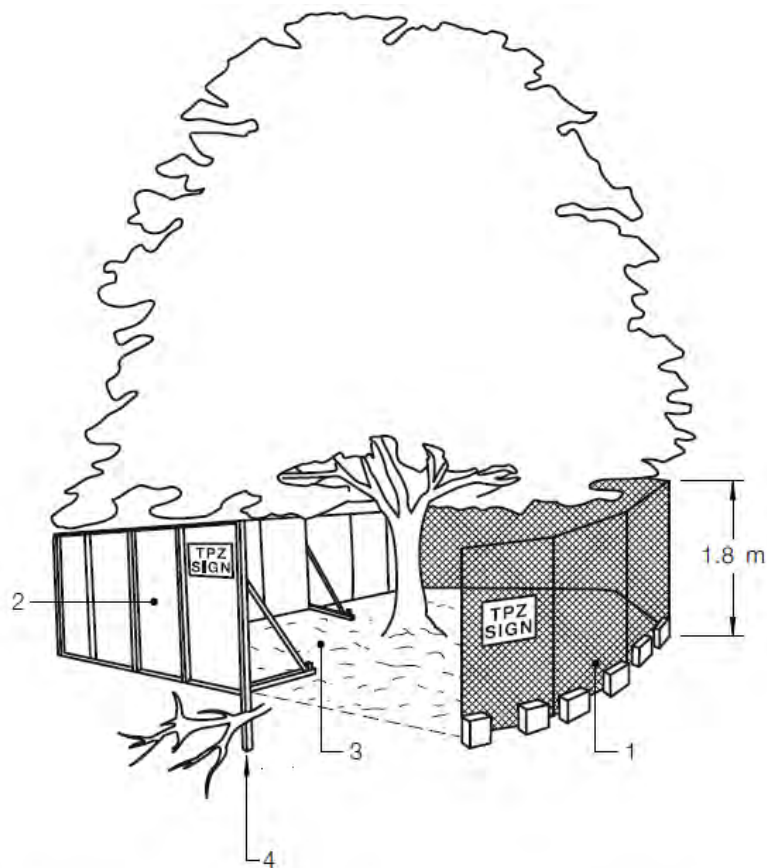
### **Basic Tree Protection Requirements**

The following basic tree protection measures will need to be implemented prior to any work commencing on site and remain in place for the duration of the work.

1. Before commencing work on site, the contractor is required to meet with the consultant arborist to review all work procedures, access routes, storage areas and tree protection measures.
2. Temporary protective fencing to a minimum height of 1.8m must be erected along the perimeter of the TPZ (or modified TPZ) for any trees that are to be retained on the site. Prior to any machinery or materials being brought on site and before any works including demolition commences.
3. Once erected protective fencing must not be removed or altered without approval from the project arborist.
4. Protective fencing needs to be in accordance with AS 4687. Signs identifying the TPZ should be placed around the protective fencing.
5. Construction vehicles and storage areas must remain outside fenced areas always.
6. If tree roots are encountered or damaged during construction, they need to be cut cleanly to sound tissue with sharp secateurs or a pruning saw.
7. Surplus construction materials (e.g., soil, cement, base rock etc.) are not to be stored or allowed to remain inside the trees' TPZ.
8. Additional tree pruning required during construction must be carried out by an appropriately qualified contractor and in accordance with Australian Standards 4373: 2007, Pruning of Amenity Trees and not by construction personnel.
9. All underground services including drainage and irrigation must be routed outside of trees' TPZs, if this is not possible excavation is to be carried out by tunneling or boring beneath the tree protection zone.
10. Trees retained on site are to be regularly watered (minimum weekly) during periods of dry conditions within the tree protection zone.
11. If trees are damaged during construction, it should be evaluated as soon as possible by the project arborist so that appropriate treatments can be applied.
12. Erosion control such as silt fencing, debris basins and water diversion methods shall be installed to prevent siltation and/or erosion within the tree protection zone.
13. If temporary access roads must pass over the root areas (TPZ) of trees to be retained a roadbed of 150mm of mulch or crushed rock shall be created to prevent soil compaction within the tree's root area. The roadbed material shall be maintained to a depth of 150mm throughout construction.
14. Once construction is completed all foreign (non-organic) debris needs to be removed from within the tree protection zone.

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**LEGEND:**

- 1 Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
- 2 Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
- 3 Mulch installation across surface of TPZ (at the discretion of the project arborist). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
- 4 Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

*Figure 5: Tree protection zone and temporary protective fencing.*

*The creation of an exclusion zone around trees to be retained on site is the primary means of tree protection during construction. Tree protection zone signage provides clear and readily accessible information to indicate that a TPZ has been established.*

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## 9. Suggested Replacement Species

Not applicable.

Please do not hesitate to call 0425 879 811 if you have any questions regarding the contents or recommendations provided in this report.

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## 10. References

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## Appendix 1 – Tree Assessment Criteria

1. Height describes the height of the tree in metres from ground level.
2. Trunk diameter (DBH) is calculated from the measured trunk circumference at 1.4m above ground level or at an alternative location if required (in accordance with AS 4970-2009).
3. Canopy spread describes the crown spread across the widest point.
4. Estimated age class is the tree's relative age to its species and is expressed as - Young (the first one third of the estimated life expectancy), Semi Mature (the second third of the estimated life expectancy), or Mature (the last third of the estimated life expectancy).
5. Useful life expectancy (ULE) – see appendix 2.
6. Tree protection zone (TPZ) is the principal means of protecting trees on a development site. The TPZ is a combination of the root area and the crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. The radius of the TPZ is calculated for each tree by multiplying its DBH x 12, the TPZ radius is measured from the centre of the stem at ground level. A TPZ should not be less than 2m nor greater than 15m (except where crown protection is required).
7. Structural root zone (SRZ) is the area required for tree stability. A larger area is required to maintain tree health.
8. Retention value is adapted from BS5837:2005 – Cascade chart for tree quality assessment. The retention value is applied to the tree in the context of the proposed land use.

### High retention value

High ranked trees would meet one or more of the following criteria:

- Trees in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested).
- Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g., the dominant and/or principal trees within an avenue).
- Trees of visual importance (e.g., avenues or other arboricultural features assessed as groups).
- Trees of significant historical, commemorative, or other value (e.g., veteran trees).

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### **Moderate retention value**

- Moderate ranked trees would meet one or more of the following criteria:
- Trees in such a condition as to make a significant contribution (a minimum of 20 years is suggested).
- Trees that might be included in the high category but may be downgraded because of impaired condition (e.g., presence of remediable defects including unsympathetic past management and minor storm damage).
- Trees present in numbers, usually as groups or woodlands, such that they form distinct landscape features, thereby attracting a higher collective rating than they might as individuals, but which are not, individually, essential components of formal or semi-formal arboricultural features, or trees situated mainly internally to the site, therefore individually having little visual impact on the wider locality.

### **Low retention value**

- Trees currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested), or young trees with a stem diameter below 150 mm.
- Low category trees will usually not be retained where they would impose a significant constraint on development. However, young trees with a stem diameter of less than 150 mm could be considered for relocation.

### **Remove/None**

- Trees ranked for removal/no retention value would meet one or more of the following criteria:
- Trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management.
- Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other trees (i.e., where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning).
- Trees that have a serious hazard potential (this may consider the context of any proposed development).
- Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline.
- Trees that are environmental weeds.

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## Appendix 2 – Useful Life Expectancy Categories (ULE)

**Long U.L.E-** the tree appeared retainable at the time of assessment for over 40 years with an acceptable degree of risk, assuming reasonable maintenance:

Structurally sound trees located in positions that can accommodate future growth.  
Trees which could be made suitable for long term retention by remedial care.  
Trees of special significance, which would warrant extraordinary efforts to secure their long-term retention.

**Medium U.L.E-** the tree appeared to be retainable at the time of assessment for 15 to 40 years with an acceptable degree of risk, assuming reasonable maintenance:

Trees which may only live from 15-40 years.  
Trees that may live for more than 40 years but may be removed for safety or nuisance reasons.  
Trees which may live for more than 40 years but would be removed to prevent interference with more suitable individuals or to provide space for new plantings.  
Trees which could be made suitable for retention in the medium term with remedial care.

**Short U.L.E-** trees that appeared to be retainable at the time of assessment for 5-15 years with an acceptable degree of risk, assuming reasonable maintenance:

Trees which may only live from 5 to 15 years.  
Trees that may live for more than 15 years but may be removed for safety or nuisance reasons.  
Trees which may live for more than 15 years but would be removed to prevent interference with more suitable individuals or to provide space for new plantings.  
Trees which require substantial remediation and are only suitable for retention in the short term.

**Removal- Tree which should be removed within the next 5 years.**

Dead, dying suppressed or declining trees.  
Dangerous trees through instability or recent loss of adjacent trees.  
Dangerous trees because of structural defects including cavities, decay included bark, wounds, or poor form.  
Damaged trees that are clearly not safe to retain.  
Trees which may live for more than 5 years but would be removed to prevent interference with more suitable individuals or to provide space for new plantings.  
Trees which are damaging or may cause damage to existing structures within the next 5 years.  
Trees that will become dangerous after the removal of other trees for the reasons given in (A) to (F).  
Trees in categories (A) to (G) that have a high wildlife habitat value and with appropriate treatment could be retained subject to regular review.

**Small, young, or regularly pruned- Trees that can be reliably moved or replaced.**

Small trees less than 5m in height.  
Young trees less than 15 years old but over 5m in height.  
Formal hedges and trees intended for regular pruning to artificially control growth.

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### Appendix 3 – Tree Species

Tree #	Botanical & common names	Origin	Health	Structure	Height	Canopy spread	Total DBH	DAB	Age	ULE	Amenity value	Retention value	TPZ	SRZ	Comments	Recommendations
1	<i>Acacia dealbata</i> (Silver Wattle)	Locally occurring	Good	Average	13.4	6	0.46	0.54	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	5.52	2.55	ST	Road reserve tree, no intrusion
2	<i>Acacia dealbata</i> (Silver Wattle)	Locally occurring	Good	Average to Poor	15.8	8	0.49	0.62	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	5.88	2.71	ST, Multistemmed	Road reserve tree, minor intrusion
3	<i>Acacia dealbata</i> (Silver Wattle)	Locally occurring	Good	Average to Poor	15	6	0.34	0.46	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	4.08	2.39	ST, Bifurcated main trunk	Road reserve tree, no intrusion
4	<i>Acacia dealbata</i> (Silver Wattle)	Locally occurring	Good	Average to Poor	15	8	0.49	0.61	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	5.88	2.69	ST, Multistemmed	Road reserve tree, no intrusion
5	<i>Liquidamber styraciflua</i> (Sweet Gum)	Introduced	Good	Average to Poor	13.6	5	0.17	0.23	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	2.04	1.79	ST, TGx4	Road reserve tree, no intrusion
6	<i>Cotoneaster glaucophylla</i> (Cotoneaster)	Environmental weed	Good	Average	5	6	0.17	0.24	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	2.04	1.82	ST, TGx2	Road reserve tree, no intrusion
7	<i>Pittosporum tenuifolium</i> CV (Kohuhu)	Introduced	Good	Average	3	2	0.1	0.12	Early mature	Medium (15-40 years)	Moderate	3rd Party Tree	2	1.5	NT, 0.5m, TGx25	Neighbouring tree, major intrusion
8	<i>Pyrus calleryana</i> (Ornamental Pear)	Introduced	Good	Average	7	2	0.13	0.15	Early mature	Medium (15-40 years)	Moderate	3rd Party Tree	2	1.5	NT, 1.5m, TGx4	Neighbouring tree, no intrusion
9	<i>Betula pendula</i> (Silver Birch)	Introduced	Good	Average	7	3	0.1	0.12	Early mature	Medium (15-40 years)	Moderate	Moderate	2	1.5		Retain tree, no intrusion

*\* Please Note: All measurements are in metres. \* Note: unless otherwise stated the diameters of neighbouring trees have been estimated.*

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## Appendix 4 – Tree Images



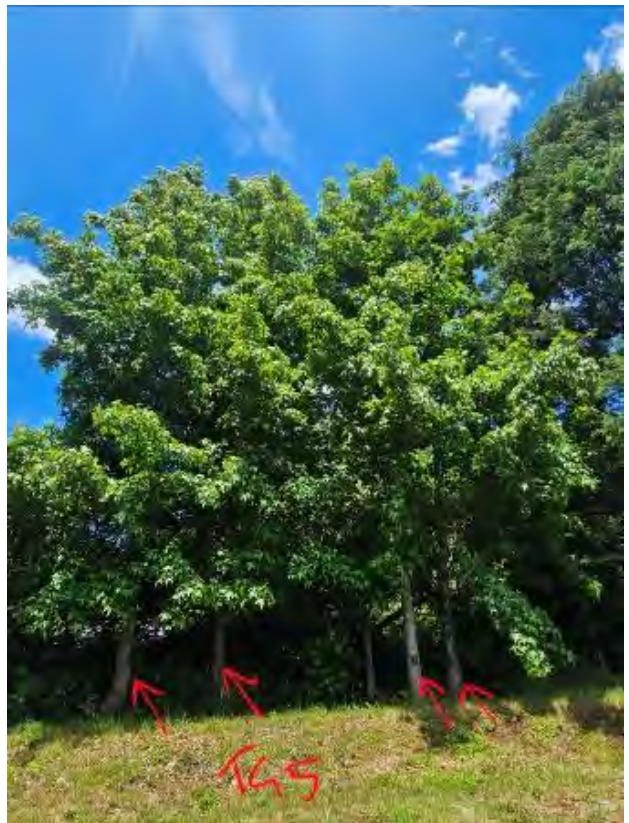
Tree 1



Tree 2



Trees 2-4



Tree group 5





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Tree group 6



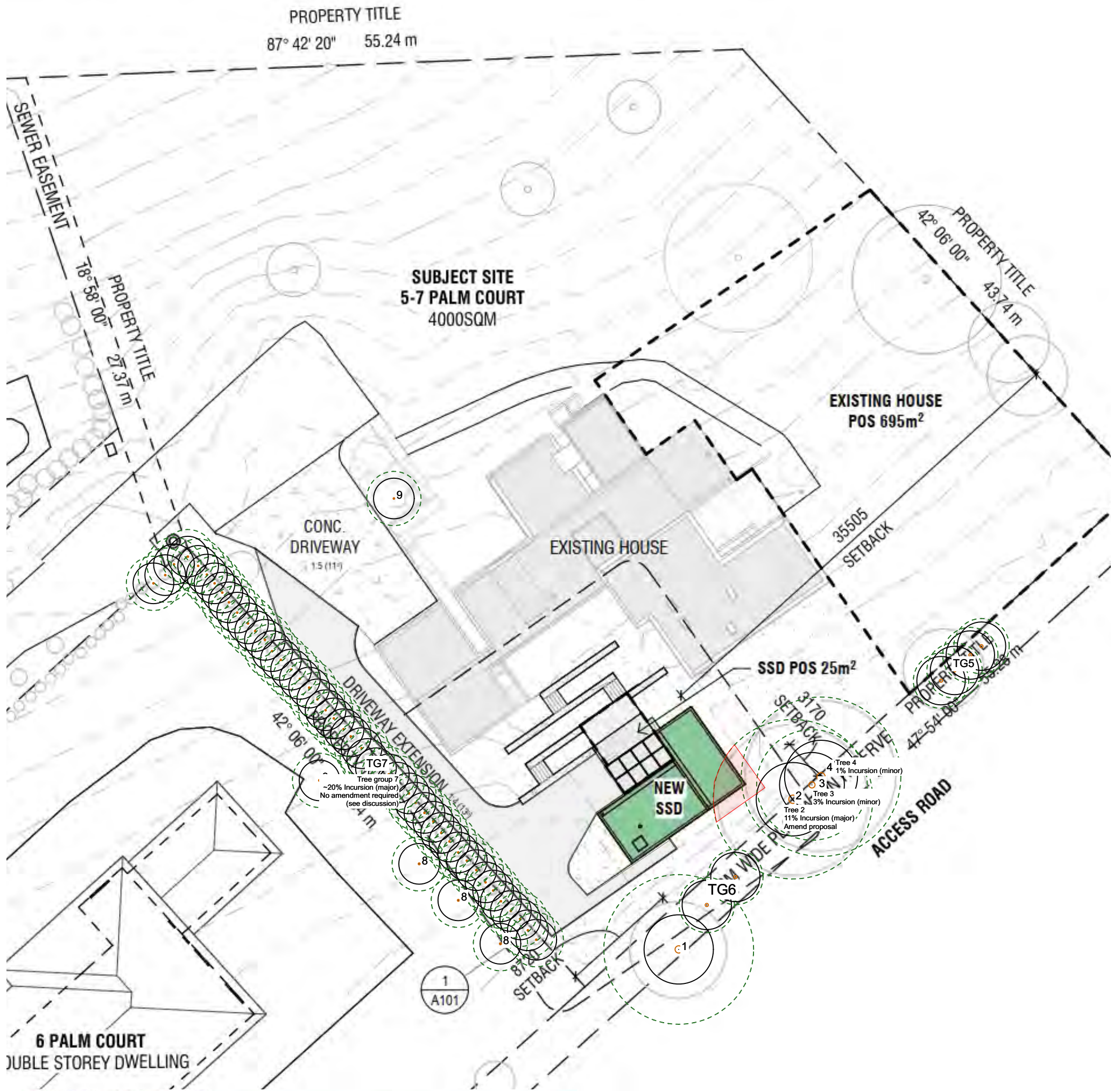
Tree groups 7-8



Tree 9



Tree groups 7-8



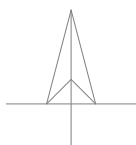
**Table 1: Trees to be retained:**

Tree#	TPZ	Intrusion	Recommended tree protection measures
1	5.5	0%	Road reserve tree, no intrusion, implement basic tree protection measures.
2	5.9	11%	Road reserve tree, major intrusion, amend proposal to reduce intrusion.
3	4.1	3%	Road reserve tree, no intrusion, implement basic tree protection measures.
4	5.9	1%	Road reserve tree, no intrusion, implement basic tree protection measures.
5	2.0	0%	Road reserve tree, no intrusion, implement basic tree protection measures.
6	2.0	0%	Road reserve tree, no intrusion, implement basic tree protection measures.
7	2.0	20%	Neighbouring tree, major intrusion, no amendment required implement tree protection measures.
8	2.0	0%	Neighbouring tree, no intrusion, implement basic tree protection measures.
9	2.0	0%	Retain tree, no intrusion, implement basic tree protection measures.

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**Legend**

- - - TPZ Tree to be removed
- - - TPZ Tree to be retained
- Structural Root Zone
- Proposed intrusion
- Proposed intrusion with root sensitive footings



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 Drawn by: PJ

SCALE 1:300 @A3

**5-7 Palm Court, Emerald**

Proposed Site Plan - 5-7 Palm Court, Emerald

**A3**

**Land Management Plan**  
**5-7 Palm Court, Emerald**  
**Version 1 July 2024**



**Report Prepared for** [REDACTED]

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**Site assessor:** [REDACTED] Implexa Town Planning and Ecological Consultancy

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## 1.0 Introduction

### 1.1 Background

This Biodiversity Assessment was requested by Placement to prepare an updated Land Management Plan report for the development of a Small Second Dwelling on the site. In accordance with this Clause 35.06 of the RCZ, a planning application for the Small Second Dwelling must address how the development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.

A Land Management Plan was prepared for the site in 2017 (Land Management Plan, 5-7 Palm Court Emerald, Abzeco July 2017) when a dwelling was constructed on the site. This LMP will supersede that plan and will become the new Land Management Plan for this site.

The purpose of this Land Management Plan is to protect and improve the environmental values on the site and provide guidance on how this land will be managed over the next 5 years and beyond.

The implementation of this Land Management Plan will be the landowners responsibility or the responsibility of any new owners if the property changes ownership.

### 1.2 Proposal

This application seeks approval for a Small Second Dwelling to be located in the south-western corner of the site, on the southern side of the existing dwelling.

## 2.0 Scope of this Plan

The scope of the Land Management Plan is to:

- Review relevant modelling, databases and literature for the ecological data and values of the area and surrounds.
- Identification of actual ecological values on site derived from the site inspection.
- Identification of environmental values and current and future potential threats to the study area such as pest plants and animals, wildfire, domestic animals interfering with native fauna and erosion/loss of topsoil.
- A list of the land management objectives required to conserve and enhance the environmental and landscape values of the property
- Defined management actions for a 5-year period for each zone.

## 3.0 Desktop Review

Desktop review of relevant information including:

- NatureKit Maps – which provides GIS mapping, maintained by DEECA, including modelled mapping of extent and pre-1750 Ecological Vegetation Classes (EVCs) and known threatened species records.
- Commonwealth *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* Prote

- cited Matters Search Tool (PMST).
- VicPlan – which is Victoria’s official state-wide planning zone and overlay information service.
- Planning Schemes Online (DEECA).
- The Victorian Biodiversity Atlas (VBA) for flora and terrestrial fauna recorded within the local area.
- The ‘Weeds of National Significance’ database (Department of Agriculture Water and the Environment 2021b).
- DELWP 2020c, Ecological Vegetation Class (EVC) Benchmarks for each Bioregion [www Document]. URL: <https://www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks>. Victorian Department of Environment, Land, Water and Planning, Melbourne, Victoria.
- Land Management Plan, 5-7 Palm Court Emerald, Abzeco July 2017.
- Photographs and site plan provided by the owner Adam Willems-Jones

## 4.0 Subject Site

### 4.1 Site Description

The property is located within the area of Emerald (Figure 1) and was historically cleared paddocks. It is approximately 0.41 hectares in size with the entrance being an extension of Palm Court. The property slopes relatively steeply from the south-east to the north-west. The existing dwelling was constructed in 2017 and since this time the owners have established large areas of the property as manicured grass and landscaped gardens.

Madigan Way runs along the eastern boundary of the property and a large vacant property is located to the north of the site and smaller lots with dwellings surrounding the site in all other directions.

### 4.1 Zoning and Overlays

5-7 Palm Court Emerald is within the Cardinia Shire and within the Rural Conservation Zone 2 (RCZ2) and covered by the Bushfire Management Overlay (BMO1) and the Environmental Significance Overlay 1 (ESO1)

The RCZ2 and ESO1 both have Objectives and Decision Guidelines that seek to protect and enhance the natural resources and biodiversity of the area including wildlife habitat and the regeneration of indigenous vegetation.

### 4.2 Bioregion

The study area occurs within the Highlands-Southern Fall Bioregion, within the Melbourne Water Catchment Area (Department of Environment, Land, Water and Planning (DELWP) Native Vegetation Information Management (NVIM) Tool (DELWP 2020b)).

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Figure 1: Aerial view of the subject site (Source: NatureKit)

## 5.0 Existing and Historical Conditions

### 5.1 Flora Assessment

#### Historical and current native flora within the study area.

The pre-1750's and extant EVC mapping includes the site has having Shrubby Foothill Forest, EVC 45 (coloured light green) covering the site

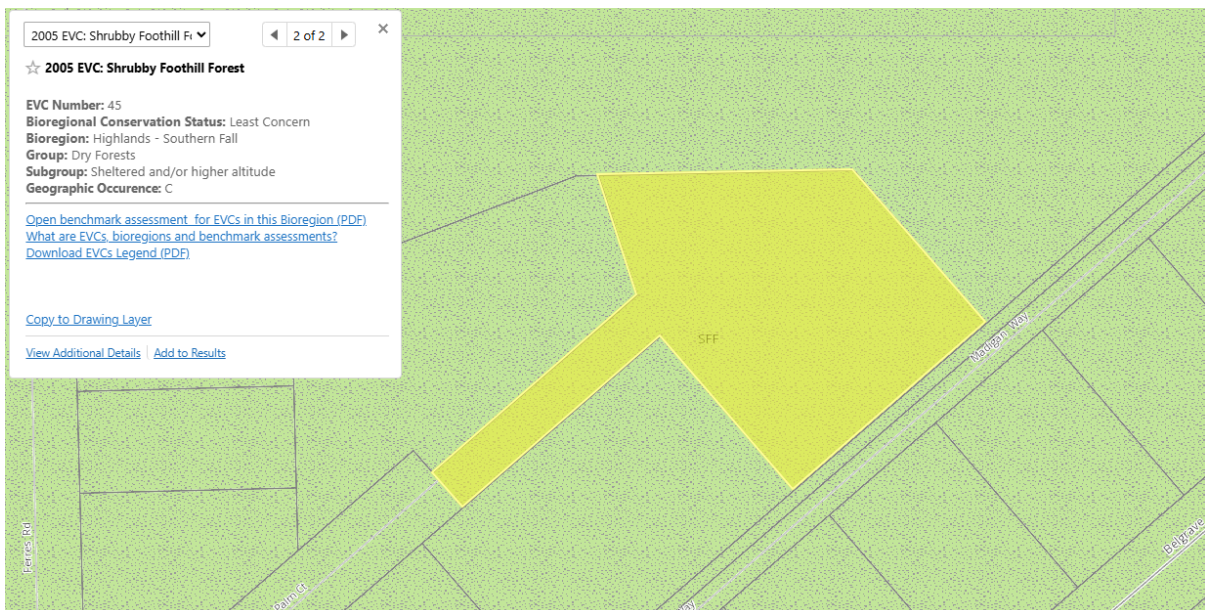




Figure 2: 1750 EVC modelling for the site (Light green is Shrubby Foothill Forest, (Source: NVR mapping)

The 2005 modelled EVC's still has the same EVC's in the area, however the areas are much smaller as large areas have been cleared for agriculture. There is no native vegetation that has been modelled as retained on 5-7 Palm Court.

