

## 6.1.2 Use and Development of the Land for a Dwelling and Removal of Vegetation at 369 Paternoster Road, Cockatoo

**File Reference:** 2672303400TP/1  
**Responsible GM:** Peter Benazic  
**Author:** Mary Rush

### Recommendation(s)

That Council issue a Refusal to Grant Planning Permit T180651 be issued for Use and development of the land for a dwelling and removal of vegetation at 369 Paternoster Road, Cockatoo VIC 3781 on the following grounds:

- Failure to meet application requirements of Clause 35.06-Rural Conservation Zone-Schedule, Clause 42.01-Environmental Significance Overlay and Clause 52.17-Native vegetation;
- Failure to protect biodiversity as required by Clause 12.01-1S Protection of biodiversity and Clause 13.02-1S Bushfire planning;
- Failure to prioritise the protection of human life as required by Clause 13.02-1S Bushfire planning;
- Failure to protect metropolitan green wedge land from uses and development that will diminish its environmental values.

### Attachments

1. Development Plans [6.1.2.1 - 9 pages]
2. Appendix A [6.1.2.2 - 4 pages]

### Executive Summary

<b>APPLICATION NO.:</b>	T180651
<b>APPLICANT:</b>	Mr Carmine Bucci Tessa Ambrose Central Vic Planning Consultants
<b>LAND:</b>	369 Paternoster Road, Cockatoo VIC 3781
<b>PROPOSAL:</b>	Use and development of the land for a dwelling and removal of vegetation
<b>PLANNING CONTROLS:</b>	Clause 35.06-Rural Conservation Zone Schedule 1 Clause 44.06-2 Bushfire Management Overlay, Clause 42.01-2 Environmental Significance Overlay Schedule 1 Site of Zoological Significance (B17) Clause 44.06-Bushfire Management Overlay Clause 52.17-Native vegetation
<b>NOTIFICATION &amp; OBJECTIONS:</b>	N/A

<b>KEY PLANNING CONSIDERATIONS:</b>	Failure to provide key application requirements Impacts on vegetation and biodiversity
<b>RECOMMENDATION:</b>	Refusal

### Background

There is no previous planning history however, the current owner was provided with significant pre application advice in May 2018 advising of the extent of the application requirements.

### Subject Site

The site is located on the east side of Paternoster Road.



A crossover is located close to the northern boundary and there are no easements

The site is currently vacant.

The topography of the land is gently undulating and is heavily covered in remnant vegetation.

The main characteristics of the surrounding area are:

- North- partially cleared site containing a dwelling and remnant vegetation;
- South- partially cleared site containing a dwelling and remnant vegetation;
- East- cleared site containing a dwelling and remnant vegetation;
- West- partially cleared site containing a dwelling and remnant vegetation;
- 
- The site is covered by a Zoological Significance Overlay under the Department of Environment Land Water and Planning mapping

### Relevance to Council Plan

Nil.

### Proposal

The proposed single storey brick dwelling measures 24.8 metres by 12.35 metres and is proposed to be located 20 metres from the front or western boundary, 39 metres from the

northern boundary, 60 metres from the southern boundary and 139 metres from the eastern boundary.

The dwelling is proposed to have a gable 'Colourbond' roof with a maximum height of 5.3 metres above natural ground level.

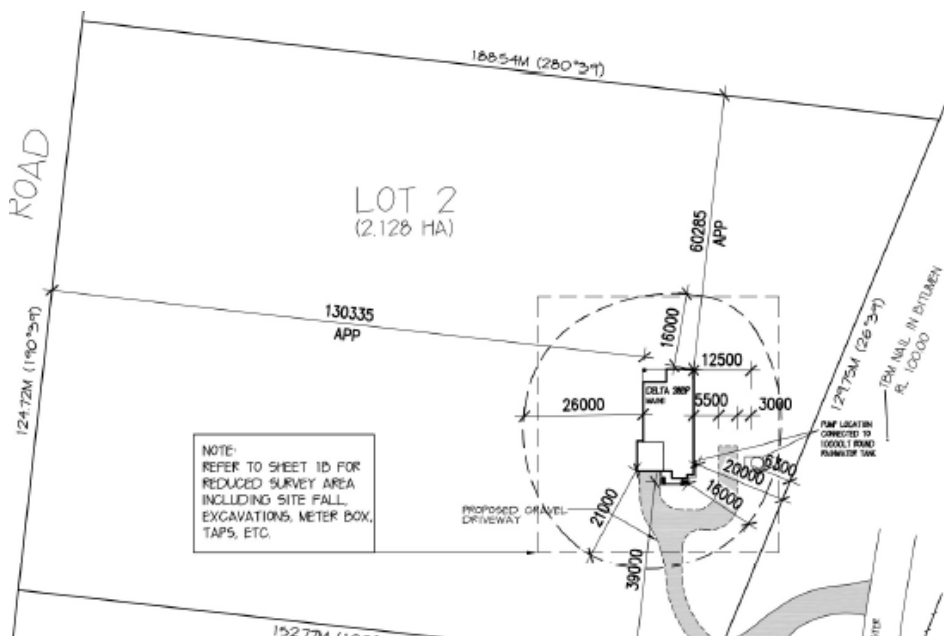
The dwelling consists of four (4) bedrooms, kitchen and living areas and a small alfresco area as well as a double garage and has a total floor area of 288m<sup>2</sup> (12m x 24m).

The development site is gently undulating and only minor earthworks are required.

The application has identified that a total of fifty-one (51) trees and understorey are proposed for removal consisting of a range of native vegetation.

It is noted at this point that the applicant has advised Council that they will not provide the further information that Council has requested in relation to the application.

Proposed site plan



## Planning Scheme Provisions

### Zone

The land is subject to the **Rural Conservation Zone Schedule 2**

### Overlays

The land is subject to the following overlays:

- **Environmental Significance Overlay - Schedule 1**
- **Bushfire Management Overlay**

### Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1S Settlement
  - Clause 11.01-1R2 Green Wedges – Metropolitan Melbourne

- Clause 12.01-1S Protection of biodiversity
- Clause 13.02 Bushfire
  - Clause 13.02-1S Bushfire planning

### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01-Cardinia Shire Key Issues and Strategic Issues
- Clause 21.02-Environment
  - Clause 21.02-2 Landscapes
  - Clause 21.02-3 Biodiversity
  - Clause 21.02-4 Wildfire Management

### Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.17 Native vegetation
- Clause 53.02 Bushfire Planning
- Clause 51.02 Metropolitan Green Wedge Land
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Clause 71.02 Operation of the Planning Policy Framework
  - Clause 71.02-3 Integrated Decision Making

### Planning Permit Triggers

The proposal for the **Use and development of the land for a dwelling and removal of vegetation** requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.06-1of the **Rural Conservation Zone Schedule 1 (RCZ1)** a planning permit is required to use land for a dwelling;
- Pursuant to Clause 35.06-5 **of the Rural Conservation Zone Schedule 1 (RCZ1)** a planning permit is required to construct a building or construct or carry out works associated with a dwelling;
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay (ESO1) a planning permit is required to construct a building or construct or carry out works for a dwelling;
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay (ESO1) a planning Permit to remove, destroy or lop vegetation;
- Pursuant to Clause 44.06-2 of the Bushfire Management Overlay a planning permit is required to construct a building associated with accommodation (dwelling);
- Pursuant to Clause 52.17 –Native Vegetation a planning permit is required to remove a native vegetation.

### Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- *Sending notices to the owners and occupiers of adjoining land.*
- 
- The advertising was carried out correctly and no objections have been received. It should be noted here that Council advertised the application without having full application information.

## Referrals

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	<i>CFA Recommending</i>	No objection ( <i>subject to conditions</i> )

## Discussion

The relevant objectives of the PPF, LPPF, zone, overlays and particular provisions applicable to the subject site, require that Council consider the impact of the proposal on the natural environment and the ongoing preservation and enhancement of biodiversity.

### Planning Policy Framework

#### Clause 12.01-1S Protection of biodiversity

The primary objective of this Clause is:

*“To assist the protection and conservation of Victoria’s biodiversity”*

The relevant strategies to achieve this objective are:

- Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.
- Strategically plan for the protection and conservation of Victoria’s important areas of biodiversity.
- Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of:
  - Cumulative impacts.
  - Fragmentation of habitat.
  - The spread of pest plants, animals and pathogens into natural ecosystems.
- Avoid impacts of land use and development on important areas of biodiversity.

#### Clause 13.02 Bushfire Planning

*The primary objective of this Clause is to:*

*“To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life”.*

The relevant strategies are:

#### **Protection of human life**

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process

#### **Areas of biodiversity conservation value**

- Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

#### **Use and development in a Bushfire Prone Area**

When assessing a planning permit application for the above uses and development (accommodation):

- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

The planning scheme prioritises both the protection biodiversity and human life. Where a new dwelling is to be constructed within a Bushfire Management Overlay, the dwelling must have an area known as defensible space, which is an area modified by the removal of vegetation (both trees and understorey). As outlined in the strategy above, where the development of a site requires unacceptable impacts to biodiversity to create the required area for defensible space, the development of that site is not appropriate.

As this property is a dense bush block, the defensible space cannot be provided without significant impact on the vegetation. The extent of vegetation removal required to create defensible space will cover an area of 4,500 square metres (0.45 hectares) and result in the loss of trees and understorey vegetation to comply with CFA's defensible space requirements. This is an unacceptable level of biodiversity loss in a fragmented landscape that has Zoological Significance and important landscape connectivity values for biodiversity.

### **35.06 Rural Conservation Zone**

#### **Purpose**

- 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 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.

#### **Decision Guidelines**

The Responsible Authority must consider, as appropriate:

##### **General issues**

- How the use or development conserves the values identified for the land in a schedule.
- Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.

##### **Environmental issues**

- An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.
- The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- How the use and 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.
- The location of on site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

#### **Design and siting issues**

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.

### **Schedule 2 to clause 35.06 Rural Conservation Zone**

#### **Conservation values**

Protection and conservation of the environmental values and landscape qualities of the land, including habitat of botanical and zoological significance, and the conservation of natural resources, including native vegetation, waterways and soils.

#### **42.01 Environmental Significance Overlay**

##### **Purpose**

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

##### **Decision Guidelines**

The Responsible Authority must consider, as appropriate:

- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.

### **Schedule 1 to clause 42.01 Environmental Significance Overlay**

#### **Statement of Environmental Significance**

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 need to be appropriately managed to ensure the long term protection, enhancement and sustainability of these ecological processes and the maintenance of biodiversity.

#### **Environmental objective to be achieved**

- 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 does not adversely impact on 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 addresses 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.

**Decision Guidelines**

- Whether the removal of any vegetation has been avoided and/or minimised.
- The protection and enhancement of the natural environment and character of the area.
- The retention, protection and enhancement of remnant vegetation and habitat, and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The impact of any buildings and works on areas of remnant vegetation, and habitat of botanical and zoological significance and threatened species.
- The availability of other alternative sites, alternative building designs or alternative

**Application requirements of the Rural Conservation Zone (RCZ) and the Environmental Significance Overlay (ESO)**

The above planning controls require Council to assess the loss of vegetation and the resultant impact on the biodiversity of the site, and whether the impact is acceptable.

