

## 5.4 T220214 PA - Buildings and Works (Construction of an Outbuilding) and Native Vegetation Removal at 155 Gordon Road, Pakenham Upper

**Responsible GM:** Lili Rosic  
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### Recommendation

That Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Planning Permit Application T220214 for Buildings and Works (Construction of an Outbuilding) and Native Vegetation Removal at Lot 1 LP71176, 155 Gordon Road, Beaconsfield Upper, VIC 3810 on the following grounds:

- The proposal is not consistent with the Municipal Planning Strategy and Planning Policy Framework, particularly Clauses 12.01 Biodiversity, 12.05 Significant Environments and Landscapes, and 21.02 Environment as the removal of native vegetation does not protect and enhance the environment.
- The proposal is not consistent with the purpose and decision guidelines of the Rural Conservation Zone as the development has not minimised impact on landscape features due to avoidable removal of native vegetation.
- The proposal is not consistent with the values, purpose, objectives and decision guidelines of the Environmental Significance Overlay (Schedule 1) as the removal of native vegetation does not protect and enhance the significant environmental and landscape values of the area.
- The proposal is not consistent with the objectives and decision guidelines of Clause 53.02 Bushfire Planning, as it has not ensured that location appropriately responds to the bushfire hazard.
- The proposal is not consistent with the purpose and decision guidelines of Clause 52.17 Native Vegetation as it results in avoidable native vegetation removal.

### Attachments

1. T220214 PA - Officer Report [5.4.1 - 18 pages]
2. T220214 PA - Locality Map [5.4.2 - 1 page]
3. T220214 PA - Plans and Documents [5.4.3 - 31 pages]

### Application Details

<b>APPLICATION NO.:</b>	T220214 PA
<b>APPLICANT:</b>	Alyce Kidgell Melbourne Garages
<b>LAND:</b>	Lot 1 LP71176, 155 Gordon Road, Pakenham Upper, VIC 3810

<b>PROPOSAL:</b>	Buildings and Works (Construction of an Outbuilding) and Native Vegetation Removal
<b>PLANNING CONTROLS:</b>	RCZ2 – Rural Conservation Zone – Schedule 2 BMO – Bushfire Management Overlay ESO1 – Environmental Significance Overlay – Schedule 1
<b>NOTIFICATION &amp; OBJECTIONS:</b>	<p>The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, by:</p> <ul style="list-style-type: none"> <li>• Sending notices to the owners and occupiers of adjoining land.</li> </ul> <p>Council has received no objections.</p> <p>New plans have subsequently been submitted without the accompaniment of a Section 57A amendment, and therefore not constituting an official amendment. These changes include:</p> <ul style="list-style-type: none"> <li>• Addition of the removal of two (2) native trees to comply with defensible space requirements.</li> <li>• Addition of a Native Vegetation Removal Report.</li> </ul> <p>The application has not been subsequently advertised, on the basis of the decision to refuse.</p>
<b>KEY PLANNING CONSIDERATIONS:</b>	<p>Appropriateness of siting and location of building</p> <p>Protection of biodiversity</p> <p>Protection of landscape and environmental values</p> <p>Management of bushfire risk</p>
<b>REASON FOR MEETING:</b>	Refusal
<b>RECOMMENDATION:</b>	Notice of Decision to Refuse to Grant a Permit

### Executive Summary

The purpose of this report is to consider an application for Buildings and Works (Construction of an Outbuilding) and Native Vegetation Removal.

The proposal is for a new domestic shed and the removal of two (2) native trees to accommodate defensible space. The site is subject to the Rural Conservation Zone (Schedule 2), Bushfire Management Overlay and Environmental Significance Overlay (Schedule 1). Clause 52.17 Native Vegetation is also a relevant planning control.

The application was amended informally post-advertising, without the submission of a Section 57A form. This was in response to Council concerns around non-compliance with the Bushfire Management Overlay and included a letter from the owners of the property providing justification for the chosen siting and proposed native vegetation removal. The proposal was not subsequently advertised based on the officer's recommendation of refusal.

The application proposes vegetation removal in an area of Zoological significance, and is inconsistent with policy regarding protection of biodiversity, landscape, bushfire planning and native vegetation management. It is for these reasons that the proposal is recommended for refusal.