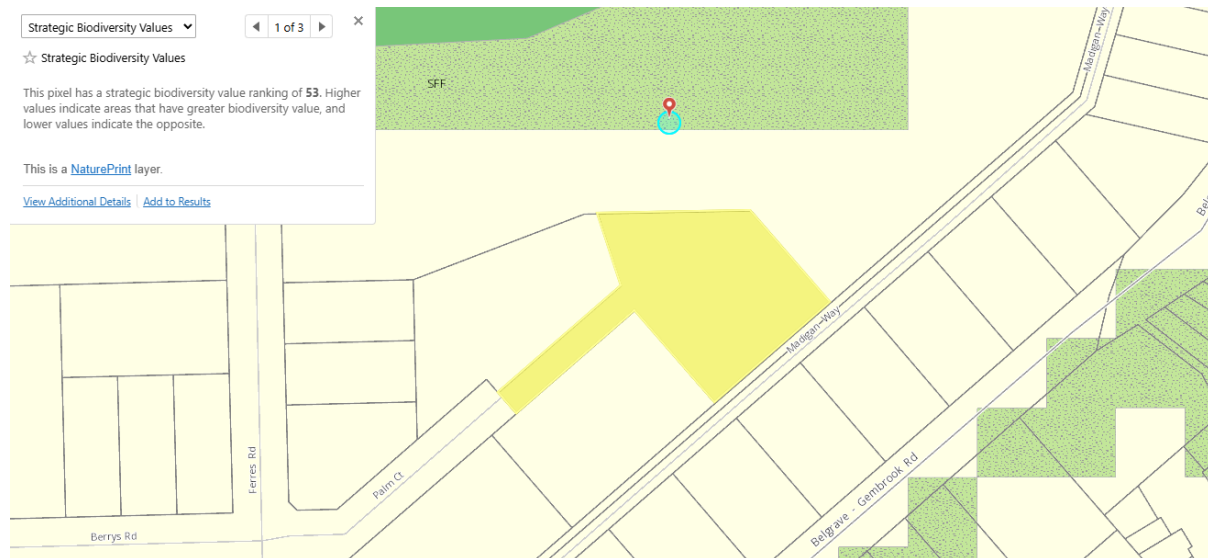


Figure 3: EVC modelling for the site Light green is Shrubby Foothill Forest, dark green is Wet Forest (Source: NVR mapping)

The vegetation on the site is highly modified due to agricultural disturbance and an exotic garden being established and is not representative of Shrubby Foothill Forest EVC 22.

The site includes large areas of manicured grass, which is interspersed with Common sow thistle *Sonchus oleraceus*, Sweet Vernal-grass *Anthoxanthum odoratum*, Lesser Quaking-grass *Briza minor*, Kikuyu *Cenchrus clandestinus*, Couch *Cynodon dactylon*, Cocksfoot, *Dactylis glomerata*, Flatweed *Hypochoeris radicata* and Ribwort *Plantago lanceolata*, however these species are very limited to small patches.

There are only three indigenous flora species recorded on the site which included Weeping Grass *Microlaena stipoides var. stipoides*, Blackwood *Acacia melanoxyton* and Silver Wattle *Acacia dealbata*. Previously the site also contained Wallaby-grass *Rytidosperma sp.* and Austral Bracken *Pteridium esculentum*, however due to the increase in lawn areas, these species are no longer present. Four exotic canopy trees, including one Liquidambar *styraciflua* and three Pin Oak *Quercus palustris* trees are still present along the north-east boundary.

There are large areas of garden beds which have been established since 2017 surrounding the dwelling on the site which includes both exotic and native species including *Pittosporum*, *Leucadendron sp.* Tree ferns, *Yuka's*, *Syzygiums*, *Anigozanthos sp.*, *Lomandra longifolia*. The driveway has planted Liquidambar *styraciflua* and *Acmena sp.* as feature trees and shrubs along the edge.

## 5.2 Threatened Flora and Fauna

No listed threatened flora species were recorded during the field assessment. The VBA (DELWP 2022d) contains records of 12 listed threatened flora species in local area (within a 10-kilometre radius of the project area). The PMST (DAWE 2022) identified 10 EPBC Act listed flora species or species habitats as likely to occur within the local area. No listed threatened flora species were

recorded during the field assessment. There is a low likelihood of occurrence for any listed flora species due to the absence of suitable habitat. The project area has been extensively modified from agricultural and residential use, which reduces or eliminates the habitat potential for many species.

No listed threatened fauna species or associated habitats were observed during the field assessment. The VBA (DELWP 2019d) contains records of 12 listed threatened fauna species in the local area. The PMST (DoEE 2019) identified 21 EPBC Act listed (terrestrial) fauna species or species habitats as likely to occur within the local area. No listed threatened fauna species are considered likely to occur due to the absence of suitable habitat.

### 5.3 Erosion

The site is quite steep, however almost 100% of the site covered in grass to prevent erosion. Given the steep topography of the site, there is potential for the mobilisation of soil particles, clay and sediment during the development phase, therefore erosion mitigation structures, such as sediment fences, silt barriers and straw bales should be installed prior to the commencement of any earthworks as per the recommendations listed below.

## 6.0 Land Management Zones

Land Management Plans usually have clearly defined domestic and defensible space, agricultural, and conservation zones so the property owners can ensure that land use activities are coordinated and sustainable, allowing for the coexistence of human habitation, agriculture, and environmental conservation on the same property.

In this Land Management Plan, the zones are considered unworkable as the site is so small that it will all be managed as one zone.

## 7.0 Land Management Issues and Actions

This section of the report will address all the current land management issues on the site and appropriate actions to reduce their impact and improve the ecological values on the site.

### 7.1 Construction Management Issues and Actions

The following steps are recommended to minimise the impacts of the development during the construction phase on the ecological values on this site.

#### Erosion Control Actions

- All earthmoving machinery entering the site should be cleaned before entering and leaving the site, to prevent the spreading of weed propagules and pathogens such as *Phytophthora cinnamomi*.
- Silt barriers are to be installed downslope of the construction works where there are significant site cuts or areas vulnerable to soil erosion and run-off, especially in the lead up to forecasted rain.
- No soil is to be stockpiled on site unless within the work zone and appropriately contained with silt prevention fencing.

- No activity is to be undertaken beyond the construction zone including but not limited to vehicle and equipment, storage or storage of any other materials or items.
- Designated site access for construction machinery and site storage is to be planned prior to construction works.
- Suitably located 'site compounds' are to be pre-determined prior to works commencing. These should be located within the permitted work area or along the existing vehicle access track. Site compounds are to accommodate all works requirements including though not limited to:
  - Parking and/or storage of vehicles, machinery, and equipment
  - Containers or designated bins for all forms of waste and,
  - Designated re-fuelling areas.

### **Tree and Vegetation Protection Control Actions**

Trees and vegetation that will remain and are close to the approved work zone are vulnerable to inadvertent impacts including:

- Machinery impact on the Tree Protection Zone (TPZ) of any trees to be retained
- Inappropriate machinery access or stockpiling that has an impact on vegetation or a designated TPZ
- Damage to tree trunks from machinery such as excavators and bobcats
- Spills of fuels or chemicals within areas of vegetation or near waterways or wetlands

Prior to construction works, tree and vegetation protection zones should be established in the following manner:

- Retention of trees and other native vegetation is to be secured by the installation of high visibility vegetation protection fencing set at the edge of the work zone.
- No construction activity is to be undertaken beyond the designated construction zone including but not limited to excavation, vehicle and equipment, storage, and stockpiling.
- Work areas should include appropriate signage of protection zones that provide clear direction for construction personnel.

## **7.2 Weed and Pathogen Management Issues and Actions**

Weeds pose a serious threat to our environment and agricultural industries. They can harm water catchments and agriculture and can impact the economy, human health, and recreational activities. Weeds also threaten the biodiversity of our native plants and animals by reducing the diversity and abundance of native species and upsetting the balance of natural ecosystems.

Weed management should seek to address the highest threat weeds, which typically means woody species as well as perennial herbaceous (non-woody) species.

There are three categories of weeds which must be controlled in Victoria

- Weeds of National Significance (WONS) are invasive plant species that have been identified as having a significant impact on the Australian environment, agriculture, and/or public health.
- Declared noxious weeds are plants proclaimed under the State's Catchment and Land Protection Act 1994 (CaLP Act) because they cause environmental and/or economic harm.

Landowners and managers are legally obligated to take measures to control and manage declared noxious weeds on their properties.

- Environmental weeds are plants that invade native ecosystems and have the potential to adversely affect the survival of native flora or fauna or the functioning of ecosystems. They include species that have been introduced to Australia from other countries, as well as native species that have spread beyond their previous (natural) range.

When planning and implementing weed control measures, there are several critical issues and factors to consider ensuring effective and sustainable management of invasive plant species. These issues include:

**Weed Identification** Accurate identification of the target weed species is essential. Misidentification can lead to ineffective control efforts or unintentional harm to non-target plants.

**Weed Biology and Ecology:** Understanding the life cycle, growth habits, reproductive strategies, and ecological preferences of the weed species is crucial. This knowledge helps in selecting appropriate control methods.

**Timing:** The timing of control efforts is often critical. Implement control measures during the most vulnerable stages of the weed's life cycle.

**Local Environmental Conditions:** Consider the local climate, soil type, and topography, as these factors can influence the choice of control methods and their effectiveness.

**Impact on Non-Target Species:** Assess the potential impact of control measures on non-target plants, animals, and ecosystems. Minimise harm to beneficial organisms and native species.

**Chemical Control Considerations:** If using herbicides, consider the type, timing, and application method of chemicals. Follow safety guidelines, and be aware of potential drift or runoff issues.

**Prevention and Early Detection:** Implement prevention strategies to stop the introduction of new weed species. Early detection and rapid response to new weed infestations can save resources and prevent further spread.

**Revegetation/Planting and Supporting Native Species/Pasture Species:** Implement practices that promote the health and competitiveness of desired plants, such as proper fertilization, watering, and increased planting density.

**Monitoring and Evaluation:** Regularly monitor the effectiveness of control efforts. Adjust strategies as needed and evaluate the long-term success of weed management programs.

**Record-Keeping:** Maintain detailed records of control activities, including dates, methods, and outcomes. These records can help with future planning and reporting.

**Research and Innovation:** Stay informed about the latest research, innovations, and best practices in weed control. New tools and strategies may improve effectiveness while reducing environmental impacts.

## The extent of weeds and eradication methods within the study area

Since the site was inspected by Abzeco in 2017, there have been significant improvements undertaken on the site. The site in 2017 contained several noxious weed species including English Broom *Cytisus scoparius*, Montpellier Broom *Genista monspessulana*, Flax-leaf Broom *G. linifolia* and Blackberry *Rubus spp.* Since 2017, these weeds have been eradicated and are no longer present on the site.

The site still contains some Common sow thistle *Sonchus oleraceus*, Sweet Vernal-grass *Anthoxanthum odoratum*, Lesser Quaking-grass *Briza minor*, Kikuyu *Cenchrus clandestinus*, Couch *Cynodon dactylon*, Cocksfoot, *Dactylis glomerata*, Flatweed *Hypochoeris radicata* and Ribwort *Plantago lanceolata*, however these species are very limited to small patches.

Weed control objectives are to reduce and/or eliminate the percentage cover of high threat weeds, and to control all other weed populations to manageable levels. As all the high threat weeds have been removed, this Land Management Plan will only focus on the other weeds. If high threat weeds once again establish themselves on the site, they will be controlled in accordance with the most appropriate method for that species until it is eradicated.

Herbaceous and broad-leaf weeds can be controlled by spot spraying, and hand weeding where herbicide application would otherwise result in off-target damage. Herbicides are available that can provide selective control of broad-leaved weeds among native pasture, and non-selective herbicides can be used where damage to indigenous vegetation will not occur and the application method itself is selective (i.e. using a knapsack or wick wiper). Likewise, grass specific herbicides can be used where weedy grasses are growing among indigenous broad-leaved species. Herbicide should only be applied during suitable conditions (i.e. little wind and no rain), and persons undertaking the work must be familiar with the range of exotic and indigenous species present in the areas being treated.

The ultimate aim of grassy and herbaceous weed control is to contain the spread of these species across the site and limit their potential to invade higher-quality indigenous vegetation and habitat

### 7.3 Pest Animal Management Issues and Actions

The *Catchment and Land Protection Act 1994* lists rabbits and foxes as established pest animals and requires that all landowners take reasonable steps to prevent the spread of, and as far as possible eradicate, established pest animals on their land. Pest animals previously found on the site include European Rabbit.

At present, densities of these species are unlikely to have a significant impact on the biodiversity of the site and vicinity. As such, an active control program is not required at present, however, if not monitored, they could become a local problem.

#### **Rabbits Control Actions with the Study Area**

The key to rabbit control success is persistence and co-operation with adjoining landowners, including government reserves. One-off efforts produce only short-term results as rabbits may produce many offspring and populations and can recover quickly even after successful control programs. Maximum effectiveness is achieved by integrating appropriate control methods. Best control is achieved in late summer when rabbit numbers are decreasing and feed is limited.

The inspection did not show rabbit populations on the site. If rabbit populations increase and erosion damage is occurring, professional pest management contractors will be engaged to undertake the most appropriate rabbit control option.

All rabbit control measures must be undertaken in conjunction with adjoining landowners.

## 7.4 Domestic Animal Management Issues and Actions

Free-ranging domestic cats and dogs can impact biodiversity through predation, fear effects, competition, disease, and hybridisation.

### Actions

Domestic cats must not be allowed to roam the property and must be kept indoors at all times or within the provided cat enclosure which has already been purpose built.

## 7.5 Fuel Reduction

Defendable space is defined as ‘an area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with a bushfire’.

The property is subject to the Bushfire Management Overlay under the Cardinia Planning Scheme. A Bushfire Management Statement has been prepared for the Small Second Dwelling which specifies the extent of defendable space. Vegetation management measures required to reduce the bushfire threat within the defendable space area include:

- 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.

The defendable space areas on the property will be managed in accordance with these requirements.

## 7.6 Revegetation

The previous LMP stated that ‘native and exotic plants that are unlikely to escape and become weeds may be acceptable for landscaping in the domestic zone, although it is strongly encouraged to incorporate indigenous species suited to local conditions.’

The revegetation and supplementary planting that has been undertaken to date includes both exotic and native species. Due to the small size of this block, its topography and it being located in the BMO, there are limited opportunities for extensive revegetation on the site. Additional revegetation

of each species needs to consider the height and flammability so that it aligns with the BMS prepared for the site so as to not increase the bushfire risk.

### **Revegetation Actions**

The landscaping on the site has been completed and is established. There are large areas of garden beds surrounding the dwelling on the site which includes exotic and native species including *Pittosporum*, *Leucadendron* sp. Tree ferns, *Yuka's*, *Syzygiums*, *Anigozanthos* sp., *Lomandra longifolia*. The driveway has planted Liquidambar *styraciflua* and *Acmena* sp. as feature trees and shrubs along the driveway boarder.

All existing landscaping will be maintained and monitored to ensure that any plants that die are replaced. Any additional landscaping will be protected appropriately against rabbits and watering may be needed at the time of planting if being planted in very dry ground.

To maintain and allow the plants to survive, spot spraying will be undertaken around the guarded plants at least once per year until established, which will be approximately 2-3 years after the planting depending on the annual conditions.

### **Site Targets and Monitoring**

Plantings will be monitored, and dead plants replaced which will be monitored for a period of 5 years.

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## 8.0 Land Management Action and Target Table

The table below sets out the land-use activities that will be the landowners responsibility or the responsibility of any new owners if the property changes ownership.

The intent of this table is to illustrate the progression of the land towards a greater level of biodiversity on this site. The actions are listed within particular zones with progress from specific actions to maintenance and monitoring as time goes on.

Year	Action	Target	Timeframe
1	Monitor to ensure that woody weeds do not return to the site and spot-spray or hand-pull any isolated infestations as appropriate including any new and emerging species.	All noxious and environmental weeds eradicated from the site	Hand-pull all year and spot-spray during spring -summer
1	Spot spray herbaceous and grassy weeds in all zones, taking care to avoid off target damage to indigenous flora.	Herbaceous weeds controlled on the site	Spot-spray during spring -summer
1	All earthmoving machinery and vehicles should be cleaned before entering and leaving the site to prevent the spreading of weed propagules and pathogens such as Phytophthora cinnamomi.	Phytophthora cinnamomic does not establish on the site	During construction of the Small Second Dwelling
1	Implement fuel reduction within the defensible space in accordance with the endorsed Bushfire Management Statement	Fuel loads managed in accordance with Section 7.5	During fire period
1	Manage any domestic animals on the site	Domestic cats to be kept inside at all times unless within cat enclosures as per Section 7.4	Ongoing
1	Any landscaping must not use Environmental weeds	Landscaping undertaken using non-invasive species, preferably indigenous and native species	Ongoing
1	Monitor and control all existing and emerging weeds	Weed control undertaken within the domestic area as per Table 1 in Section 7.2	Ongoing

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1	Monitor rabbits and control as required in accordance with Section 7.3	No pest animal to become established on the site	Ongoing
2-5	Monitor to ensure that woody weeds do not return to the site and spot-spray or hand-pull any isolated infestations as appropriate including any new and emerging species.	All noxious and environmental weeds eradicated from the site	Hand-pull all year and spot-spray during spring -summer
2-5	Spot spray herbaceous and grassy weeds in all zones, taking care to avoid off target damage to indigenous flora.	Herbaceous weeds controlled on the site	Spot-spray during spring -summer
2-5	Implement fuel reduction within the defendable space in accordance with the endorsed Bushfire Management Statement	Fuel loads managed in accordance with Section 7.5	During fire period
2-5	Manage any domestic animals on the site	Domestic cats to be kept inside at all times unless within cat enclosures as per Section 7.4	Ongoing
2-5	Any landscaping must not use Environmental weeds	Landscaping undertaken using non-invasive species, preferably indigenous and native species	Ongoing
2-5	Monitor and control all existing and emerging weeds	Weed control undertaken within the domestic area as per Table 1 in Section 7.2	Ongoing
2-5	Monitor rabbits and control as required in accordance with Section 7.3	No pest animal to become established on the site	Ongoing
2-5	Improve habitat on the site by leaving fallen trees and branches on the ground and retaining all large dead trees which may result in these trees hollowing and creating homes for local fauna species.	All dead trees, rocks, fallen branches and large logs to be retained on site	Ongoing

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<b>Planning Permit Application</b>
for
<b>A Small Second Dwelling</b>
in a
<b>Bushfire Management Overlay</b>
at
<b>5-7 Palm Court</b>
<b>Emerald 3782</b>
<b>August 2024</b>

Prepared for:

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VERSION	DATE	DETAILS
	07.08.2024	Initial Site Visit / Inspection
<b>A</b>	19.08.2024	Final for client approval

Assessing Fire Safety Officer – Please cc dean@yvbal.com.au in emails relating to this document

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# 1. INTRODUCTION

**Clause 44.06 – Bushfire Management Overlay (BMO)** applies to the land on which this proposed development is located.

The purpose of the BMO is:

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

As the proposal is for the construction of a building to be used for accommodation, a small second dwelling, it is subject to Clause 44.06-2 Permit Requirements.

**Clause 53.02 – Bushfire Planning** sets out the planning requirements for applications under Clause 44.06 – Bushfire Management Overlay.

This document has been prepared in accordance with the requirements of Clause 53.02.

## Locality Map



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## 2. PROPOSED DEVELOPMENT

The proposal is for a small second dwelling for [REDACTED] at 5-7 Palm Court, Emerald.

The land is identified as Lot 3 on PS511552K and is within the Cardinia Shire Council's area of responsibility.

The property is located within a Rural Conservation Zone – Schedule 2 (RCZ2).

Two Planning Overlays apply to the Lot:

- Bushfire Management Overlay (BMO)
- Environmental Significance Overlay-Schedule 1 (ESO1)

A mortgage is the only encumbrance noted on the Title. A sewer easement along the northwest boundary, and drainage and sewer easements along the access way are identified on the Title Plan

### APPLICATION PATHWAYS

#### Pathway One - Dwellings In Existing Settlements

Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.
- There is only one dwelling on the lot.
- The application meets all of the approved measures contained in Clause 53.02-3

Clause 53.02-4 applies to all other applications

#### Pathway Two - All Other Buildings and Works

Clause 53.02-4 applies to all other buildings and works, including an application that does not meet all the approved measures in Clause 53.02-3

#### Pathway Three - Subdivisions

Clause 53.02-4.4 contains requirements for subdivisions.

**The proposal is for a small second dwelling therefore the pathway for this application is Pathway Two – All Other Buildings and Works**

Pathway One	Pathway Two		Pathway Three
53.02-3	53.02-4		53.02-4.4
Dwellings In Existing Settlements	Dwellings, Small Second Dwelling, Industry, Office or Retail Premises	Other - Child Care, Education Centre, Hospital, Leisure & Recreation or Place of Assembly	Subdivisions
APPROVED MEASURES			
AM 1.1	AM 2.1	AM 2.1	AM 5.1
AM 1.2	AM 2.2	AM 2.2	AM 5.2
AM 1.3	AM 2.3	AM 2.3	AM 5.3
	AM 3.1	AM 3.2	AM 5.4
	AM 4.1	AM 4.2	
ALTERNATIVE MEASURES			
Not Permitted	AltM 3.3	AltM 3.6	AltM 5.5
	AltM 3.4		
	AltM 3.5		

### 3. BUSHFIRE HAZARD SITE ASSESSMENT

*The Bushfire Hazard Site Assessment describes the bushfire hazard within 150m of the proposed development and provides an analysis of the site.*

#### Site Description

- The subject land is a battle-axe shaped parcel located at the northeast end of Palm Court. A 10m wide corridor, aligning as an extension of Palm Court, provides access to the main body of the lot, an irregular pentagon in shape. The lot has a total area of 4000m<sup>2</sup>. The main axis of the land is northwest with a slope of around 15°.
- The land has relevantly recently been developed with the construction of a dwelling set on the upper southeast part of the lot. A gravel driveway extends from the crossover and widens below the dwelling to create a parking area for vehicles. A concrete driveway raises from here to access the garage.
- Landscaping consisting of low shrubs in beds below and around the dwelling has been undertaken since construction of the dwelling. Established deciduous exotic trees of various ages grow along the northeast boundary. Maintained lawns extend across the balance of the land.
- The land is located on the northern edge of the main centre of Emerald. Grassland grows on the adjacent land from the northwest through to the northeast. An area of forest structured vegetation at the edge of the assessment area contains a mix of deciduous trees and silver wattles. The land falls with slopes in the >5-10° range to the northwest and upslope to the northeast. Land to the southwest has been developed for residential and domestic gardens surround the dwellings. Land to the southeast, on the opposite side of the lane, Madigan Way, and both sides of Main Street is zoned Mixed Use. The development reflects that zoning and includes some dwellings (used for offices and clinics) and commercial buildings. Vegetation consists of some mature trees, native and exotic above what appears to have been domestic gardens on some sites. A retail/office development has recently been completed on the northwest side of Main Street.
- Main Street aka Belgrave-Gembrook Road is one of the main routes through the district. It connects to other main routes at the edges of Emerald that provide access to the north, south and southwest. These roads all traverse forested areas and travel on them during bushfire activity in the district is likely to be extremely hazardous and road closures are likely.
- The area is reticulated with town water and hydrants have been fitted to the water main at intervals along the roadsides. The nearest is a fire plug located in Palm Court about 18m from the road frontage of the subject land.
- A Neighbourhood Safer Place has been established in Emerald at the Worrel Reserve Oval at the junction of Belgrave-Gembrook Road and Emerald-Monbulk Road, less than 1km travel from the subject land.

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**Site of proposed small second dwelling at rear of main dwelling**



**Access to the SSD will extend uphill on the right side of the dwelling**



**Views from front of dwelling - to northwest**





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### To north



### And northeast



### View southeast from site of SSD



### View southeast across Madigan Way



### Hazard Assessment

The assessment is prepared using the process set out in Planning Permit Applications BMO Technical Guide, which integrates relevant parts of AS 3959:2018 *Construction of buildings in bushfire prone areas*.