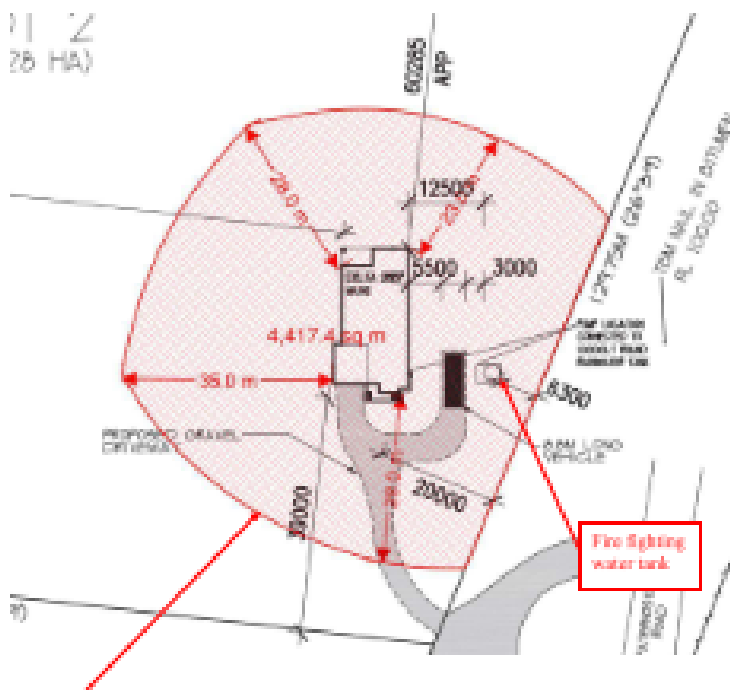
The application requirements of Clause 52.17-Native vegetation, in particular the requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning (DELWP) 2017) encompass all of the information required by the RCZ and the ESO1 and will be discussed in detail under this particular provision.

**Clause 44.06-Bushfire Management Overlay**

A standard part of an assessment under this Overlay is the preparation of a Bushfire Management Statement by a consultant. Part of this statement is the Bushfire Management Plan (BMP) which includes a scaled plan showing the area within which vegetation must be managed.

The current BMP is:





The standard defendable space requirements are:

Defendable space management standards:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 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 (unless trees are located on public land).
  - There must be a clearance of at least 2 metres between the lowest tree branches and ground level

Any future dwelling would need to manage the vegetation on site in accordance with above requirements. As previously mentioned, the total area of the defendable space is 0.45 hectares or around 25% of the total site area of 2.1ha. This significant impact needs to be assessed at the planning stage.

**Clause 52.17-Native Vegetation**

As discussed above, the construction of any future dwelling requires the management of the vegetation to reduce the intensity of fire, so that the owner would be protected within the dwelling. An application to remove native vegetation on a site greater than 4000m2 must meet the application requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning (DELWP) 2017 (*the Guidelines*)). The primary aim of the Guidelines is to ensure that any development proposal must avoid, minimise and offset the removal of native vegetation.

A general observation regarding the complexity of these types of applications is that there are very few applicants that understand the interplay between the Bushfire Management Overlay and the requirement to avoid the removal of vegetation within the defensible space. The current application is no exception.

The following discussion provides a review of the documents submitted in relation to the application requirements of the Guidelines:

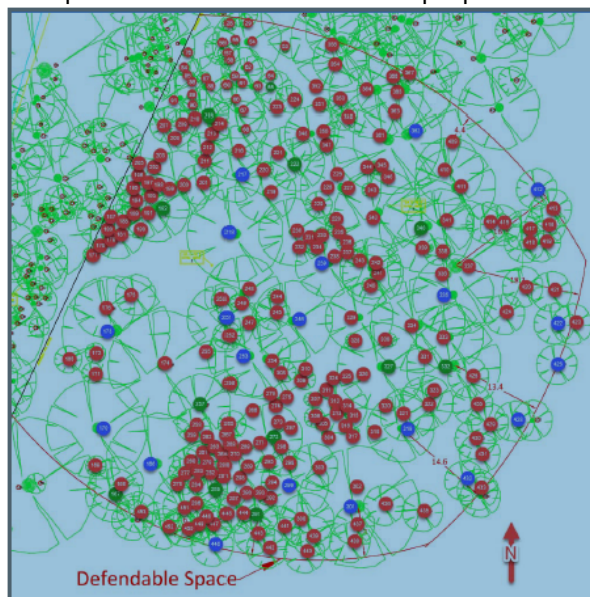
#### 1. Dwelling design

The Guidelines require that any proposal provide written evidence as to how the proposed development avoids the removal of vegetation. Whilst siting of the dwelling in a previously disturbed area, has made some attempt to reduce impact on vegetation, the current design of the dwelling has a significant impact and does not avoid vegetation removal. The length of the dwelling is 24.8 metres and includes a double garage. Reducing the length of the footprint of the dwelling will reduce how far the defensible space extends into the property and therefore avoids removal of vegetation. This could be achieved by changing the design to a double story, reduce number of rooms, or reduce size of rooms. The garage can be located separate to the dwelling and if less than 100m<sup>2</sup> does not require defensible space which would further reduce the loss of vegetation.

It is noted that Council raised this concern with the applicant in a request for further information sent to the applicant on the 2 April, 2020 following a review of the information submitted to Council on the 4 March, 2020. The applicant considers this request unreasonable given the amount of time elapsed since the lodgement of the application. However, it was not until the submission of the information in March albeit incomplete, that the impact of the design of the dwelling on the scale of vegetation loss could reasonably be assessed.

#### 2. Bushfire Management Overlay Compliance Assessment by Greenwood Consulting (20/12/2019)

This report and plan identifies the vegetation that is required to be removed within the dwelling footprint and the defensible space of the dwelling. The proposed vegetation removal plan shown below with trees proposed for removal shown in red:



The applicant was requested to provide some additional information which is critical to assessing the full impact on the vegetation. The current plan only includes trees up to five (5) metres in height, whereas there are many trees over three (3) metres in height which are required to be managed as part of the defensible space, and these have not been shown. There are other details required by the Guidelines that Council have requested that the applicant provide, so that the full impacts of the proposal will have on vegetation loss and biodiversity can be assessed. For example the plan must show hollow bearing trees that provide nesting hollows so that Council can ensure that these trees are retained.

In order to meet the CFA's vegetation management requirements, the (five) 5 metre canopy separation must be provided. A review of the proposed vegetation removal plan on site by Council's Environment Officer, has determined that the 5 metre distance has not been provided in several instances. The plan must demonstrate that the 5-metre separation between tree canopies will be met. Where pruning of the canopy is recommended to meet this requirement, the applicant needs to demonstrate that the canopy pruning required will not impact the ongoing viability of the tree. Failure to adequately provide the canopy separation will increase the intensity of fire and the occupant of any dwelling will be at risk as the Bushfire Attack Level (BAL) that the dwelling is constructed to, may not withstand the intensity of the fire.

A full list of outstanding requirements are included in appendix A to this report.

**3. Ecology report, *The Vegetation Quality Assessment of 369 Paternoster Road Cockatoo, August/September 2018*, Bill Richdale**

This report was reviewed by Council's Environment Officer and was found to be deficient in its methodology. The primary problem is that the owner of the site met with the ecologist and advised them to assess the vegetation within the footprint of the dwelling and 10 metres around the dwelling. Herein lies a major problem. The dwelling has been proposed in a previously disturbed area and the quality of this vegetation has been significantly reduced. The defensible space of the dwelling however, extends a further 10-20 metres in all directions beyond this 10 metre line. This vegetation is relatively undisturbed and of much higher quality than the vegetation assessed by the ecologist. The resultant Habitat Score allocated to this disturbed vegetation by the ecologist does not accurately reflect the Habitat score of the remainder of the vegetation which constitutes the majority of the impact of the proposal.

Comments were provided to the applicant and the ecologist (Bill Richdale) on 28/6/19 that Council would not be relying on the ecology report as it did not provide sufficient detail and Council did not agree with some of its methodology. To date neither the applicant or Bill Richdale has addressed these concerns. A full list of outstanding requirements are included in appendix A to this report.

**4. The Native Vegetation Offset Management Strategy by Ecocentric (Peter Gannon)**

This strategy assesses the scale of offsets required to replace the vegetation required to be removed for the development. This offset strategy includes an incorrect offset score as the consultant used the incorrect habitat score from Bill Richdale's report. The score arrived at does not reflect the full scale of the loss and does not meet the requirements of the Guidelines.

There are other deficiencies within this report which also do not result in accurate assessment of the full loss of vegetation expected as a result of the development and the vegetation management requirements.

The current vegetation report submitted indicates that the proposal falls within the intermediate pathway and does not require a referral to DELWP. However, as the submitted information does not use the correct Habitat Score, there is a reasonable doubt as to whether the current assessment of the proposal falling within the intermediate pathway is accurate. If the vegetation is correctly mapped, it is likely that that the application would fall within a detailed pathway and require a referral to DELWP.

A full list of outstanding requirements are included in appendix A to this report.

#### **Clause 44.06-Bushfire Management Overlay**

The key purpose of the Bushfire Management Overlay is to ensure that the development of the land prioritises the protection of human life and strengthens community resilience to bushfire. It also identifies areas where the bushfire hazard warrants bushfire protection measures to be implemented and ensures that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. Pursuant to Clause 44.06-2 a Planning Permit is required to construct a building or construct or carry out works associated with Accommodation.

The CFA are satisfied with the bushfire protection measures proposed, including the defensible space and did not object to the proposal, subject to conditions being placed on the permit and endorsement of the BMP.

The CFA's support is based on the provision of the defensible space and appropriate vegetation management. At this point the as previously advised, the vegetation removal plans submitted do not provide adequate vegetation management with several instances identified on ground where the required 5m canopy separation has not been provided.

This would place the occupant of any future dwelling at risk as the construction standard is based on appropriate vegetation management. If vegetation is not reduced in accordance with the requirements, radiant heat and direct flame impacts could be greater than that which the construction standard can withstand which could result in the loss of the dwelling and potentially the life of any occupants.

The potential risk to life and property has not been mitigated appropriately by the current application.

#### **Clause 51.02 Metropolitan Green Wedge Land**

The proposal has been assessed against the relevant purposes of Clause 51.02. The proposal does not satisfy one of the primary purposes of the Clause:

“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”

The proposed dwelling and vegetation removal will have a significant impact on the environmental qualities of the site and biodiversity of the locality. As the site is one of a handful of relatively undisturbed sites in the area it plays an important role in the preservation of flora and fauna. Whilst the full impacts of the development are not known, the information available to date indicates that this proposal will have a significant and ongoing impact on biodiversity which is unacceptable.

### Clause 53.02 Bushfire Planning

The application is not considered to meet the relevant requirements of 53.02-4 Bushfire protection objectives as the vegetation management proposed within the defendable space is inadequate in relation to the construction standard proposed. As previously stated, if the vegetation management proposed is inadequate this could the dwelling failing to provide adequate protection to the occupants.

### General Discussion

Whilst the full impact of this proposal on the environment and biodiversity of the site cannot be fully assessed without the full application requirements being met, it is reasonable to state that the right of a land owner to use land with a Rural Conservation zoning for the purpose of a dwelling, is of lesser importance than the conservation of the environmental qualities of the land. It is therefore paramount to a correct assessment of this proposal on the vegetation impacts by both Council and possibly DELWP that the requested information be provided.

