

## 5.2 T220553 Use and Development of Land for the Purpose of Two Dwellings, Subdivision of Land (Boundary Realignment) and associated vegetation removal, 73 Kilvington Drive, Emerald

Responsible GM: Lili Rosic  
Author: Mary Rush

### Recommendation:

#### Notice of Decision

That Council having caused notice of Planning Application No. T220553 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit in respect of the land known and described as L1 TP296948N & L1 TP333909W, 73 Kilvington Drive, Emerald VIC 3782, for the Use and Development of Land for the Purpose of Two Dwellings, Subdivision of Land (Boundary Realignment) and associated vegetation removal generally in accordance with the endorsed plans, subject to the following conditions:

#### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### Layout not altered

2. The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

#### Notification of permit conditions

3. Before works start, the permit holder must advise all persons undertaking the vegetation removal, development or works on site of all relevant permit conditions and associated statutory requirements or approvals.

#### Subdivisions that do not require referral

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

#### Telecommunications

7. The owner of the land must enter into an agreement with:
  - i. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

- ii. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **Prior to Statement of Compliance**

9. Prior to the issue of a Statement of Compliance under the *Subdivision Act, 1988*, the following works must be completed on or to the land in accordance with plans and specifications submitted to and approved by the responsible authority:
- a. Construction of a concrete vehicle crossing to service proposed Lot 2.
  - b. Driveway access and drainage connection points must be provided to all lots.
  - c. All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.

#### **Replacement plantings required**

10. Prior to the removal of vegetation, it must be demonstrated that the vegetation approved for removal has been replaced through one of the following methods:
- a. The permit holders must prepare and submit a *Replacement Planting Plan* to compensate for the removal of vegetation approved under this permit, to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plan will be endorsed and will form part of this permit. The plan must show:
    - i. Twenty-four (24) indigenous plants are to be planted within three months of completion of development/works to compensate for the loss of six (6) non indigenous trees to the satisfaction of the responsible authority. All replacement plantings must be in accordance with any Bushfire Management Plan that may apply.
    - ii. Plantings must include a range of indigenous trees, shrubs and grasses with a minimum of one (1) canopy tree planted per every tree removed.
    - iii. A list of indigenous plant species to be used and the name of the indigenous nursery where plants will be sourced from.
    - iv. Show area of replacement planting on a site plan.
    - v. Actions and timing of all planting preparation and follow up maintenance works including tree guards and mulch.
- And/or
- b. The permit holder must purchase replacement plantings for a total of twenty-four (24) trees providing for works to be implemented offsite by council, or a combination of onsite plantings with the remainder purchased from council to the satisfaction of the

Responsible

Authority.

*Note: Replacement plantings can be purchased through Council's Environment Unit.*

### **Erection of tree protection fencing**

11. Before the development starts, tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.

### **Maintenance of tree protection fencing and exclusion of activities within fencing**

12. At all times during the carrying out of the development:
  - a. the tree protection fencing must remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites* to the satisfaction of the responsible authority.
  - b. development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing

to the satisfaction of the responsible authority.

The responsible authority may consent in writing to the variation of these requirements.

### **Colours and materials**

13. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.

### **Management of earthworks**

14. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
15. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
16. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority

### **Stormwater management**

17. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
18. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.

### **Prior to occupation of Dwelling 2**

19. Dwelling 2 must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
  - a. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained

within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- b. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the Responsible Authority.
- c. The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.
- d. The standard concrete vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority as required by Condition 3(a).
- e. All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.

### **Country Fire Authority**

20. The bushfire protection measures forming part of this 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 authorised by this permit has been completed.
21. Before the development starts, the Bushfire Management Plan prepared by Ranges Environmental, Dated 01 August 2023, Sheets 1 and 2 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

### **Commencement**

22. This permit will operate from the issued date of this permit.

### **Expiry – use and development**

23. This permit will expire if one of the following circumstances applies:
  - a. The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
  - b. A statement of compliance is not issued within 5 years of the date of certification.
  - c. The development is not started within 2 years of the issued date of this permit.
  - d. The development is not completed within 4 years of the issued date of this permit.
  - e. The use does not start within 2 years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### **Permit notes**

- CFA notes the variation to Table 6 requirements of Clause 53.02-5 of the Cardinia Planning Scheme and can accept the variation for the clumping of trees 11-14. CFA note that no vacant lots will be created as a result of the subdivision and development, and therefore does not require the Mandatory Condition of Clause 44.06-5 of the Cardinia Planning Scheme.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

### **Attachments**

1. T220553 PA-plans assessed

2. T220553 PA - Council Report 5.2.2 - 17 pages
3. CONFIDENTIAL REDACTED - T20553 PA - Copies of objections 5.1.3

### Application Details

|                                       |   |
|---------------------------------------|---|
| <b>APPLICATION NO.:</b>               | T220553   |
| <b>APPLICANT:</b>                     | Emma Whitehead  |
| <b>LAND:</b>                          | L1 TP296948N & L1 TP333909W<br>73 Kilvington Drive, Emerald VIC 3782  |
| <b>PROPOSAL:</b>                      | Use and Development of Land for the Purpose of Two (2) Dwellings, Subdivision of Land (Re-subdivision) and associated vegetation removal.   |
| <b>PLANNING CONTROLS:</b>             | Zone:<br>- LDRZ2 - Low Density Residential Zone - Schedule 2<br>Overlays:<br>- BMO - Bushfire Management Overlay<br>- VPO1 - Vegetation Protection Overlay - Schedule 1<br>- DD01 - Design and Development Overlay - Schedule 1 |
| <b>NOTIFICATION &amp; OBJECTIONS:</b> | Notice of the application was given pursuant to Section 52 of the <i>Planning an Environment Act 1987</i> .<br>To date, Council has received four (4) objections.   |
| <b>KEY PLANNING CONSIDERATIONS:</b>   | <ol style="list-style-type: none"> <li>1. Impact on landscape character due to removal of vegetation and proposed development.</li> <li>2. Treatment of wastewater and drainage impacts</li> </ol>                              |
| <b>REASON FOR MEETING:</b>            | The application has received over 4 objections  |
| <b>RECOMMENDATION:</b>                | Notice of Decision to Grant a Permit  |

### Executive Summary

The purpose of this report is to consider an application at 73 Kilvington Drive, Emerald for the Use and Development of Land for the Purpose of Two (2) Dwellings, Subdivision of Land (Re-subdivision) and associated vegetation removal.

An assessment against the relevant policy that applies to the subject site supports the proposed re-subdivision, use and development at the scale proposed and that the proposal achieves the outcomes sought by policy.

The proposed development provides for a range of dwelling types and urban consolidation without impacting environmentally sensitive areas. The built form presents appropriately to the street and is consistent with the low density residential character of Kilvington Drive.

An assessment of the relevant policy has identified that the proposal provided an appropriate response, and as such the application should be supported subject to general and site specific conditions. It is considered that on balance the proposal is suitable for this location and should be supported.

### **Relevance to Council Plan**

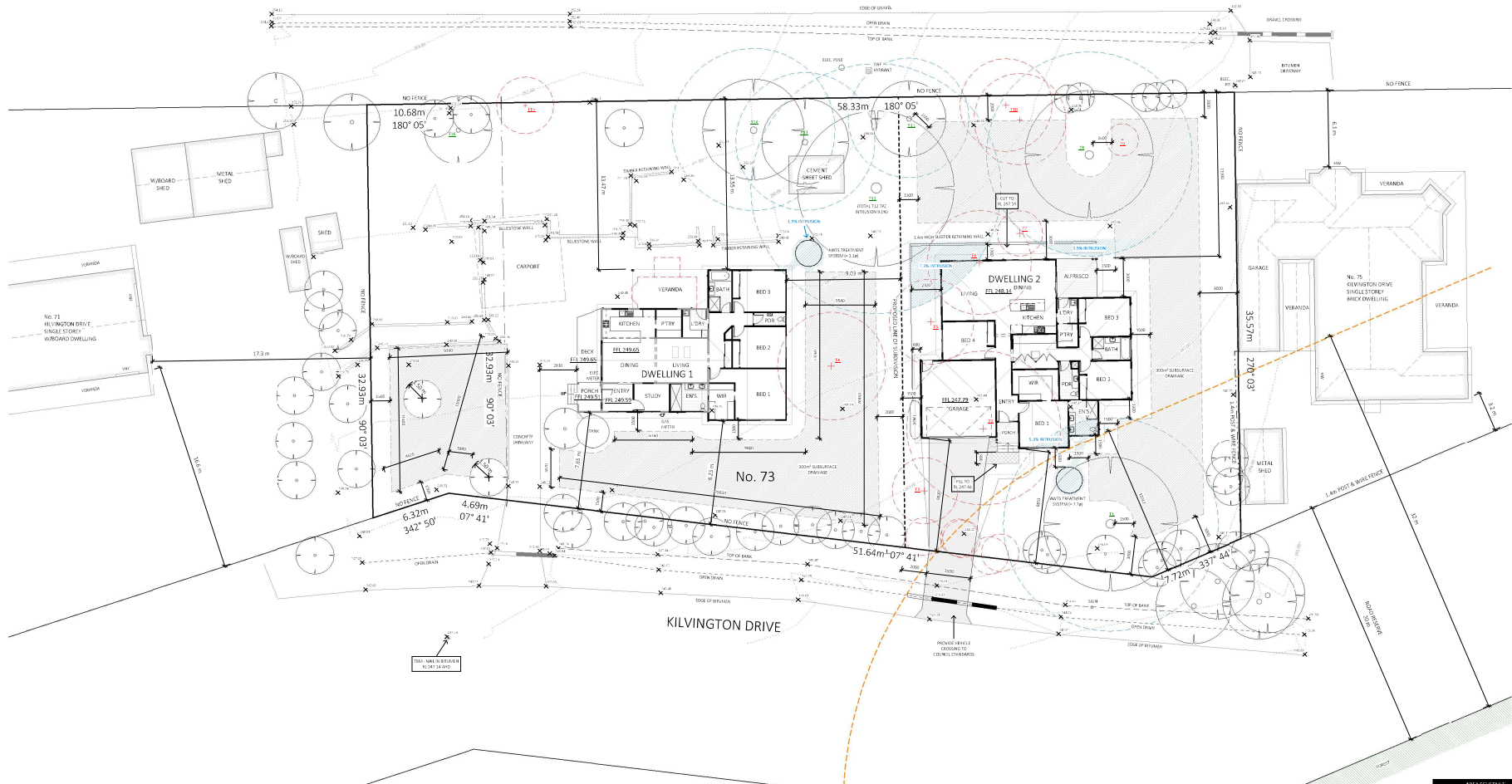
#### **5.1 We practise responsible leadership**

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

**PRELIMINARY**  
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RAWHITI ROAD



**FILE DETAILS AS PER RANGERS ENVIRONMENTAL CONSULTING TREE ASSESSMENT REPORT**

| NUMBER | GENUS SPECIES          | COMMON NAME       | DBH @ 1.3m | HEIGHT | FORM                          | SPREAD | CONDITION | RECOMMENDATION |
|--------|------------------------|-------------------|------------|--------|-------------------------------|--------|-----------|----------------|
| 1      | poecybe rubrum         | BED MARBLE        | 0.71       | 8.52   | RETAIN, 5-15% TREE INTERUSION |        | REMOVED   |                |
| 2      | laurostima styraciflua | LAUROSTIMA        | 0.87       | 8.88   | REMOVED                       |        | REMOVED   |                |
| 3      | acacia sp.             | MAPLE             | 0.76       | 10.00  | REMOVED                       |        | REMOVED   |                |
| 4      | laurostima styraciflua | LAUROSTIMA        | 0.52       | 7.86   | REMOVED                       |        | REMOVED   |                |
| 5      | laurostima styraciflua | LAUROSTIMA        | 0.65       | 7.40   | REMOVED                       |        | REMOVED   |                |
| 6      | laurostima styraciflua | LAUROSTIMA        | 0.55       | 6.80   | REMOVED                       |        | REMOVED   |                |
| 7      | acacia sp.             | MAPLE             | 0.74       | 11.80  | REMOVED                       |        | REMOVED   |                |
| 8      | laurostima styraciflua | LAUROSTIMA        | 0.68       | 8.16   | RETAIN, 10% TREE INTERUSION   |        | REMOVED   |                |
| 9      | ericaria acuminata     | CORONATION WHEAT  | 0.17       | 1.56   | REMOVED                       |        | REMOVED   |                |
| 10     | excelsiora fulvata     | RED FLOWERING GUM | 0.49       | 5.48   | REMOVED                       |        | REMOVED   |                |
| 11     | delonix reginaria      | PINK BIRCH        | 0.40       | 4.80   | REMOVED                       |        | REMOVED   |                |
| 12     | laurostima styraciflua | LAUROSTIMA        | 0.58       | 7.76   | RETAIN, 5-15% TREE INTERUSION |        | REMOVED   |                |
| 13     | acacia sp.             | MAPLE             | 0.46       | 5.57   | RETAIN                        |        | REMOVED   |                |
| 14     | ericaria fulvata       | WITOL             | 0.48       | 4.88   | RETAIN                        |        | REMOVED   |                |
| 15     | hakea salicifolia      | WILLOW HAKEA      | 0.30       | 3.80   | REMOVED                       |        | REMOVED   |                |
| 16     | ericaria acuminata     | RECKONWOOD        | 0.18       | 1.32   | REMOVED                       |        | REMOVED   |                |

THESE PLANS ARE TO BE READ IN ACCORDANCE WITH THE ACCOMPANYING BUSHFIRE MANAGEMENT ASSESSMENT AND TREE ASSESSMENT REPORT PREPARED BY RANGERS ENVIRONMENTAL CONSULTING