#### a. Vegetation Classification

AS 3959:2018 2.2.3 Vegetation and CFA *Vegetation Classes: Victorian Bushfire Management Overlay* (Feb 2014) were used to determine the vegetation type

	N	NE	SE	SW
Vegetation Type	Grassland	Grassland	Low Threat	Low Threat

#### b. Exclusions – Low threat vegetation and non-vegetated areas

AS 3959:2018 2.2.3.2 Exclusions apart from (a)

	N	NE	SE	SW
Exclusions	(f)	(f)	(e) (f)	(f)

#### c. Distance to classifiable vegetation

AS 3959:2018 2.2.4 Distance of the site from classifiable vegetation

	N	NE	SE	SW
Distance of building from vegetation	48m	35.5m	n/a	n/a

#### d. Effective Slope

AS 3959:2018 2.2.5 Effective slope of land under the classified vegetation

	N	NE	SE	SW
Effective Slope	>5-10° downslope	Upslope	n/a	n/a

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## 4. DEFENDABLE SPACE & CONSTRUCTION REQUIREMENTS

*The process for determining the achievable defendable space and associated BAL rating for the building construction requirements is informed by the Bushfire Hazard Site Assessment in the previous section.*

Vegetation type, exclusions, distances of the building to the classified vegetation and effective slopes are all facts that contribute to the existing bushfire hazard and potential defendable space achievable on the site.

Given the pathway ascertained in Section 2. Proposed Development, **Table 2 Defendable space and construction** of Clause 53.02-5 will be used to determine the requirements

### Construction requirements and defendable space distances achievable within the title boundaries based on the Bushfire Hazard Site Assessment

	N	NE	SE	SW
<b>Vegetation Classification</b>	<b>Grassland &amp; Low Threat</b>			
<b>BAL Rating</b>	<b>BAL 12.5</b>			
<b>Defendable Space</b>	<b>25m</b>	<b>25m</b>	<b>25m or PB</b>	<b>25m or PB</b>

**25m or PB = Defendable space to be provided to distance specified or to the property boundary, whichever is the lesser distance.**

**The Bushfire Attack Level for this site is BAL 12.5**

- There is a risk of ember attack.
- The construction elements are expected to be exposed to a heat flux of not greater than 12.5 kW/m<sup>2</sup>.



## 5. BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

*The Bushfire Hazard Landscape Assessment describes the bushfire hazard of the general locality more than 150m from the site*

### Regional Bushfire Planning Assessment

This area is noted in the RBPA Melbourne Metropolitan Region – Cardinia Shire section.

Area Code: 11-001

Location: Clematis / Emerald

Description: Multiple bushfire matters including:

- Small lots in a bushfire hazard area. Hazard generated by the urban interface with Cardinia Reservoir to the south. Remnant vegetation exists surrounding and throughout the area generating the bushfire hazard
- Various single access roads exist associated with established settlement patterns

### Bushfire Hazard

#### a. Fuel (vegetation)

- A mix of grassland and forest fuels exists across the district. Forest fuels constitute the greatest hazard on a landscape scale due to the spotting potential.
- Messmate stringybarks are common to all EVCs in the vicinity. Long unburnt mature messmates develop an extreme bark hazard capable of generating prolific firebrands and embers responsible for short and medium distance spot fire ignitions downwind of main fire front. As much of the forest vegetation is under private ownership and the time since last fire, most of the messmates and brown stringybarks carry extreme bark hazards. These will cause serious suppression difficulty even under milder conditions.
- Ribbon barked eucalypts are common in Damp and Riparian forest types. Long distance spotting is associated with firebrands from these species when combined with strong convective fire development.

#### b. Weather

- Subject to weather patterns typical of southern Victoria
- Wind patterns from N-NW associated with elevated fire danger – hot dry continental winds with increasing velocity of a number of days culminating in a W-SW change ahead of a cold front.

#### c. Topography

- Emerald is located on a ridgeline so fire spread from most directions will be upslope resulting in increased rates of spread through all vegetation types.
- Landform is generally of low hills to the north and increasing in relief to the west and southwest.
- Topographic influences include; increased uphill rates of spread, top of slope acceleration, lee slope turbulence, channeling of winds along valleys, anabatic and katabatic winds.

### Potential Fire Runs

N-NW:

- Potential fire run from north through riparian forest vegetation associated with Menzies Creek spreading out into grassland and residential interface west of

Emerald-Monbulk Road. Sporadic spread through modified vegetation however downwind spotting likely to aid spread further into residential areas and subject land. Uphill run in grassland towards site.

- Potential fire run from northwest out of forest into and across grassland. Downwind spotting out of tracts of remnant forest with ignitions across and through residential development. Possible ignitions and uphill run towards site across grassland.

W-SW:

- Post wind change fire run potential dependent on extent and location of pre change fire perimeter, especially the eastern flank. Potential ignitions under winds from these directions on the wind change can also result in rapid fire development and spread.
- Potential fire run from west through mixed vegetation into residential areas west of subject land. Limited spread through more managed vegetation. Possible ember spread towards and over subject land.
- Potential fire run from southwest out of forest within the Cardinia Reservoir reserve with spotting across residential development. Depth of urbanised area likely to limit spread as far as subject land but ember impacts possible.

## Fire History & Prevention Works

The information supplied here is based on publicly available records, which primarily relate to larger fires in the landscape and planned burns on public land. Whilst this does not reflect the frequency of ignitions that are controlled by first attack crews, before developing to a significant size, it does include the more notable fires in the district within the past 30 years and also reflects the level of preventative burning on public land undertaken by FFMV and their predecessors.

The 1983 Ash Wednesday fires are still the most significant fires of recent times to impact on the district. Emerald was spared while areas east and southwest were hit hard. Melbourne Water and Forest Fire Management routinely conduct planned burns in parcels of public land. These are primarily with the Cardinia Reservoir catchment to the south and southwest and Wright Forest to the east. Fuel loads on larger parcels of land under private ownership are likely to be at their upper limits for the forest types present due to the absence of fuel modification works such as planned burning.

Modification of annual grassland fuels by grazing, haymaking or slashing reduces fire intensities and increases likelihood of extended first attack success.

## Broader Landscape Type

The subject site is located in a Broader Landscape Type Three. The characteristics include:

- 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 the site.
- Bushfire can approach from more than one aspect.
- The site is located in an area that is not managed in a minimal fuel condition
- Access to an appropriate place that provides shelter from bushfire is not certain.

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## 6. BUSHFIRE MANAGEMENT STATEMENT

### 53.02-4 Bushfire Protection Objectives

#### 53.02-4.1 Landscape, Siting and Design Objectives

Development is appropriate having regard to the nature of bushfire risk arising from the surrounding landscape.

Development is sited to minimize the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimizes the vulnerability to bushfire attack.

#### APPROVED MEASURES

##### AM 2.1: Broader Landscape

###### Requirement

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

###### Response

Bushfire in the broader landscape has potential to deliver bushfire impacts into the Emerald urban area and township through a variety of mechanisms. Development at the residential interfaces will be subject to radiant heat, direct flame contact and significant ember storms relative to the adjacent fuel types. The subject land however is located more centrally within the developed area near to the township. Spotting from further afield will possibly result in ignitions of grassland to north and northwest of the site resulting in fire spread towards the site. The established and maintained defensible space around the dwelling will limit fire development and intensities to acceptable levels. The proposed building lies within this existing defensible space as well as being on the sheltered southern side of the dwelling. The proposed bushfire protection measures will provide an appropriate level of resilience to bushfire impacts.

Application of bushfire protection measures in accordance with Clause 53.02 requirements will ensure that the risk is mitigated to an acceptable level.

##### AM 2.2: Siting

###### Requirement

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.

###### Response

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- 
- The small second dwelling is sited on the southern side of the main dwelling, away from the hazards to north.
  - The small second dwelling will be 95m from the road entrance to the land.
  - A driveway extension along the southwest boundary of the lot will be constructed to provide access to the small second dwelling. Gradients exceed those for emergency vehicles. Existing access arrangements that provide appropriate access to the firefighting water supply tank meet requirements of it being within 60m of the proposed building.
- 

### AM 2.3: Building Design

#### Requirement

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

#### Response

The building is a prefabricated structure, constructed off site and installed on the land. It consist of two rectangular modules set at right angles to each other (L shaped) resulting in one reentrant corner. Two timber decks, one at floor level of the building and another at a lower level extend from the northwest elevation. The building is constructed on stumps (or other supports) with the floor above ground level. Sub floor areas will need to be enclosed to restrict ember entry and avoid ignitions beneath the building. The top of the external walls are level creating a small parapet of varying heights above the roof. Low pitch steel sheeted roofs fall to box gutters on each module. Downpipes are contained within the walls which limits shedding of leaf litter from the gutters. Extending gutters through the walls, or other suitable measures, should be considered to aid flushing of debris. Regular routine maintenance will be required to remove accumulated leaf litter and wind-blown debris to avoid direct flame contact of building elements not designed to resist such exposures. BAL construction requirements will ensure that entry of embers is denied, areas where debris might accumulate will be constructed of resilient materials and exposed elements will have an appropriate level of protection from the passage of a bushfire.

---

## 53.02-4.2

### Defendable Space and Construction Objective

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

#### APPROVED MEASURES

#### AM 3.1: Defendable Space for a Dwelling, Small Second Dwelling, Industry, Office or Retail

##### Requirement

A building used for a dwelling (including an extension or alteration to a dwelling), small second dwelling, industry, office or retail premises is provided with defendable space in accordance with:

- Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or
  - If there is significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.
-

---

The building is constructed to the bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 53.02-5.

---

### Response

- Defensible space will be provided in accordance with Table 2 Column A and Table 6 to Clause 53.02-5. Defensible space required for the proposed building lies within the defensible space provided for the main dwelling.
  - Construction requirements of BAL 12.5 will be applied to the building, consistent with Table 2 Column A defensible space
- 



## ALTERNATIVE MEASURES

### AltM 3.3: Defensible Space on Adjoining Land

#### Requirement

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.

#### Response

Defensible space requirements will be met on the subject land.

---

### AltM 3.4: Defensible Space Calculated using Method 2 of AS 3959

#### Requirement

Defensible space and the bushfire attack level is determined using Method 2 of AS 3959:2009 *Construction of buildings in bushfire prone areas* (Standards Australia) subject to any guidance published by the relevant fire authority.

#### Response

This method not utilized.

---

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## 53.02-4.3

### Water Supply and Access Objectives

A static water supply is provided to assist in protecting property  
Vehicle access is designed and constructed to enhance safety in the event of a bushfire

#### APPROVED MEASURES

##### AM 4.1: Water Supply and Access – Dwellings, DPUs, Industry, Office & Retail

###### Requirement

A building used for a dwelling (including an extension or alteration to a dwelling), a small second dwelling, 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 provided that a separate outlet is reserved for firefighting water supplies.

###### Response

###### Water supply

The size of the land is greater than 1000m<sup>2</sup>.

10,000 litres of effective water supply for firefighting purposes must be provided which meets the following requirements:

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

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

- Be readily identifiable from the building or appropriate identification 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 4m of the accessway and be unobstructed.
- Incorporate a separate ball or gate valve (65millimetre BSP) and coupling (64mm CFA 3 threads per inch male fitting)
- Any pipework and fittings must be a minimum of 65 millimetres (excluding CFA coupling)

###### Access

The length of the driveway is < 100m.

The following design and construction requirements apply:

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

**Note: The established water supply and access both meet the requirements as set out above.**

## 7. OTHER PLANNING PROVISIONS

### Exemptions

Clause 52.12-5 – *Exemption to create defendable space for a dwelling under Clause 44.06 of this planning scheme*

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to enable the construction of a dwelling, or the alteration or extension of an existing dwelling and create its defendable space if all the following requirements are met:

- Land is in a Bushfire Management Overlay
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 53.02-5 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or
  - Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.

The proposal is for a small second dwelling therefore the above exemption is not applicable.

### Vegetation Management

Clause 42.01 – Environmental Significance Overlay-Schedule 1 (ESO1) has been applied to the land.

In addition to the exemptions under Clause 52.12 (Bushfire Protection Exemptions), a permit is not required to remove, destroy or lop any vegetation if:

- The vegetation is a tree overhanging the roof of a building used for accommodation. This exemption only allows the removal, destruction or lopping of that part of the tree which is overhanging the building and which is necessary for fire protection.
- The vegetation is dead as a result of natural circumstances or the spread of noxious weeds and has been assessed as being suitable for removal by an authorize officer of the responsible authority. This exemption does not apply to standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3metres above ground level.
- It is the minimum extent necessary to maintain utility service for the transmission of water, sewage, gas, electricity, electronic communications or the like, provided that the removal, destruction of lopping is undertaken with the written consent of the responsible authority.
- It is necessary for maintenance by Cardinia Shire Council of works including any road, drain, essential service or public facility.
- The vegetation is seedlings or regrowth less than 5 years old, the land has previously been awfully cleared and is being maintained for cultivation or pasture.

- The vegetation to be removed, destroyed or lopped by cutting only to obtain reasonable amounts of wood for personal use by the owner or occupier of the land. Personal use is wood used for firewood, the construction of fences on the same land and hobbies such as craft. This exemption does not apply to:
  - Standing living and dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above natural ground level.
  - Living native vegetation on contiguous land in the same ownership with an area less than 10 hectares.
- It is the removal of any vegetation from an existing dam wall where the vegetation may impact on the structural stability of the dam wall.
- It is within 6 metres of an existing dwelling on a lot less than 0.4 hectares.
- It is necessary for the works associated with the normal operation of Puffing Billy Tourist Railway as defined in the Schedule to Public Use Zone under Clause 36.01 of this Planning Scheme.
- The vegetation to be pruned or lopped (but not removed) as part of normal domestic or horticultural practice for the species.
- The vegetation is an environmental weed contained in the table to this clause: that is not listed under the Schedule to Clause 43.01 (Heritage Overlay) and there is no condition listed in the table.

Limbs of the acacia growing on the rear fence line might require lopping so as not to overhang the proposed building as they continue to grow. The life span of this tree is limited and likely to senesce well before that of the existing dwelling and proposed development.

## 8. CONCLUSIONS

**The proposal is for a small second dwelling**

**It is located in an area where grassland and low threat vegetation exist within the site hazard assessment area.**

**The proposed small second dwelling will be built to the construction requirements of BAL 12.5**

**Defendable space can be achieved and will be established and managed to minimize the spread and intensity of bushfire**

**The proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.**

**The proposed development meets Bushfire Protection Objectives of Clause 53.02-4**

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## 9. RECOMMENDATIONS

Given that:

- The risk to human life, property and community infrastructure from bushfire is prioritised and will be reduced to an acceptable level.
- Bushfire protection measures, including the siting, design and construction of the building, vegetation management, water supply and access will be implemented and maintained within the property.
- The risk to existing residents, property and community infrastructure from bushfire will not be increased.

**It is recommended that consideration be given to granting approval to this application**

## 10. REFERENCES

CFA Vegetation Classes: Victorian Bushfire Management Overlay (Feb 2014)

CFA Guideline for remote outlets on water tanks in the Bushfire Management Overlay (Version 2 September 2017)

DTP Planning Permit Applications - Bushfire Management Overlay – Technical Guide (September 2017)

DTP Victorian Planning Provisions

Forest Fire Management Victoria - Joint Fuel Management Program Plan 2023/24 – 2025/26

High Fire Risk Project – Landscape and terrain feature mapping

Standards Australia AS 3959:2018 Construction of buildings in bushfire prone areas

## 11. APPENDICES

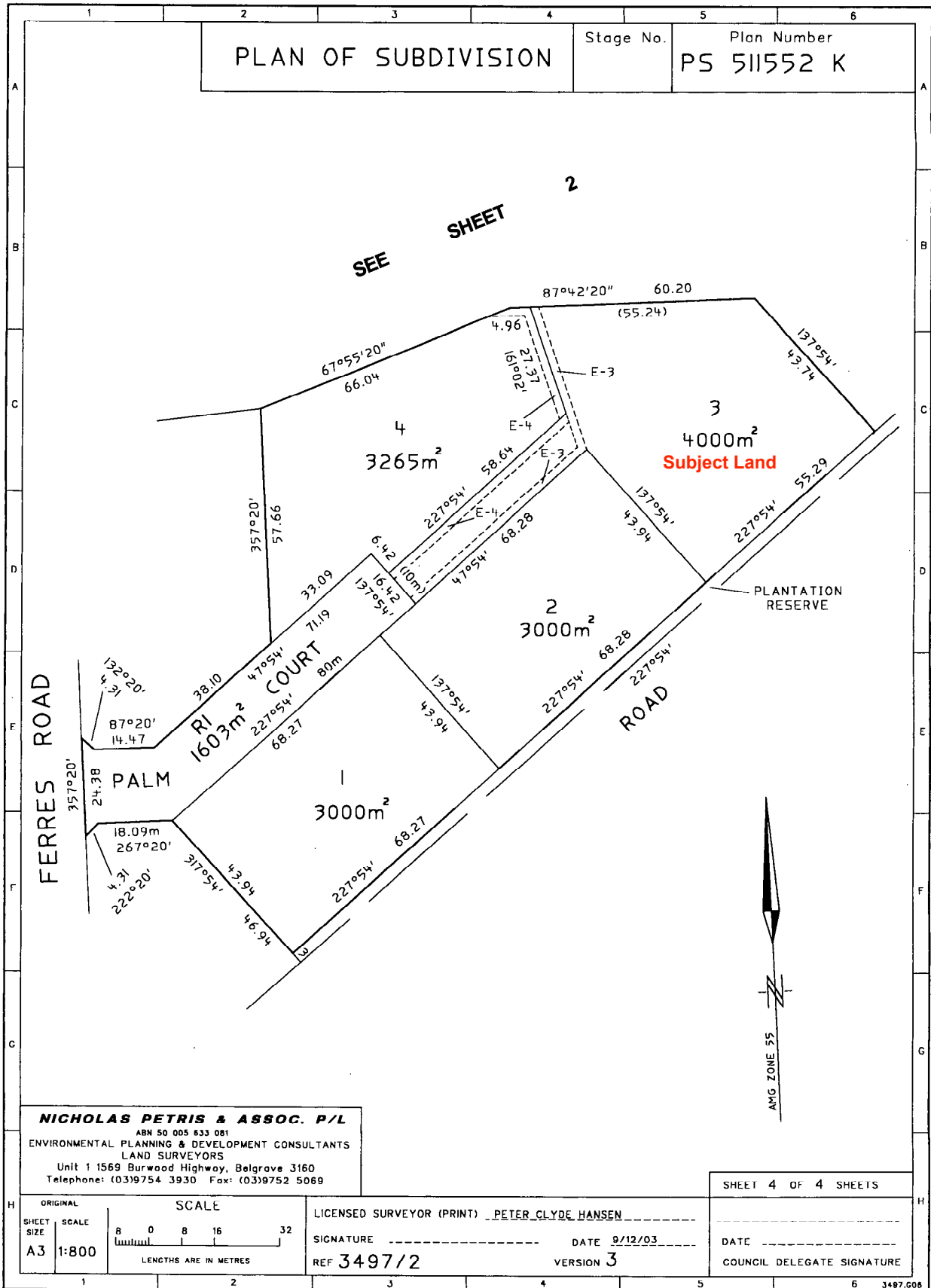
Title Plan  
Bushfire Hazard Site Plan  
Bushfire Hazard Landscape Plan  
2005 EVC's  
Land Cover  
Fire History  
Bushfire Management Plan

# TITLE PLAN

## 5-7 PALM COURT, EMERALD

PLAN OF SUBDIVISION		Stage No.	LTO use only	Plan Number		
		EDITION 4		PS 511552 K		
Location of Land Parish: GEMBROOK Township: _____ Section: A Crown Allotment: 8 & 9 (Parts) Crown Portion: _____ Title References: VOL 10708 FOL 139 VOL 10708 FOL 140 VOL 10708 FOL 141 VOL 10708 FOL 142 VOL 9049 FOL 056 Last Plan Reference: LOTS 16,17,18,19 & 22 ON LP 111990 Postal Address: FERRES ROAD, EMERALD, 3782. AMG Co-ordinates: E 363 030      Zone 55 (Of approx. centre of plan) N 5 800 750		Council Certification and Endorsement Council Name: CARDINIA SHIRE COUNCIL      Ref: S031111 1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.                  Date of original certification under section 6 / /</del> <del>3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</del> Open Space (i) A requirement for public open space under section 18 Subdivision Act 1988 has / <del>has not</del> been met. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage _____ Council Delegate _____ Council seal _____ Date 23/01/2004. <del>Received under Section 11(7) of the Subdivision Act 1988.                  Council Delegate _____                  Council seal _____                  Date / /</del>			APPLIES TO MASTER PLAN (STAGE 1) ONLY	
Vesting of Roads or Reserves						
Identifier	Council/Body/Person					
RESERVE No. 1 ROAD R1 ROAD R2	CARDINIA SHIRE COUNCIL CARDINIA SHIRE COUNCIL CARDINIA SHIRE COUNCIL					
		Notations				
		Staging: This is / <del>is not</del> a staged subdivision Planning Permit No. _____				
		Depth Limitation: Does not apply  LOTS 1 TO 4 HAVE BEEN OMITTED FROM THIS PLAN   Survey:- This plan is / <del>is not</del> based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s). 8, 105 in proclomied Survey Area no. _____				
Easement Information						
Legend:    A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)				LTO use only _____		
				Statement of Compliance / Exemption Statement		
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		
E-1	DRAINAGE & SEWERAGE	2.44	LP 86289	LOTS ON LP 86289		
E-2	DRAINAGE	1.83	LP 14785	LOTS ON LP 14785		
E-3	SEWERAGE	SEE PLAN	THIS PLAN	YARRA VALLEY WATER LTD.		
E-4	DRAINAGE	2	THIS PLAN	CARDINIA SHIRE COUNCIL		
E-5	DRAINAGE SEWERAGE	3 3	THIS PLAN THIS PLAN	CARDINIA SHIRE COUNCIL YARRA VALLEY WATER LTD.		
E-6	DRAINAGE SEWERAGE	1.83 1.83	LP 14785 THIS PLAN	LOTS ON LP 14785 YARRA VALLEY WATER LTD.		
E-7	SEWERAGE	SEE PLAN	THIS PLAN	YARRA VALLEY WATER LTD.		
				Received <input checked="" type="checkbox"/>  Date 1 / 02 / 2005		
				<b>THIS IS AN LR COMPILED PLAN</b> CHECKED 27/04/2005 <b>J.Beckingham</b> Assistant Registrar of Titles		
				SHEET 1 OF 4 SHEETS		
<b>NICHOLAS PETRIS &amp; ASSOC. P/L</b> ABN 50 005 633 081 ENVIRONMENTAL PLANNING & DEVELOPMENT CONSULTANTS LAND SURVEYORS Unit 1 1569 Burwood Highway, Belgrave 3160 Telephone: (03)9754 3930 Fax: (03)9752 5069		LICENSED SURVEYOR (PRINT) <u>PETER CLYDE HANSEN</u>  SIGNATURE _____ DATE <u>9/12/03</u>  REF <u>3497/1</u> VERSION <u>3</u>		DATE <u>23 / 01 / 2004</u> COUNCIL DELEGATE SIGNATURE _____  Original sheet size <u>A3</u> 3497 G03		