In a recent VCAT decision, Department of Environment, Land, Water and Planning v Yarra Ranges SC (Red Dot) [2019] VCAT 323, VCAT overturned the Shire's decision to grant a permit for a dwelling and vegetation removal and noted that:

“We consider the RCZ is a zone that does not support the use of land for a dwelling unless the impacts from an environmental perspective are minimal and the use is subservient to the zone's purpose, which is to protect and enhance environmental values”

The currently proposal to remove 1/4 of the vegetation from the property is in no way minimal. Over time incremental degradation of surrounding vegetation will occur, further impacting the habitat values.

Council's environment officer has identified that the site currently provides a vital east-west corridor for a range of native fauna species and is within an area of regionally significant ecological values. The property has nearby records of threatened forest owls such as the Powerful Owl and larger animals such as Lace Monitors. These forest owls require large tracts of undisturbed forest with connected tree canopy to move within the landscape and obtain prey. The vegetation on this property provides a crucial faunal link east west through the region and the removal of 4000 square metres of high quality remnant bushland breaks that link.

Council's Environment officer further argues that the application will create too large a gap between canopy to facilitate the continued movement of arboreal mammals such as the Sugar Glider and Feather-tail Glider. Studies typically glide 5 metres between trees. Increasing the gap between tree canopies causes the species to reduce its movement and they will over time cease using the vegetation.

Further, advice indicates that Superb Lyrebirds have been found in Pakenham Upper-Cockatoo. These large ground dwelling birds also require a dense understorey and need a home range of about 10 km in diameter. They require these large areas of connected understorey vegetation and will also be unable to use the site if the clearing occurs.

Given the failure of the proposal to avoid vegetation removal in accordance with the requirements of the Guidelines, the current impact that the proposal will have on vegetation and the biodiversity is unreasonable. In addition, the current proposed offsetting of this vegetation at a both a state level would also not accurately reflect the loss incurred.

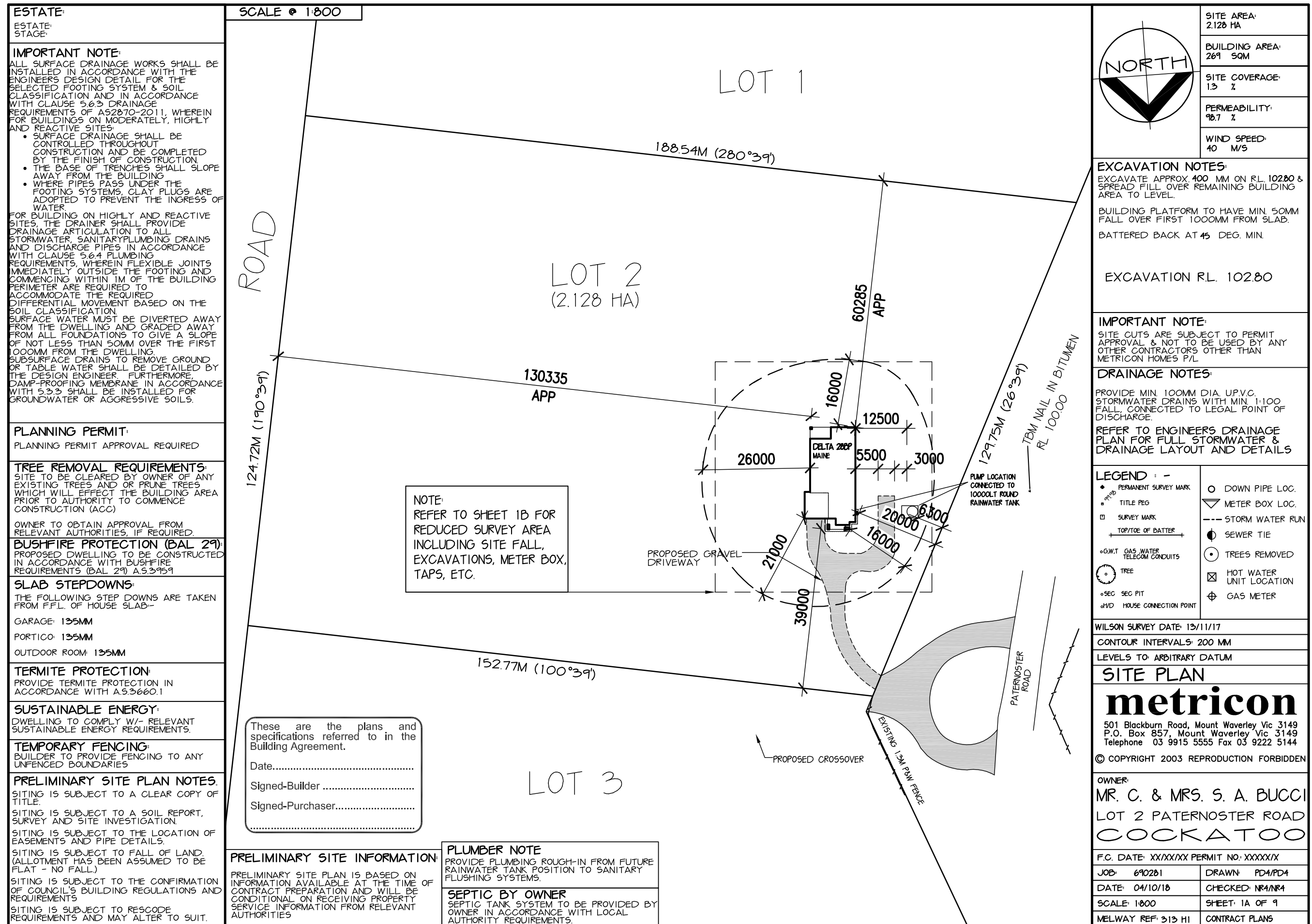
There is a clear need for the requested information to be provided to enable a full and proper assessment of the immediate and ongoing impacts of vegetation removal on the flora and fauna and overall biodiversity of the area.

**Clause 65 Decision Guidelines**

The application has been assessed against the Clause 65 – Decision Guidelines. It is considered that the application, as discussed above, does not provide appropriate application documents to enable Council to fully assess compliance with the relevant state and local policies and the purpose of the zone overlays and particular provisions that apply to the site. The information submitted thus far has allowed Council to determine that the proposal does not avoid vegetation removal and has avoidable and therefore unacceptable biodiversity impacts.

**Conclusion**

Given the above facts, it is recommended that a refusal to grant a permit be issued.



**ESTATE:**  
ESTATE:  
STAGE:

**IMPORTANT NOTE:**  
ALL SURFACE DRAINAGE WORKS SHALL BE INSTALLED IN ACCORDANCE WITH THE ENGINEERS DESIGN DETAIL FOR THE SELECTED FOOTING SYSTEM & SOIL CLASSIFICATION AND IN ACCORDANCE WITH CLAUSE 5.6.3 DRAINAGE REQUIREMENTS OF AS2070-2011, WHEREIN FOR BUILDINGS ON MODERATELY, HIGHLY AND REACTIVE SITES:  
• SURFACE DRAINAGE SHALL BE CONTROLLED THROUGHOUT CONSTRUCTION AND BE COMPLETED BY THE FINISH OF CONSTRUCTION  
• THE BASE OF TRENCHES SHALL SLOPE AWAY FROM THE BUILDING  
• WHERE PIPES PASS UNDER THE FOOTING SYSTEMS, CLAY PLUGS ARE ADOPTED TO PREVENT THE INGRESS OF WATER  
FOR BUILDING ON HIGHLY AND REACTIVE SITES, THE DRAINER SHALL PROVIDE DRAINAGE ARTICULATION TO ALL STORMWATER, SANITARY/PLUMBING DRAINS AND DISCHARGE PIPES IN ACCORDANCE WITH CLAUSE 5.6.4 PLUMBING REQUIREMENTS, WHEREIN FLEXIBLE JOINTS IMMEDIATELY OUTSIDE THE FOOTING AND COMMENCING WITHIN 1M OF THE BUILDING PERIMETER ARE REQUIRED TO ACCOMMODATE THE REQUIRED DIFFERENTIAL MOVEMENT BASED ON THE SOIL CLASSIFICATION. SURFACE WATER MUST BE DIVERTED AWAY FROM THE DWELLING AND GRADED AWAY FROM ALL FOUNDATIONS TO GIVE A SLOPE OF NOT LESS THAN 50MM OVER THE FIRST 1000MM FROM THE DWELLING. SUBSURFACE DRAINS TO REMOVE GROUND OR TABLE WATER SHALL BE DETAILED BY THE DESIGN ENGINEER. FURTHERMORE, DAMP-PROOFING MEMBRANE IN ACCORDANCE WITH 5.3.3 SHALL BE INSTALLED FOR GROUNDWATER OR AGGRESSIVE SOILS.

**PLANNING PERMIT:**  
PLANNING PERMIT APPROVAL REQUIRED

**TREE REMOVAL REQUIREMENTS:**  
SITE TO BE CLEARED BY OWNER OF ANY EXISTING TREES AND OR PRUNE TREES WHICH WILL EFFECT THE BUILDING AREA PRIOR TO AUTHORITY TO COMMENCE CONSTRUCTION (ACC)  
OWNER TO OBTAIN APPROVAL FROM RELEVANT AUTHORITIES, IF REQUIRED.

**BUSHFIRE PROTECTION (BAL 29):**  
PROPOSED DWELLING TO BE CONSTRUCTED IN ACCORDANCE WITH BUSHFIRE REQUIREMENTS (BAL 29) A.S.3959