THESE PLANS ARE TO BE READ IN ACCORDANCE WITH THE ACCOMPANYING CARPORT PREPARED BY CIVIL TEST REPORT No. 1-18-027

DATE OF SURVEY: 15/01/2023  
PLAN OF SURVEY PREPARED BY: RANGERS ENVIRONMENTAL CONSULTING

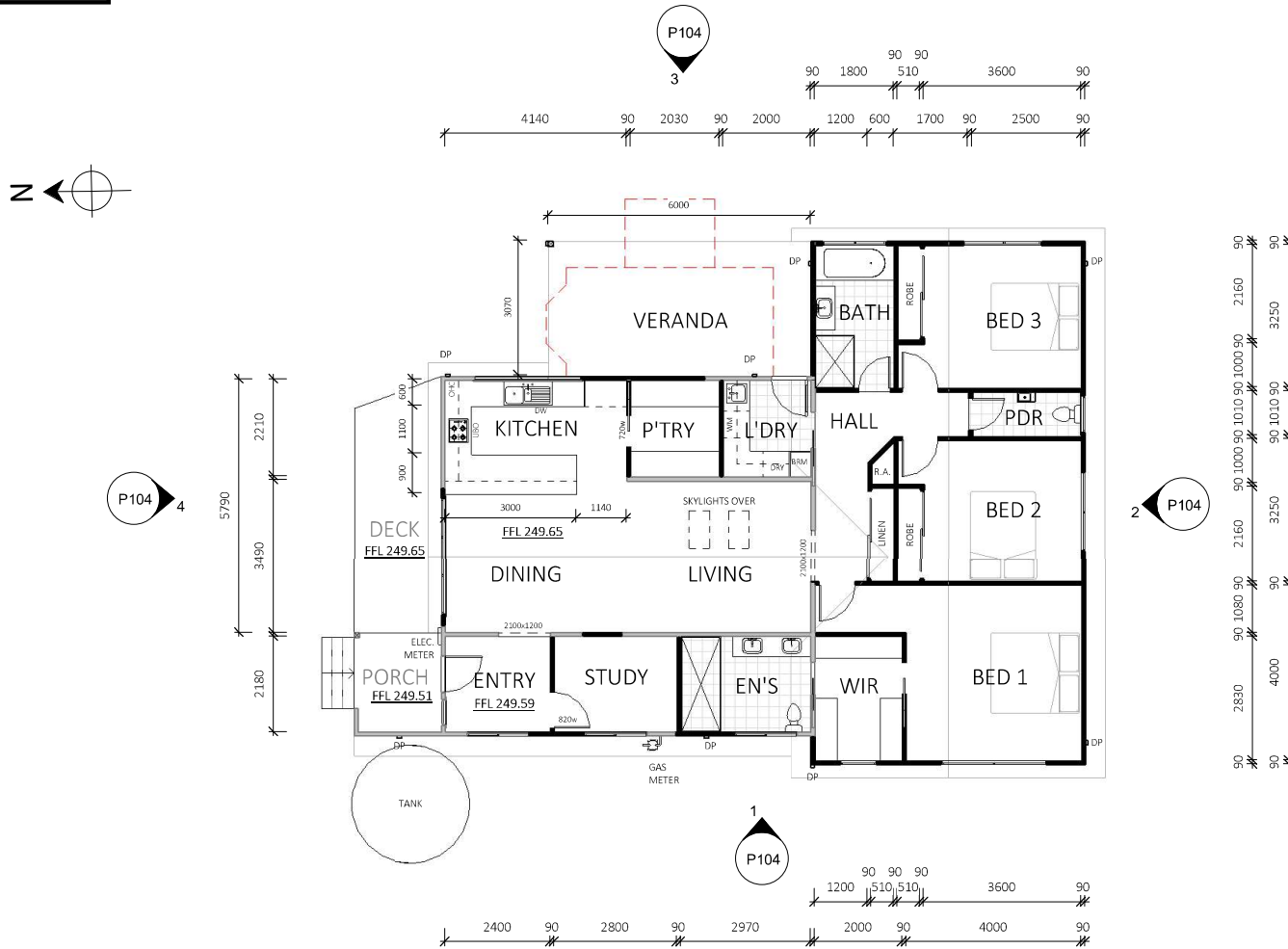
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| 01  | PRELIMINARY CONCEPT PLAN | 01/01/2023 |
| 02  | PRELIMINARY CONCEPT PLAN | 01/01/2023 |
| 03  | PRELIMINARY CONCEPT PLAN | 01/01/2023 |
| 04  | PRELIMINARY CONCEPT PLAN | 01/01/2023 |

**AREA SCHEDULE**

| AREA                               | AREA                        |
|------------------------------------|-----------------------------|
| 01 - EXISTING CARPORT              | 46.4 m <sup>2</sup>         |
| 02 - EXISTING DRIVE                | 11.0 m <sup>2</sup>         |
| 03 - EXISTING DWELLING             | 70.3 m <sup>2</sup>         |
| 04 - EXISTING FENCE                | 4.7 m <sup>2</sup>          |
| 05 - PROPOSED ROOF GING            | 74.2 m <sup>2</sup>         |
| 06 - PROPOSED VERANDA              | 58.4 m <sup>2</sup>         |
| 07 - AS PAVED                      | 9.9 m <sup>2</sup>          |
| 08 - FENCE                         | 80.2 m <sup>2</sup>         |
| 09 - GARAGE                        | 36.4 m <sup>2</sup>         |
| 10 - FENCE                         | 2.9 m <sup>2</sup>          |
| <b>SITE AREA - D1</b>              | <b>304.8 m<sup>2</sup></b>  |
| <b>SITE AREA - D2</b>              | <b>99.0 m<sup>2</sup></b>   |
| <b>SITE AREA TOTAL</b>             | <b>2399.5 m<sup>2</sup></b> |
| <b>SITE COVERAGE - D1</b>          | <b>214.1 m<sup>2</sup></b>  |
| <b>SITE COVERAGE - D2</b>          | <b>215.9 m<sup>2</sup></b>  |
| <b>SITE COVERAGE TOTAL (D1/D2)</b> | <b>429.9 m<sup>2</sup></b>  |

|  |   |  |   |
|--|---|--|---|
| <p>DATE: 15/01/2023</p> <p>PROJECT: PROPOSED DEVELOPMENT<br/>73 KILINGTON DRIVE, EMERALD</p> <p>CLIENT: LIESCHONEK-PRIDE &amp; WHITEHEAD</p> | <p>THIS DOCUMENT IS PREPARED BY DS BUILDING DESIGN. IT MAY NOT BE REPRODUCED OR COPIED WITHOUT WRITTEN CONSENT FROM DS BUILDING DESIGN.</p> <p>DS BUILDING DESIGN</p> | <p>A.S.N. 80 200 104 00<br/>PO BOX 676, EMERALD VIC 3763<br/>03 598 1512<br/>4444 4444@dsbuildingdesign.com.au</p> <p>SHEET TITLE: SITE PLAN</p> <p>PROJECT NO.: 20235<br/>DATE: 15/01/2023</p> <p>SCALE: @ 1:1100</p> | <p>SHEET NO.: 11</p> <p>PROJECT NO.: P002</p> |
|--|---|--|---|

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| REV | DESCRIPTION                               | DATE       |
|-----|---|------------|
| 9   | D1 IRRIGATION FIELD UPDATED               | 03/11/2022 |
| 10  | D1 STUDY REMOVED                          | 02/03/2023 |
| 11  | D1 IRRIGATION FIELD REVISED & STUDY ADDED | 18/05/2023 |
| 12  | DWELLING 2 REVISED                        | 13/07/2023 |
| 13  | DWELLING 2 REVISED                        | 26/07/2023 |

PROJECT: **PROPOSED DEVELOPMENT  
73 KILVINGTON DRIVE, EMERALD**

CLIENT: **L JESCHONEK-PRIDE & E WHITEHEAD**

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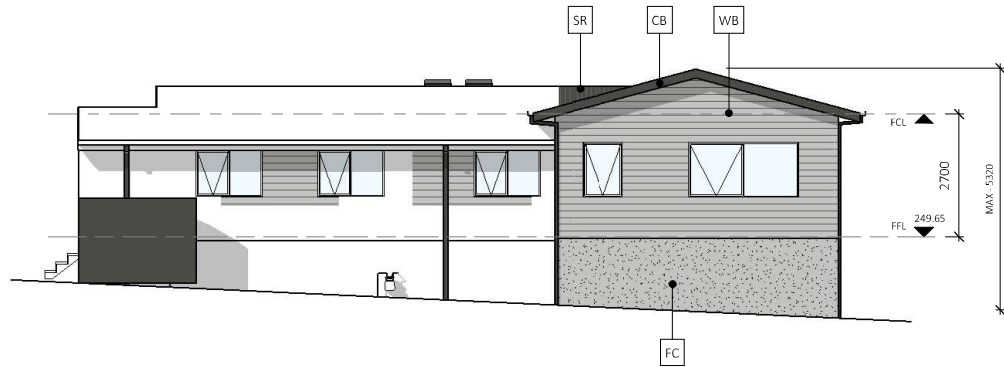
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|---------------------------------|--------------------------|
| <b>D1 - PROPOSED FLOOR PLAN</b> |                          |
| PROJECT No.: 20105              | PROJECT DATE: 16/11/2020 |
| DWN BY: DS                      | SCALE @ A3: 1:100        |

| REVISION: 13           |
|------------------------|
| SHEET No.: <b>P102</b> |

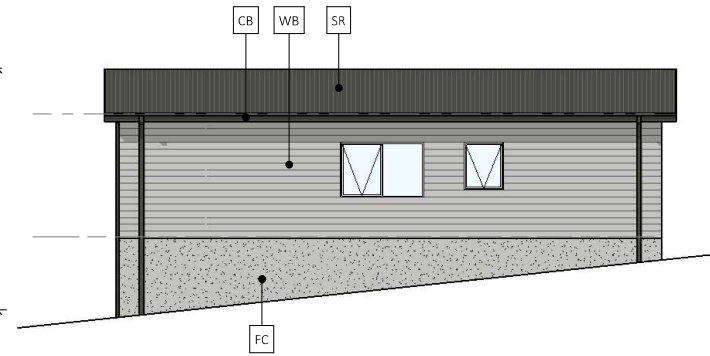
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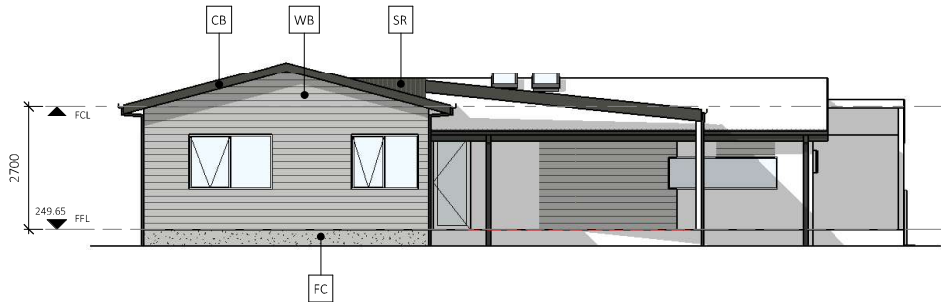
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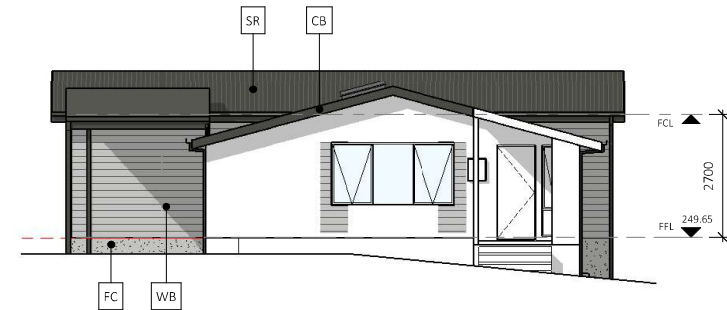
**ELEVATION 1 - WEST (D1)**  
SCALE 1 : 100



**ELEVATION 2 - SOUTH (D1)**  
SCALE 1 : 100



**ELEVATION 3 - EAST (D1)**  
SCALE 1 : 100



**ELEVATION 4 - NORTH (D1)**  
SCALE 1 : 100

| MATERIAL SCHEDULE |  |
|-------------------|--|
| CB                | COLORBOND FASCIAS, GUTTERS & DOWNPIPES - WOODLAND GREY |
| FC                | FIBRE CEMENT SHEET SUBFLOOR CLADDING - LIGHT GREY      |
| SR                | CORRUGATED COLORBOND ROOF - WOODLAND GREY              |
| WB                | SELECTED WEATHERBOARDS - LIGHT GREY                    |

| REV | DESCRIPTION                               | DATE       |
|-----|---|------------|
| 9   | D1 IRRIGATION FIELD UPDATED               | 03/11/2022 |
| 10  | D1 STUDY REMOVED                          | 02/03/2023 |
| 11  | D1 IRRIGATION FIELD REVISED & STUDY ADDED | 18/05/2023 |
| 12  | DWELLING 2 REVISED                        | 13/07/2023 |
| 13  | DWELLING 2 REVISED                        | 26/07/2023 |