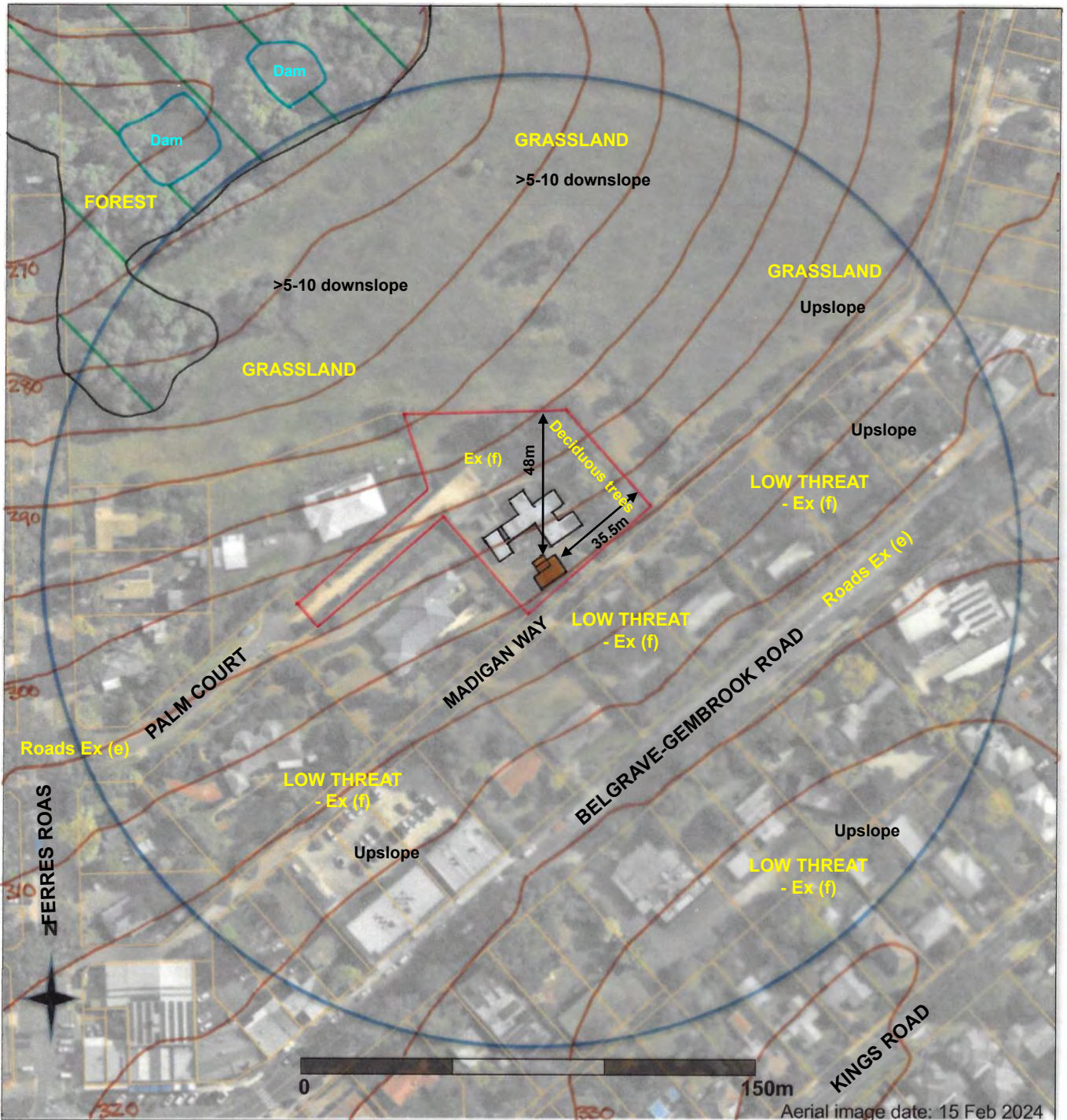
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# BUSHFIRE HAZARD SITE PLAN

5-7 PALM COURT, EMERALD



## LEGEND

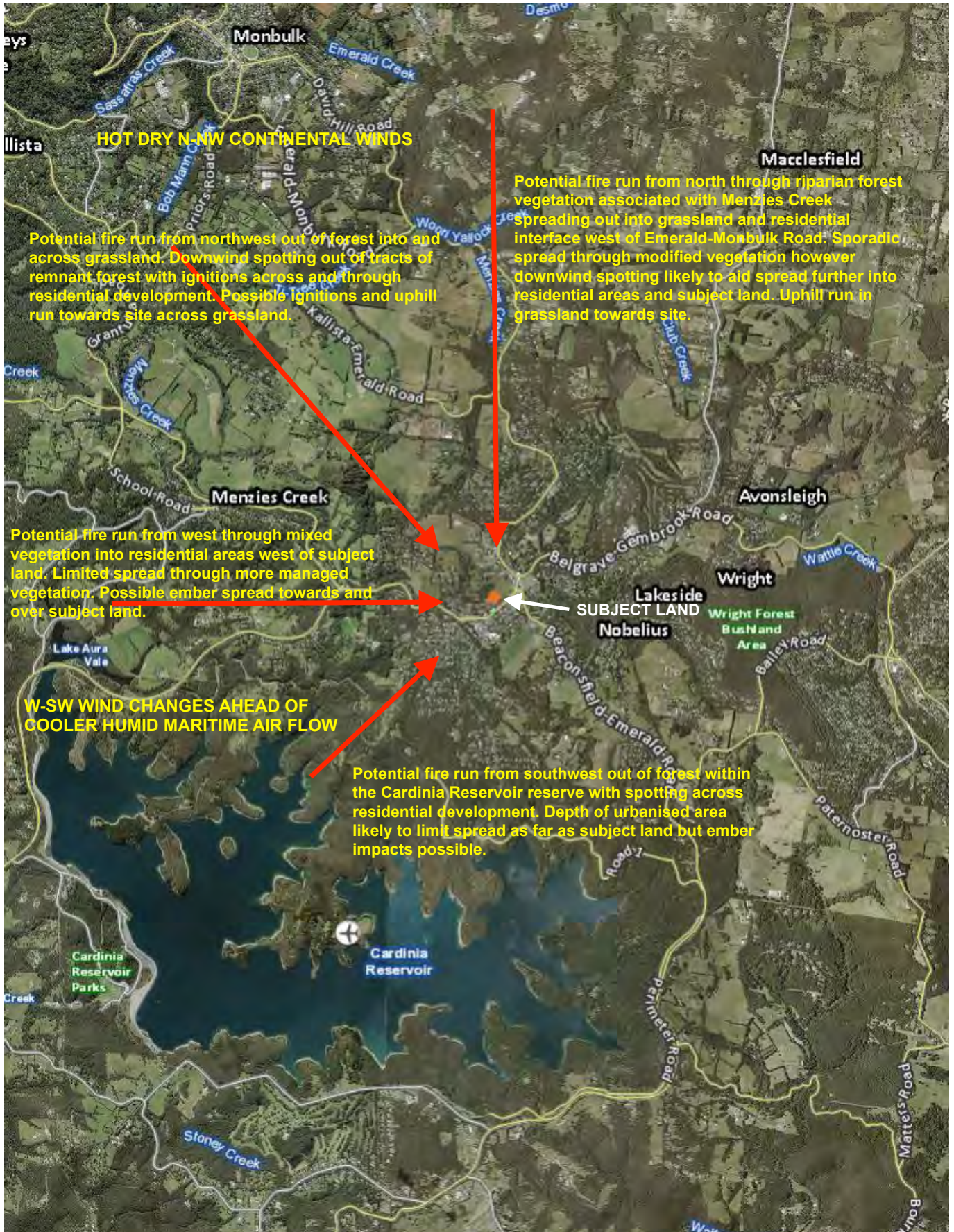
- |   |                                |   |                               |
|---|--------------------------------|---|-------------------------------|
|  | DWELLING                       |  | FOREST VEGETATION             |
|  | PROPOSED SMALL SECOND DWELLING |  | CONTOUR – INTERVAL 5m         |
|  | TITLE BOUNDARIES               |  | ASSESSMENT AREA – 150m RADIUS |

SCALE 1: 2,000

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# BUSHFIRE HAZARD LANDSCAPE PLAN

5-7 PALM COURT, EMERALD

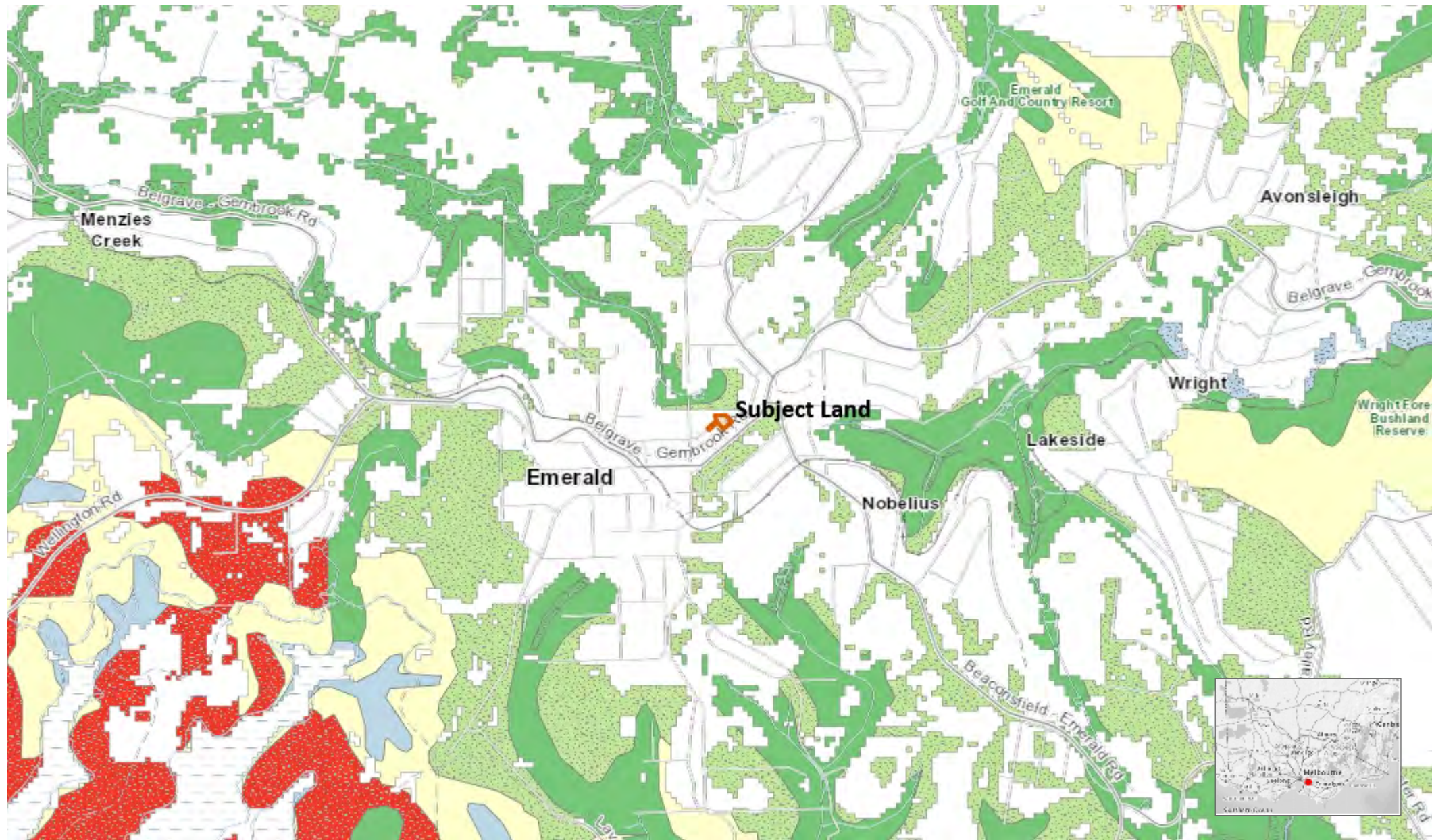


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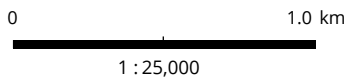


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# 2005 EVCs - 5-7 Palm Court, Emerald



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## Legend for 2005 EVCs - 5-7 Palm Court, Emerald

### □ 2005 EVCs Outlines

#### 2005 EVCs by Subgroup

Lowland Forests

Dry Forests (exposed/lower altitude)

Dry Forests (sheltered/higher altitude)

Damp Forests

Wet Forests

Montane Woodlands

Montane Shrub/Grasslands

Sub-alpine Woodlands

Sub-alpine Shrub/Grasslands

Herb-rich Woodlands (damp sands)

Herb-rich Woodlands (alluvial terraces/creeklines)

Mallee (siliceous sands)

Mallee (calcareous dunefields)

Mallee (clay plains)

Mallee (sandstone ridges and rises)

Riparian Scrubs or Swampy Scrubs and Woodlands

Riparian Forests or Woodlands

Riverine Grassy Woodlands/Forests (creekline, swampy)

Riverine Grassy Woodlands/Forests (creekline, swampy)

Riverine Grassy Woodlands/Forests (broader plain)

Wetlands (fresh water)

Wetlands (brackish/estuarine)

Box Ironbark Forests or Dry/Lower Fertility Woodlands

Lower Slopes/Hills Woodlands (seasonally inundated, shrubby)

Lower Slopes/Hills Woodlands (herb-rich)

Heathy Woodlands (dry/better drained)

Heathy Woodlands (damp/less well-drained)

Heathlands (sandy/well-drained)

Heathlands (not well-drained)

Heathlands (sub-alpine)

Plains Woodlands/Forests (freely-draining)

Plains Woodlands/Forests (lunettes, ridges)

Plains Woodlands/Forests (poorly-draining)

Plains Woodlands/Forests (semi-arid non-Eucalypt)

Plains Grasslands and Chenopod Shrublands (clay soils)

Salt-tolerant/Succulent Shrublands

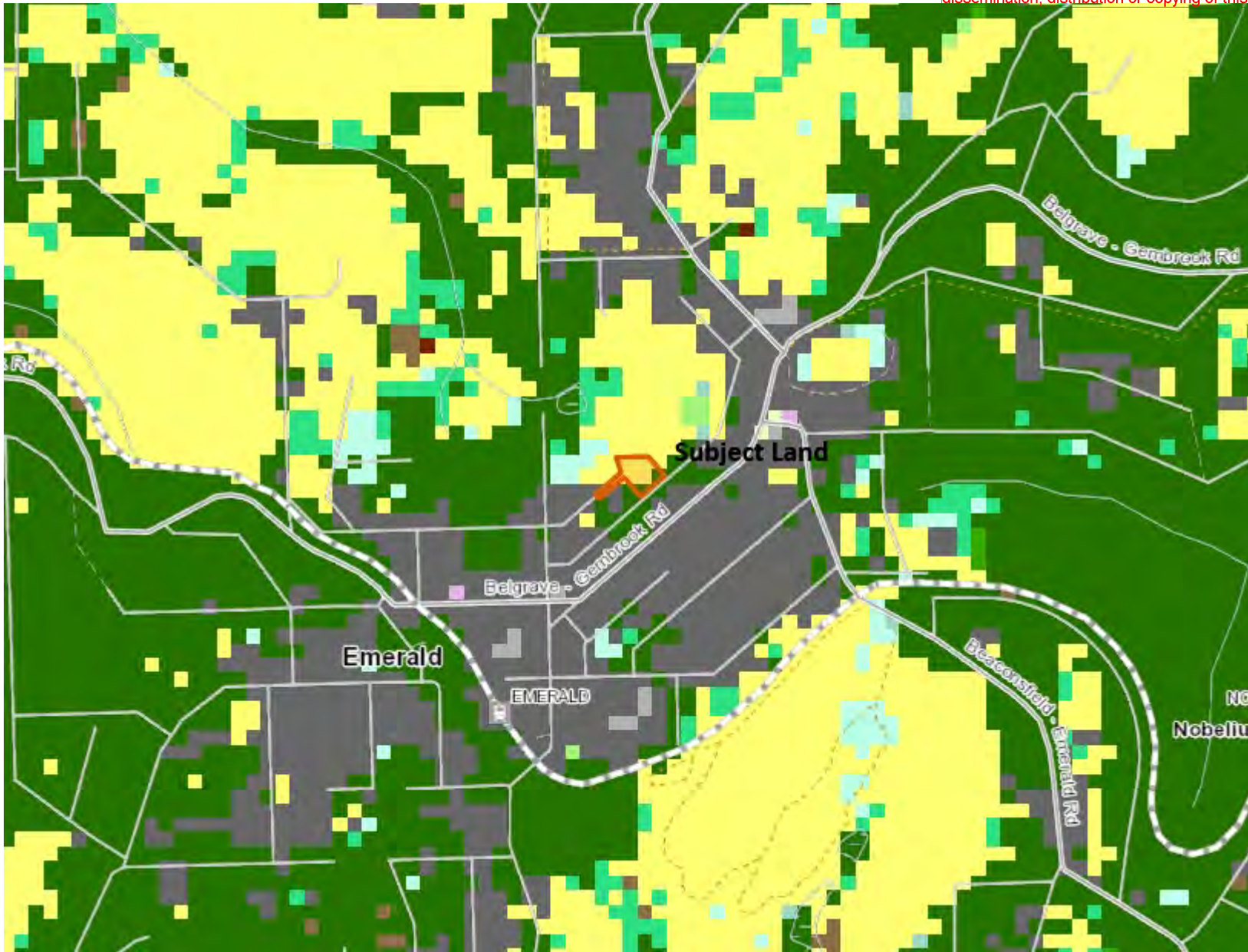
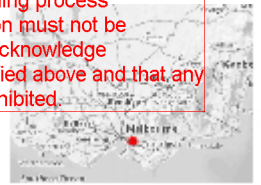
Rocky Outcrop or Escarpment Scrubs

Rainforests

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# Land Cover - 5-7 Palm Court, Emerald

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## Legend

- Landcover 2015 - 2019
- Built environment
  - Urban area
  - Disturbed ground
  - Exotic pasture / grassland
  - Dryland cropping
  - Other exotic tree cover
  - Hardwood plantation
  - Horticulture / irrigated pasture
  - Mangrove vegetation
  - Native pasture / grassland
  - Native scrubland
  - Treed native vegetation
  - Scattered native trees
  - Natural low cover
  - Conifer plantation
  - Saltmarsh vegetation
  - Water
  - Wetland - seasonal
  - Wetland - perennial

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0 400.0 m

1 : 10,000



**NatureKit**

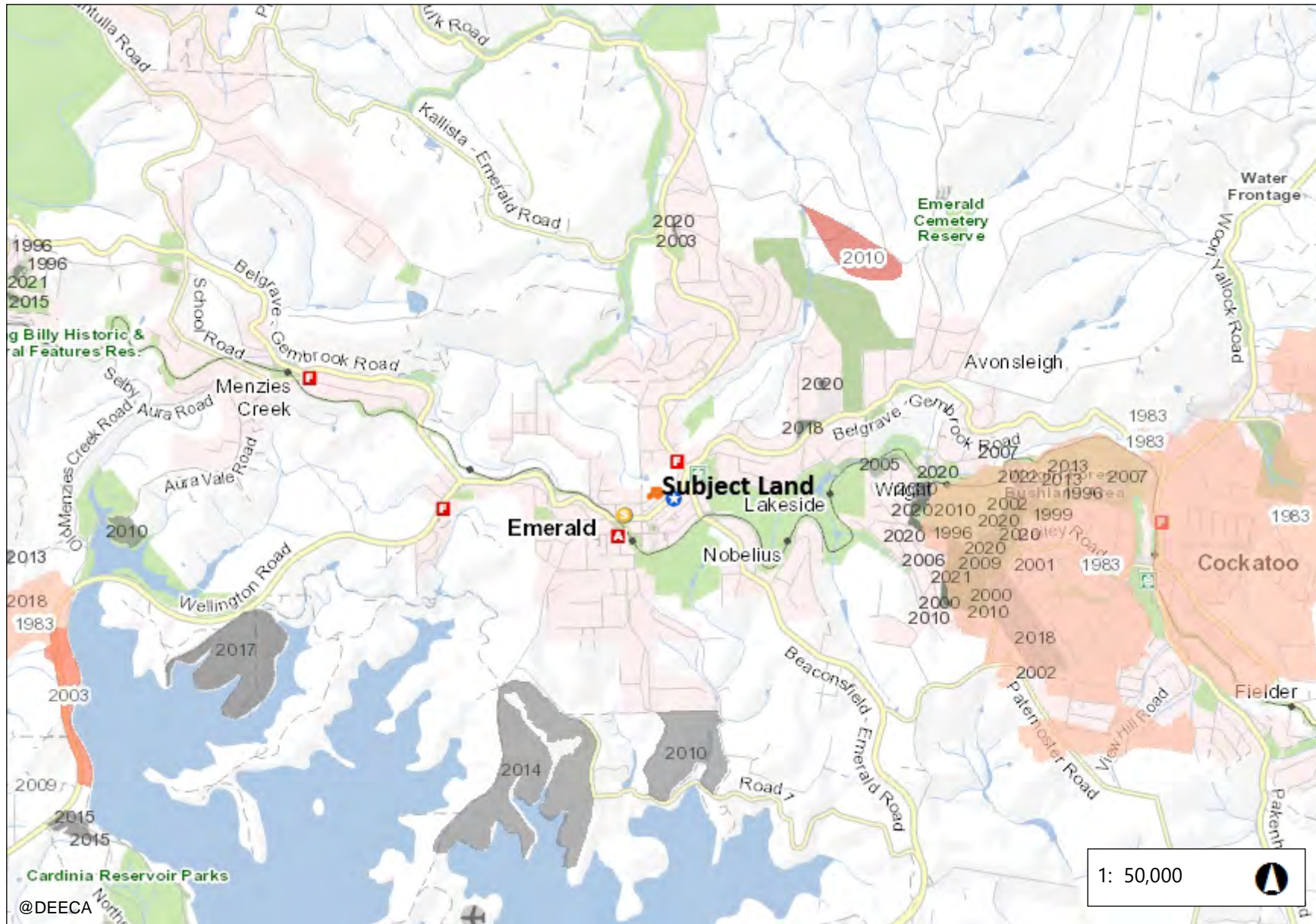
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Environment,  
Land, Water  
and Planning

# Fire History - 5-7 Palm Court, Emerald

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### Legend

**Wildfire History**

- 1970 - 1979
- 1980 - 1989
- 1990 - 1999
- 2000 - 2009
- 2010 - 2014
- 2015 - 2017
- 2018 - 2019
- 2020 - 2021
- 2022 - 2023

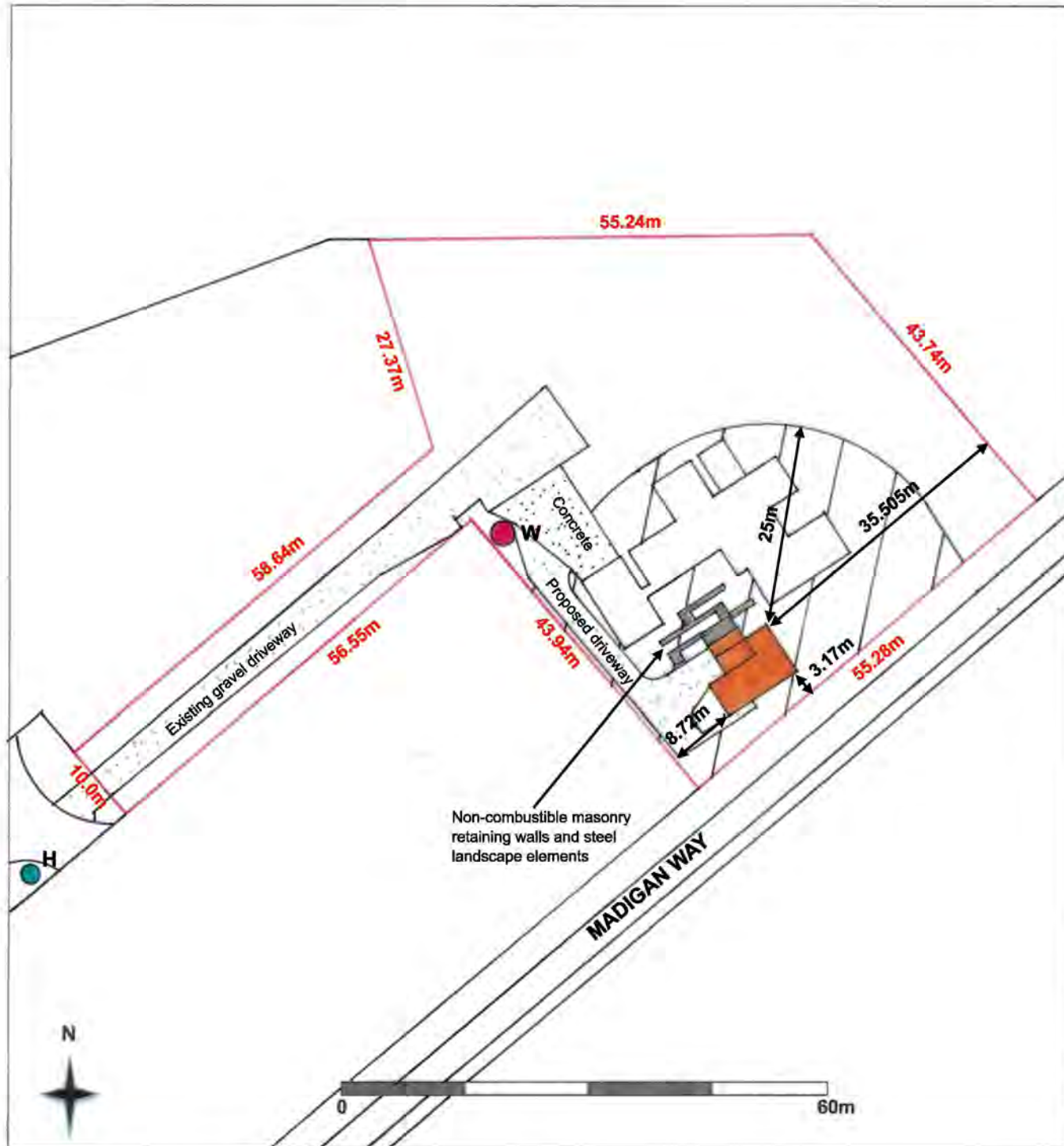
**Planned Burn History**

- 1970 - 1989
- 1990 - 1999
- 2000 - 2004
- 2005 - 2009
- 2010 - 2014
- 2015 - 2019
- 2020 - 2021
- 2022 - 2023

1: 50,000

2,540 0 1,270.00 2,540 Meters

Map Created on 07-Aug-2024



LEGEND	
	DWELLING
	PROPOSED SMALL SECOND DWELLING
	TITLE BOUNDARIES
	DEFENDABLE SPACE
	W WATER SUPPLY (nominated location)
	H HYDRANT/FIRE PLUG
	VEGETATION CLASS: GRASSLAND & LOW THREAT
	CONSTRUCTION STANDARD: BAL 12.5

SCALE 1:750

**BUSHFIRE PROTECTION MEASURES**

- DEFENDABLE SPACE** (Table 6 Vegetation management requirements)  
Defendable space for a distance of 25 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared Fire Danger Period
  - All leaves and vegetation debris must be removed at regular intervals during the declared Fire Danger Period
  - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
  - Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
  - Shrubs must not be located under canopy 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 5m.
  - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

- CONSTRUCTION STANDARD**  
The building must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL 12.5)

- WATER SUPPLY** (Table 4 Water supply requirements)  
10,000 litres of effective water supply for firefighting purposes must be provided which meets the following requirements:
- Be stored in an above ground tank constructed of concrete or metal.
  - Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
  - Include a separate outlet for occupant use.
- Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:
- Be readily identifiable from the building or appropriate identification 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 4m of the accessway and be unobstructed.
  - Incorporate a separate ball or gate valve (65millimetre BSP) and coupling (64mm CFA 3 threads per inch male fitting)
  - Any pipework and fittings must be a minimum of 65 millimetres (excluding CFA coupling)

- ACCESS** (Table 5 Vehicle access design and construction)  
The following design and construction requirements apply:
- All-weather construction.
  - A load limit of at least 15 tonnes.
  - Provide a minimum trafficable width of 3.5metres
  - Be clear of encroachments for at least 0.5 metres on each side and 4m above the accessway.
  - Curves must have a minimum inner radius of 10 metres.
  - The average grade must be no more than 1 in 7 (14.4 percent) (8.1°) with a maximum of no more than 1 in 5 (20 percent) (11.3°) for no more than 50 metres.
  - Dips must have no more than a 1 in 8 (12.5 percent) (7.1°) entry and exit angle.