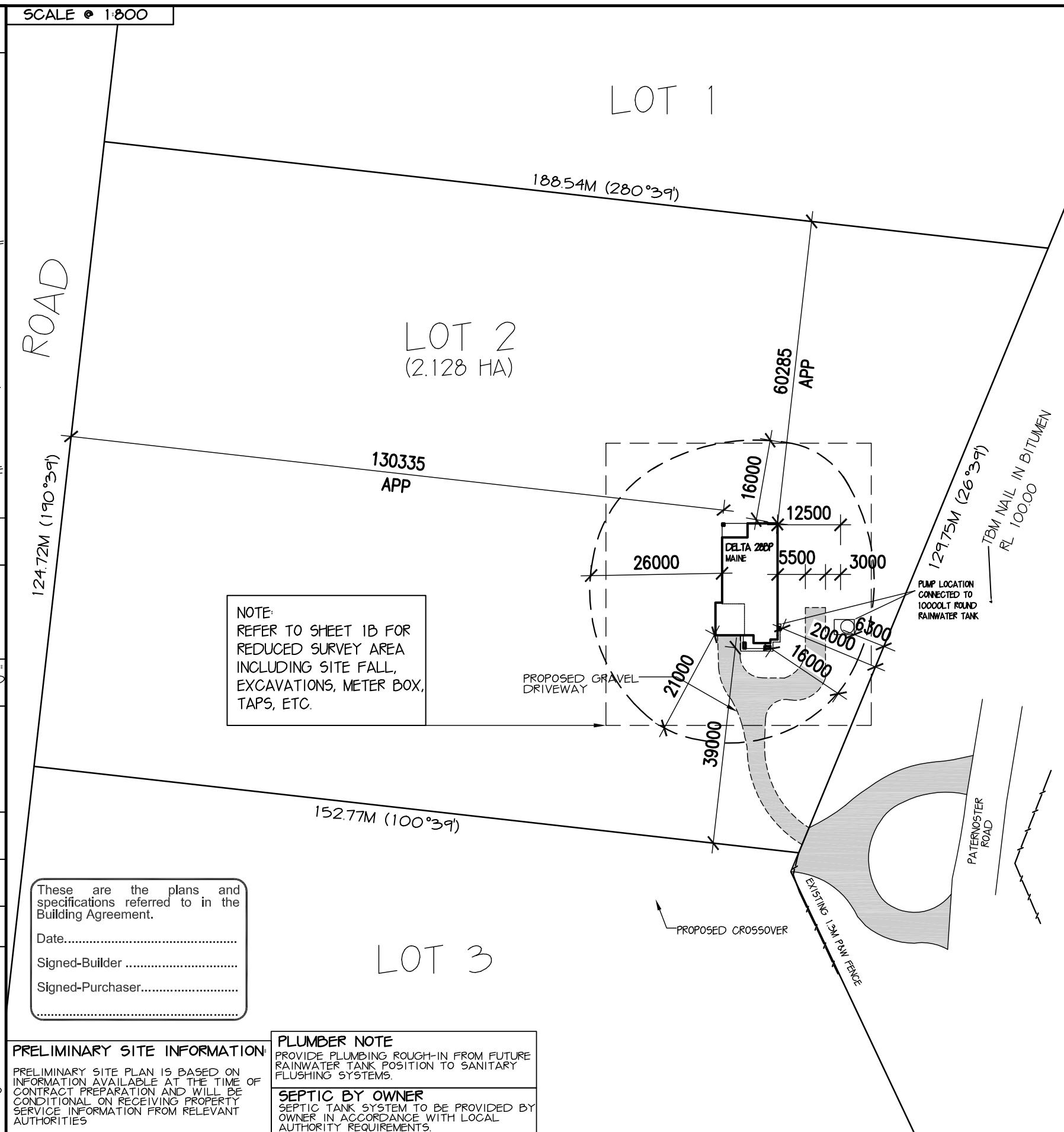
**SLAB STEP-DOWNS:**  
THE FOLLOWING STEP-DOWNS ARE TAKEN FROM F.F.L. OF HOUSE SLAB:-  
GARAGE: 135MM  
PORTICO: 135MM  
OUTDOOR ROOM: 135MM

**TERMITE PROTECTION:**  
PROVIDE TERMITE PROTECTION IN ACCORDANCE WITH A.S.3660.1

**SUSTAINABLE ENERGY:**  
DWELLING TO COMPLY W/- RELEVANT SUSTAINABLE ENERGY REQUIREMENTS.

**TEMPORARY FENCING:**  
BUILDER TO PROVIDE FENCING TO ANY UNFENCED BOUNDARIES

**PRELIMINARY SITE PLAN NOTES:**  
SITING IS SUBJECT TO A CLEAR COPY OF TITLE.  
SITING IS SUBJECT TO A SOIL REPORT, SURVEY AND SITE INVESTIGATION.  
SITING IS SUBJECT TO THE LOCATION OF EASEMENTS AND PIPE DETAILS.  
SITING IS SUBJECT TO FALL OF LAND. (ALLTMENT HAS BEEN ASSUMED TO BE FLAT - NO FALL.)  
SITING IS SUBJECT TO THE CONFIRMATION OF COUNCIL'S BUILDING REGULATIONS AND REQUIREMENTS  
SITING IS SUBJECT TO RESCODE REQUIREMENTS AND MAY ALTER TO SUIT.



**EXCAVATION NOTES:**  
EXCAVATE APPROX. 400 MM ON R.L. 102.80 & SPREAD FILL OVER REMAINING BUILDING AREA TO LEVEL.  
BUILDING PLATFORM TO HAVE MIN. 50MM FALL OVER FIRST 1000MM FROM SLAB.  
BATTERED BACK AT 45 DEG. MIN.  
EXCAVATION R.L. 102.80

**IMPORTANT NOTE:**  
SITE CUTS ARE SUBJECT TO PERMIT APPROVAL & NOT TO BE USED BY ANY OTHER CONTRACTORS OTHER THAN METRICON HOMES P/L

**DRAINAGE NOTES:**  
PROVIDE MIN. 100MM DIA. UP.V.C. STORMWATER DRAINS WITH MIN. 1:100 FALL, CONNECTED TO LEGAL POINT OF DISCHARGE.  
REFER TO ENGINEERS DRAINAGE PLAN FOR FULL STORMWATER & DRAINAGE LAYOUT AND DETAILS

**LEGEND:**

- PERMANENT SURVEY MARK
- TITLE PEG
- SURVEY MARK
- TOP/TOE OF BATTER
- G.W.T. GAS, WATER, TELECOM CONDUITS
- TREE
- SEC. PIT
- HOUSE CONNECTION POINT
- DOWN PIPE LOC.
- METER BOX LOC.
- STORM WATER RUN
- SEWER TIE
- TREES REMOVED
- HOT WATER UNIT LOCATION
- GAS METER

**WILSON SURVEY DATE:** 13/11/17  
**CONTOUR INTERVALS:** 200 MM  
**LEVELS TO:** ARBITRARY DATUM

**SITE PLAN**

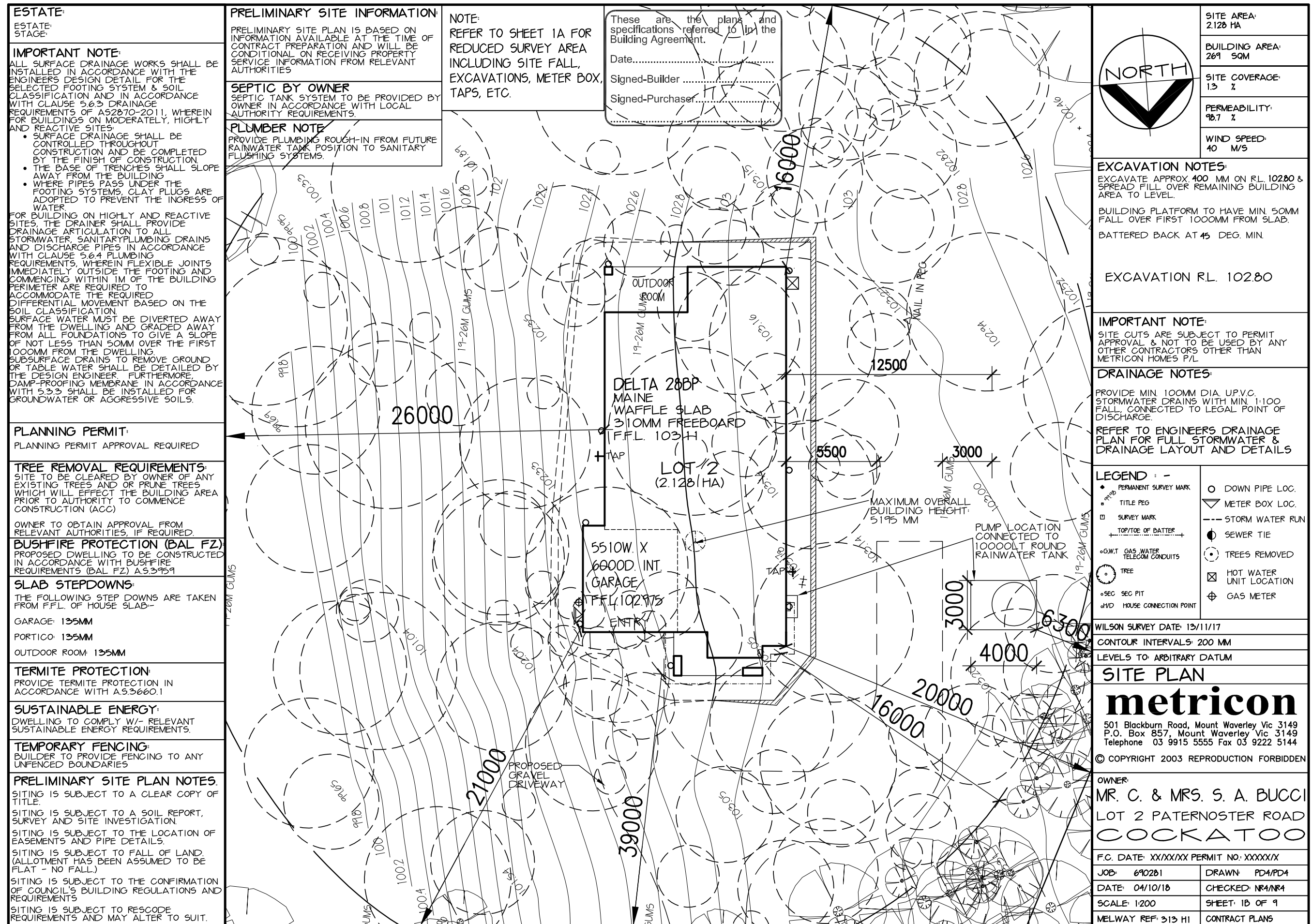
**metricon**

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P.O. Box 857, Mount Waverley Vic 3149  
Telephone 03 9915 5555 Fax 03 9222 5144  
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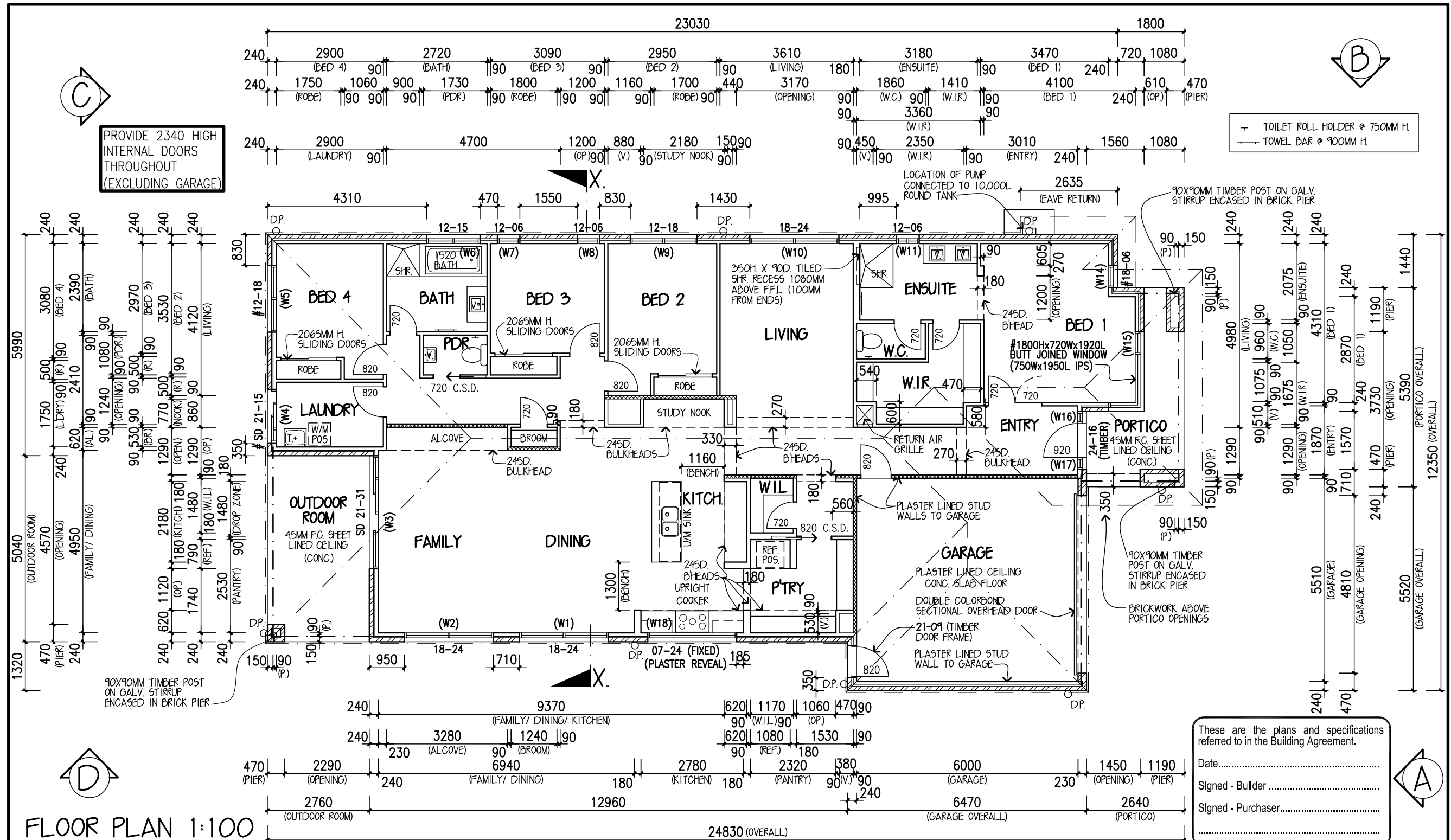
**OWNER:**  
MR. C. & MRS. S. A. BUCCI  
LOT 2 PATERNOSTER ROAD  
COCKATOO