PROJECT: **PROPOSED DEVELOPMENT  
73 KILVINGTON DRIVE, EMERALD**

CLIENT: **L JESCHONEK-PRIDE & E WHITEHEAD**

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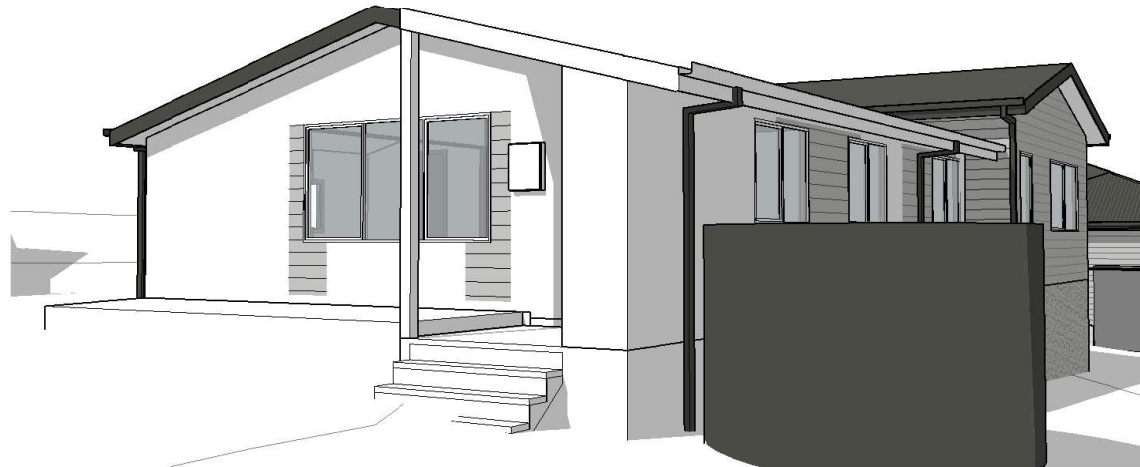
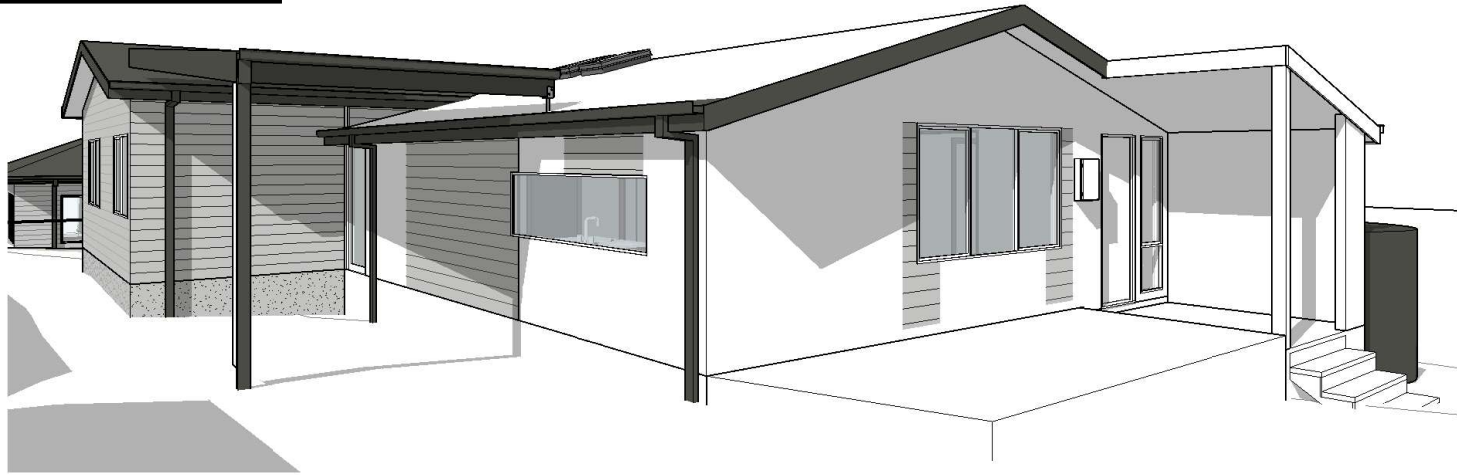
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| SHEET TITLE:<br><b>D1 - ELEVATIONS</b> |                          |
|--|--------------------------|
| PROJECT No.: 20105                     | PROJECT DATE: 16/11/2020 |
| DWN BY: DS                             | SCALE @ A3: 1 : 100      |

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| 10  | D1 STUDY REMOVED                          | 02/03/2023 |
| 11  | D1 IRRIGATION FIELD REVISED & STUDY ADDED | 18/05/2023 |
| 12  | DWELLING 2 REVISED                        | 13/07/2023 |
| 13  | DWELLING 2 REVISED                        | 26/07/2023 |

PROJECT: **PROPOSED DEVELOPMENT**  
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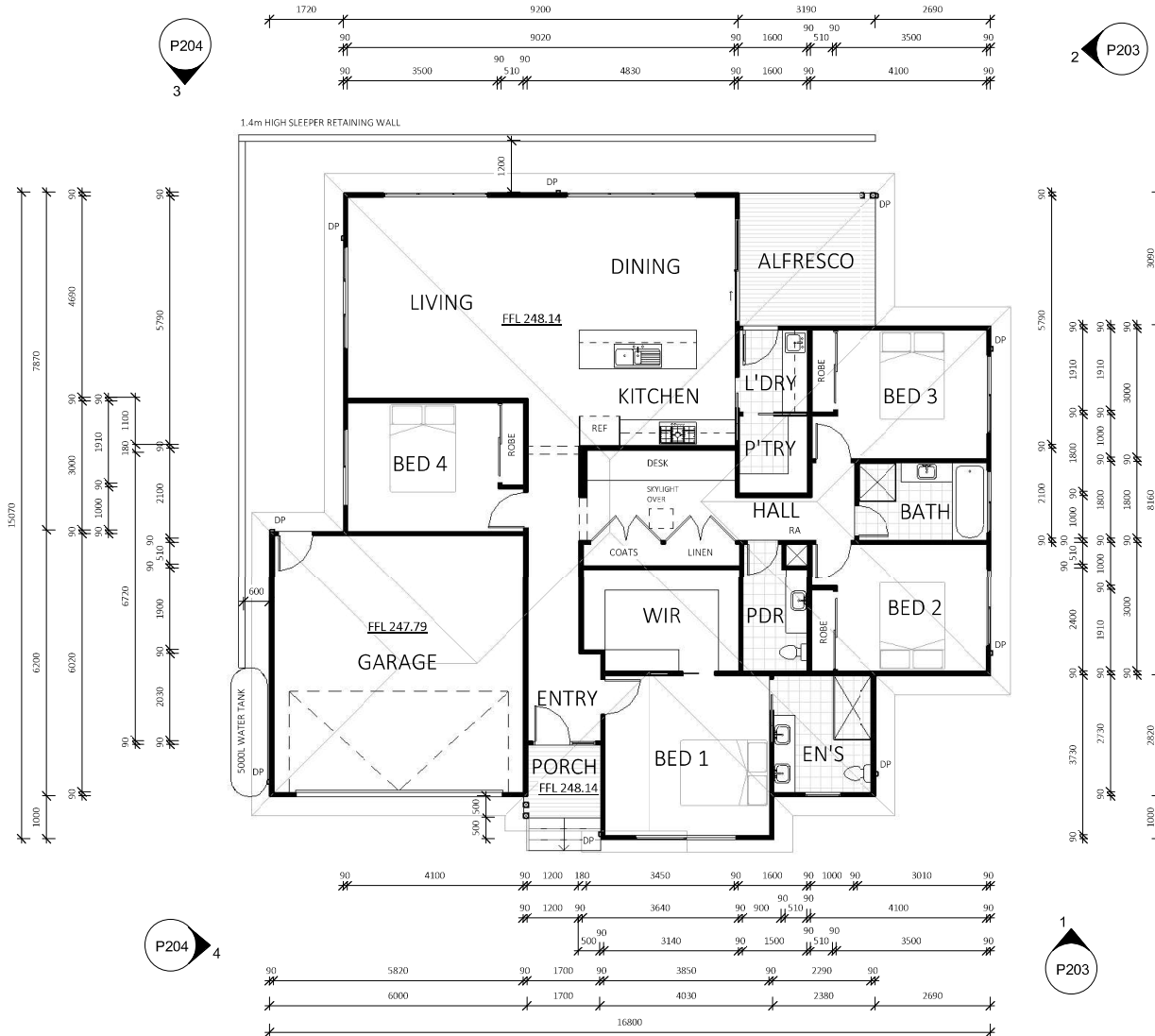
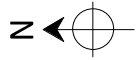
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|---|--------------------------|
| SHEET TITLE:<br><b>D1 - PERSPECTIVE VIEWS</b> |                          |
| PROJECT No.: 20105                            | PROJECT DATE: 16/11/2020 |
| DWN BY: DS                                    | SCALE @ A3:              |

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|---------------------------|
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SHEET TITLE: **D2 - FLOOR PLAN**

PROJECT No.: 20105      PROJECT DATE: 16/11/2020

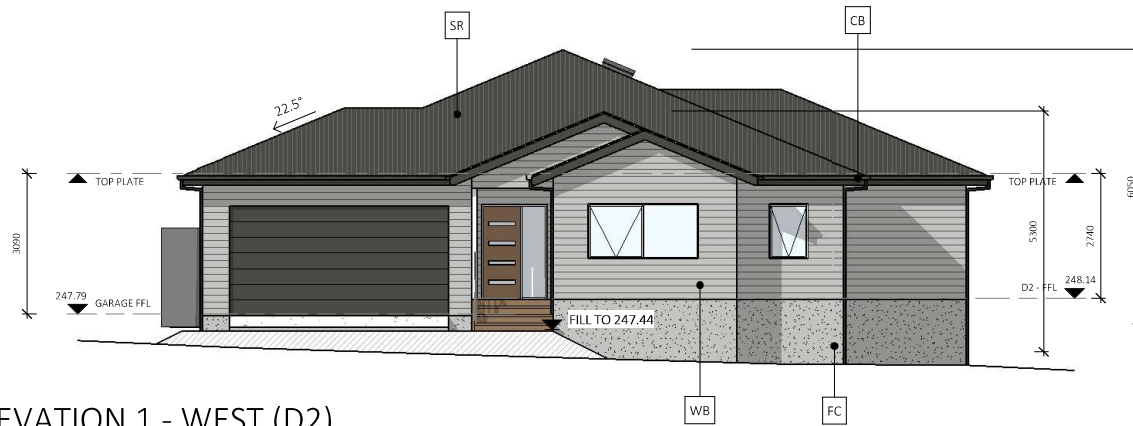
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REVISION: 13

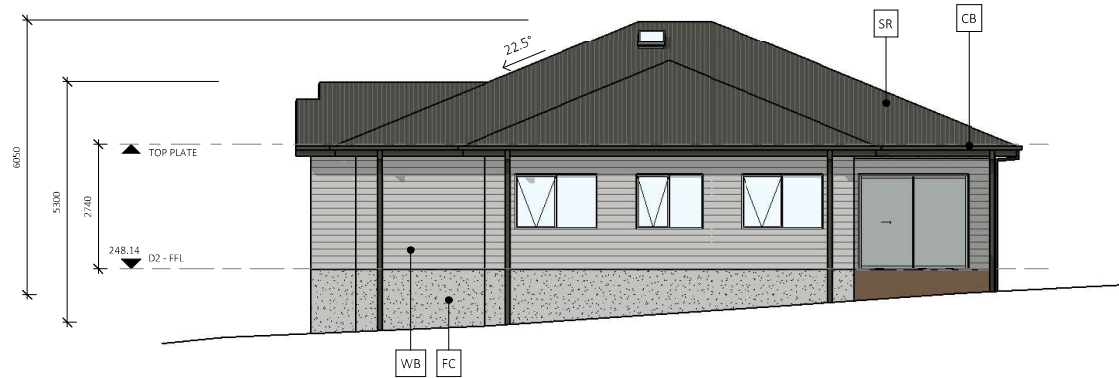
SHEET No.: **P201**

DATE PRINTED: 1/08/2023 9:07:02 AM

**PRELIMINARY  
NOT FOR CONSTRUCTION**



**ELEVATION 1 - WEST (D2)**  
SCALE 1:100



**ELEVATION 2 - SOUTH (D2)**  
SCALE 1:100

| MATERIAL SCHEDULE |  |  |
|-------------------|--|--|
| CB                | COLORBOND FASCIAS, GUTTERS & DOWNPIPES - WOODLAND GREY |  |
| FC                | FIBRE CEMENT SHEET SUBFLOOR CLADDING - LIGHT GREY      |  |
| SR                | CORRUGATED COLORBOND ROOF - WOODLAND GREY              |  |
| WB                | SELECTED WEATHERBOARDS - LIGHT GREY                    |  |

| REV | DESCRIPTION                               | DATE       |
|-----|---|------------|
| 9   | D1 IRRIGATION FIELD UPDATED               | 03/11/2022 |
| 10  | D1 STUDY REMOVED                          | 02/03/2023 |
| 11  | D1 IRRIGATION FIELD REVISED & STUDY ADDED | 18/05/2023 |
| 12  | DWELLING 2 REVISED                        | 13/07/2023 |
| 13  | DWELLING 2 REVISED                        | 26/07/2023 |