Prepared by: [Redacted] Yarra Valley BAL Assessments  
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0409 330 458  
dean@yval.com.au

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# 5-7 PALM COURT, EMERALD

## Proposed Small Second Dwelling Town Planning Report

Prepared by Hansen Partnership  
September 2024

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# 1. Executive Summary

This report has been prepared on behalf of the permit applicant and landowner in support of an application for the use and development of land at No. 5-7 Palm Court, Emerald (the subject site) for a small second dwelling.

The subject site is located within the Rural Conservation Zone, Schedule 2 (RCZ2), and is affected by Schedule 1 to the Environmental Significance Overlay (ESO1), and the Bushfire Management Overlay (BMO). A planning permit is required under the provisions of each of these controls.

The proposed 55m<sup>2</sup> second dwelling, designed by the same architectural firm as the existing dwelling, is modular and pre-fabricated. It would be visually connected to the main dwelling by gabion retaining walls and a decking area. A generous area of private open space is partly screened from the main house by a metal screen with planting.

The proposed small second dwelling will significantly improve the versatility and functionality of the property, supporting family connectivity, ageing in place, and shared access to nature, while avoiding additional pressure on the constraints of the Emerald Township and its rural surroundings.

This report provides:

- A description of the subject site and its semi-rural context;
- A summary of the development proposal, as detailed in the application plans prepared by Placement;
- A summary of the applicable planning controls and policies contained within the Cardinia Planning Scheme; and
- An assessment of the proposal having regard to the applicable planning controls and policies.

The report concludes that the proposed small second dwelling would achieve an acceptable planning outcome and is suitable for approval.

The project team comprises:

**Placement**

Project Architect

**Hansen Partnership**

Town Planning

**Yarra Valley BAL Assessments**

Bushfire

**Implexa Planning and Ecological Consultancy**

Land Management

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## 2. Subject Site & Surrounds

Details of the subject site and surrounds are outlined in the following sections.

### 2.1. Subject site

The subject site is known as No. 5-7 Palm Court, Emerald, and is formally identified as Lot 3 on Plan of Subdivision 511552.

It is the eastern-most site in Palm Court, approximately 100 metres north-east of Ferres Road.

The site has an area of approximately 4000m<sup>2</sup> and is an irregular, battleaxe shape. A driveway providing vehicle access from Palm Court has a length of approximately 60 meters.

The site is currently developed with a detached, single-story, contemporary dwelling. The dwelling has a floor area of approximately 394m<sup>2</sup> and incorporates a two-car garage, sited to the south of the driveway.

Around the dwelling is a significant amount of private open space containing several trees (approximately 11). The property does not have any fencing but is separated from neighbouring properties to the north and south on the cul-de-sac by hedging. Large areas of garden beds surround the house, including exotic and native species, and the driveway is planted with feature trees and shrubs. The existing dwelling is not readily visible from Palm Court.

The topography of the site is relatively steep, falling approximately 20 metres across the site from the north-west to the south-east.



Figure 1. Subject Site (NearMap)

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Figure 2. Cadastral Plan (VicPlan)



Figure 3. Crossover into the subject site from Palm Court



Figure 4. Subject site driveway view towards Palm Court



Figure 5. Existing dwelling on subject site, looking south-west

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*Figure 6. Subject site viewed from the southern boundary*



*Figure 7. Existing dwelling and private open space on subject site*

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## 2.2. Surrounds

The subject site is centrally located within Emerald, at the interface of the township and its rural surroundings.

Properties fronting Palm Court (of which there are four, including the subject site) are typically developed with large dwellings, generous open space, and some vegetation. Due to the fall of the land and fencing/hedging, dwellings fronting Palm Court are generally only partly visible, particularly on the lower, north-west side of the street.

A description existing conditions on properties immediately adjacent to the site is as follows:

**North** – is a large vacant site (approximately 6.3ha) containing a dam located approximately 100m to the north-west of the subject site.

**West** – is No. 1-3 Palm Court, a lot with an area of approximately 0.32ha containing a dwelling with a flat roof, separate garage, pool, and garden. An open deck area is located adjacent to the boundary shared with the subject site.

**South-East** — is a plantation reserve and laneway, beyond which are detached, single-storey dwellings fronting Belgrave-Gembrook Road. The dwelling at No. 339 Belgrave-Gembrook Road is located approximately 34 metres from the existing dwelling on the site.

**South-West** – is No. 8 Palm Court, a large, rectangular lot with a single-storey dwelling which is visible from Palm Court due to its topography and siting. It contains some vegetation, particularly along its driveway, including exotic and native species. The dwelling is set back approximately 10 metres from the north-east boundary, shared with the subject site.

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Figure 8. No. 6 Palm Court (double storey dwelling)



Figure 9. ROW – Madigan way



Figure 10. Palm Court looking towards subject site



Figure 11. No. 1 Palm Court (single storey dwelling)

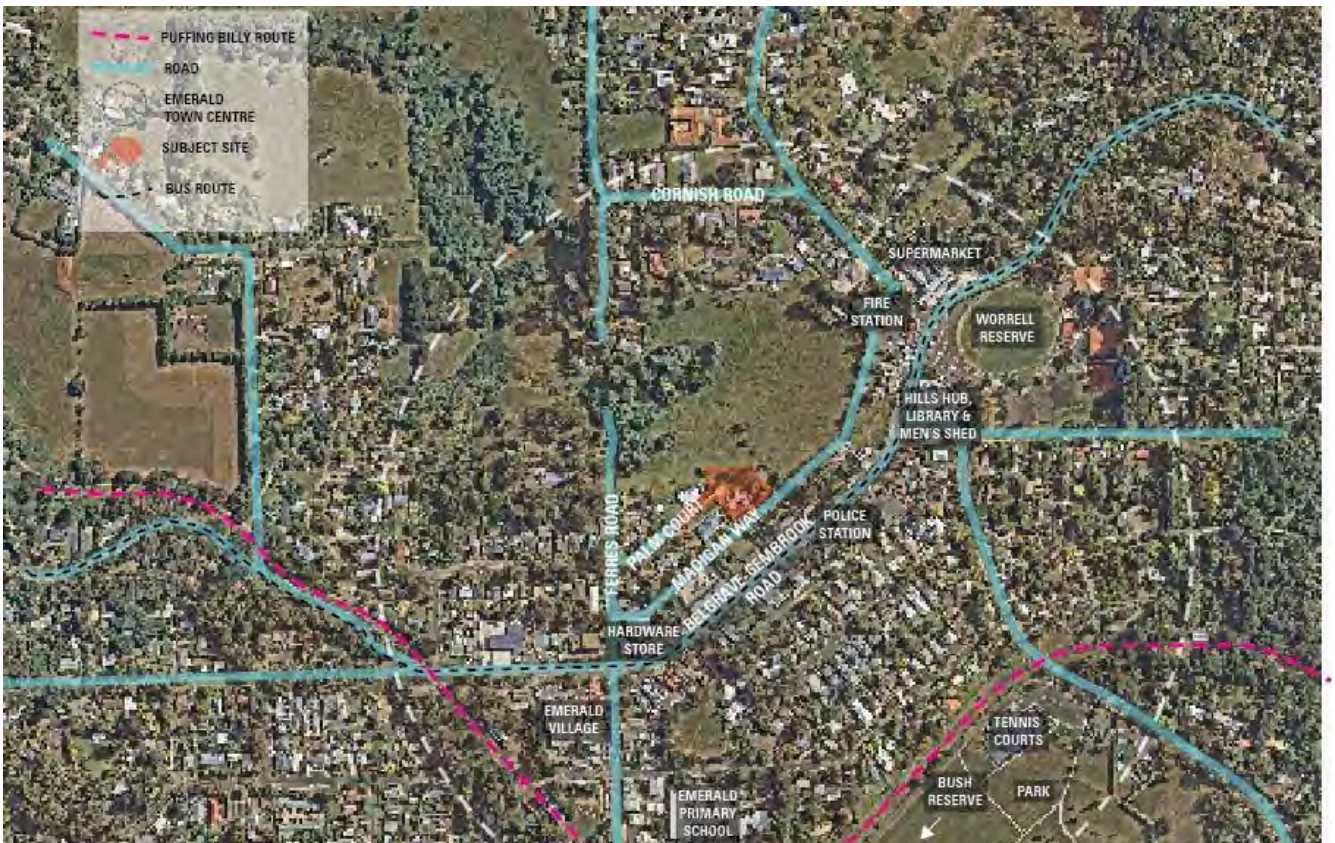


Figure 12. Context aerial

### 3. Proposal

Details of the proposed small second dwelling are as follows:

<b>Floor Area</b>	55 sqm
<b>Building Height (Max)</b>	3.08m
<b>Site coverage</b>	10%
<b>Private Open Space</b>	25 sqm
<b>Site permeability</b>	83 %

The proposal encompasses the construction of a modular, prefabricated, small second dwelling, which will be accessible via the sloped driveway or from the primary dwelling through a small set of stairs.

The proposed small second dwelling would be situated within the rear setback of the existing dwelling, thereby maintaining appropriate spatial relationships on the site.

The design of the small second dwelling incorporates a single bedroom, a study, a kitchen, a living area, and an outdoor deck area that will be covered by an aesthetically pleasing timber pergola. This arrangement aims to provide a comfortable and functional living environment, while also offering an inviting outdoor space for relaxation and recreation.

To further enhance accessibility, the proposal includes an extension of the existing driveway, ensuring that residents can conveniently reach the new small second dwelling. Additionally, the proposal will incorporate essential infrastructure connections, including reticulated sewerage, electricity, and potable water, thereby ensuring that utility requirements are met.

The proposed design has been meticulously crafted by Placement to harmonize with the existing dwelling and the surrounding context. It is intended to have minimal impact on adjacent properties while seamlessly integrating with the rural landscape character of the area. Furthermore, the design aims to foster social connectivity and facilitate aging in place, thereby enhancing the overall community experience and ensuring long-term usability for residents.

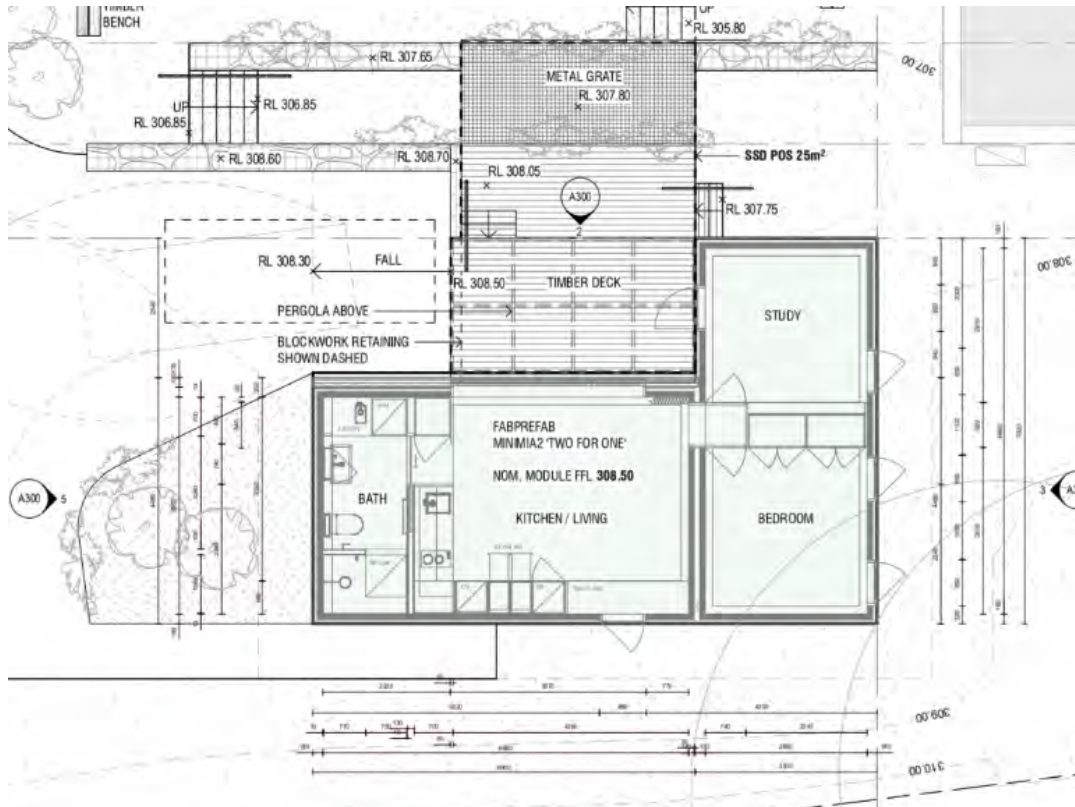


Figure 13 – Extract of proposed floor plan

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## 4. Cardinia Planning Scheme

### 4.1. Planning Policy Framework

The following clauses of the Planning Policy Framework are relevant to this proposal:

- Clause 11 – Settlement
  - Clause 11.01-1R – Green wedges – Metropolitan Melbourne
  - Clause 11.03-6S – Regional and local places
- Clause 12.05 – Significant environments and landscapes
- Clause 13.02-1S – Bushfire
- Clause 15 – Built environment and heritage
  - Clause 15.01-2S – Building design
- Clause 16 – Housing
  - Clause 16.01-1S – Housing supply
  - Clause 16.01-2S – Housing affordability
  - Clause 16.01-3S – Rural residential development

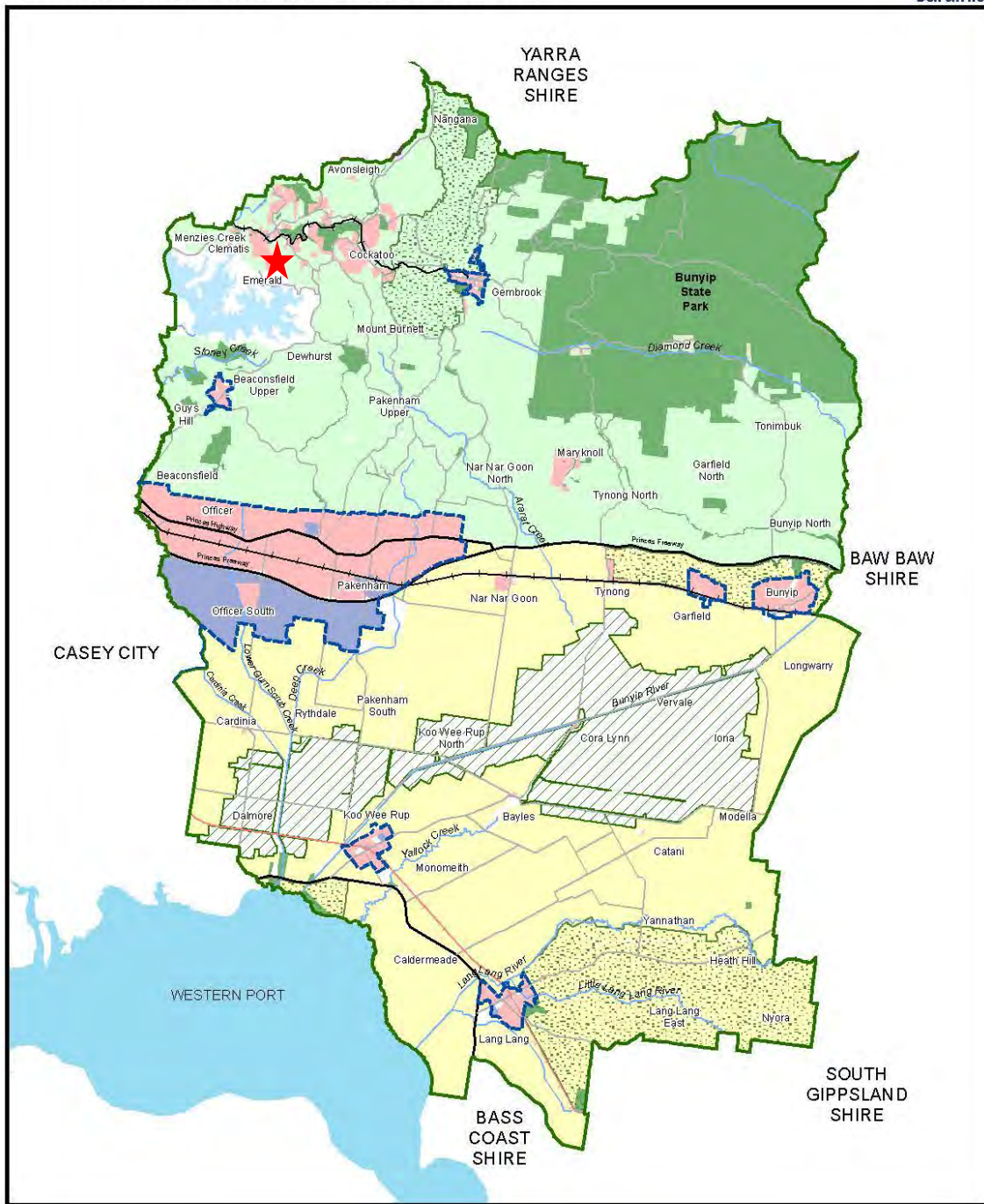
### 4.2. Municipal Strategic Statement

The following clauses of the Municipal Strategic Statement of the Cardinia Planning Scheme are relevant to this proposal:

- Clause 21.01-3 – Key Issues, particularly Environment, Settlement and housing and particular use and development
- Clause 21.01-4 – Strategic vision
- Clause 21.01-5 – Strategic framework plan – includes the Cardinia Shire Strategic Framework Plan showing the subject site in a residential area.
- Clause 21.02 – Environment
  - Clause 21.02-2 – Landscape
  - Clause 21.02-4 – Bushfire Management
- Clause 21.03-1 – Housing
- Clause 21.03-4 – Rural Townships
- Clause 21.03-5 – Rural Residential and Rural Living Development
- Clause 21.07-3 – Emerald, Avonsleigh & Clematis

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# Cardinia Shire Strategic Framework Plan



- |  |                         |   |                                  |
|--|-------------------------|---|----------------------------------|
| Urban Growth Boundary                              | Highway/Freeway         | Residential Areas                                       | General Agricultural             |
| Municipal Boundary                                 | Major and Arterial Road | Agriculture Area with Environmental or Landscape Values | High Quality Agricultural Area   |
| Railway Lines                                      | Significant Waterways   | Major Recreation and Nature Reserves                    | Environmental and Landscape Area |
| South Gippsland Railway Reserve (not in operation) | Employment Areas        |   |                                  |



Printed: 24-Oct-18 Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

Figure 14. Clause 21.01-5 - Cardinia Shire Strategic Framework Plan

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### 4.3. Zone

The subject site is within the Rural Conservation Zone – Schedule 2 (RCZ2).

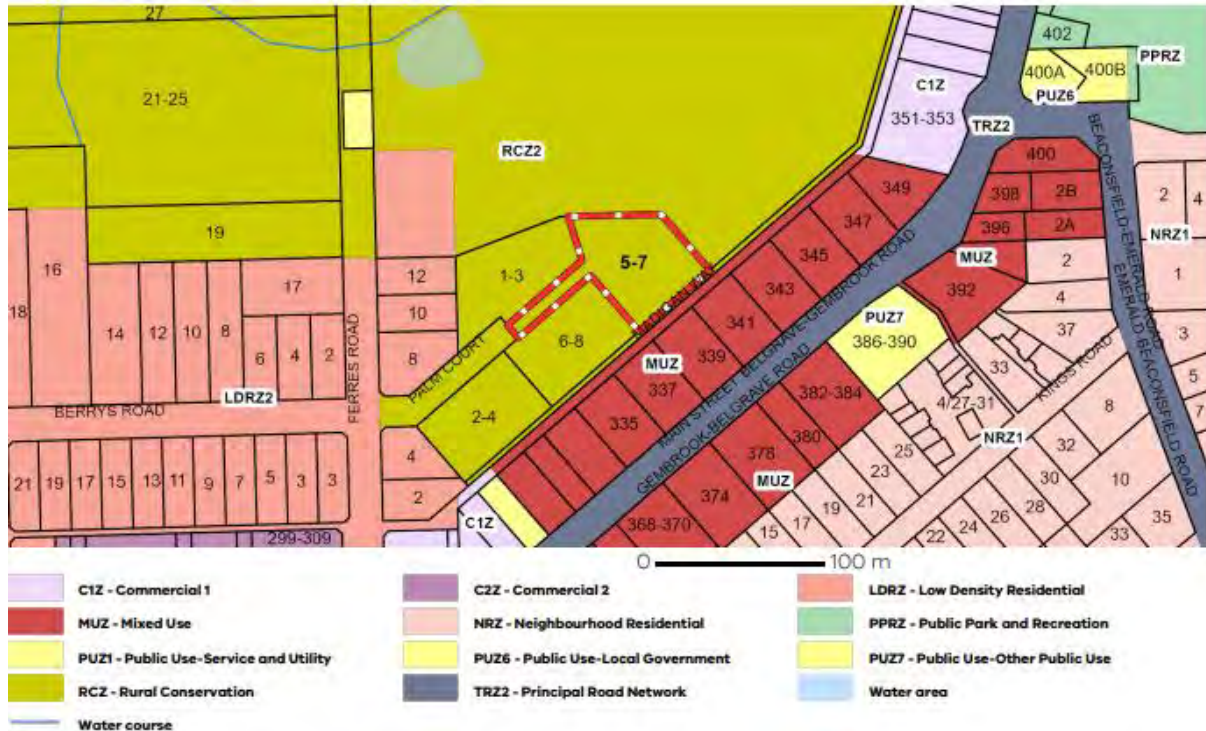


Figure 15. Zoning Map

In addition to implementing the State, local, and regional policy, the purpose of the RCZ2 is:

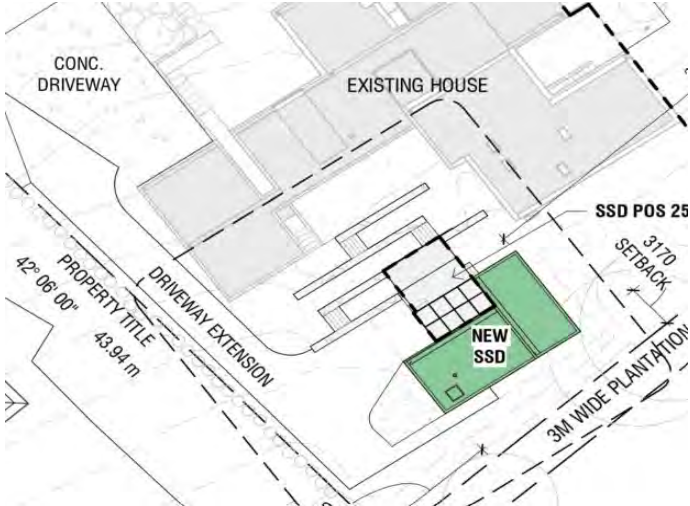
- To conserve the values specified in a schedule to this zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological, and scientific interest, landscape, faunal habitat, and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage the development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic nonurban landscapes.