**F.C. DATE:** XX/XX/XX **PERMIT NO.:** XXXX/X

**JOB:** 690281 **DRAWN:** PD4/PD4  
**DATE:** 04/10/18 **CHECKED:** NR4/NR4  
**SCALE:** 1:800 **SHEET:** 1A OF 9  
**MELWAY REF:** 513 H1 **CONTRACT PLANS**







FLOOR PLAN 1:100

**NOTES:**  
 \* WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE.  
 \* FLOOR PLAN DIMENSIONS ARE TO FRAME SIZE ONLY.  
 \* WINDOW SIZES ARE NOMINATED AS GENERIC CODES.  
 \* FIRST 2 NUMBERS REFER TO HEIGHT & SECOND 2 RELATE TO WIDTH.  
 \* ALL GLAZING TO COMPLY WITH A.S. 1288-2006 GLASS IN BUILDINGS, & WITH A.S. 4055-2012 FOR WINDLOADING.  
 \* WINDOW SUPPLIER TO PROVIDE COVER BOARDS TO ALL CORNER WINDOWS U.N.O.  
 \* GARAGE ROOF TO BE TIED DOWN MIN. 1200 INTO BRICKWORK WITH HOOP IRON STRAPS.  
 \* ALL WATER CLOSET DOORS TO BE REMOVABLE IN ACCORDANCE WITH B.C.A.3.8.3.

**FRAMING NOTES:**  
 \* CENTRE ALL WINDOWS & DOORS INTERNALLY TO ROOM (UNLESS OTHERWISE NOTED)  
 \* PROVIDE 2NO. 90X45 JAMB STUDS TO ALL INTERNAL DOOR OPENINGS AND ALL SLIDING ROBE DOOR OPENINGS AS PER DETAIL S-TYP-DOOR-01  
 \* ENSURE RETURN AIR GRILLE & VOID IS CLEAR OF TRUSS &/OR FRAMING CONSTRUCTION.

**LEGEND:**  
 [Symbol] LOAD BEARING WALL  
 [Symbol] WALL UNDER STAIR TO BE BUILT AFTER STAIR  
 [Symbol] 70MM STUD WALL  
 # INCREASE WIND RATING AS PER AS2047 TO NOMINATED GLAZING PANEL

AREAS:	GARAGE:	36.14 SQM
GRD FLR:	O'DOOR RM:	13.91 SQM
	PORTICO:	9.00 SQM
SUBTOTAL:	TOTAL:	268.73 SQM
		28.93 SQM

DESIGN: DELTA 28 BP  
 FACADE: MAINE CEILING: 25, L  
 GARAGE: DOUBLE LOCATION: F

**FLOOR PLAN**  
**VFSDEL28MAIS1BP**

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OWNER: MR. C. & MRS. S. A. BUCCI  
 LOT 2 PATERNOSTER ROAD  
 COCKATOO

JOB NO: 690281 DATE: 04/10/18  
 F.C. DATE: DD MM YYY MST VER: 24-09-2014

PERMIT No:

DRAWN: PD4/PD4 CHKD: NR4/NR4 SHEET: 2 of 9

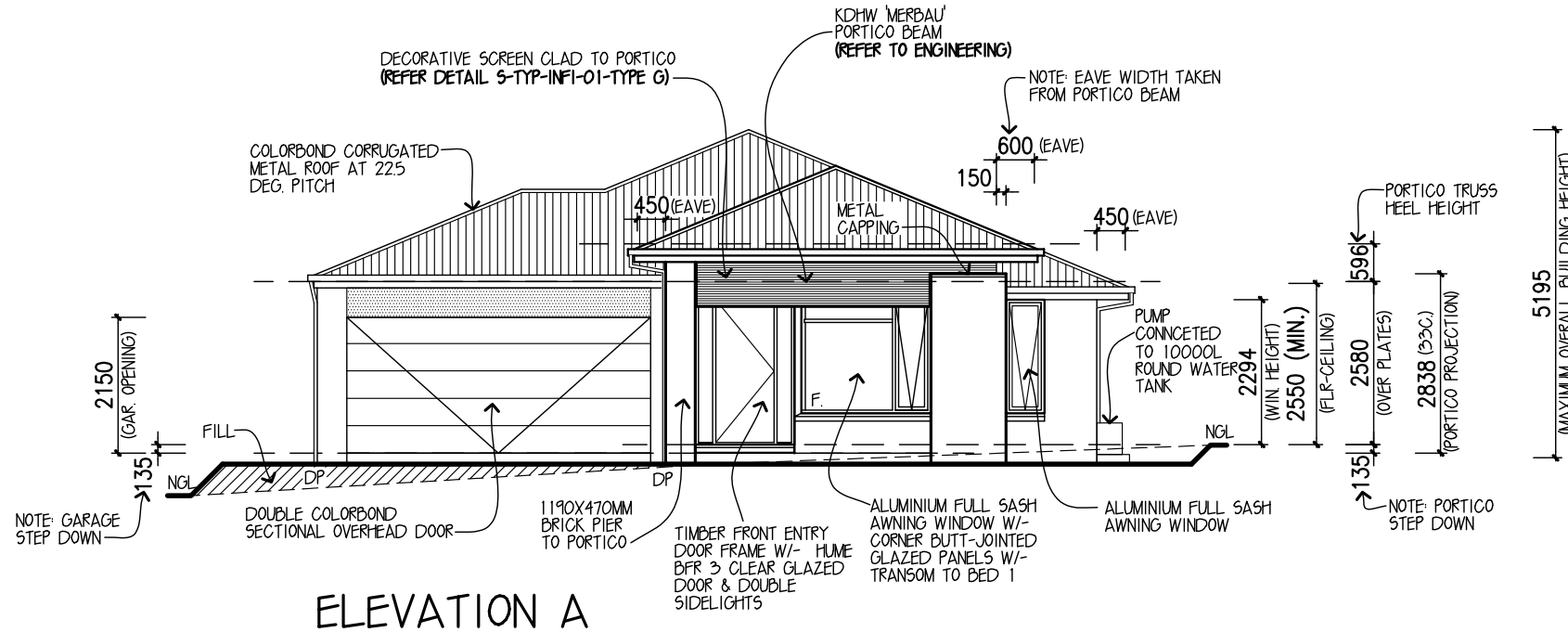
**IMPORTANT NOTE:**  
REFER TO FACADE DETAIL  
REF. NO. **5-TYP-MAIN-01**

**IMPORTANT NOTE:**  
REFER TO SOIL ENGINEERS PLANS  
FOR ARTICULATION JOINT LOCATIONS

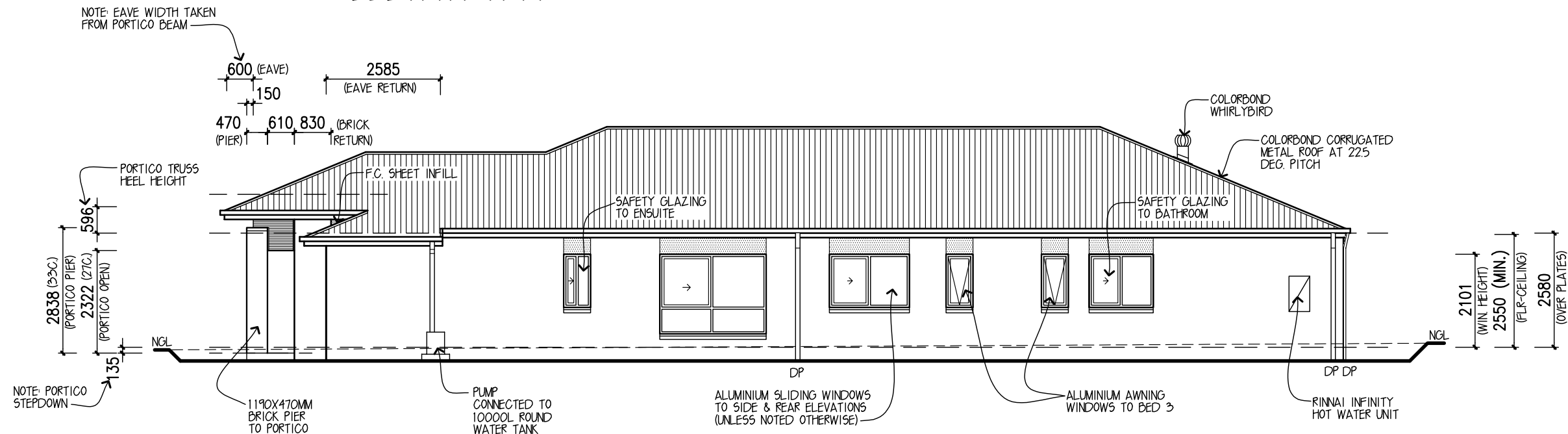
PROVIDE 6MM THICK F.C. SHEET  
INFILL ABOVE ALL SIDE AND REAR  
ELEVATION WINDOWS & DOORS  
UNLESS NOTED OTHERWISE.

PROVIDE SCREEN CLAD INFILL  
ABOVE FRONT ELEVATION WINDOWS,  
& FRONT ENTRY DOOR FRAME &  
6MM THICK F.C. SHEET INFILL  
ABOVE GARAGE DOOR OPENING  
UNLESS NOTED OTHERWISE

**IMPORTANT NOTE:**  
PROVIDE ALUMINIUM FRAMED  
FLYSCREENS WITH ALUMINIUM  
MESH TO ALL OPENABLE WINDOWS  
EXCLUDING GARAGE.