PROJECT: **PROPOSED DEVELOPMENT  
73 KILVINGTON DRIVE, EMERALD**

CLIENT: **L JESCHONEK-PRIDE & E WHITEHEAD**

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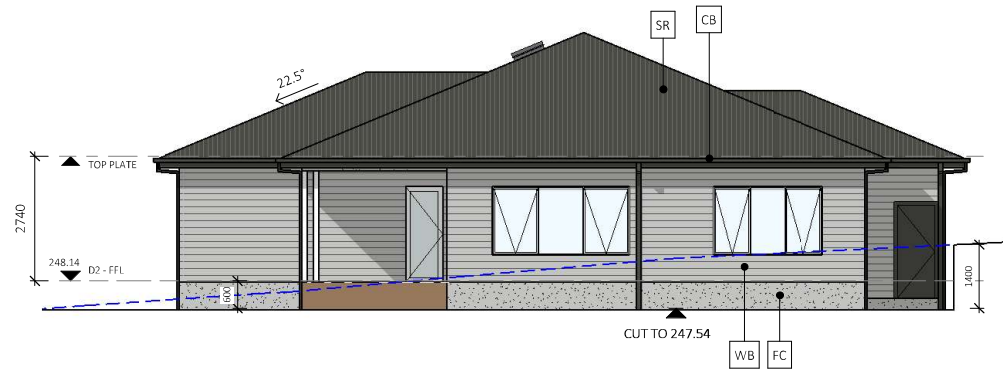
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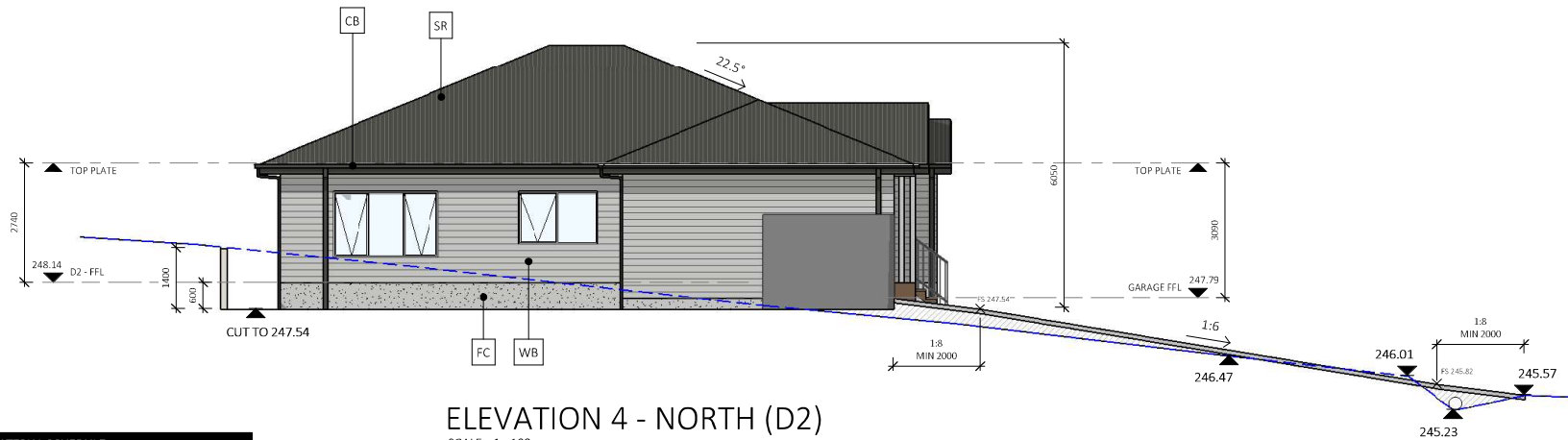
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|--|--------------------------|--------------|
| SHEET TITLE:<br><b>D2 - ELEVATIONS 1 &amp; 2</b> |                          | REVISION: 13 |
| PROJECT No.: 20105                               | PROJECT DATE: 16/11/2020 | SHEET No.:   |
| DWN BY: DS                                       | SCALE @ A3: 1:100        | <b>P203</b>  |

DATE PRINTED: 1/08/2023 9:07:08 AM

**PRELIMINARY  
NOT FOR CONSTRUCTION**



**ELEVATION 3 - EAST (D2)**  
SCALE 1 : 100



**ELEVATION 4 - NORTH (D2)**  
SCALE 1 : 100

| MATERIAL SCHEDULE |  |
|-------------------|--|
| CB                | COLORBOND FASCIAS, GUTTERS & DOWNPIPES - WOODLAND GREY |
| FC                | FIBRE CEMENT SHEET SUBFLOOR CLADDING - LIGHT GREY      |
| SR                | CORRUGATED COLORBOND ROOF - WOODLAND GREY              |
| WB                | SELECTED WEATHERBOARDS - LIGHT GREY                    |

| REV | DESCRIPTION                               | DATE       |
|-----|---|------------|
| 9   | D1 IRRIGATION FIELD UPDATED               | 03/11/2022 |
| 10  | D1 STUDY REMOVED                          | 02/03/2023 |
| 11  | D1 IRRIGATION FIELD REVISED & STUDY ADDED | 18/05/2023 |
| 12  | DWELLING 2 REVISED                        | 13/07/2023 |
| 13  | DWELLING 2 REVISED                        | 26/07/2023 |

PROJECT: **PROPOSED DEVELOPMENT  
73 KILVINGTON DRIVE, EMERALD**

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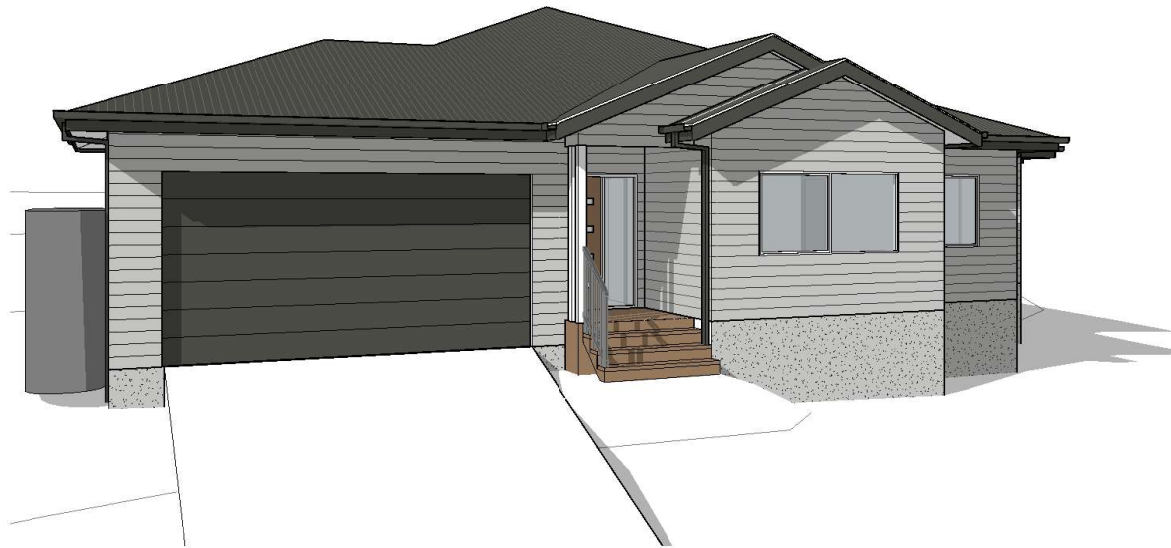
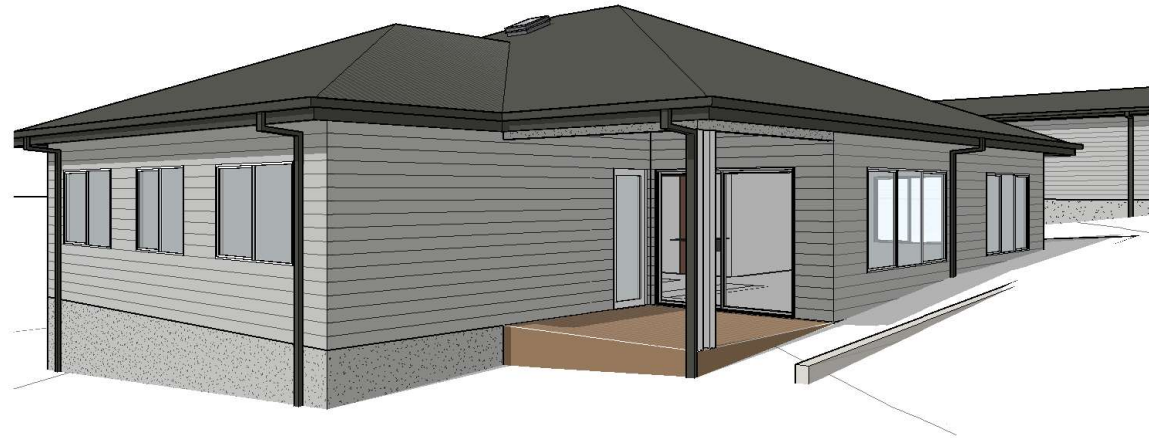
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|  |                          |
|--|--------------------------|
| SHEET TITLE:<br><b>D2 - ELEVATIONS 3 &amp; 4</b> |                          |
| PROJECT No.: 20105                               | PROJECT DATE: 16/11/2020 |
| DWN BY: DS                                       | SCALE @ A3: 1 : 100      |

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| REVISION: 13           |
| SHEET No.: <b>P204</b> |

DATE PRINTED: 1/08/2023 9:07:12 AM

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NOT FOR CONSTRUCTION**



| REV | DESCRIPTION                               | DATE       |
|-----|---|------------|
| 9   | D1 IRRIGATION FIELD UPDATED               | 03/11/2022 |
| 10  | D1 STUDY REMOVED                          | 02/03/2023 |
| 11  | D1 IRRIGATION FIELD REVISED & STUDY ADDED | 18/05/2023 |
| 12  | DWELLING 2 REVISED                        | 13/07/2023 |
| 13  | DWELLING 2 REVISED                        | 26/07/2023 |

PROJECT: **PROPOSED DEVELOPMENT  
73 KILVINGTON DRIVE, EMERALD**

CLIENT: **L JESCHONEK-PRIDE & E WHITEHEAD**

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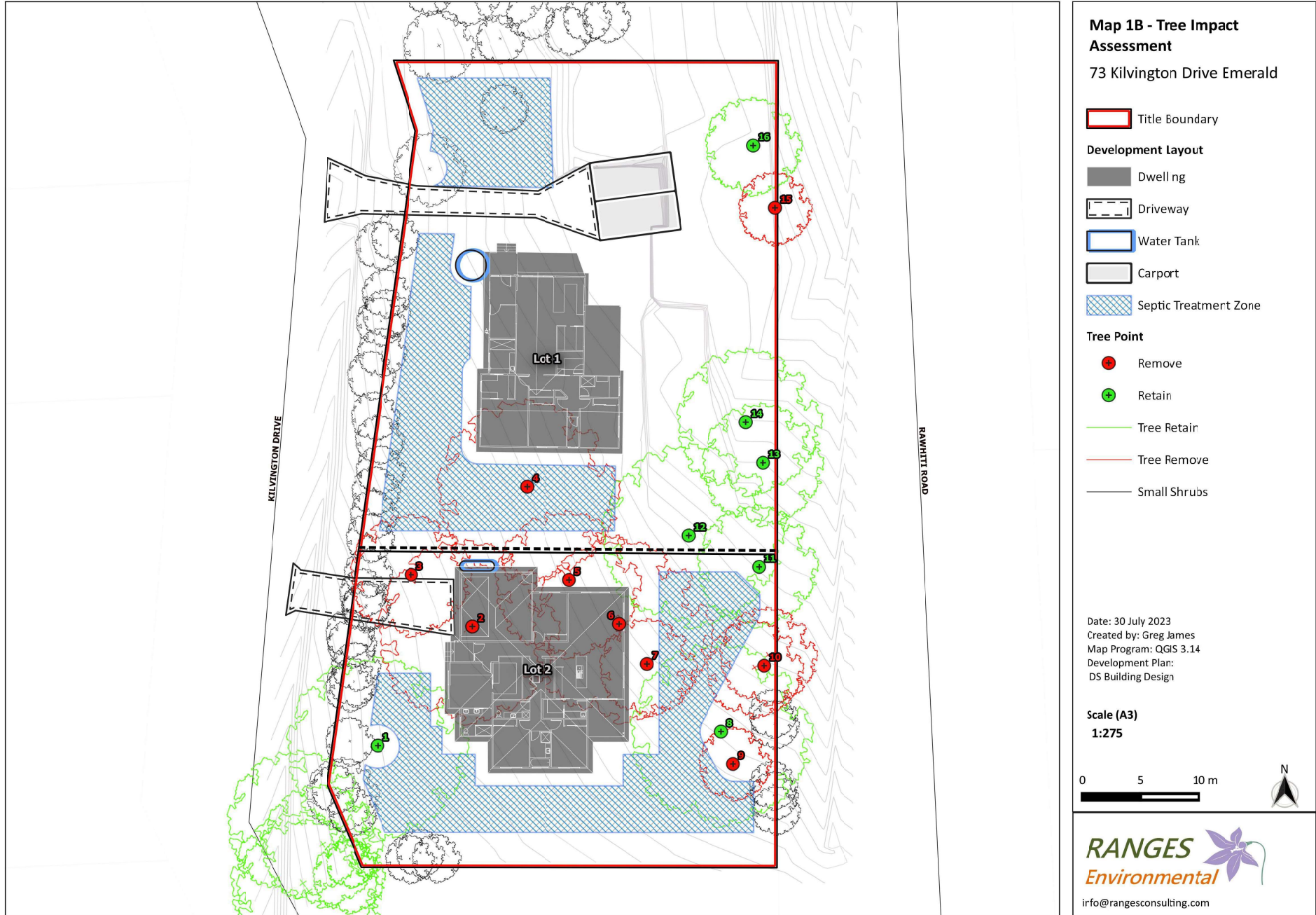
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|   |                          |
|---|--------------------------|
| SHEET TITLE:<br><b>D2 - PERSPECTIVE VIEWS</b> |                          |
| PROJECT No.: 20105                            | PROJECT DATE: 16/11/2020 |
| DWN BY: DS                                    | SCALE @ A3:              |

|                        |
|------------------------|
| REVISION: 13           |
| SHEET No.: <b>P205</b> |

DATE PRINTED: 1/08/2023 9:07:15 AM



### Bushfire Management Plan - 2 Lot Subdivision

73 Kilvington Drive Emerald

Sheet 1 of 2

#### Construction Standard (Lots 1 and 2)

Dwellings are to be designed and constructed to a minimum AS-3959 Bushfire Attack Level of BAL 29

#### Defendable Space (Lots 1 and 2)

Defendable Space is applied to the entire subdivision where vegetation and other flammable materials must be managed in accordance with the following:

1. Grass must be short cropped and maintained during the declared fire danger period.
2. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
3. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
4. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
5. Shrubs must not be located under the canopy of trees.
6. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
7. Trees must: not overhang or touch any elements of the building.
8. The canopy of trees must be separated by at least 5 metres, except as shown on Sheet 2 of this plan
9. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

#### Access Requirements (Lot 1 Only)

The following design and construction requirements apply:

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

#### Water Supply Requirements

Lot 1

A 10,000 litre water supply tank is to be provided for each dwelling. The water supply is to:

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

Lot 2

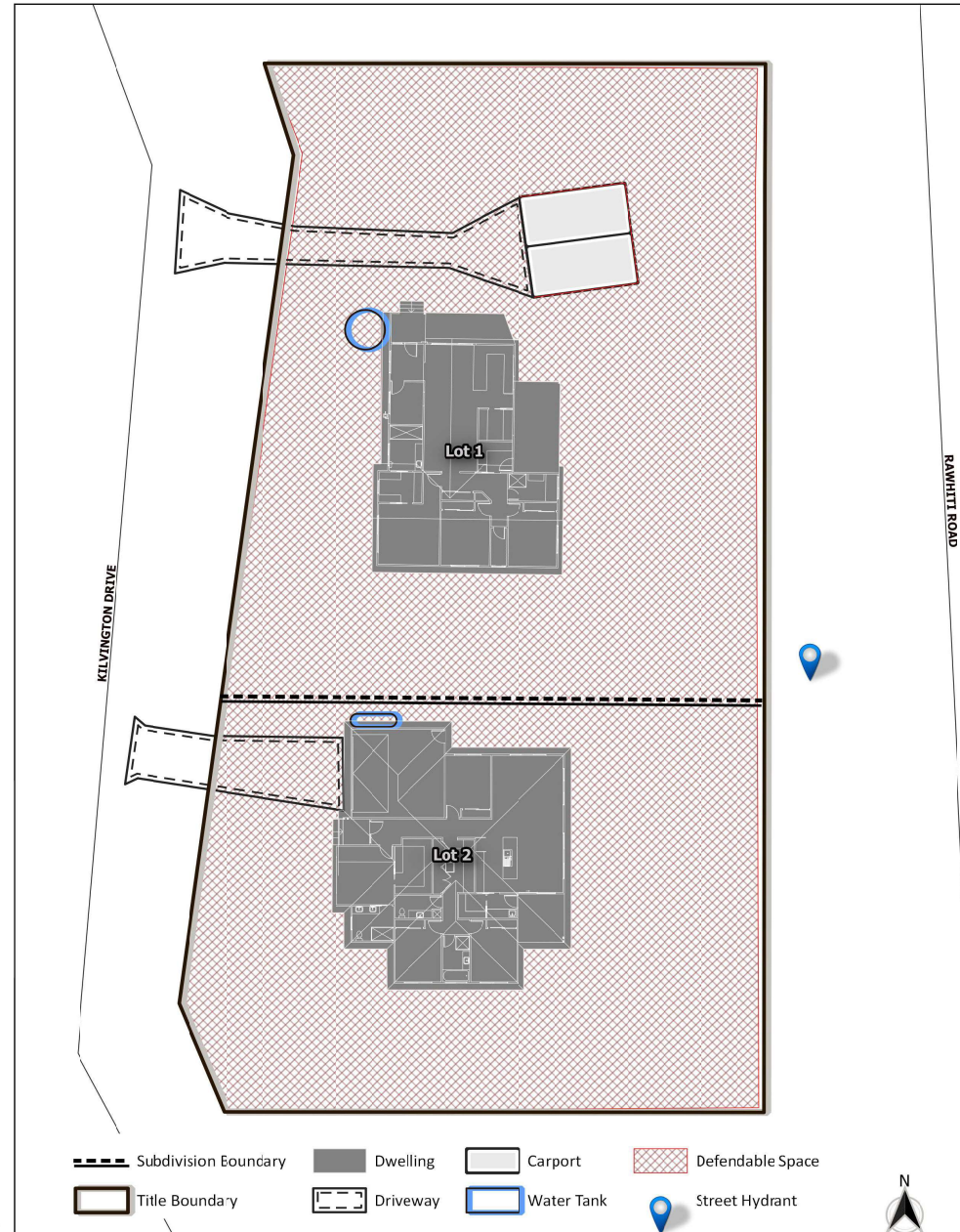
A 5,000 litre water supply tank is to be provided for each dwelling. The water supply is to:

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



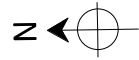
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1:290

Date: 01 August 2023  
Created by: Greg James  
Map Program: QGIS 3.20

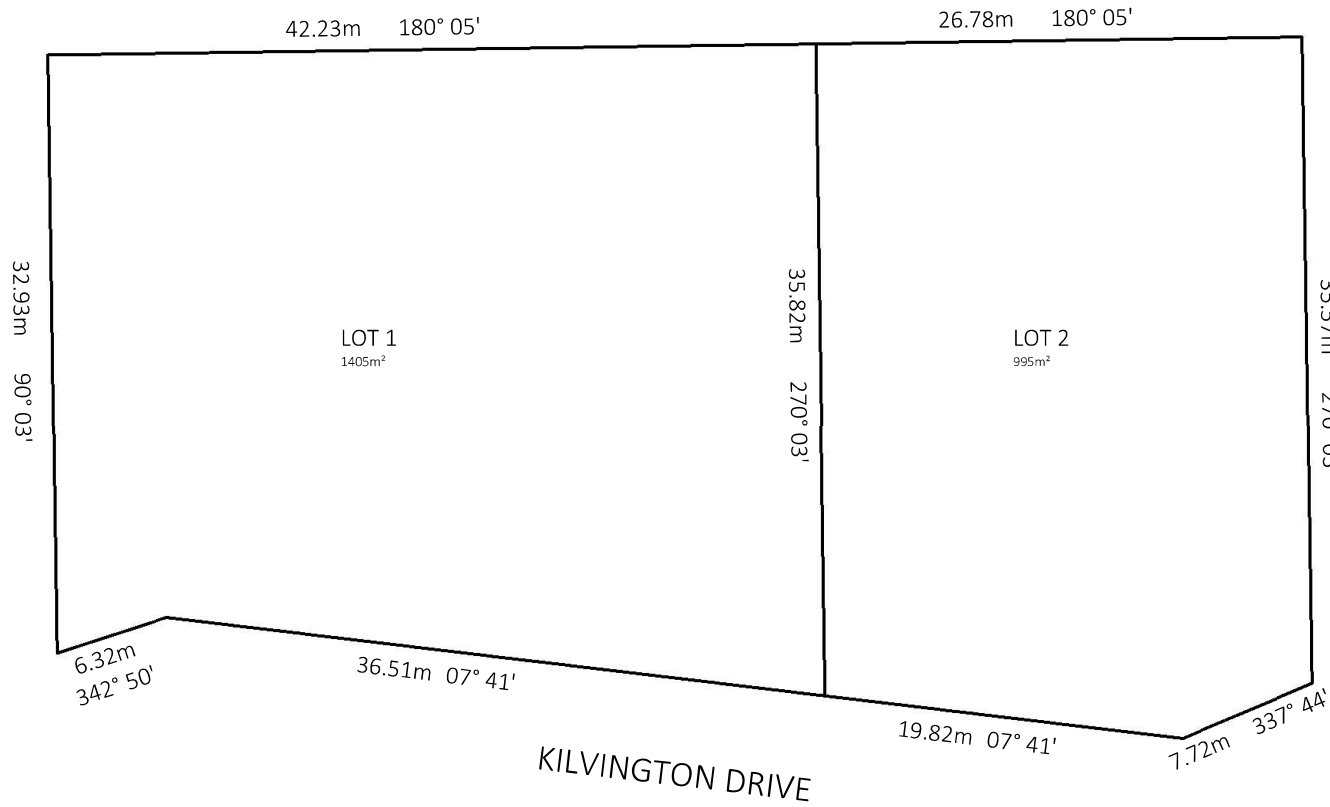




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RAWHITI ROAD



| REV | DESCRIPTION                               | DATE       |
|-----|---|------------|
| 9   | D1 IRRIGATION FIELD UPDATED               | 03/11/2022 |
| 10  | D1 STUDY REMOVED                          | 02/03/2023 |
| 11  | D1 IRRIGATION FIELD REVISED & STUDY ADDED | 18/05/2023 |
| 12  | DWELLING 2 REVISED                        | 13/07/2023 |
| 13  | DWELLING 2 REVISED                        | 26/07/2023 |

PROJECT: **PROPOSED DEVELOPMENT**  
**73 KILVINGTON DRIVE, EMERALD**

CLIENT: **L JESCHONEK-PRIDE & E WHITEHEAD**

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SHEET TITLE: **PROPOSED BOUNDARY RE-ALIGNMENT**

PROJECT No.: 20105      PROJECT DATE: 16/11/2020

DWN BY: DS      SCALE @ A3: 1 : 250

REVISION: 13  
SHEET No.:  
**P004**

DATE PRINTED: 1/08/2023 9:06:43 AM

**Bushfire Management Plan - 2 Lot Subdivision**

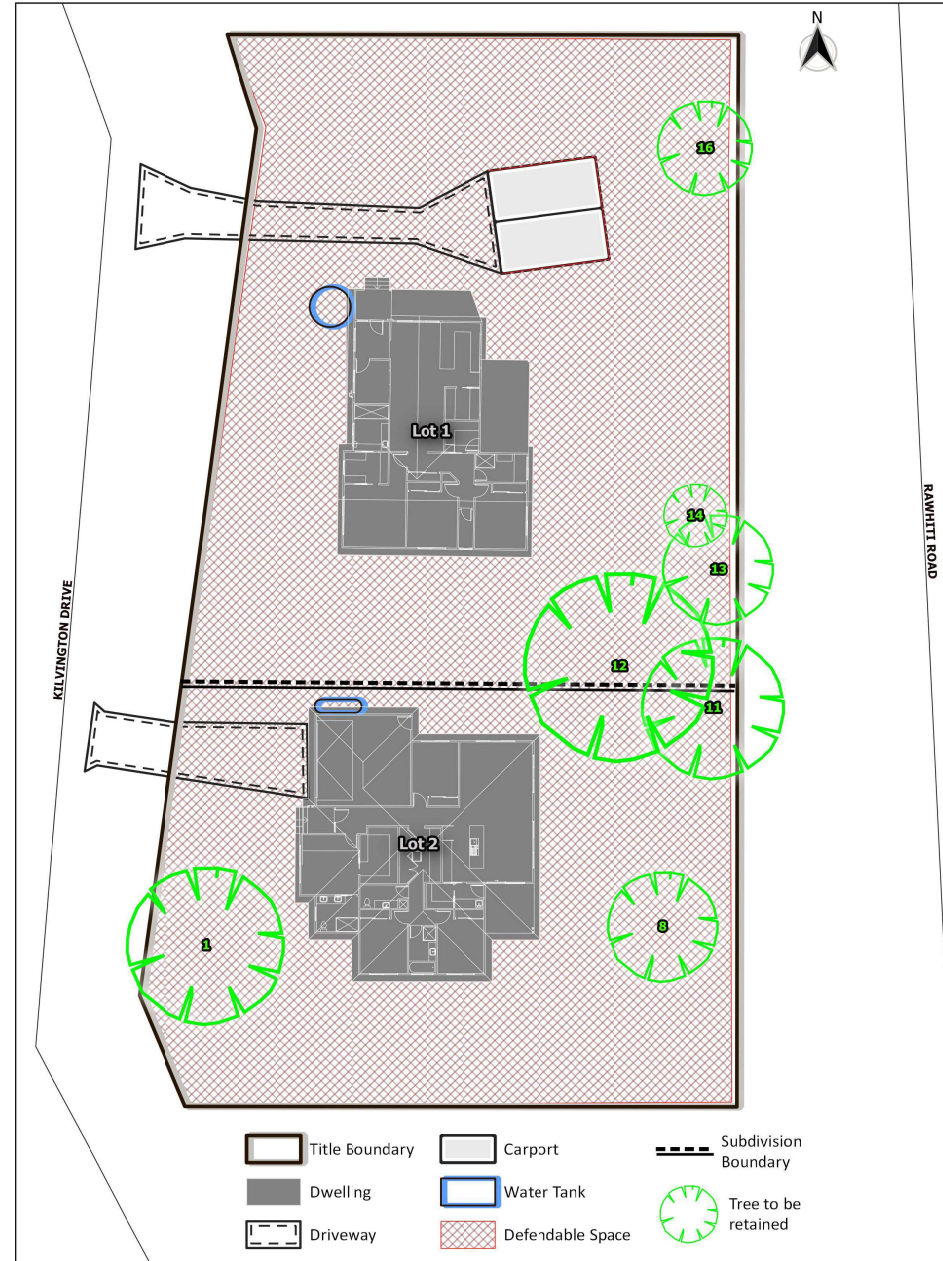
73 Kilvington Drive Emerald

Sheet 2 of 2

**Proposed Retention of Low-flamability Trees**

| No. | Origin                      | Species                   | Common Name | DBH (cm) | Height (m) | Spread (m) | TPZ (m) | Health |
|-----|-----------------------------|---------------------------|-------------|----------|------------|------------|---------|--------|
| 1   | Exotic                      | (Acer palmatum)           | Red Maple   | 71       | 20-25m     | 10         | 8.52    | Fair   |
| 8   | Exotic                      | (Liquidambar styraciflua) | Liquidamber | 68       | 25-30m     | 7          | 8.16    | Fair   |
| 11  | Exotic                      | (Betula papyrifera)       | Paper Birch | 40       | 5-10m      | 9          | 4.80    | Fair   |
| 12  | Exotic                      | (Liquidambar styraciflua) | Liquidamber | 83       | 20-25m     | 12         | 9.96    | Fair   |
| 13  | Exotic                      | (Acer sp.)                | Maple       | 46       | 5-10m      | 7          | 5.52    | Fair   |
| 14  | Australian Native           | *Grevillea robusta        | Silky Oak   | 54       | 25-30m     | 4          | 6.48    | Good   |
| 16  | Indigenous Understorey Tree | Acacia melanoxylon        | Blackwood   | 36       | 15-20m     | 6          | 4.32    | Good   |

Note: trees 11-14 represent a group of retained trees on the eastern boundary. Only tree 12 and 14 are canopy trees and with minor pruning between these trees, defensible space objectives will be achieved. Trees 11 and 13 are small trees with low biomass that are unlikely to contribute to fuel loads and therefore can be maintained under the canopy of trees 12 and 14.