Schedule 2 of the RCZ (RCZ2) relates to ‘Conservation values’, which pertain to the ‘Protection and conservation of the environmental values and landscape qualities of the land, including the habitat of botanical and zoological significance, and the conservation of natural resources, including native vegetation, waterways, and soils.’

Pursuant to Clause 35.06-1, a permit is required for the use of the land as a small second dwelling.

Additionally, Clause 35.06-2, outlines requirements which must be met for the use of land for a small second dwelling. The following table provides a response to these requirements.

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Condition	Response
<i>There must be no more than one dwelling existing on the lot.</i>	The site currently contains an existing dwelling. The proposed addition of a small second dwelling does not conflict with this condition as a dwelling is defined separately from a small second dwelling.
<i>Must be the only small second dwelling on the lot.</i>	There will only be one small second dwelling on the site.
<i>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</i>	No reticulated natural gas connection to the new small second dwelling will be provided.
<i>Must meet the requirements of Clause 35.06-2.</i>	<p>An extension of the existing driveway will provide all-weather access to the small second dwelling.</p> <p>The small second dwelling will be connected to reticulated sewerage, reticulated potable water supply, and reticulated electricity supply.</p>  <p>The diagram shows a site plan with an 'EXISTING HOUSE' and a 'NEW SSD' (Small Second Dwelling) highlighted in green. A 'DRIVEWAY EXTENSION' is shown as a dashed line connecting the new SSD to the 'CONC. DRIVEWAY'. Property boundaries are marked with dimensions: '42° 06' 00"' and '43.94 m'. A '3170 SETBACK' is indicated on the right side, and a '3M WIDE PLANTATION' is shown along the bottom boundary. The label 'SSD POS 25' is also present.</p> <p><i>Figure 16. Proposed driveway extension (extracted from plans)</i></p>

Pursuant to Clause 35.06-5, a permit is required to construct or carry out works:

- Associated with use in Section 2 of Clause 35.06-2 (applicable to the small second dwelling)
- For earthworks specified in a schedule to this zone
- A building which is within various setbacks, including:
  - 20m from any other road.
  - 5m from any other boundary.
  - 100m from a dwelling or small second dwelling not in the same ownership.

Schedule 2 to the Rural Conservation Zone requires a permit for all earthworks that change the rate of flow or the discharge point of water across a property boundary.

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## 4.4. Overlays

The site is located within the Environmental Significance Overlay – Schedule 1 (Northern Hills), and a Bushfire Management Overlay. The applicable provisions of these controls are outlined below.

### Environmental Significance Overlay – Schedule 1 (ES01)

In addition to implementing policy, the purpose of the Environmental Significance Overlay is:

- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.



Figure 17. Environmental Significance Overlay - Schedule 1

Schedule 1 relates to 'Northern Hills', defined as 'The hills to the northern part of the municipality (generally to the north of the Princes Highway)'. An excerpt from the statement of environmental significance is provided as follows:

*The area is characterised by the geology of Devonian Granitic and Sulrian Sediment origin, moderate to steep slopes, and areas of remnant vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance. These characteristics are also a significant factor in terms of environmental hazards including erosion and fire risk.*

*The vegetation supports the ecological processes and biodiversity of this area by forming core habitat areas within a complex network of biolink wildlife corridors. Sites containing threatened flora and fauna are defined as being of botanical and zoological significance. Development within and around these sites needs to be appropriately managed to ensure the long-term protection, enhancement, and sustainability of these ecological processes and the maintenance of biodiversity.*

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The environmental objectives for ESO1 are:

- To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.
- To ensure that the siting and design of buildings and works do not adversely impact environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow-bearing trees, habitat of botanical and zoological significance, and water quality and quantity.
- To ensure that the siting and design of buildings and works address environmental hazards including slope, erosion, and fire risk, the protection of view lines, and maintenance of vegetation as the predominant feature of the landscape.
- To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities, and ecological processes, including the prevention of the incremental loss of vegetation.

A permit is required to construct or carry out works which “exceeding 1 metre or filling of land exceeding 1 metre” in the ESO1. It is also a requirement that “any disturbed area must be stabilised by engineering works or revegetation to prevent erosion”.

The proposed small second dwelling necessitates excavation that exceeds 1 metre in depth to facilitate optimal integration with the surrounding landscape.

### Bushfire Management Overlay

The site is located within a Bushfire Management Overlay (BMO).

In addition to implementing State, regional, and local policy, the purpose of the BMO is:



Figure 18. Bushfire Management Overlay

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

Within the BMO, a permit is required to construct a building or carry out works associated with Accommodation. An application must meet the requirements of Clause 53.02.

A Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment, Bushfire Management Statement, and Bushfire Management Plan accompany this application, as per the specifications of Clause 44.06-3, summarised in section 5.3 ‘Response to Bushfire Management Overlay’.

## 4.5. General and Particular Provisions

### Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions

The purpose of Clause 51.02 is:

- *To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource, or recreation values.*
- *To protect productive agricultural land from incompatible uses and development.*
- *To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*
- *To encourage the location of urban activities in urban areas.*
- *To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.*
- *To provide deeming provisions for metropolitan green wedge land.*

Pursuant to Clause 51.02, a 'Small Second Dwelling' is prohibited unless it meets the following requirements:

- *Must be no more than one dwelling existing on the lot.*
- *Must be the only small second dwelling on the lot.*
- *Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.*

A response to the above requirements is provided in Section 3 of this report.

### Clause 53.02 – Bushfire Planning

Under Clause 53.02, the provisions of Clause 53.02-4 are applicable, and are addressed in the accompanying Bushfire Management Plan.

## 4.6. Strategic Documents

The *Emerald District Strategy (2009)* is an incorporated document in Clause 21.07-3. The overall vision within the strategy is: *"To protect and enhance the unique character of Emerald as a place of great natural beauty and as a sustainable and caring community where residents live and work in happiness and safety."* Its key objectives include:

- To contain residential development within the existing residentially zoned land.
- To protect and enhance the character of the residential and town centre precincts.
- To facilitate the provision of alternative housing options particularly for the disabled and the aged.
- To develop tourism as a viable and sustainable economic activity.
- To promote sustainability principles.

The strategy also notes that land available for residential use is diminishing and that there is a lack of housing options for people over age 55. Directives for all areas of Emerald include, *inter alia*:

- The maximisation of opportunities to retain existing vegetation;
- The selection of subdued colour schemes;
- The minimisation of visual intrusion by built form;
- The avoidance of compromising slope stability or increase erosion potential; and
- The incorporation of environmentally sustainable design.

The strategy identifies the subject site as being situated within Precinct 7, characterised by undulating topography, filtered-to-open views across the valley and low density with large blocks and density of vegetation, *inter alia*, noting that "given the influence of landscape and environment in determining the characteristics of each neighbourhood, within these guidelines there is less emphasis on built form."

## 5. Key Planning Considerations

Having regard to the provisions of the Cardinia Planning Scheme, it is submitted that the proposed second dwelling and associated works would achieve an acceptable planning outcome. Justification for the proposal is discussed in the following sections of this report.

### 5.1. Strategic Planning Considerations

The proposal is consistent with policy expectations policy as follows:

- The proposed small second dwelling would contribute to boosting the housing supply in Emerald, in line with Victoria's Housing Statement, subsequent draft municipal housing targets, and the local planning policies of the Cardinia Shire planning scheme (Clause 16.01-1S, 21.03-1) without requiring the existing township to expand outwards or subdividing lots at the rural-residential interface (Clause 11.02-1S, 11.03-6S, 16.01-3S, 21.01-3, 21.07-3, 21.07-4).
- The proposal contributes to the diversity of housing in Emerald, affording occupants additional space for family and friends, accommodation for a support worker, or the option to leverage the dwelling as short-stay accommodation, ultimately supporting ageing-in-place, social connectivity, economic resilience and the tourism industry in Emerald (Clause 16.01-1S, 17.04-1S, 21.01-4, 21.04.5, Clause 21.03-1, 21.07-3).
- The siting of the proposal, its compact, single-storey nature, natural materials, and the screening vegetation along Madigan Way ensures its impact on the landscape is minimal (Clause 12.05, 21.02-2, 21.03-5), particularly from vantage points outside the property.
- The design of the small second dwelling is of a high architectural standard and achieves a sense of harmony with the existing primary dwelling, being attributable to the same architectural firm (Clause 15.01-1S, 15.01-2S, 15.01-6S). Relatedly, the proposal achieves high standards of amenities both internally and in its private open space.
- Bushfire risk has been considered and will be appropriately addressed (Clause 13.02-1S).

### 5.2. Response to Zone and Overlays

The RCZ2 and ESO1 both seek to maintain and protect the environmental values and landscape qualities of the area, referring specifically to the retention of native vegetation, protection of landscape view lines, and the management of slope and erosion.

Additionally, the RCZ2 aims to encourage the development and use of land that is consistent with sustainable land management and land capability practices.

It is submitted that the proposed small second dwelling will achieve an outcome consistent with the expectations of the RCZ2 and ESO1 for the following reasons:

- The impact of the proposed small second dwelling to the broader site would be minimal, increasing the site coverage by 2%, from 332sqm to 387sqm, and reducing the permeability by 4%, from 3481sqm to 3322sqm.
- No trees or vegetation are proposed for removal.
- The land management plan found no listed threatened flora or fauna species onsite during the field assessment and considered that they are unlikely to occur due to the absence of suitable habitat.

- While some excavation is required due to the site’s undulating topography, the proposed second dwelling is raised off the ground to avoid obstructing existing flows. Alterations to the contours of the land are generally limited to the length of the building and assist in ‘nestling’ and visually obscuring it within the landscape. Given the siting of the small second dwelling within the lot, at its highest, most south-eastern point to the rear of the existing dwelling, flows across property boundaries are not expected to be impacted.
- The proposed timber cladding will be non-reflective and complementary to the local environment.
- As recommended by the land management plan, erosion mitigation measures installed prior to the commencement of the earthworks and construction will mitigate any potential mobilization of soil, clay, and sediment. Beyond the construction phase, the proposed retaining walls will further assist with erosion management, while grass is being re-established and into the future
- The provision of additional accommodation on this site, at the interface of the township and broader rural environs, affords more people access to nature and the opportunity to understand the importance of sustainable living. As noted in the land management plan, the permit applicants, who occupy the existing dwelling on the site, have eradicated all high-threat weeds on the property, demonstrating ongoing environmental stewardship. The installation of the small second dwelling, gabion retaining walls, and steps leading to the second dwelling will make the area to the rear of the existing dwelling easier to access and continue to maintain.
- The thoughtfully planned siting will not only enhance the overall functionality of the existing dwelling but also create more accessible landscaping features that residents can enjoy for the long term. Given the site's natural topography, this level of excavation is essential to ensure that the building is positioned appropriately within its environment, thereby harmonizing with the existing landscape and promoting a cohesive aesthetic.

Given the findings and recommendations of the Bushfire Management Plan, it is submitted that an outcome consistent with the BMO would be achieved on the site. The Bushfire Management Statement accompanying this report recommends that the proposed small second dwelling be built to the construction requirements of BAL 12.5, and notes that:

- Defendable space can be achieved and will be established and managed to minimize the spread and intensity of bushfires.
- The proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.
- The proposed development meets Bushfire Protection Objectives of Clause 53.02-4.

## 6. Conclusion

For the reasons contained within this report, it is submitted that the application aligns with the directions and policies of the Cardinia Planning Scheme, including the intent of the Rural Conservation Zone – Schedule 2 (RCZ2), Environmental Significance Overlay – Schedule 1, Bushfire Management Overlay, Clause 51.02, Clause 53.02 and the Incorporated Document *Emerald District Strategy (2009)*.

It is therefore appropriate for the application to be approved and a permit granted.

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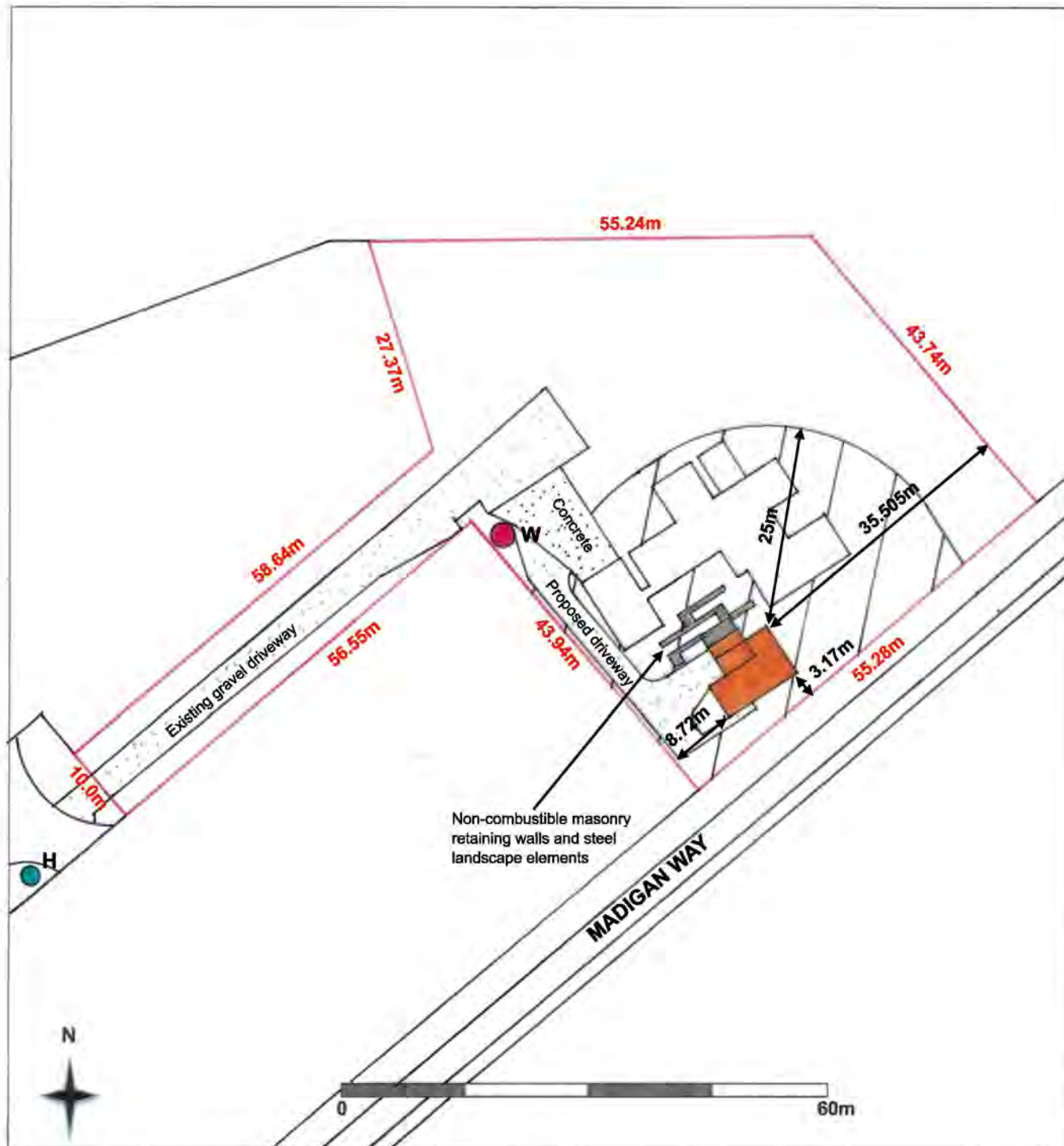
# 5-7 PALM COURT, EMERALD

## Proposed Small Second Dwelling Town Planning Report

Prepared by Hansen Partnership  
September 2024

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LEGEND	
	DWELLING
	PROPOSED SMALL SECOND DWELLING
	TITLE BOUNDARIES
	DEFENDABLE SPACE
	W WATER SUPPLY (nominated location)
	H HYDRANT/FIRE PLUG
	VEGETATION CLASS: GRASSLAND & LOW THREAT
	CONSTRUCTION STANDARD: BAL 12.5

SCALE 1:750

## BUSHFIRE PROTECTION MEASURES

### DEFENDABLE SPACE (Table 6 Vegetation management requirements)

Defendable space for a distance of 25 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared Fire Danger Period
- All leaves and vegetation debris must be removed at regular intervals during the declared Fire Danger Period
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under canopy 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 5m.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

### CONSTRUCTION STANDARD

The building must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL 12.5)

### WATER SUPPLY (Table 4 Water supply requirements)

10,000 litres of effective water supply for firefighting purposes must be provided which meets the following requirements:

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

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

- Be readily identifiable from the building or appropriate identification 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 4m of the accessway and be unobstructed.
- Incorporate a separate ball or gate valve (65millimetre BSP) and coupling (64mm CFA 3 threads per inch male fitting)
- Any pipework and fittings must be a minimum of 65 millimetres (excluding CFA coupling)

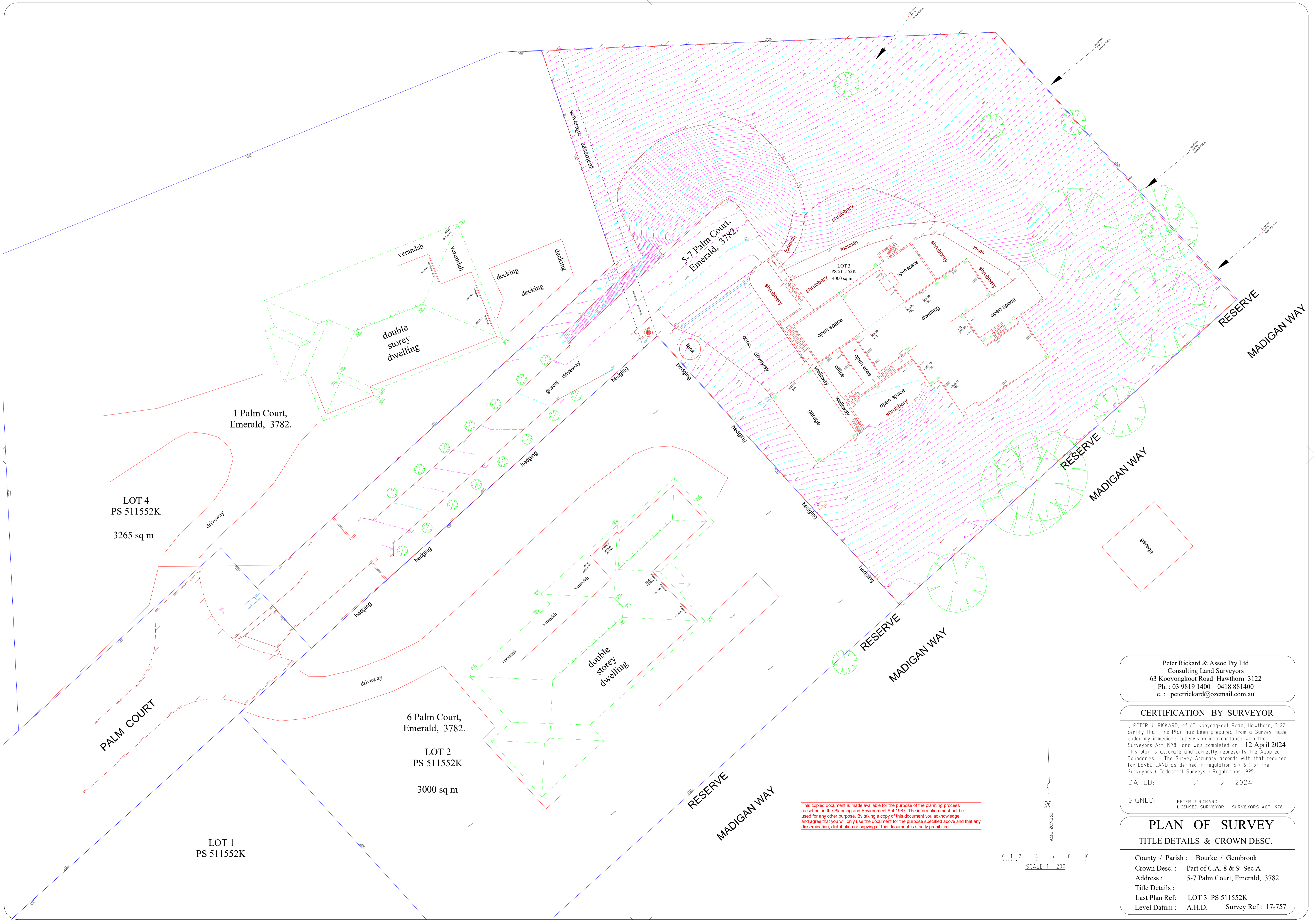
### ACCESS (Table 5 Vehicle access design and construction)

The following design and construction requirements apply:

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

Prepared by: [Redacted] Yarra Valley BAL Assessments

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0409 330 458  
dean@yval.com.au



1 Palm Court,  
Emerald, 3782.

LOT 4  
PS 511552K  
3265 sq m

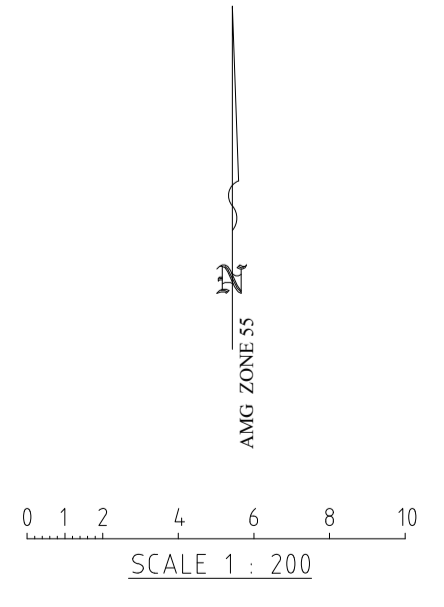
6 Palm Court,  
Emerald, 3782.

LOT 2  
PS 511552K  
3000 sq m

LOT 1  
PS 511552K

5-7 Palm Court,  
Emerald, 3782.

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Consulting Land Surveyors  
63 Kooyongkoot Road Hawthorn 3122  
Ph. : 03 9819 1400 0418 881400  
e. : peterrickard@ozemail.com.au

**CERTIFICATION BY SURVEYOR**  
I, PETER J. RICKARD, of 63 Kooyongkoot Road, Hawthorn, 3122, certify that this Plan has been prepared from a Survey made under my immediate supervision in accordance with the Surveyors Act 1978 and was completed on **12 April 2024**. This plan is accurate and correctly represents the Adopted Boundaries. The Survey Accuracy accords with that required for LEVEL LAND as defined in regulation 6 ( 6 ) of the Surveyors ( Cadastral Surveys ) Regulations 1995.  
DATED: / / 2024  
SIGNED: PETER J. RICKARD  
LICENSED SURVEYOR SURVEYORS ACT 1978

**PLAN OF SURVEY**  
**TITLE DETAILS & CROWN DESC.**  
County / Parish : Bourke / Gembrook  
Crown Desc. : Part of C.A. 8 & 9 Sec A  
Address : 5-7 Palm Court, Emerald, 3782.  
Title Details :  
Last Plan Ref: LOT 3 PS 511552K  
Level Datum : A.H.D. Survey Ref : 17-757

## 4.5. General and Particular Provisions

### Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions

The purpose of Clause 51.02 is:

- *To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource, or recreation values.*
- *To protect productive agricultural land from incompatible uses and development.*
- *To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*
- *To encourage the location of urban activities in urban areas.*
- *To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.*
- *To provide deeming provisions for metropolitan green wedge land.*

Pursuant to Clause 51.02, a 'Small Second Dwelling' is prohibited unless it meets the following requirements:

- *Must be no more than one dwelling existing on the lot.*
- *Must be the only small second dwelling on the lot.*
- *Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.*

A response to the above requirements is provided in Section 3 of this report.

### Clause 53.02 – Bushfire Planning

Under Clause 53.02, the provisions of Clause 53.02-4 are applicable, and are addressed in the accompanying Bushfire Management Plan.

## 4.6. Strategic Documents

The *Emerald District Strategy (2009)* is an incorporated document in Clause 21.07-3. The overall vision within the strategy is: *"To protect and enhance the unique character of Emerald as a place of great natural beauty and as a sustainable and caring community where residents live and work in happiness and safety."* Its key objectives include:

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- To protect and enhance the character of the residential and town centre precincts.
- To facilitate the provision of alternative housing options particularly for the disabled and the aged.
- To develop tourism as a viable and sustainable economic activity.
- To promote sustainability principles.

The strategy also notes that land available for residential use is diminishing and that there is a lack of housing options for people over age 55. Directives for all areas of Emerald include, *inter alia*:

- The maximisation of opportunities to retain existing vegetation;
- The selection of subdued colour schemes;
- The minimisation of visual intrusion by built form;
- The avoidance of compromising slope stability or increase erosion potential; and
- The incorporation of environmentally sustainable design.

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## 5. Key Planning Considerations

Having regard to the provisions of the Cardinia Planning Scheme, it is submitted that the proposed second dwelling and associated works would achieve an acceptable planning outcome. Justification for the proposal is discussed in the following sections of this report.