**ELEVATION A**



**ELEVATION B**

**ELEVATIONS 1:100**

- NOTES:**
- \* WINDOW SUPPLIER TO SUPPLY COVER BOARDS TO ALL CORNER WINDOWS U.N.O.
  - \* ALL GLAZING TO COMPLY WITH A.S. 1288 - 2006 GLASS IN BUILDINGS, & WITH A.S. 4055 - 2012 FOR WINDLOADING.
  - \* WINDOW HEAD HEIGHT DIMENSIONS TO BE TAKEN TO THE NEAREST CORRESPONDING BRICK COURSE.
  - \* WINDOWS TO COMPLY WITH B.C.A. 3.9.2.5
  - \* GUTTER AND DRAINAGE SYSTEM TO COMPLY WITH A.S. 3500

These are the plans and specifications referred to in the Building Agreement.

Date.....

Signed - Builder.....

Signed - Purchaser.....

**VARIATIONS(V), RE-PREPS(R), AMENDMENTS(A):**

No:	Date:	Drawn:	Chkd:	No:	Date:	Drawn:	Chkd:
PC1	04/07/18	PD4	NR4	CON	04/10/18	PD4	NR4
VO	13/11/18	PD4	NR4	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-

DESIGN: **DELTA 28 BP**

FACADE: **MAINE** CEILING: **25, L**

GARAGE: **DOUBLE** LOCATION: **F**

**ELEVATIONS**  
**VF5DEL28MAIS1BP**

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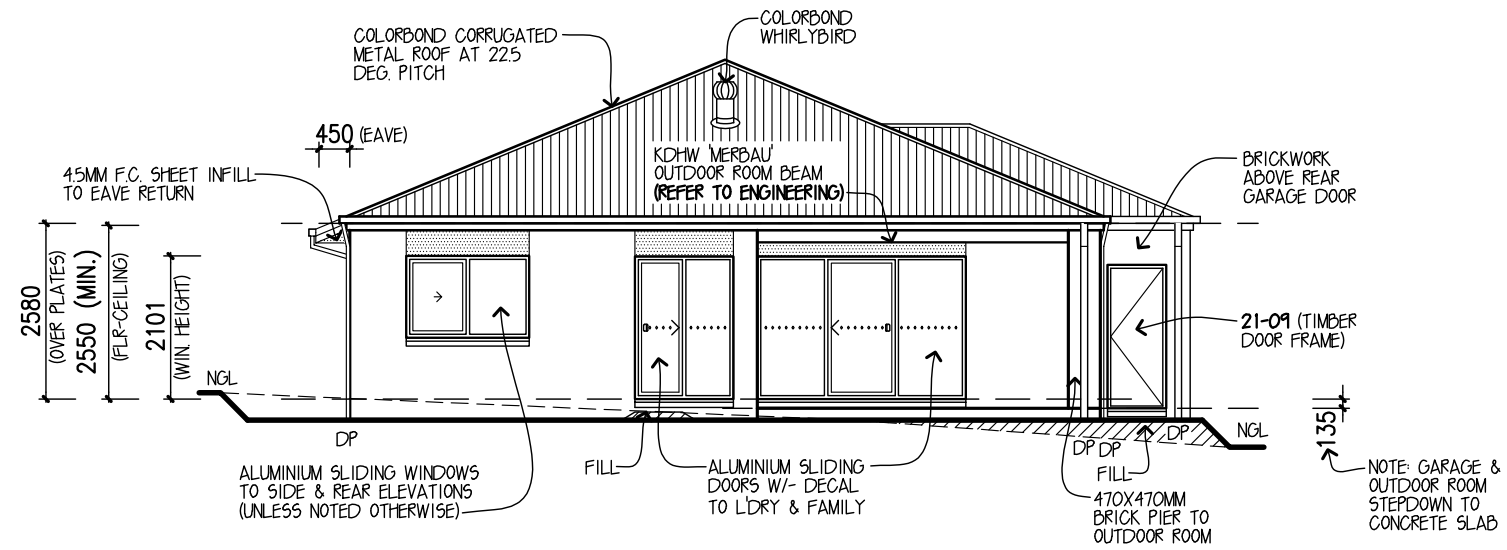
OWNER: **MR. C. & MRS. S. A. BUCCI**  
**LOT 2 PATERNOSTER ROAD**  
**COCKATOO**

JOB NO: **690281** DATE: **04/10/18**

F.C. DATE: **DD MM YYY** MST VER: **24-09-2014**

PERMIT No:

DRAWN: PD4/PD4 CHKD: NR4/NR4 SHEET: **3** of **9**

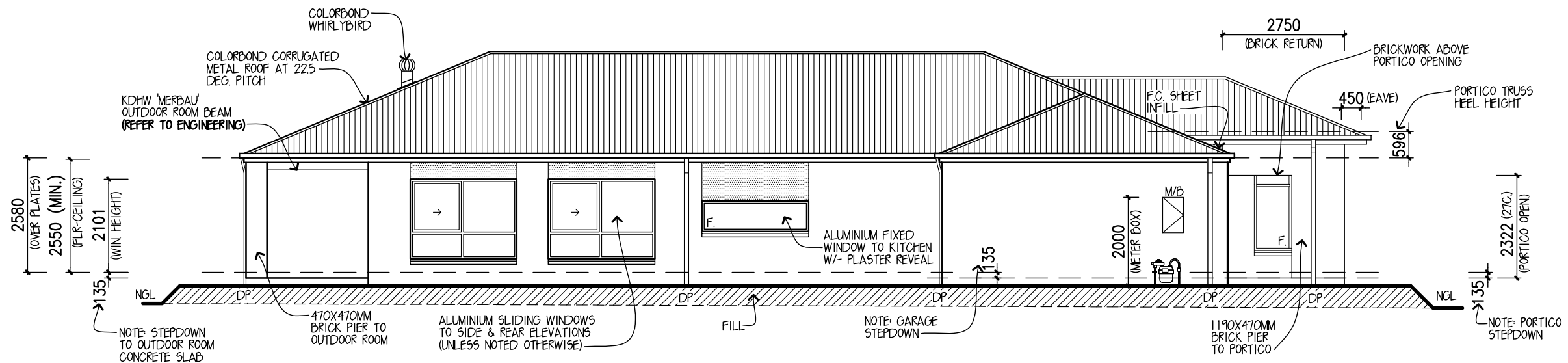


ELEVATION C

IMPORTANT NOTE:  
REFER TO SOIL ENGINEERS PLANS  
FOR ARTICULATION JOINT LOCATIONS

PROVIDE F.C INFILL ABOVE ALL SIDE  
AND REAR ELEVATION WINDOWS &  
DOORS UNLESS NOTED OTHERWISE.

IMPORTANT NOTE:  
PROVIDE ALUMINIUM FRAMED  
FLYSCREENS WITH ALUMINIUM  
MESH TO ALL OPENABLE WINDOWS  
EXCLUDING GARAGE.



ELEVATION D

ELEVATIONS 1:100

- NOTES:
- \* WINDOW SUPPLIER TO SUPPLY COVER BOARDS TO ALL CORNER WINDOWS U.N.O.
  - \* ALL GLAZING TO COMPLY WITH A.S. 1288 - 2006 GLASS IN BUILDINGS, & WITH A.S. 4055 - 2012 FOR WINDLOADING.
  - \* WINDOW HEAD HEIGHT DIMENSIONS TO BE TAKEN TO THE NEAREST CORRESPONDING BRICK COURSE.
  - \* WINDOWS TO COMPLY WITH B.C.A. 3.9.2.5
  - \* GUTTER AND DRAINAGE SYSTEM TO COMPLY WITH A.S. 3500

These are the plans and specifications referred to in the Building Agreement.

Date.....

Signed - Builder .....

Signed - Purchaser.....

DESIGN: DELTA 28 BP

FACADE: MAINE CEILING: 25, L

GARAGE: DOUBLE LOCATION: F



OWNER: MR. C. & MRS. S. A. BUCCI  
LOT 2 PATERNOSTER ROAD  
COCKATOO

JOB NO: 690281 DATE: 04/10/18

F.C. DATE: DD MM YYYY MST VER: 24-09-2014

PERMIT No:

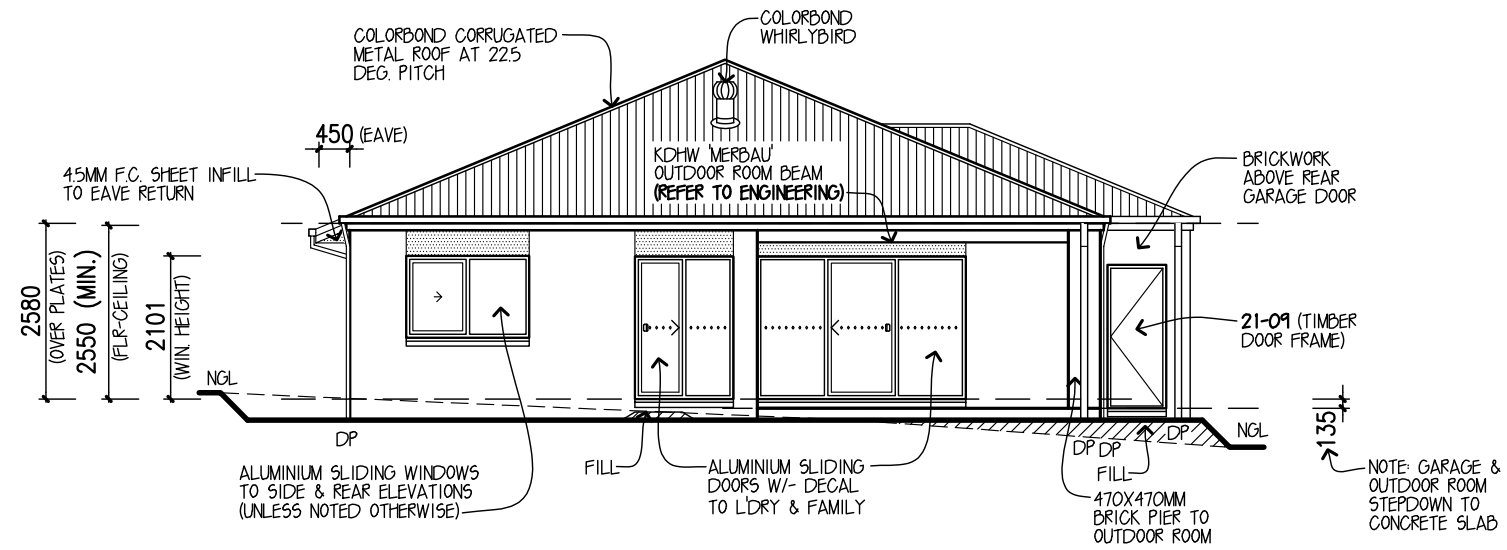
DRAWN: PD4/PD4 CHKED: NR4/NR4 SHEET: 4 of 9

ELEVATIONS  
VF5DEL28MA151BP

BY METRICON

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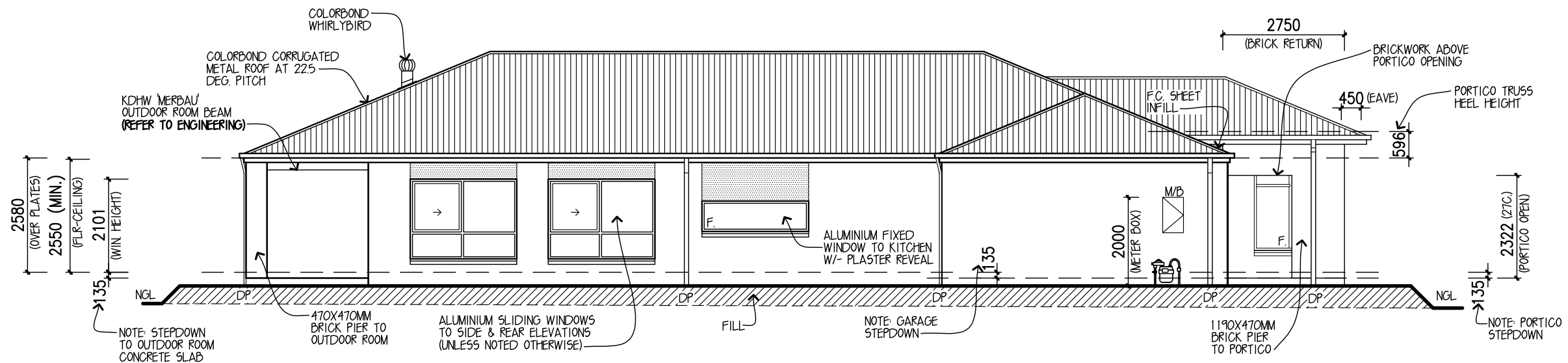


ELEVATION C

IMPORTANT NOTE:  
REFER TO SOIL ENGINEERS PLANS FOR ARTICULATION JOINT LOCATIONS

PROVIDE F.C INFILL ABOVE ALL SIDE AND REAR ELEVATION WINDOWS & DOORS UNLESS NOTED OTHERWISE.