APPLICATION FOR CONSIDERATION  
 NOTICE OF DECISION  
 OFFICER REPORT



**Application Details:**

|                              |  |  |
|------------------------------|--|--|
| <b>Proposal</b>              | Use and development of land for two (2) Dwellings and subdivision of land (boundary realignment).  |  |
| <b>Applicant</b>             | Emma Whitehead   |  |
| <b>Date Received:</b>        | 15 August 2022   |  |
| <b>Statutory Days:</b>       | 9  |  |
| <b>Section 57A Amendment</b> | <input type="checkbox"/> <b>None</b>   | <input checked="" type="checkbox"/> <b>Yes, dates:</b><br>1 August 2023<br>26 October 2023 |
| <b>Application Number</b>    | T220553  |  |
| <b>Planner</b>               | Mary Rush  |  |
| <b>Land/Address</b>          | L1 TP296948N & L1 TP333909W, 73 Kilvington Drive, Emerald VIC 3782   |  |
| <b>Property No.</b>          | 2451853900   |  |
| <b>Zoning</b>                | Low Density Residential Zone - Schedule 2 (LDRZ2)  |  |
| <b>Overlay/s</b>             | <ul style="list-style-type: none"> <li>• Design and Development Overlay - Schedule 1 (DD01)</li> <li>• Bushfire Management Overlay (BMO)</li> <li>• Vegetation Protection Overlay - Schedule 1 (VPO1)</li> </ul>   |  |
| <b>Permit Trigger(s)</b>     | <ul style="list-style-type: none"> <li>• Pursuant to Clause 32.09-1 (Low Density Residential Zone – Schedule 2), a permit is required to use the land for the purpose of two (2) dwellings on a lot.</li> <li>• Pursuant to Clause 32.09-3 (Low Density Residential Zone – Schedule 2), a permit is required to subdivide land.</li> <li>• Pursuant to Clause 32.09-4 (Low Density Residential Zone – Schedule 2), a permit is required for buildings and works associated with a Section 2 use (two (2) dwellings on a lot).</li> <li>• Clause 43.02-2 (Design and Development Overlay – Schedule 1), a permit is required to carry out buildings and works (within 10 metres of the front boundary and within 5 metres of a side boundary).</li> <li>• Clause 43.02-3 (Design and Development Overlay – Schedule 1), a permit is required to subdivide land.</li> <li>• Clause 44.06-2 (Bushfire Management Overlay), a permit is required to subdivide land and construct a building or carry out works associated with Accommodation (dwelling).</li> </ul> <p><b>Note:</b> Vegetation removal on the site is exempt pursuant to Clause 52.12-5.</p> |  |

|   |   |  |  |
|---|---|--|--|
| <b>Aboriginal Cultural Sensitivity</b>  | <input checked="" type="checkbox"/> <b>No</b>   | <input type="checkbox"/> <b>Yes; a CHMP is:</b>                            |  |
|   |   | <input type="checkbox"/> <b>Not required</b>                               | <input type="checkbox"/> <b>Required</b> |
| <b>Section 55 Referrals</b>             | <input type="checkbox"/> <b>None</b>  | <input checked="" type="checkbox"/> <b>Yes, list below:</b>                |  |
|   |   | <ul style="list-style-type: none"> <li>▪ Country Fire Authority</li> </ul> |  |
| <b>Registered restrictions on Title</b> | <input checked="" type="checkbox"/> <b>None</b>   | <input type="checkbox"/> <b>Yes, list below:</b>                           |  |
| <b>Recommendation</b>                   | <input type="checkbox"/> <b>Permit</b><br><input checked="" type="checkbox"/> <b>NOD</b><br><input type="checkbox"/> <b>Refusal</b>                     |  |  |
| <b>Ward Councillor communications</b>   | <input checked="" type="checkbox"/> <b>None</b>   | <input type="checkbox"/> <b>Yes, item in Councillor Bulletin</b>           |  |
| <b>Documents relied on</b>              | <ul style="list-style-type: none"> <li>▪ Development Plans prepared by DS Design</li> <li>▪ Arborist Report prepared by Ranges Environmental</li> </ul> |  |  |

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## Proposal

Planning permission is sought for the Use and Development of Land for the Purpose of Two (2) Dwellings and Subdivision of Land (Boundary Realignment).

### Proposed subdivision (Boundary Realignment)

The proposed realignment of boundaries involves increasing the area of Lot 1 on TP296948N and decreasing the size of Lot 1 on TP333909W by shifting the shared boundary approximately 30 metres towards the south.

Existing lots:

- Lot 1 TP296948N is currently 339m<sup>2</sup>
- Lot 1 TP333909W is currently 2061m<sup>2</sup>

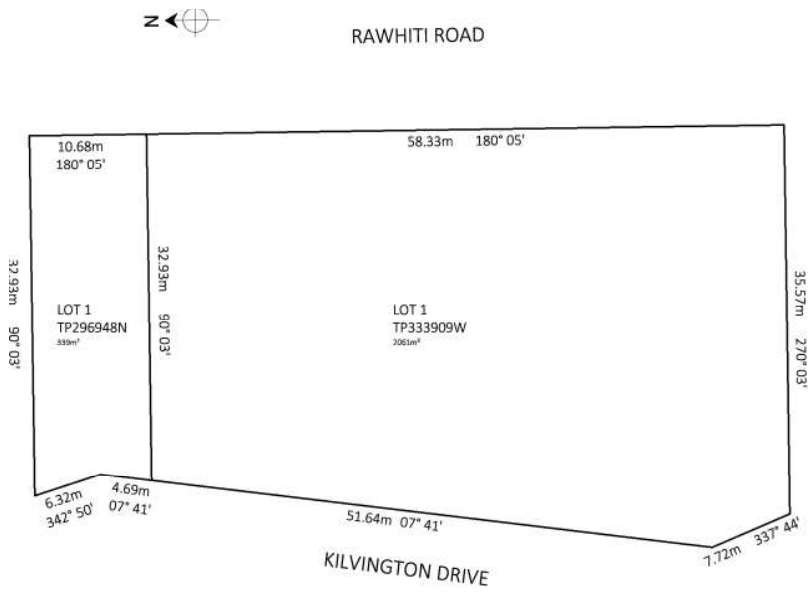


Figure 1: Existing plan of subdivision

Proposed lots:

- Lot 1 is proposed to increase to 1405m<sup>2</sup>
- Lot 2 is proposed to decrease to 995m<sup>2</sup>

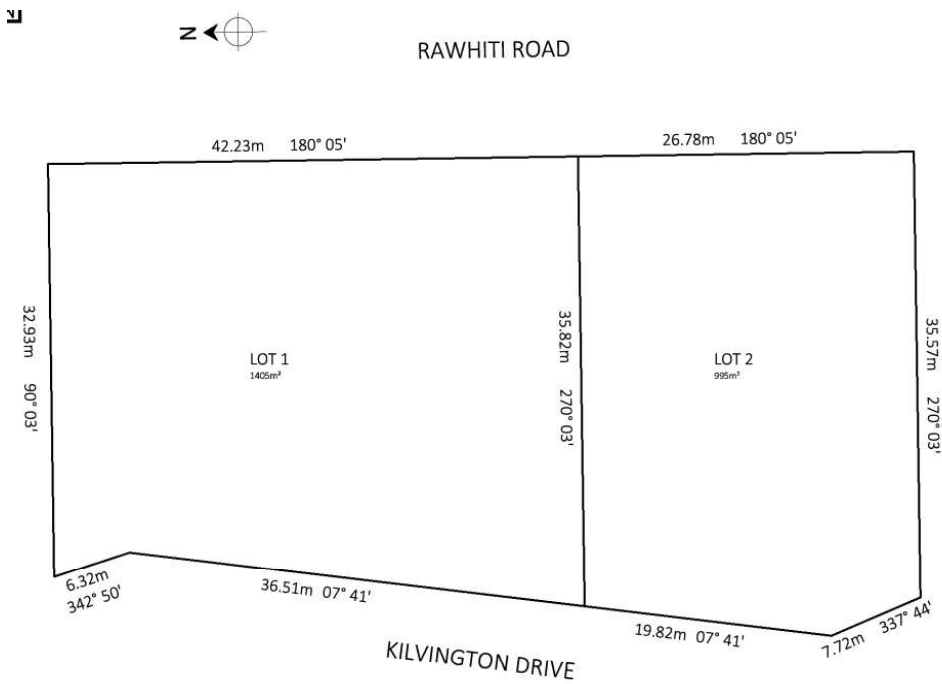


Figure 2: Proposed Plan of Subdivision

Proposed use and development of the land for two (2) dwellings

The proposed buildings and works involve extending the existing dwelling on proposed Lot 1 and the construction of a new dwelling on proposed Lot 2.

*Dwelling 1:*

The proposed extension involves reconfiguring the internal layout so that the dwelling includes three (3) bedrooms, kitchen, dining, living areas and the usual amenities. The dwelling will have a minimum front setback of 7.26 metres and larger setbacks to all other boundaries.

The dwelling will be clad in a combination of light grey weatherboards and fibre cement sheet and 'Woodland Grey' 'Colourbond' roofing. The gable roof will have a maximum height of 5.32 metres.

The dwelling will be accessed via the existing concrete driveway to Kilvington Drive.

*Dwelling 2:*

The proposed dwelling will consist of four (4) bedrooms, kitchen, living, dining areas, the usual amenities and a double garage. The dwelling will have a minimum front setback of 8.82 metres, 1.5 metres from the northern boundary and minimum setbacks of 5 metres or more to all other boundaries.

The dwelling will be clad in a combination of light grey weatherboards and fibre cement sheet and 'Woodland Grey' 'Colourbond' roofing. The gable roof will have a maximum height of 6.0 metres.

The dwelling will require an excavation of 1.4 metres to the rear of the dwelling.

The dwelling will be accessed via a new crossover to Kilvington Drive.

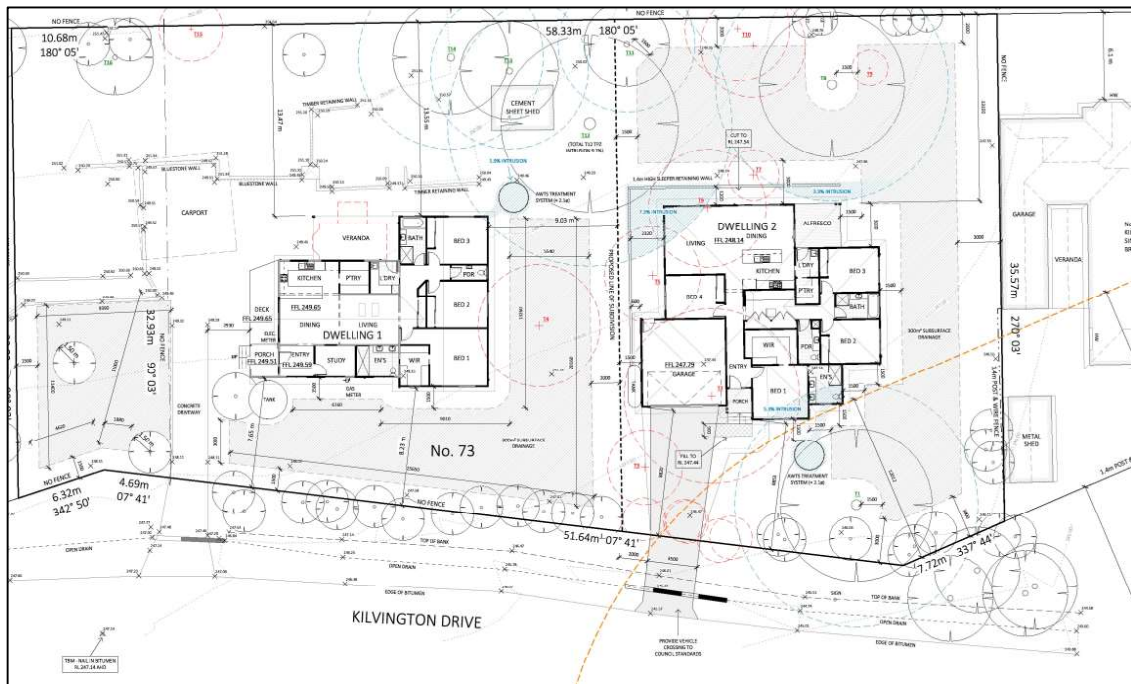


Figure 3: Site Layout plan

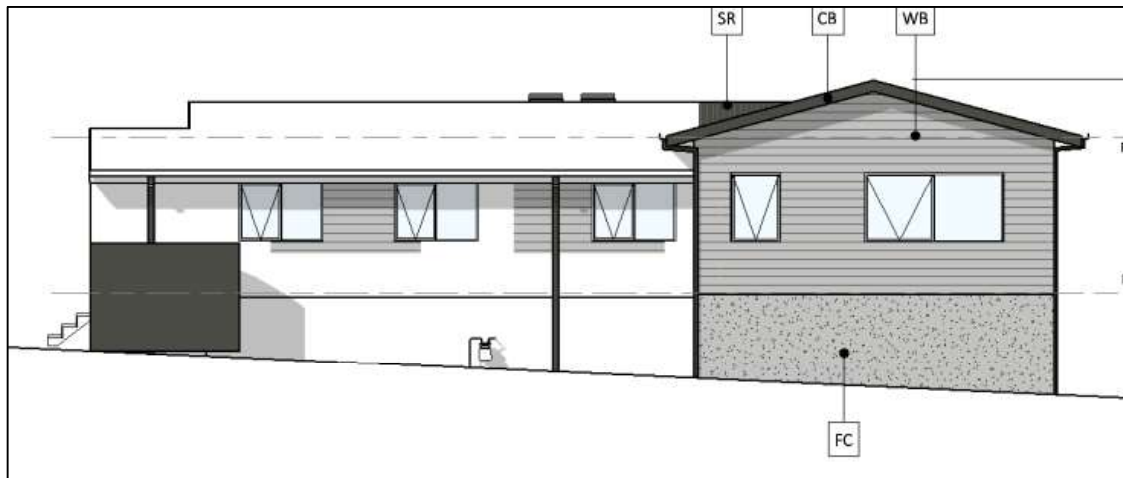


Figure 4: Dwelling 1 - Western front elevation

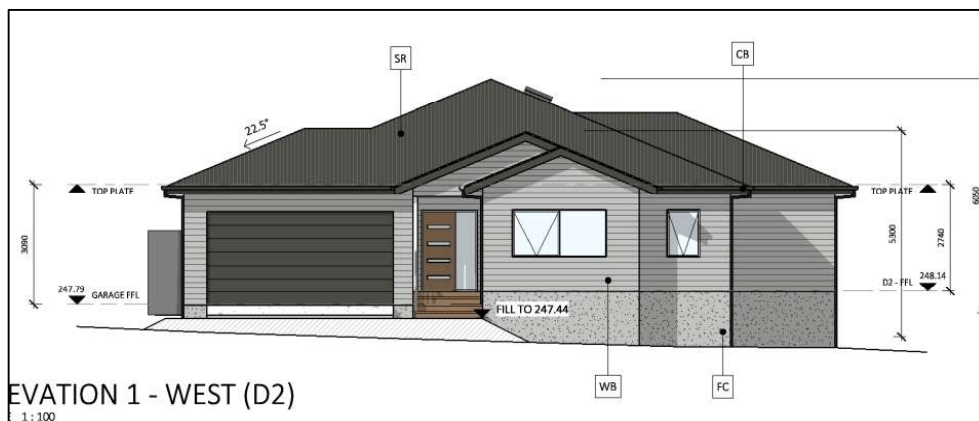


Figure 5: Dwelling 2 - Western front elevation

Proposed vegetation removal (exempt)