### 5.1. Strategic Planning Considerations

The proposal is consistent with policy expectations policy as follows:

- The proposed small second dwelling would contribute to boosting the housing supply in Emerald, in line with Victoria's Housing Statement, subsequent draft municipal housing targets, and the local planning policies of the Cardinia Shire planning scheme (Clause 16.01-1S, 21.03-1) without requiring the existing township to expand outwards or subdividing lots at the rural-residential interface (Clause 11.02-1S, 11.03-6S, 16.01-3S, 21.01-3, 21.07-3, 21.07-4).
- The proposal contributes to the diversity of housing in Emerald, affording occupants additional space for family and friends, accommodation for a support worker, or the option to leverage the dwelling as short-stay accommodation, ultimately supporting ageing-in-place, social connectivity, economic resilience and the tourism industry in Emerald (Clause 16.01-1S, 17.04-1S, 21.01-4, 21.04.5, Clause 21.03-1, 21.07-3).
- The siting of the proposal, its compact, single-storey nature, natural materials, and the screening vegetation along Madigan Way ensures its impact on the landscape is minimal (Clause 12.05, 21.02-2, 21.03-5), particularly from vantage points outside the property.
- The design of the small second dwelling is of a high architectural standard and achieves a sense of harmony with the existing primary dwelling, being attributable to the same architectural firm (Clause 15.01-1S, 15.01-2S, 15.01-6S). Relatedly, the proposal achieves high standards of amenities both internally and in its private open space.
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### 5.2. Response to Zone and Overlays

The RCZ2 and ESO1 both seek to maintain and protect the environmental values and landscape qualities of the area, referring specifically to the retention of native vegetation, protection of landscape view lines, and the management of slope and erosion.

Additionally, the RCZ2 aims to encourage the development and use of land that is consistent with sustainable land management and land capability practices.

It is submitted that the proposed small second dwelling will achieve an outcome consistent with the expectations of the RCZ2 and ESO1 for the following reasons:

- The impact of the proposed small second dwelling to the broader site would be minimal, increasing the site coverage by 2%, from 332sqm to 387sqm, and reducing the permeability by 4%, from 3481sqm to 3322sqm.
- No trees or vegetation are proposed for removal.
- The land management plan found no listed threatened flora or fauna species onsite during the field assessment and considered that they are unlikely to occur due to the absence of suitable habitat.

- While some excavation is required due to the site’s undulating topography, the proposed second dwelling is raised off the ground to avoid obstructing existing flows. Alterations to the contours of the land are generally limited to the length of the building and assist in ‘nestling’ and visually obscuring it within the landscape. Given the siting of the small second dwelling within the lot, at its highest, most south-eastern point to the rear of the existing dwelling, flows across property boundaries are not expected to be impacted.
- The proposed timber cladding will be non-reflective and complementary to the local environment.
- As recommended by the land management plan, erosion mitigation measures installed prior to the commencement of the earthworks and construction will mitigate any potential mobilization of soil, clay, and sediment. Beyond the construction phase, the proposed retaining walls will further assist with erosion management, while grass is being re-established and into the future
- The provision of additional accommodation on this site, at the interface of the township and broader rural environs, affords more people access to nature and the opportunity to understand the importance of sustainable living. As noted in the land management plan, the permit applicants, who occupy the existing dwelling on the site, have eradicated all high-threat weeds on the property, demonstrating ongoing environmental stewardship. The installation of the small second dwelling, gabion retaining walls, and steps leading to the second dwelling will make the area to the rear of the existing dwelling easier to access and continue to maintain.
- The thoughtfully planned siting will not only enhance the overall functionality of the existing dwelling but also create more accessible landscaping features that residents can enjoy for the long term. Given the site's natural topography, this level of excavation is essential to ensure that the building is positioned appropriately within its environment, thereby harmonizing with the existing landscape and promoting a cohesive aesthetic.

Given the findings and recommendations of the Bushfire Management Plan, it is submitted that an outcome consistent with the BMO would be achieved on the site. The Bushfire Management Statement accompanying this report recommends that the proposed small second dwelling be built to the construction requirements of BAL 12.5, and notes that:

- Defendable space can be achieved and will be established and managed to minimize the spread and intensity of bushfires.
- The proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.
- The proposed development meets Bushfire Protection Objectives of Clause 53.02-4.

## 6. Conclusion

For the reasons contained within this report, it is submitted that the application aligns with the directions and policies of the Cardinia Planning Scheme, including the intent of the Rural Conservation Zone – Schedule 2 (RCZ2), Environmental Significance Overlay – Schedule 1, Bushfire Management Overlay, Clause 51.02, Clause 53.02 and the Incorporated Document *Emerald District Strategy (2009)*.

It is therefore appropriate for the application to be approved and a permit granted.

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Plate 10- Existing driveway in the site with planted exotic trees



Plate 11 and 12 : Manicured grass area surrounding the existing dwelling



Plate 13: Scattered weeds located in the existing grass which will be controlled and eradicated



Plate 14 and 15: Planted exotic trees



Plate 16: South-western boundary



Plate 17: Access leading into the dwelling



Plate 18: Fully enclosed cat area so there will be no impact of cat predation of native wildlife.





## 11 References

- Land Management Plan, 5-7 Palm Court Emerald, Abzeco July 2017
- Agriculture Water and the Environment (2021a). The Protected Matters Search Tool
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- VBA (2019) Victorian Biodiversity Atlas, Department of Environment, Land, Water and Planning, Victoria. Accessed:15 January 2019.

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# PALM COURT MODULAR

BUNURONG &  
WURUNDJERI WOI-WURRUNG COUNTRY  
5-7 PALM COURT  
EMERALD VIC 3782

## SHEET LIST

DWG No.	SHEET NAME	REV
A000	COVER SHEET	B
A001	EXISTING SITE PLAN	B
A100	PROPOSED SITE PLAN	C
A101	PROPOSED FLOOR PLAN	C
A300	SECTIONS & ELEVATIONS	C
A500	DETAILS	A
A900	3D VIEWS 1	B
A901	3D VIEWS 2	B

### LAND SURVEY

PETER RICKARD  
PETERRICKARD@OZEMAIL.COM.AU  
0418 88 1400

### PLANNING REPORT

HANSENS  
TIM NORTON  
TNORTON@HANSENPARTNERSHIP.COM.AU  
03 9664 9807

### BUSHFIRE MANAGEMENT PLAN

YARRA VALLEY BAL ASSESSMENTS  
DEAN PUTTING  
DEAN@YVBAL.COM.AU  
0409 330 458

REFER TO BUSHFIRE MANAGEMENT PLAN - VERSION A FOR ALL  
REQUIREMENTS OF DEFENDABLE SPACE, WATER SUPPLY AND ACCESS

THE BUILDING MUST BE CONSTRUCTED TO A MINIMUM BUSHFIRE  
ATTACK LEVEL OF **BAL 12.5**

### LAND MANAGEMENT PLAN

IMPLEXA PLANNING  
HEIDI ROBINSON  
HEIDI@IMPLEXAPLANNING.COM.AU  
0403 012 523

REFER TO LAND MANAGEMENT PLAN - VERSION 1 FOR DETAILS

### AREA ASSESSMENT

SITE: 4000 SQM

	EXISTING	PROPOSED
SITE COVERAGE		
- EX. HOUSE	332m <sup>2</sup>	332m <sup>2</sup>
- NEW SSD	-	55m <sup>2</sup>
- <b>TOTAL</b>	<b>332m<sup>2</sup> (8%)</b>	<b>387 (10%)</b>
PRIVATE OPEN SPACE		
- EX. HOUSE	695m <sup>2</sup>	695m <sup>2</sup>
- NEW SSD	-	25m <sup>2</sup>
PERMEABILITY	3481m <sup>2</sup> (87%)	3322m <sup>2</sup> (83%)

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## Placement

PLACEMENT STUDIO  
WURUNDJERI WOI-WURRUNG COUNTRY  
PO BOX 2172 BRISBANE EAST VIC 3087  
HELLO@PLACEMENT.NET.AU  
PLACEMENT.NET.AU  
MIN 17 621 867 820

REV	DESCRIPTION	DATE	DWN	CHK
B	TOWN PLANNING UPDATE	16.02.25		
A	TOWN PLANNING ISSUE	01.10.24		

## TOWN PLANNING

PROJECT  
PALM COURT MODULAR

DRAWING TITLE  
COVER SHEET

STREET ADDRESS  
BUNURONG &  
WURUNDJERI WOI-WURRUNG COUNTRY  
5-7 PALM COURT  
EMERALD VIC 3782

SCALE @ A3  
1 : 100

JOB NO.  
2401

DRAWING No. REV  
A000 B

AREA ASSESSMENT

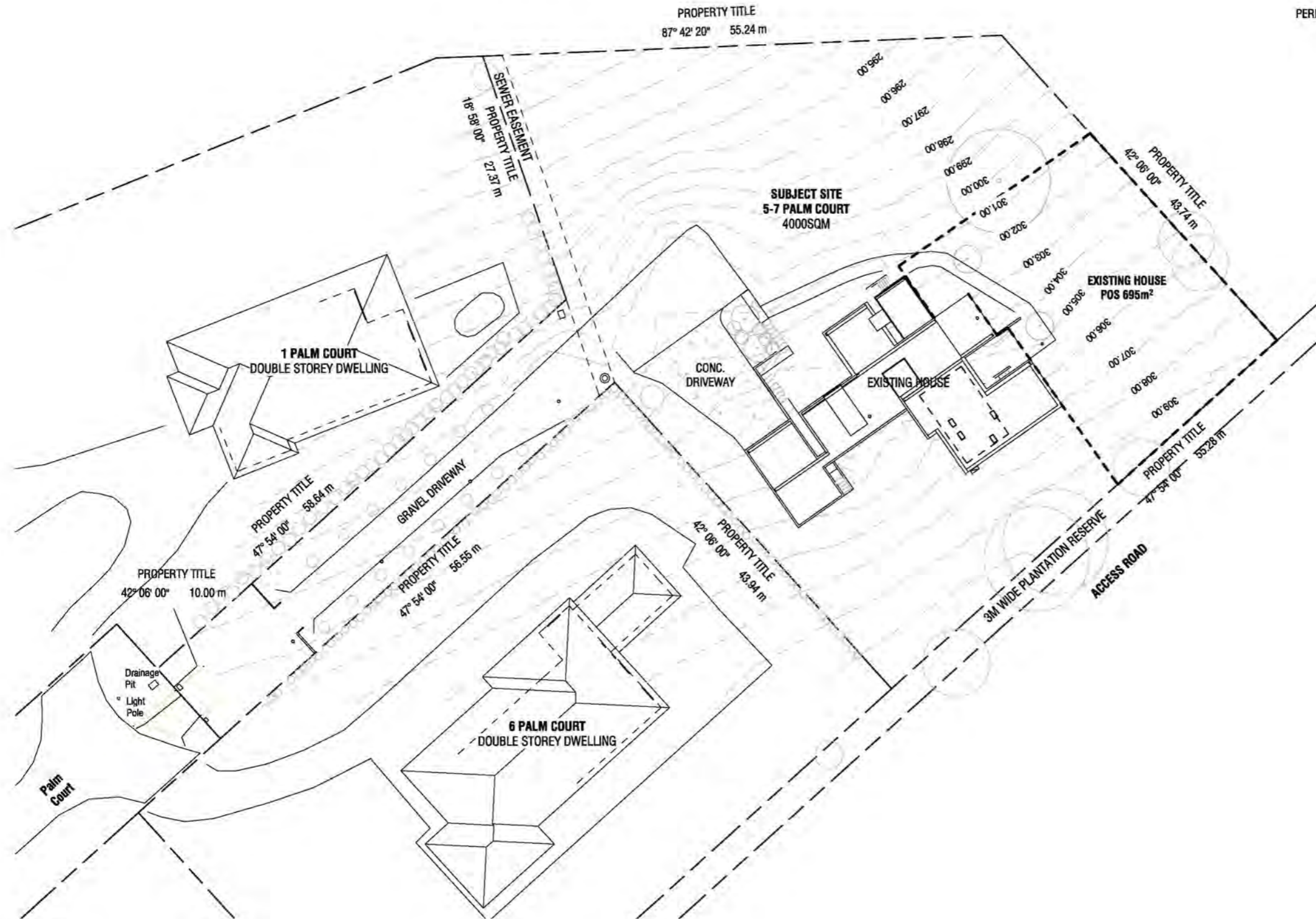
SITE: 4000 SQM

SITE COVERAGE  
 - EX. HOUSE  
 - NEW SSD  
 - TOTAL

PRIVATE OPEN SPACE  
 - EX. HOUSE  
 - NEW SSD

PERMEABILITY

	EXISTING	PROPOSED
SITE COVERAGE		
- EX. HOUSE	332m <sup>2</sup>	332m <sup>2</sup>
- NEW SSD	-	55m <sup>2</sup>
- TOTAL	332m <sup>2</sup> (8%)	387 (10%)
PRIVATE OPEN SPACE		
- EX. HOUSE	695m <sup>2</sup>	695m <sup>2</sup>
- NEW SSD	-	25m <sup>2</sup>
PERMEABILITY	3481m <sup>2</sup> (87%)	3322m <sup>2</sup> (83%)



# Placement

PLACEMENT STUDIO  
 WURUNDJERI WOI-WURRUNG COUNTRY  
 PO BOX 2112 BRUNSWICK EAST VIC 3087  
 HELLO@PLACEMENT.NET.AU  
 PLACEMENT.NET.AU  
 ABN 17 621 867 828

REV	DESCRIPTION	DATE	OWN	CHK
B	TOWN PLANNING UPDATE	18.02.25		
A	TOWN PLANNING ISSUE	01.10.24		

## TOWN PLANNING

PROJECT  
 PALM COURT MODULAR

DRAWING TITLE  
 EXISTING SITE PLAN

STREET ADDRESS  
 BUNURONG &  
 WURUNDJERI WOI-WURRUNG COUNTRY  
 5-7 PALM COURT  
 EMERALD VIC 3782

SCALE @ A3  
 As indicated

JOB No.  
 2401

DRAWING No. **A001** REV **B**

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AREA ASSESSMENT

SITE: 4000 SQM

SITE COVERAGE  
 - EX. HOUSE  
 - NEW SSD  
 - TOTAL

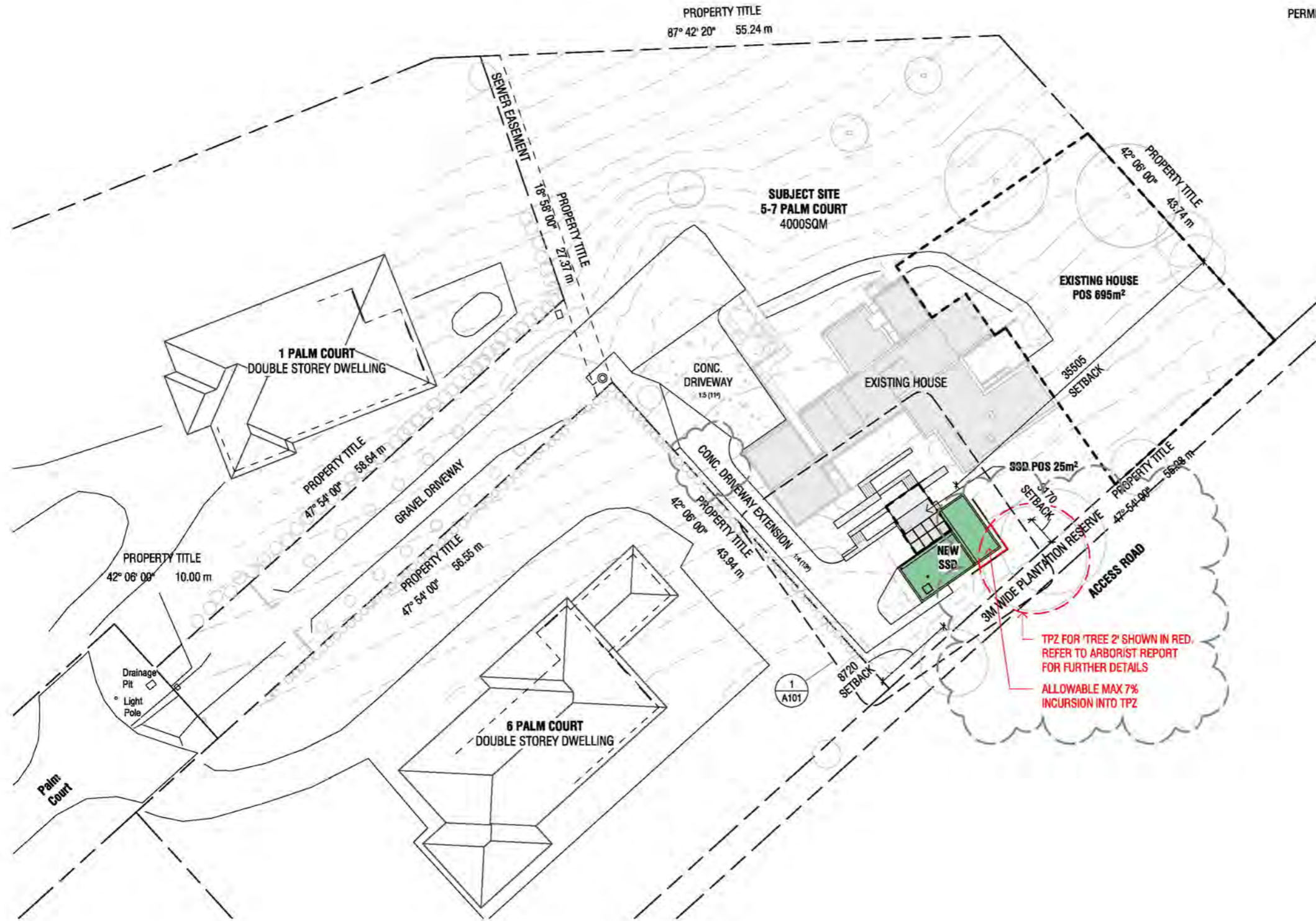
EXISTING	PROPOSED
332m <sup>2</sup>	332m <sup>2</sup>
-	55m <sup>2</sup>
<b>332m<sup>2</sup> (8%)</b>	<b>387 (10%)</b>

PRIVATE OPEN SPACE  
 - EX. HOUSE  
 - NEW SSD

695m <sup>2</sup>	695m <sup>2</sup>
-	25m <sup>2</sup>

PERMEABILITY

3481m <sup>2</sup> (87%)	3322m <sup>2</sup> (83%)
--------------------------	--------------------------



# Placement

PLACEMENT STUDIO  
 WURUNDJERI WOI-WURRUNG COUNTRY  
 PO BOX 2172 BRISBANK EAST VIC 3067  
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C	TOWN PLANNING UPDATE	18.02.25
B	TOWN PLANNING UPDATE	18.12.24
A	TOWN PLANNING ISSUE	01.10.24
REV	DESCRIPTION	DATE OWN CHR

## TOWN PLANNING

PROJECT  
 PALM COURT MODULAR

DRAWING TITLE  
 PROPOSED SITE PLAN

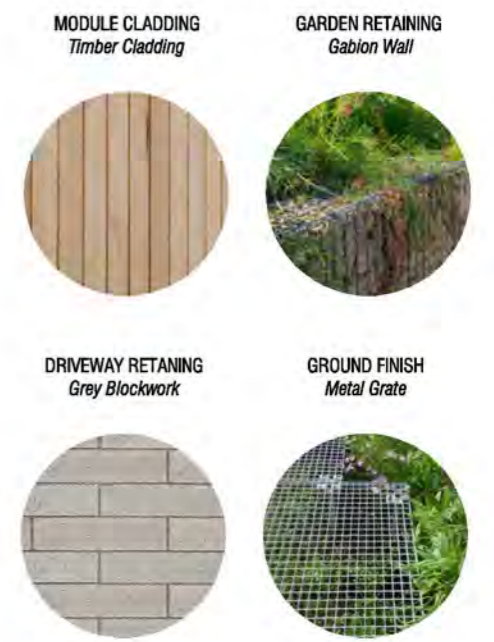
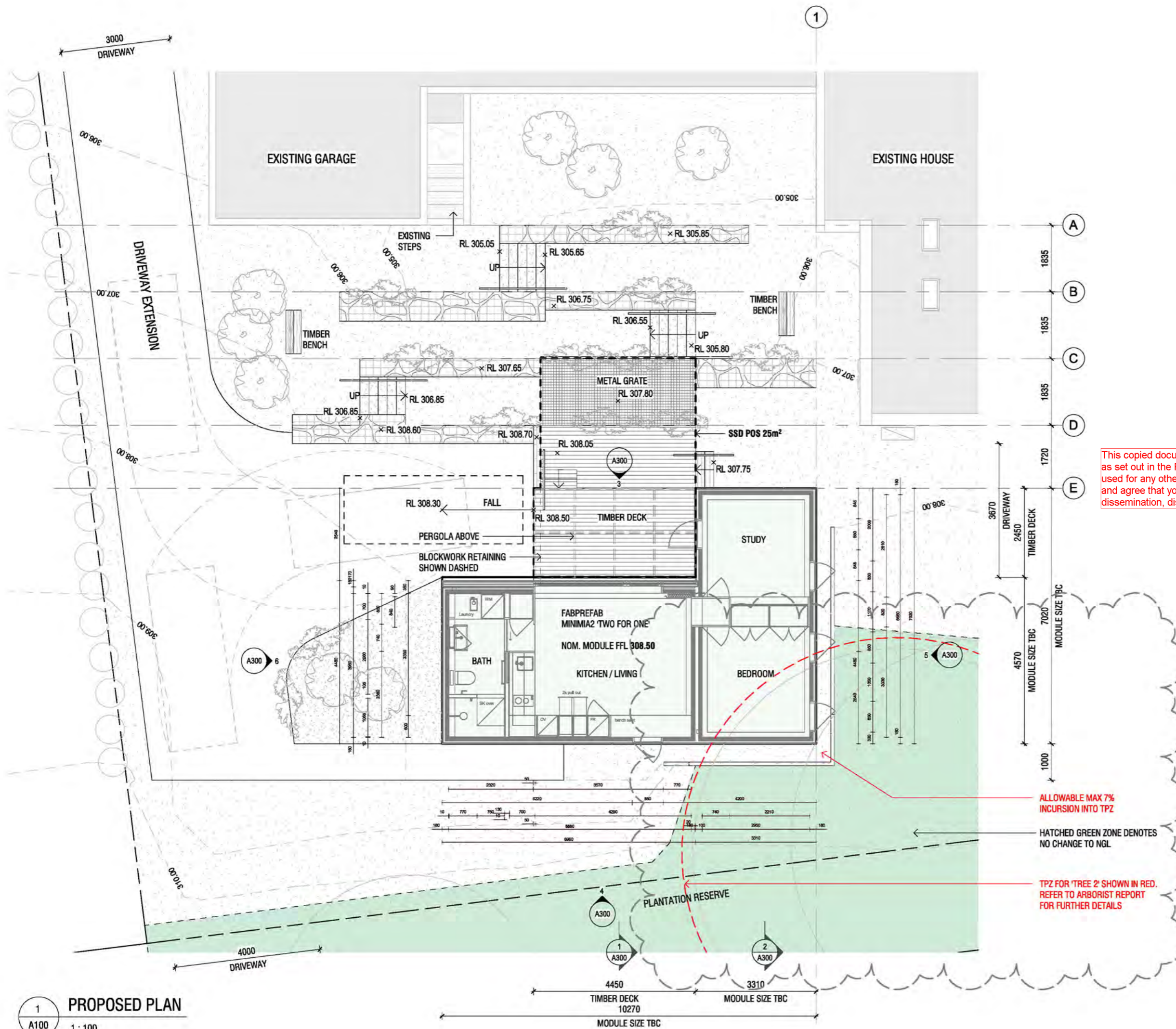
STREET ADDRESS  
 BUNURONG &  
 WURUNDJERI WOI-WURRUNG COUNTRY  
 5-7 PALM COURT  
 EMERALD VIC 3782

SCALE @ A3  
 As indicated

JOB No.  
 2401

DRAWING No. **A100** REV **C**

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### Placement

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 ABN 17 631 987 820

REV	DESCRIPTION	DATE	OWN	CHK
C	TOWN PLANNING UPDATE	18.02.25		
B	TOWN PLANNING UPDATE	18.12.24		
A	TOWN PLANNING ISSUE	01.10.24		