IMPORTANT NOTE:  
PROVIDE ALUMINIUM FRAMED FLYSCREENS WITH ALUMINIUM MESH TO ALL OPENABLE WINDOWS EXCLUDING GARAGE.



ELEVATION D

ELEVATIONS 1:100

- NOTES:
- \* WINDOW SUPPLIER TO SUPPLY COVER BOARDS TO ALL CORNER WINDOWS U.N.O.
  - \* ALL GLAZING TO COMPLY WITH A.S. 1288 - 2006 GLASS IN BUILDINGS, & WITH A.S. 4055 - 2012 FOR WINDLOADING.
  - \* WINDOW HEAD HEIGHT DIMENSIONS TO BE TAKEN TO THE NEAREST CORRESPONDING BRICK COURSE.
  - \* WINDOWS TO COMPLY WITH B.C.A. 3.9.2.5
  - \* GUTTER AND DRAINAGE SYSTEM TO COMPLY WITH A.S. 3500

These are the plans and specifications referred to in the Building Agreement.

Date.....

Signed - Builder .....

Signed - Purchaser.....

DESIGN: DELTA 28 BP
FACADE: MAINE      CEILING: 25, L
GARAGE: DOUBLE      LOCATION: F
<b>ELEVATIONS</b> VF5DEL28MAIS1BP
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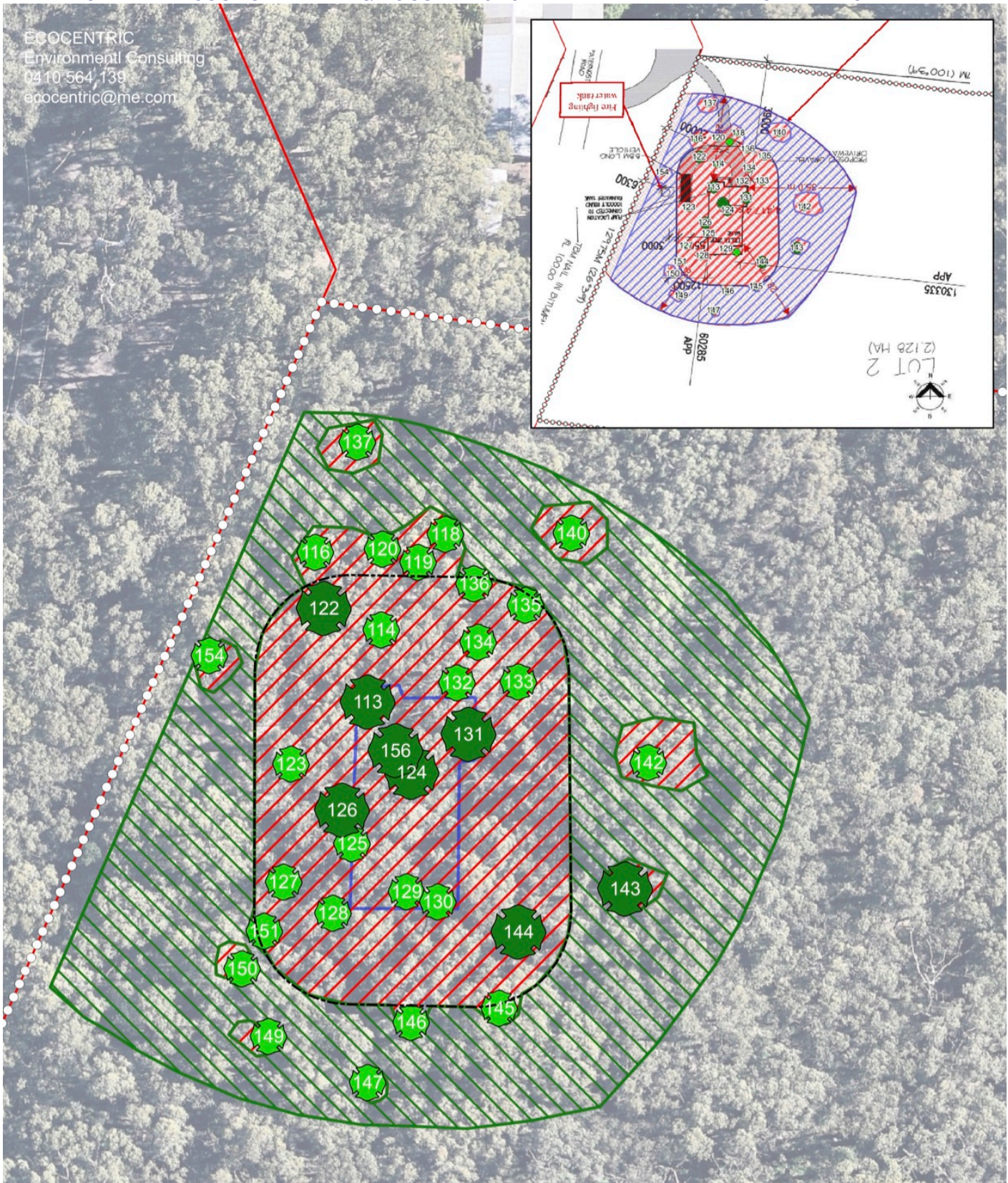
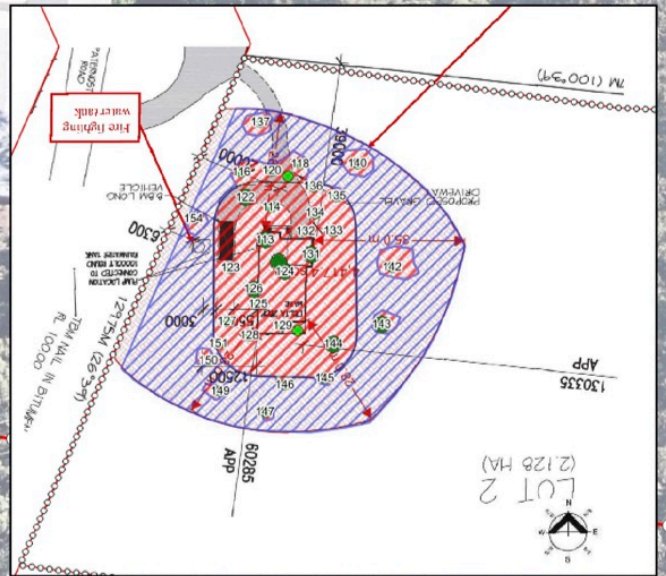
**FREEDOM** | **m**  
metricon









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OWNER: MR. C. & MRS. S. A. BUCCI LOT 2 PATERNOSTER ROAD COCKATOO
JOB NO: 690281      DATE: 04/10/18
F.C.DATE: DD MM YYY      MST VER: 24-09-2014
PERMIT No:
DRAWN:PD4/PD4      CHKED:NR4/NR4      SHEET: 4 of 9

ECOCENTRIC  
Environmental Consulting  
04 10 564 139  
ecocentric@me.com



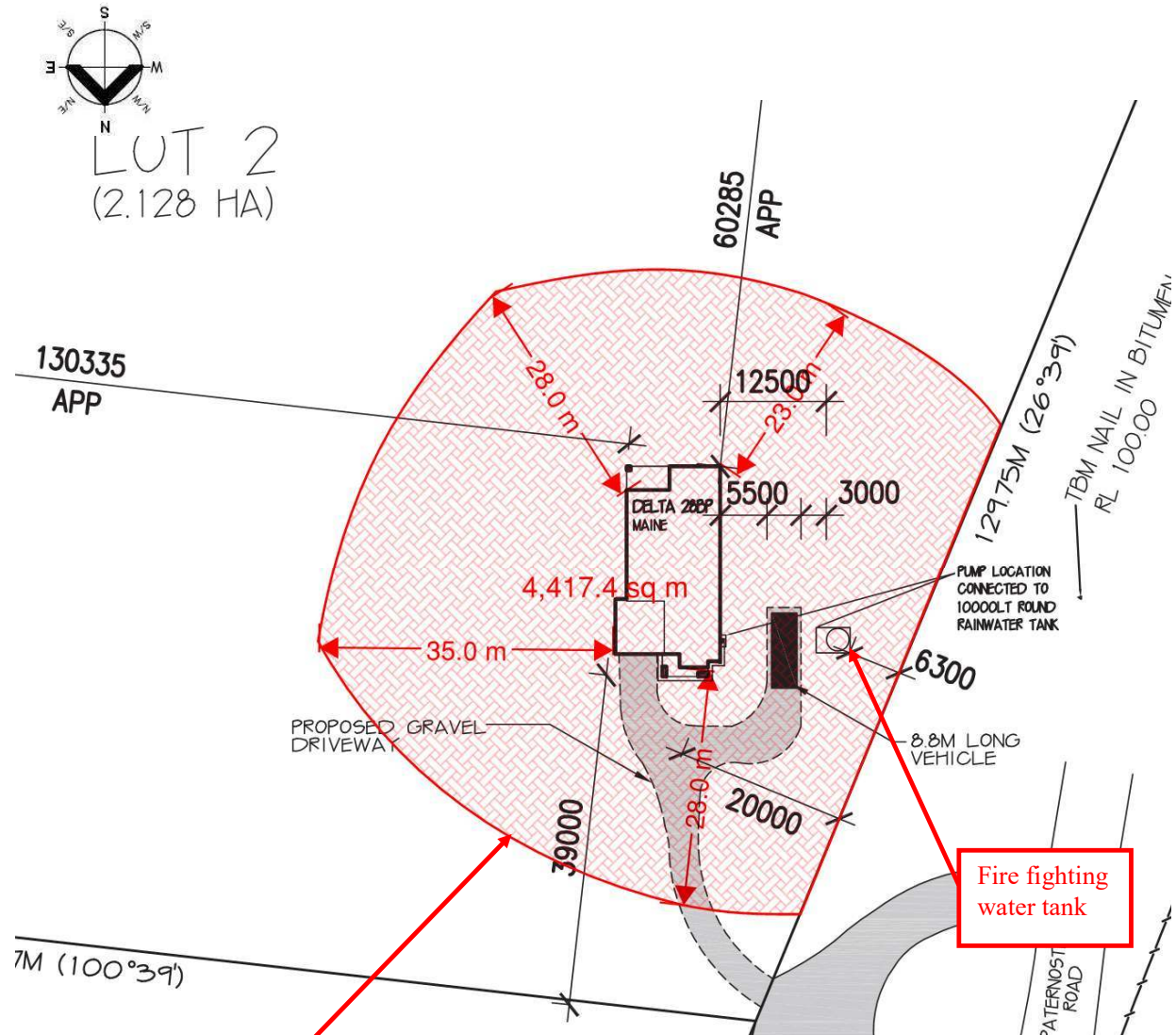
-  Partial native vegetation loss
-  Full native vegetation loss
-  cadastre data
-  Property boundary
-  Proposed dwelling
-  10m house buffer
-  Large canopy trees lost
-  Small canopy trees lost