The proposal requires the removal of nine (9) trees consisting of:

| Tree no. | Species                                   | DBH (cm) | Native / exotic | Exempt from permit   |
|----------|---|----------|-----------------|--|
| 2        | <i>Liquidambar styraciflua</i> (Sweetgum) | 82       | Exotic          | Yes - Clause 52.12   |
| 3        | <i>Acer sp.</i> (Maple)                   | 35       | Exotic          | Yes - Listed as an environmental weed in the Table to VPO1 |
| 4        | <i>Liquidambar styraciflua</i> (Sweetgum) | 57       | Exotic          | Yes - Clause 52.12   |

|    |  |    |                   |  |
|----|--|----|-------------------|--|
| 5  | <i>Liquidambar syraciflua</i><br>(Sweetgum)        | 45 | Exotic            | Yes - Clause 52.12   |
| 6  | <i>Liquidambar syraciflua</i><br>(Sweetgum)        | 55 | Exotic            | Yes - Clause 52.12   |
| 7  | <i>Acer sp.</i> (Maple)                            | 24 | Exotic            | Yes - Listed as an environmental weed in the Table to VPO1 |
| 9  | <i>Corylus avellana</i><br>(Common Hazel)          | 17 | Exotic            | Yes - Clause 52.12   |
| 10 | <i>Eucalyptus ficifolia</i><br>(Flowering Red Gum) | 49 | Australian Native | Yes - Clause 52.12   |
| 15 | <i>Hakea salicifolia</i><br>(Willow Hakea)         | 30 | Australian Native | Yes - Listed as an environmental weed in the Table to VPO1 |

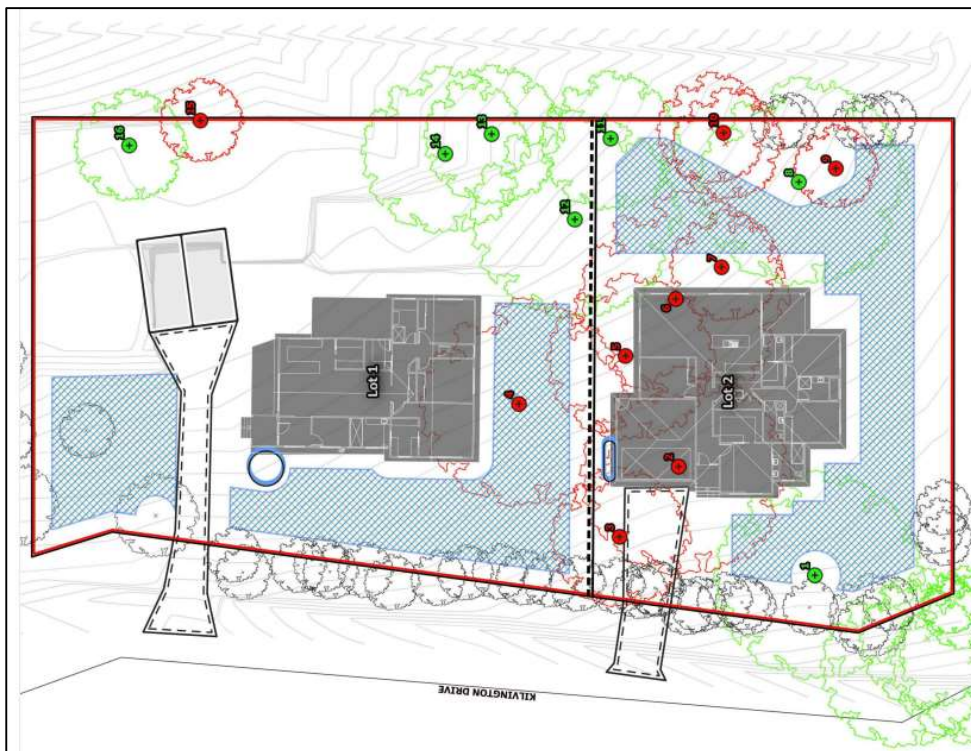
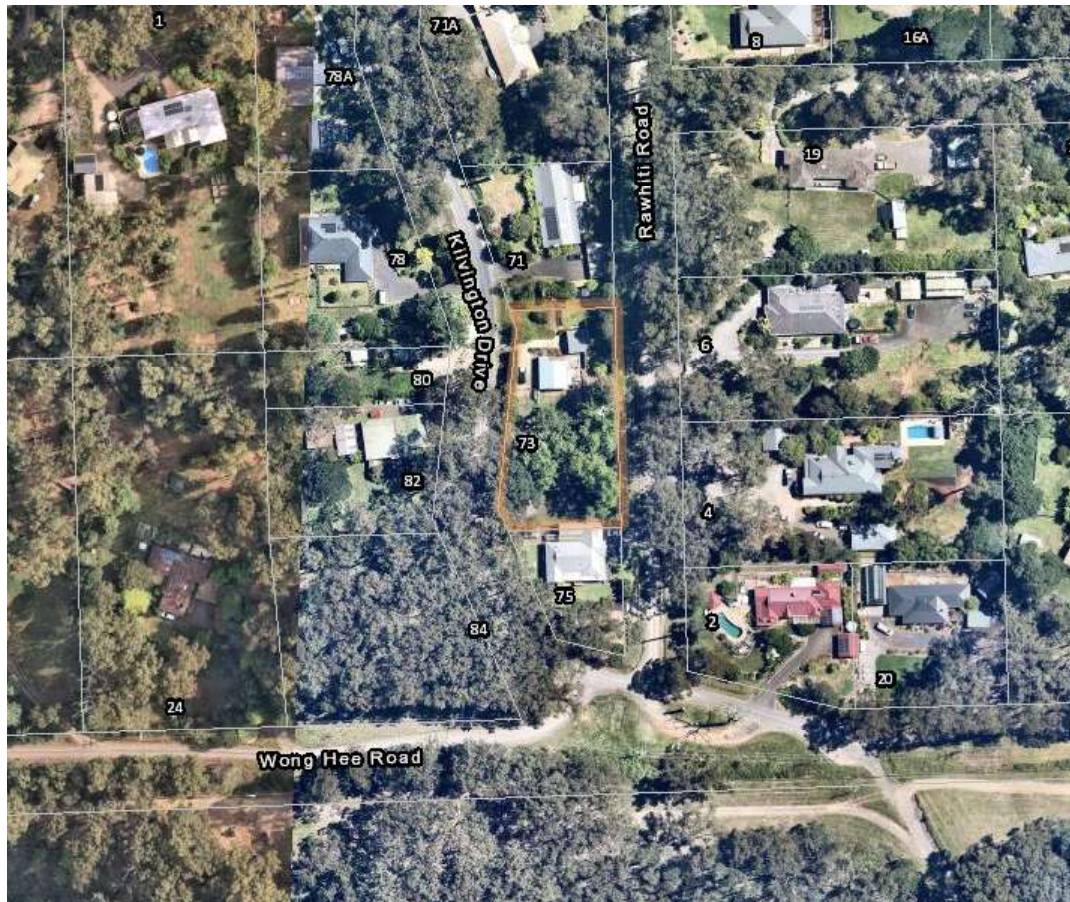


Figure 6: Vegetation removal plan



### Subject site & locality



An inspection of the site and the surrounding area has been undertaken.

The site is located on the east side of Kilvington Drive with an abuttal to Rawhiti Road.

The site currently contains a dwelling and outbuilding.

The topography of the land slopes gently downhill to the west.

The main characteristics of the surrounding area are:

- North: Residential lot containing a single dwelling
- South: Residential lot containing a single dwelling
- East: Residential lot containing a single dwelling
- West: residential lots containing single dwellings

### Permit/Site History

Planning Permit history for the subject site includes:

- Planning Permit T220144 for the development of the land for an outbuilding was lapsed on the 22 June 2022
- GE210174 planning information request for an outbuilding.
- GE21045 pre-app advice for a boundary realignment.

---

## Planning Scheme Provisions

### Zone

The land is subject to the following zones:

- Low Density Residential Zone - Schedule 2 (LDRZ2)

### Overlays

The land is subject to the following overlays:

- Design and Development Overlay - Schedule 1 (DD01)
- Bushfire Management Overlay (BMO)
- Vegetation Protection Overlay - Schedule 1 (VPO1)

### Planning Policy Framework (PPF):

The relevant clauses of the PPF are:

- Clause 15.01-2S (Building design)
- Clause 15.01-3S (Subdivision design)
- Clause 15.01-5S (Neighbourhood character)
- Clause 16.01-4S (Housing affordability)
- Clause 16.01-3S (Housing diversity)

### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-1 (Housing)
- Clause 21.03-3 (Rural townships)
- Clause 21.07-3 (Emerald, Avonsleigh and Clematis)

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

The relevant provisions/ documents are:

- Clause 52.12 Bushfire Protection Exemptions
- Clause 53.01 Public open space contribution and subdivision
- Clause 53.02 Bushfire planning
- Clause 56 Residential Subdivision
- Clause 65.01 Approval of an application or plan
- Clause 65.02 Approval of an application to subdivide land
- Clause 66 Referral and Notice Provisions
- *Emerald District Strategy 2009 (Incorporated document)*

---

## Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.09-1 (Low Density Residential Zone – Schedule 2), a permit is required to use the land for the purpose of two (2) dwellings on a lot.

- Pursuant to Clause 32.09-3 (Low Density Residential Zone – Schedule 2), a permit is required to subdivide land.
- Pursuant to Clause 32.09-4 (Low Density Residential Zone – Schedule 2), a permit is required for buildings and works associated with a Section 2 use (two (2) dwellings on a lot).
- Clause 43.02-2 (Design and Development Overlay – Schedule 1), a permit is required to carry out buildings and works (within 10 metres of the front boundary and within 5 metres of a side boundary).
- Clause 43.02-3 (Design and Development Overlay – Schedule 1), a permit is required to subdivide land.
- Clause 44.06-2 (Bushfire Management Overlay), a permit is required to subdivide land and construct a building or carry out works associated with Accommodation (dwelling).

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### 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.
- Placing a sign on site.

The notification was carried out twice, with statutory declarations being submitted on the 13 June and 29 August respectively. The first notification raised four objections. Section 57a plans were readvertised and no objections were raised to these plans.

The key issues that were raised in the objection are:

1. Impact on landscape character due to removal of vegetation and proposed development;
2. Treatment of wastewater and drainage impacts

The above objections were received to the originally advertised plans.

A Section 57A application was lodged and readvertised and no objections were received to the new plans. As the objections lodged to the first set of plans that were advertised, have not been withdrawn, they still stand and must be considered.

A second 57A amendment was lodged on the 26 October 2023 to correct the description of what the permit allows (use of the land for 2 dwellings on a lot). The application was not required to be readvertised given there was no change to the proposed development and no additional material detriment.

## Referrals

### External Referrals/Notices:

| Referrals/ Notice    | Referral Authority                           | Brief summary of response            |
|----------------------|--|--------------------------------------|
| Section 55 Referrals | Country Fire Authority (CFA)<br>Recommending | No objection (subject to conditions) |
| Section 52 Notices   | n/a  |                                      |

### Internal Referrals:

| Internal Council Referral | Advice/ Response/ Conditions   |
|---------------------------|--|
| Engineering Department    | <ul style="list-style-type: none"> <li>No objection (subject to conditions)</li> </ul> |
| Health Department         | <ul style="list-style-type: none"> <li>No objection (subject to conditions)</li> </ul> |

## Assessment

The Application has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed use and development is determined to be consistent with these requirements.

### Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application, which aim to ensure that subdivision and development are in context with the surrounding rural township character, bushfire issues and environmental issues.

Clause 13.02-1S (Bushfire planning) has an objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The proposal has been referred to the Country Fire Authority in accordance with the Bushfire Management Overlay and is considered to constitute an acceptable risk, which has regard to the protection of human life.

Clause 15.01-2S (Building design) has an objective to achieve building design outcomes that contribute positively to the local context and enhance the public realm. The proposed dwellings are considered to have regard to the character of the area and will contribute positively to the local context.