### TOWN PLANNING

PROJECT  
 PALM COURT MODULAR

DRAWING TITLE  
 PROPOSED FLOOR PLAN

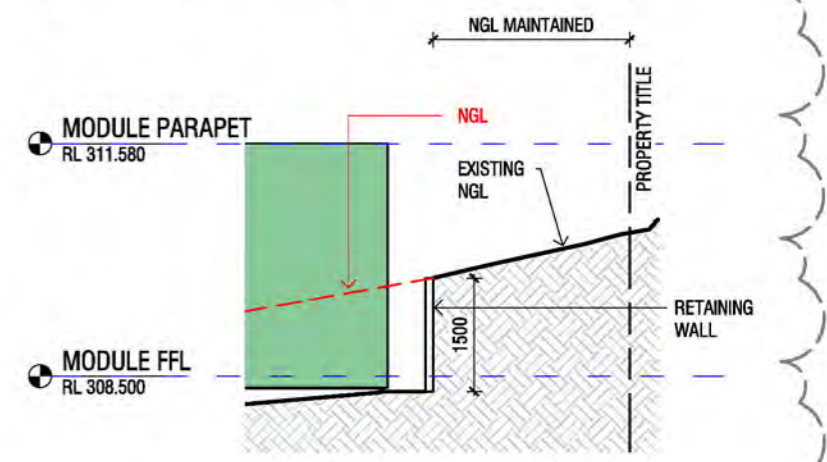
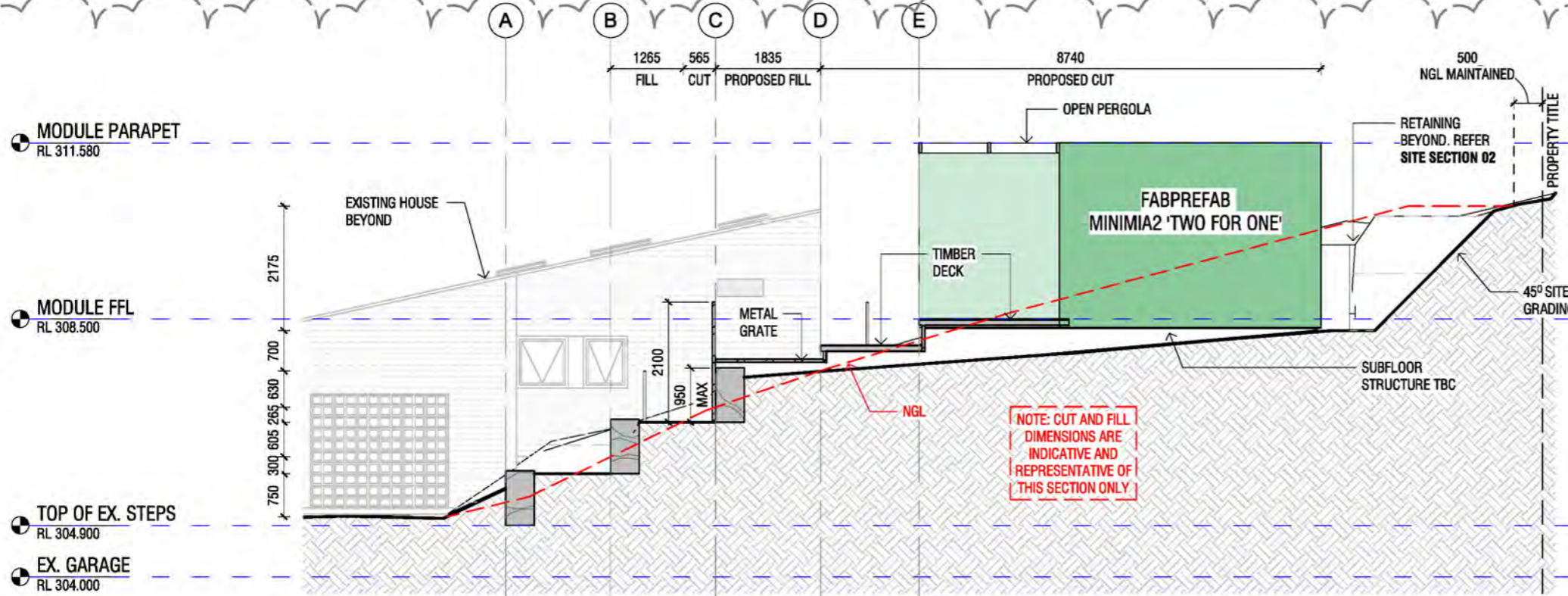
STREET ADDRESS  
 BUNURONG &  
 WURUNDJERI WOI-WURRUNG COUNTRY  
 5-7 PALM COURT  
 EMERALD VIC 3782

SCALE @ A3  
 As indicated

JOB No.  
 2401

DRAWING No.  
**A101**

REV  
**C**



**2 SITE SECTION 02**  
A101 1:100

MODULE CLADDING  
*Timber Cladding*

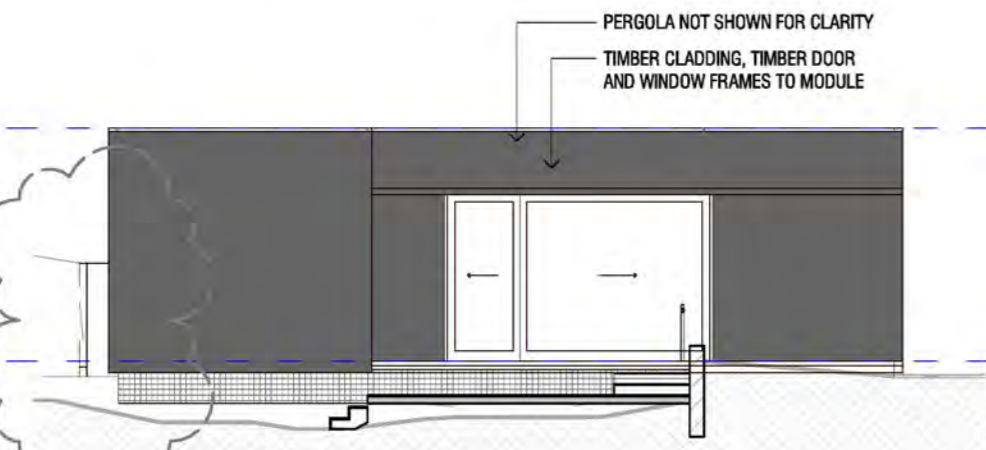
GARDEN RETAINING  
*Gablon Wall*

DRIVEWAY RETAINING  
*Grey Blockwork*

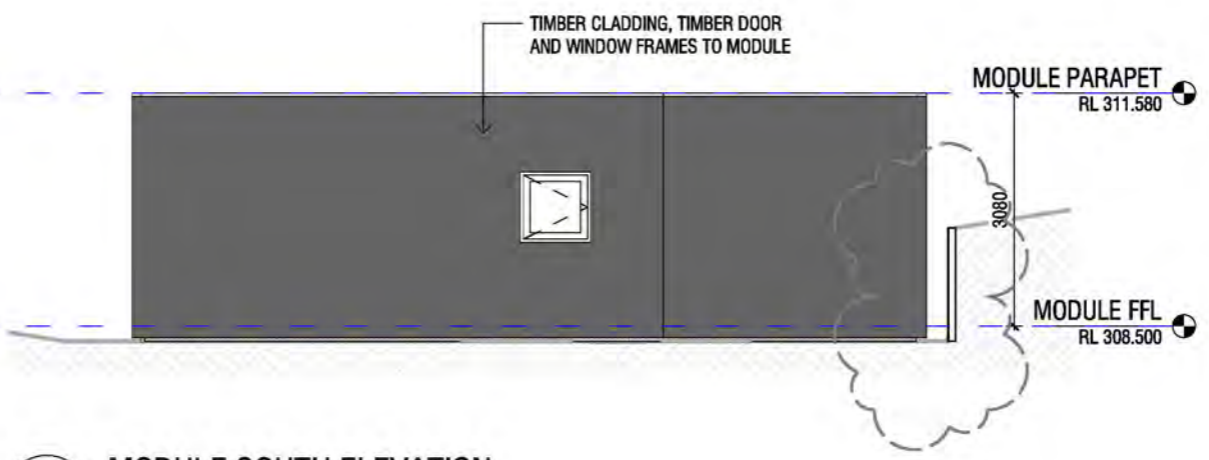
GROUND FINISH  
*Metal Grate*

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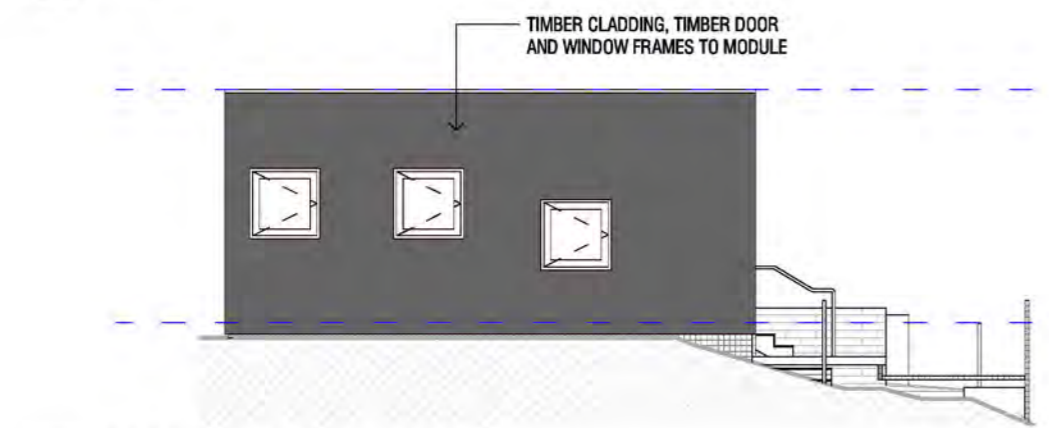
**1 SITE SECTION 01**  
A101 1:100



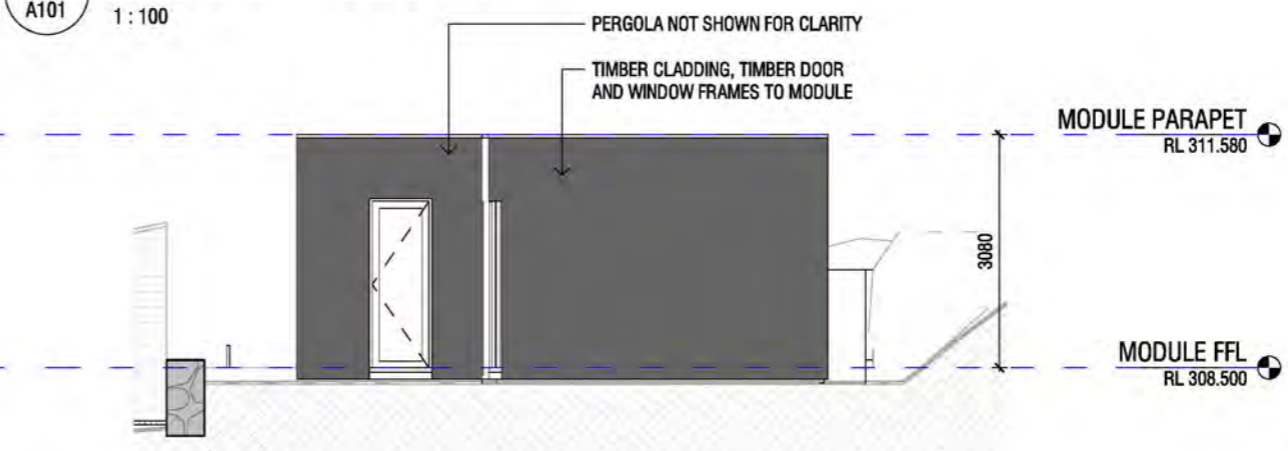
**3 MODULE NORTH ELEVATION**  
A101 1:100



**4 MODULE SOUTH ELEVATION**  
A101 1:100



**5 MODULE EAST ELEVATION**  
A101 1:100



**6 MODULE WEST ELEVATION**  
A101 1:100

## Placement

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ABN 17 631 987 820

REV	DESCRIPTION	DATE	OWN	CHK
C	TOWN PLANNING UPDATE	18.02.25		
B	TOWN PLANNING UPDATE	18.12.24		
A	TOWN PLANNING ISSUE	01.10.24		

## TOWN PLANNING

PROJECT  
PALM COURT MODULAR

DRAWING TITLE  
SECTIONS & ELEVATIONS

STREET ADDRESS  
BUNURONG &  
WURUNDJERI WOI-WURRUNG COUNTRY  
5-7 PALM COURT  
EMERALD VIC 3782

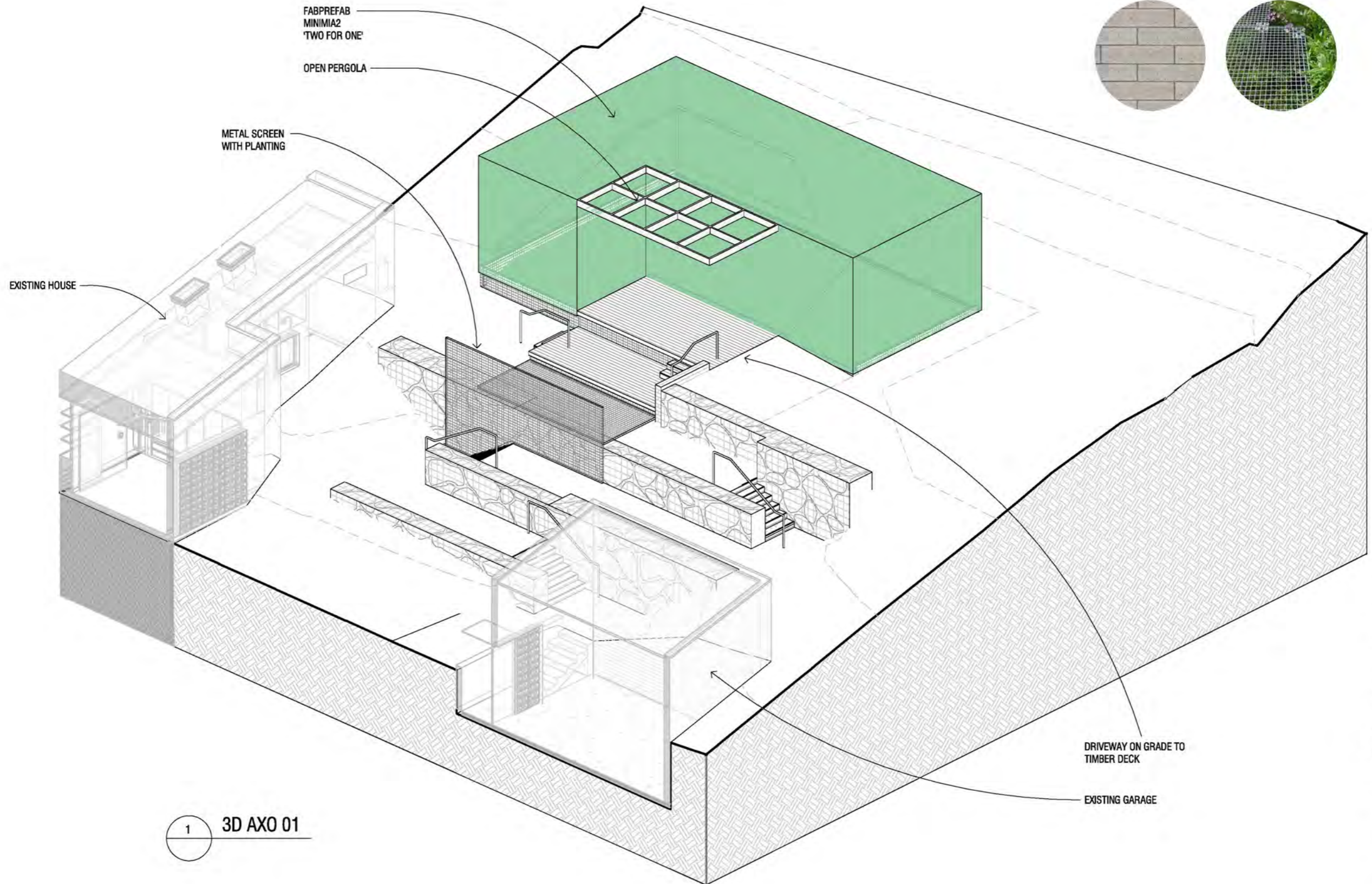
SCALE @ A3  
As indicated

JOB No.  
2401

DRAWING No.  
**A300**

REV  
**C**

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1 3D AXO 01

# Placement

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B	TOWN PLANNING UPDATE	18.02.25
A	TOWN PLANNING ISSUE	01.10.21
REV	DESCRIPTION	DATE OWN CHK

## TOWN PLANNING

PROJECT  
PALM COURT MODULAR

DRAWING TITLE  
3D VIEWS 1

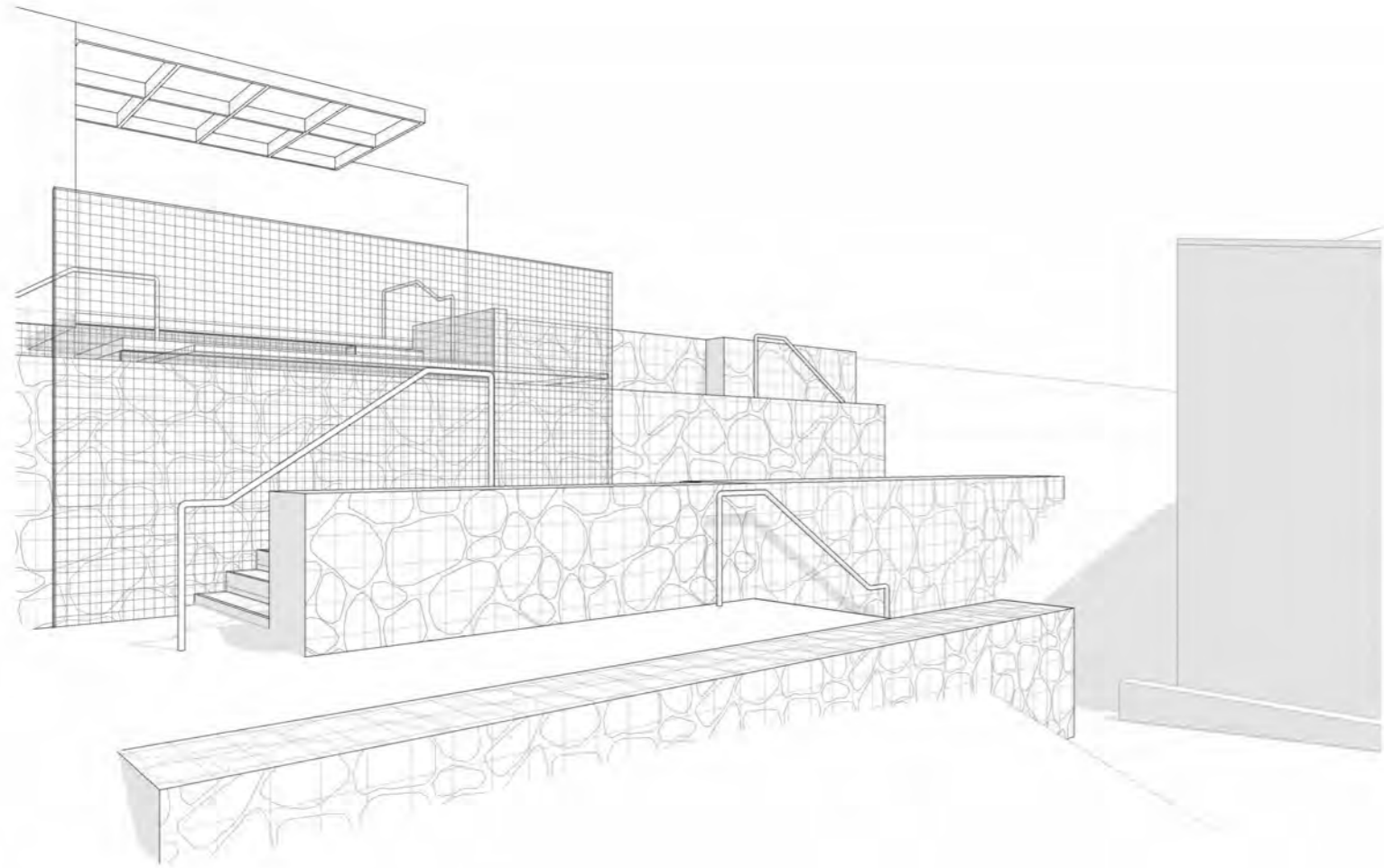
STREET ADDRESS  
BUNURONG &  
WURUNDJERI WOI-WURRUNG COUNTRY  
5-7 PALM COURT  
EMERALD VIC 3782

SCALE @ A3  
1 : 50

JOB No.  
2401

DRAWING No. REV  
A900 B





MODULE CLADDING  
*Timber Cladding*



GARDEN RETAINING  
*Gabion Wall*



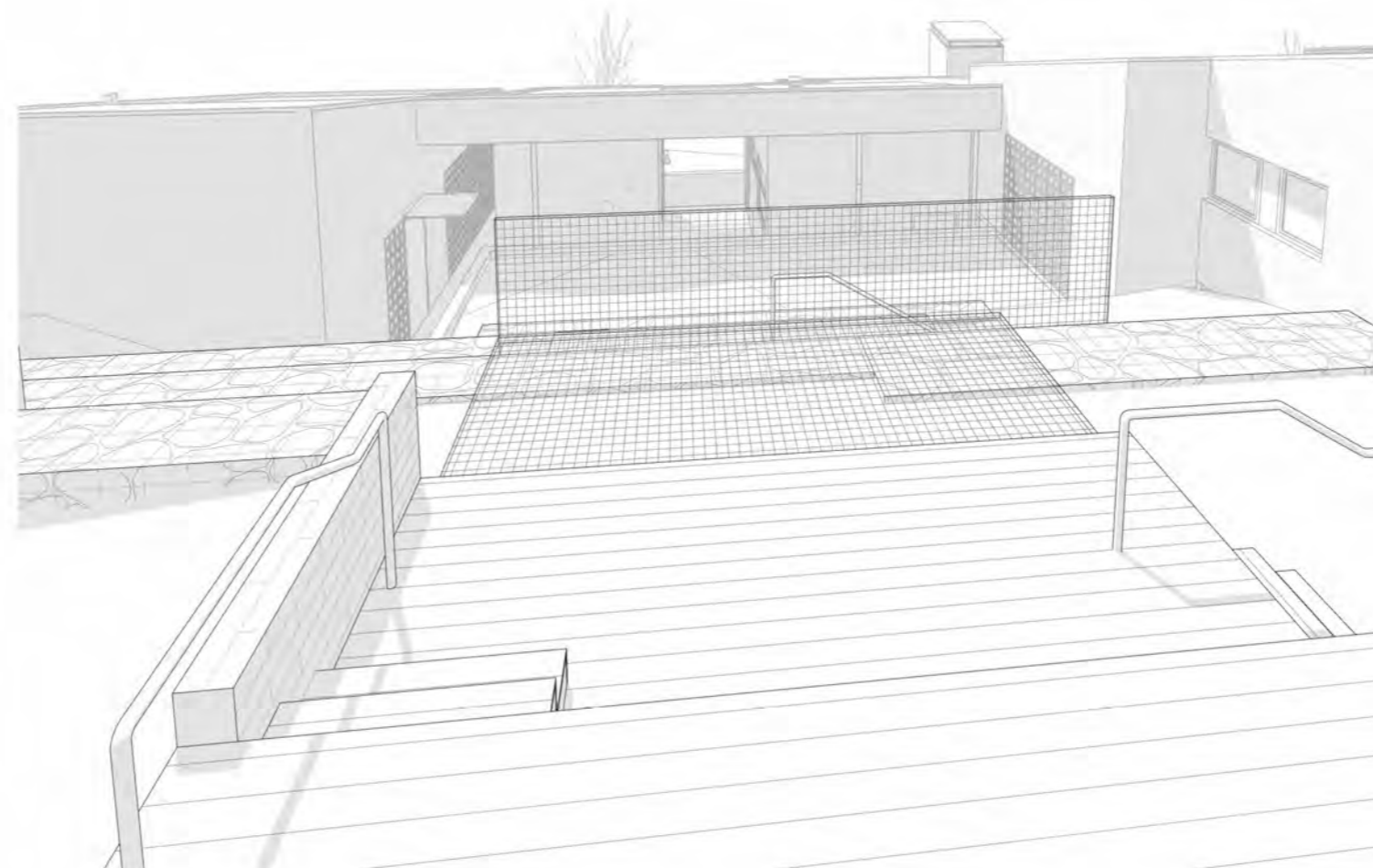
DRIVEWAY RETAINING  
*Grey Blockwork*



GROUND FINISH  
*Metal Grate*



1 VIEW UP HILL TO MODULE



2 VIEW FROM DECK

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ABN 17 631 067 620

B	TOWN PLANNING UPDATE	18.02.25
A	TOWN PLANNING ISSUE	01.10.24
REV	DESCRIPTION	DATE OWN CHK

## TOWN PLANNING

PROJECT  
PALM COURT MODULAR

DRAWING TITLE  
3D VIEWS 2

STREET ADDRESS  
BUNURONG &  
WURUNDJERI WOI-WURRUNG COUNTRY  
5-7 PALM COURT  
EMERALD VIC 3782

SCALE @ A3  
1 : 50

JOB No.  
2401

DRAWING No. REV  
A901 B