**Bushfire Management Overlay Assessment: Paternoster Rd 369, Cockatoo**

**Bushfire Management Plan**

The building(s) will be designed and constructed to **BAL-29**



Defendable space and vegetation management to a distance of 28m to the north, 35m to the east, 28m to the south-east, 23m to the south-west and the property boundary to the west

## **Bushfire Management Overlay Assessment: Paternoster Rd 369, Cockatoo**

### **Bushfire Management Plan**

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

#### **1. Defendable Space**

Defendable space *to a distance of 28m to the North, 35m to the East, 28m to the South-East, 23m to the South-West and the property boundary to the West around the proposed building(s)* is provided and is managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects **including trees** 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.

#### **2. Construction standards**

The building shall be designed and constructed to **BAL-29**.

#### **3. Water Supply**

**10,000** litres of effective water supply for fire fighting purposes which meets the following requirements:

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

#### **4. Access**

Access for fire fighting purposes which meets the following requirements:

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

## Appendix A Outstanding information

### Dwelling design

1. The size of the proposed dwelling can be reduced. Reducing the footprint of the dwelling will reduce how far the defendable space extends in to the property. This could be achieved by changing the design to a double story, reduce number of rooms, or reduce size of rooms. The garage can be located separate to the dwelling and if less than 100m<sup>2</sup> does not require defendable space.

### Scaled site plan

The current site plan, provided in the *Bushfire Management Overlay Compliance Assessment* by Greenwood Consulting (20/12/2019) must be drawn to scale and updated to include the following:

1. Property boundaries, proposed building footprint, earthworks, effluent disposal area, fencing, driveway, utilities and services, defendable space area, all trees within the defendable space area and within 15 metres of any direct or indirect impacts,
2. Contour lines to demonstrate slope
3. Location of all canopy trees over 3 metres height within the defendable space area, as required by the *Guidelines for the removal, destruction or lopping of native vegetation*.
4. Location of any hollow bearing trees
5. Canopies of trees with a DBH of 70 cm or more must be shown with a radius of 15 metres, as required by the Guidelines.
6. Canopies of trees with a DBH below 70 cm must be shown with a radius of 10 metres, as required by the Guidelines
7. The canopy circle of trees must be demarcated with different colours to indicate which trees will be retained, removed, and pruned to meet the canopy separation requirements. They are currently all green with colour coded identifying labels, which is not informative in demonstrating whether canopy separation requirements are likely to be met
8. The tree protection zone of any tree within 15 metres of any direct or indirect impacts

### Tree report

The table of tree descriptions in the *Bushfire Management Overlay Compliance Assessment* by Greenwood Consulting (20/12/2019) is lacking some required information in the table that makes the interpretation of information difficult.

1. In addition to the current information in the tree descriptions table, it must also include:
  - a. Size (diameter at breast height)
  - b. Presence of tree hollows
  - c. Size of tree protection zones and encroachment for any trees that will be retained within 15 metres of direct or indirect impacts from development (building footprint, earthworks, effluent disposal area, fencing, driveway, utilities and services, machinery movements, stockpiles, site sheds, etc.)
2. The table of tree descriptions must include all canopy trees over 3 metres height within the defendable space area, as required by the *Guidelines for the removal, destruction or lopping of native vegetation*.
3. The table of tree descriptions only needs to include trees that are on the property to be developed, and within the construction footprint and defendable space area.
4. Delete the proposed tree removals from the table that are outside the defendable space area (trees 18, 21, 22, 23, 27, 31, 32, 34, 35, 37, 43, 44, 46, 48, 355, and 454)



## Vegetation management requirements of Bushfire Management Plan

The proposed tree removal plan to meet the 5-metre canopy separation requirements must be reviewed

1. The plan must demonstrate a 5-metre separation between tree canopies will be met, and that where pruning is recommended to meet this requirement it will not impact the ongoing viability of the tree.
2. Prioritise retention of the largest, hollow bearing, and healthy indigenous trees to meet the avoid and minimise requirements of 52.17 and ESO1.
3. Small trees growing beneath the canopy of larger trees can be retained, and considered a clump.
4. Trees adjacent to the canopy of retained trees cannot be considered a clump.
5. Clumps of understory vegetation that will be retained must also be shown on the scaled site plan, and described in the ecology report. The BMO requires that understory vegetation in the defensible space area meets the following requirements:
  - a. Grass must be short cropped and maintained during the declared fire danger period
  - b. Shrubs must not be located under the canopy of trees
  - c. Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres

## Ecology Report

Council advised the applicant and Bill Richdale that the report *The Vegetation Quality Assessment of 369 Paternoster Road Cockatoo, August-September 2018*, is deficient on the 28/6/2019. No updated report has been submitted to date.

The Vegetation Quality Assessment did not appear to accurately reflect the observations made on site. Council's Environment Planner and Vegetation Management Officer (VQA accredited assessor) therefore used the same methodology as a quality assurance check. The Final Habitat Score was estimated to be 81, not 71. The main results that differed were:

1. Species recruitment scoring increase from 6 to 10
  - a. A range of woody species were not recorded, affecting the recruitment score
    - i. *Acacia mearnsii* (PS, SS, MS, T)
    - ii. *Acacia verticillata* (PS, SS, MS)
    - iii. *Pimelea flava* (PS, SS)
    - iv. *Pultanaea scabra* (SS, MS)
    - v. *Olearia lirata* (PS, SS, MS)
    - vi. *Coprosma quadrifida* (PS, SS)
  - b. Of 19 woody species present, at least 14 (73%) and perhaps 15 (78%) species have adequate recruitment
2. Patch Size scoring increase from 2 to 8
  - a. Patch size scored between 2 and 5 hectares, which is the size of the property not the patch within the landscape
  - b. Appropriate patch size is >20 hectares but significantly disturbed landscape
3. Large Tree health increase from 9 to 10
  - a. Canopy health is >70%
4. Tree Canopy Cover health increase from 4 to 5
  - a. Canopy health is >70%

An updated ecology report is still outstanding. The following items must be included:

1. Flora assessment completed by a DELWP Vegetation Quality Assessment accredited assessor. Items required in the flora assessment include:
  - a. Accurate Vegetation Quality Assessment to update final habitat score being used for the offset calculation
  - b. Complete list and estimated extent of native flora species found onsite. List conservation status of each plant at both state and national level.

- c. Complete list and estimated extent of weed species found onsite. Identify high threat weeds.
2. Fauna assessment through onsite surveys by a suitably qualified ecologist (in addition to the desktop method). Identify native and pest fauna present including mammals, birds, reptiles, and amphibians.
3. A description of wildlife habitat features (e.g. Logs, dams, hollow trees, rocks) found onsite
4. Define the extent of proposed vegetation removal, including quantity of large and small native trees, and area of understory vegetation.
5. Describe the impact the proposed vegetation removal will have on all fauna species and habitat/s, including common and threatened species, that may be present on site or that move through this site.
6. Describe the impact of the extent of vegetation removal on the landscape connectivity of the area of Zoological Significance for both the current proposed siting, and the alternative siting
7. Detail how native fauna will be protected or translocated during development.
8. Details of how the property will be managed sustainably in the long term, through an Integrated Land Management Plan.

### Offset requirement

The *Native Vegetation Offset Management Strategy by Ecocentric* relied on the incorrect final habitat score of 0.71 (71/100) from the Vegetation Quality Assessment in the Ecology Report as the vegetation condition score. As described above council considers the habitat score is closer to 0.81 (81/100). The offset requirements are therefore not correct.

I acknowledge that the assessment pathway for this application is not currently detailed (however this may change once all requested changes have been addressed). The offset requirement can be calculated using NVIM when it has a basic or intermediate pathway. The condition score for this site on NVIM is 0.793.

The offsets are divided into two zones for full removal and partial removal. Council's Environment Planner has discussed with the CFA why the clearing of all trees has been required within 10 metres of the dwelling in the Bushfire Management Plan, as this is not normally a requirement of the vegetation management requirements in the Bushfire Management Overlay. The CFA agreed to the decrease of the defendable space area from 0.811 hectares to 0.442 hectares, provided there was a 10 metre zone completely cleared around the dwelling and the BAL was increased to 29. This reduces the environmental impact, and is an acceptable alternative method to propose.

The partial removal offset requirement is incomplete. The process for calculating partial offsets is outlined in *Appendix 3.B* in the *Assessor's Handbook*, attached on final pages. This application includes areas of partial removal in some locations, and complete removal in other locations and therefore *section B.4* must be applied.

1. The Native Vegetation Removal Report submitted with the Native Vegetation Offset Management Strategy shows areas of partial and complete removal, as required in Report 1.
  - a. Complete removal of the zone within 10 metres of the house has been shown.
  - b. It is not clear whether the large trees have been mapped with a 15-metre radius as required.
  - c. The condition score is too low as it is based on the ecology report, and not verified.
2. Report 2 must show the extent of complete removal of canopy trees as described in *section B.2*.
  - a. Canopy trees have not been mapped accurately in the offset report. The six large canopy trees that are proposed for removal do not appear to have been mapped as a circle with a radius of 15 metres.
  - b. None of the 223 small canopy trees that are proposed for removal have been mapped as a circle with a radius of 10 metres.

- c. There will be additional tree removals required, as the 5-metre canopy separation requirements is not yet being achieved.
  - d. Accurately mapping this required canopy size for each tree being removed will likely increase the overall area that is required to be offset, as the outer edge of the defensible space must follow the canopy perimeter of any trees to be removed rather than a smooth boundary.
  - e. The condition score is too low as it is based on the ecology report, and not verified.
  - f. The condition score of all canopy areas is considered full vegetation removal; it is not halved as partial removal.
3. Report 3 must show the extent of partial removal, as described in *section B.1*. Report 3 should only consider the removal of understory vegetation where canopy trees are not being removed.
- a. Cannot calculate the offset area for partial removal until all proposed small and large tree removals have been mapped accurately, as required for Report 2
  - b. Any remaining areas between the tree canopy circles in Report 2 demonstrate where understory vegetation may be removed where canopy trees will be retained.
  - c. Areas between the tree canopy circles are the only areas that can be considered as partial removal, and have the condition score halved
4. The final offset requirement will be the offset amount in Report 2 added to the offset amount in Report 3, plus the large tree count from both reports.