Clause 15.01-5S (Neighbourhood character) has an objective to recognise, support and protect neighbourhood character, cultural identity and sense of place. Strategies in this policy include to ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character, and to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the pattern of local urban structure and subdivision, underlying natural landscape character and significant vegetation, and heritage values and built form that reflect community identity. The proposal is considered to appropriately respond to and address this policy.

Clause 15.01-3S (Subdivision design) has an objective to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposal is consistent with this provision as it provides a logical configuration to provide for a separate allotment for the existing and proposed dwelling.

Clause 16.01-1S (Housing supply) has an objective to deliver more affordable housing closer to jobs, transport, and services. Strategies include ensuring land supply continues to be sufficient to meet demand, and increasing choice in housing type, tenure and cost to meet the needs of households. The proposal is consistent with this clause as it provides a greater diversity of lot sizes in the area, thus providing for increased land supply.

Clause 16.01-3S (Housing diversity) has an objective to provide for a range of housing types to meet diverse needs, which is met through a mix of housing types and adaptable internal dwelling design. The proposal provides a three (3) and four (4) bedroom dwelling with varying internal layouts and external design.

Clause 16.01-4S (Housing affordability) has an objective to deliver more affordable housing closer to jobs, transport, and services. Strategies include ensuring land supply continues to be sufficient to meet demand, and increasing choice in housing type, tenure and cost to meet the needs of households. All areas of the Shire are experiencing an increase in demand for affordable housing and housing close to town centres. This proposal provides an opportunity to provide this in close proximity to Emerald Town Centre.

Clause 21.03-1 (Housing) provides local context to Clause 16, with an objective to encourage diversity in housing to meet the needs of existing and future residents.

Clause 21.03-3 (Rural townships) seeks to maintain and enhance the distinct character and environmental qualities of each of the townships with the Shire. This Clause has a number of strategies, including the need to ensure that new buildings and works complement the rural character of the township, and do not dominate the landscape or surrounding built form character. The proposal is considered to achieve this through the use of architectural elements such as pitched roofs and verandahs along with building materials and colours which reflect the leafy character of Emerald.

Clause 21.07-2 (Emerald) has a number of strategies relating to residential development, including the maintenance and enhancement of the 'rural country' character of Emerald through the retention of larger residential lots, and the retention of existing remnant vegetation (particular canopy trees).

Clause 21.07-3 (Emerald, Avonsleigh and Clematis) has a number of strategies relating to residential development, including demonstrating a strong landscape response, maximising retention of existing vegetation on the site and providing opportunities for revegetation. All development within this township must be generally consistent with the *Emerald District Strategy* (June 2009).

This policy states that development must be 'generally consistent with' the Emerald District Strategy, which is an incorporated document in the Planning Scheme and provides policies to guide development within the Emerald township.

As the proposed second dwelling is modest and appropriately set back from the frontage, the proposal will have a minimal effect on the streetscape with vegetation being maintained on both proposed lots. It will be consistent with the existing rural township character of Emerald, whilst providing additional housing diversity to assist an ageing population.

The proposal satisfies the relevant state and local planning policy frameworks by creating the opportunity for additional housing in an existing township area which is able to meet the required bushfire mitigation measures, and waste disposal requirements, without negatively impacting the character or amenity of the area.

### **Emerald District Strategy**

The Emerald District Strategy (the 'Strategy') is an incorporated document in the Cardinia Planning Scheme. This Strategy sets out the key issues and sets out objectives, policies and actions. The vision for Emerald, as set forth in 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.'*

Relevant key objectives in this Strategy include:

- To contain residential development within the existing residentially zoned land.

- To protect and enhance the character of the residential and town centre precincts in a landscape setting.
- To facilitate the provision of alternative housing options particularly for the disabled and the aged.
- To strengthen the role of the Emerald town centre in meeting the needs of the Emerald community and the broader catchment.
- To develop tourism as a viable and sustainable economic activity.
- To minimise the risk of, and damage caused by wildfire.
- To create an attractive and functional town centre that has a sense of place and identity for the community and enhances the village atmosphere.

The Subject Site is characterised under Residential Development within the Strategy. The Strategy contains Neighbourhood Precincts, each with preferred character guidelines. Additionally, 'general' neighbourhood context guidelines are provided for all precincts.

The preferred character guidelines for the Subject Site are illustrated in Precinct 3 (Anne Street, South of Boundary Road, Hamilton Road). This is identified as having '*Undulating, sides and top of ridge, restricted linear views along road corridors, density of vegetation providing screening of built form, tall (predominantly native) canopy trees, low density, with large blocks*'.

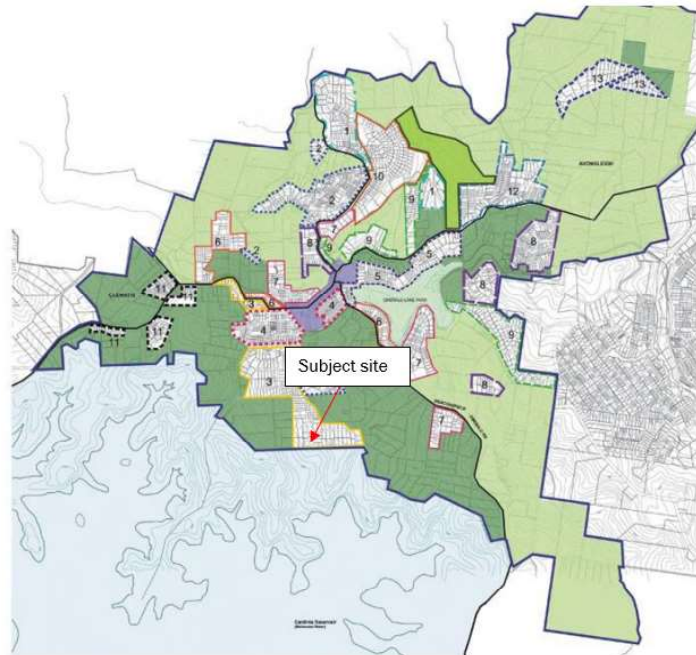


Figure 7: Neighbourhood Precincts in Emerald District Strategy (June 2009)

Additionally, under the general neighbourhood context guidelines, development must demonstrate a strong landscape response, maximise the retention of existing vegetation on site, utilise siting that creates a sense of openness between dwellings, and take advantage of site responsive design.

Relevant here is an objective contained in Clause 4.13, to contain residential development within the existing residential zones. Allowing the proposed subdivision assists in consolidating residential uses to existing residential land, which assists in lessening pressure to expand urban growth boundaries.

The proposed lots meet the requirement for this precinct. The proposed lots maintain the garden character and streetscape presentation of both roads, whilst contributing to the overall diversity of lot sizes within the Emerald township. The proposed lots created by this subdivision are sensitive to the existing character, with the size of the new lot being consistent with other lots in Kilvington Drive. The proposed new lots of 1405 square metres and 995 square metres respectively are consistent with the

existing subdivision pattern with the adjoining 75 Kilvington Drive being 1048 square metres and 80 Kilvington Drive being 1053 square metres.

The design of the dwellings are also considered to respond to topography, positively contribute to the landscape character, street setbacks and maximise opportunities for landscaping (where compliant with the Bushfire Management Plan). Colour schemes and architectural elements such as pitched roofs and verandahs are also considered consistent with the built form character guidelines of this Precinct.

Overall, the proposal is considered to align with the Emerald District Strategy (June 2009) and can be supported.

### **Low Density Residential Zone – Schedule 1**

The Site lies within a Low Density Residential Zone – Schedule 2. The purpose of the Low Density Residential Zone is to provide for low density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

A permit is triggered for the following elements of the proposal under the Low Density Residential Zone:

- Pursuant to Clause 32.09-1 (Low Density Residential Zone – Schedule 2), a permit is required to use the land for the purpose of two (2) dwellings on a lot.
- Pursuant to Clause 32.09-3 (Low Density Residential Zone – Schedule 2), a permit is required to subdivide land (boundary realignment).
- Pursuant to Clause 32.09-4 (Low Density Residential Zone – Schedule 2), a permit is required for buildings and works associated with a Section 2 use (two (2) dwellings on a lot).

#### Assessment of the Use and development of the land for two (2) dwellings

Pursuant Clause 32.03-2 any dwelling must satisfy the requirements of:

- *Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.*
- *Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.*

A Land Capability Assessment was initially requested from the applicant to ensure the site could accommodate the additional wastewater load. Council's Health Department has assessed the application as having suitable space onsite to cater for the retention of waste onsite for both lots and new dwellings.

Appropriate conditions that require connection to a septic system and other requirements under this clause will ensure compliance with the zone requirements.

According to Yarra Valley Water records available to Council, the area is serviced by potable water.

According to Google Street view images available, the area is serviced by reticulated electricity supply.

Based on the above, it has been demonstrated that the proposal for the use of the land for two (2) dwellings, along with the construction of two (2) dwellings satisfies the requirements of Clause 32.03-2 and a permit can be granted.

#### Assessment of the Subdivision (boundary realignment)

Pursuant to Clause 32.03-3, a permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

The proposal satisfies this requirement as it involves the re-subdivision of existing lots, and the number of lots cannot increase as a result of the re-subdivision due to their size.

The Low Density Residential Zone sets out the following decision guidelines for the assessment of subdivisions (inclusive of re-subdivisions):

- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*

Whilst the proposal does result in the removal of vegetation, the vegetation proposed for removal are mostly exotic species or environmental weeds and are exempt pursuant to Clause 52.12 (Bushfire Protection Exemptions).

- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*

As discussed above, both sites can be serviced with the above utility services, except for reticulated sewerage which has been discussed below.

- *In the absence of reticulated sewerage:*
  - *The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.*

As discussed above, a Land Capability Assessment was provided with the application and reviewed by Council's Environmental Health Department, who were satisfied that each lot could treat and retain its own wastewater on site in accordance with requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.

Conditions relating to installation or alteration of septic system/s will be included as condition of the permit.

- *The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.*

This is not relevant to this application. The minimum lot size of Schedule 2 of the Low Density Residential Zone is 0.4ha, and Clause 32.03-3 allows for smaller lots to be created via the re-subdivision exemption. An assessment of the capability of the land to treat and retain wastewater in accordance with regulation has been provided and approved.

- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

As discussed, the site is currently serviced with potable water from Yarra Valley Water which complies with Standard C22 (Drinking Water objective).

Given the location of the site, Reused and Recycled water is not available.

As discussed, Council's Environmental Health Department have reviewed the Land Capability Assessment provided with the application and are satisfied that the Waste water system has been:

- *Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.*
- *Consistent with a domestic waste water management plan adopted by the relevant council.*

Therefore, the proposal is considered compliant with Standard C24 (Waste water management objective).

Council's Engineering Department have reviewed the application and provided conditions regarding the treatment of stormwater onsite. They did not raise any concerns that the site



(once re-subdivided) could not manage its stormwater, therefore the proposal is considered to comply with Standard C25 (Stormwater management objectives).

Based on this assessment it is considered that the proposed use and development of the land for two (2) dwellings, along with the re-subdivision of the land aligns with the purpose of the Zone and should be supported. The boundary realignment results in a more balanced lot configuration consistent with the subdivision pattern in the locality.

#### **Design and Development Overlay – Schedule 1**

The Site is subject to the Design and Development Overlay – Schedule 1. This overlay applies to certain low density residential areas of the Shire and was created to ensure that the location and design of buildings creates an attractive low density residential environment and to ensure that any development has regard to the environmental features and constraints of the land. A permit is required for buildings and works under this overlay unless specifically exempted, as well as for subdivision of the land.

Under this overlay, Council must consider the following decision guidelines (as appropriate):

- *The Land Capability Study for the Cardinia Shire (February 1997)*
- *The protection and enhancement of the natural environment and character of the area including the retention of remnant vegetation and habitat, and the need to plant vegetation along property boundaries*
- *The impact of buildings and works on areas of remnant vegetation, and habitat of botanical and zoological significance*
- *The impact of proposed works on the landscape character of the area, including prominent ridgelines and significant views*
- *Measures to address environmental hazards or constraints, including slope, erosion, drainage, salinity and fire*
- *The protection of waterways and water quality through the appropriate management of effluent disposal, erosion and sediment pollution*

The proposal is considered to appropriately respond to the above decision guidelines. The *Land Capability Study for the Cardinia Shire (February 1997)* states that rural residential development in areas such as Cockatoo needs to have careful design of effluent disposal fields. The proposal has been reviewed by Council's Environmental Health Department who have no concerns about the proposal's capability of treating and retaining its own waste water on-site subject to their conditions being met.

The proposed boundary realignment and proposed development will have a minimal impact on the character of the area. The proposed lot sizes and architectural style of the second dwelling and dwelling additions are in keeping with the low density character of Emerald. The lot and layouts sizes are generally consistent with the surrounding properties and although the setbacks are reduced, this is the existing character of the area, with many other dwellings along Kilvington Drive being located close to property boundaries. Despite this, due to canopy cover and roadside vegetation, the area retains its leafy character and the proposal does not compromise this.

Vegetation proposed for removal consists of mostly exotic and environmental weed species and significant vegetation has been proposed to be retained including existing screening vegetation along Kilvington Drive. In light of vegetation to be retained and exempt vegetation pursuant to Clause 52.12, the submission of a formal Landscape Plan is not considered necessary in this instance. Having regard to each lot size, requiring additional canopy tree coverage will also be difficult to achieve in light of the defensible space requirements under the Bushfire Management Plan (5 metre canopy separation).

The proposed developments generally comply with the setback required with minor reductions proposed to the front boundary and the northern side boundary adjacent to the applicants dwelling.

The height of both dwellings is less than 7 metres and involves modest earthworks. Conditions can be placed on any permit issued to control potential negative impacts.

Based on the above assessment, on balance the proposal is considered to appropriately respond to the decision guidelines of the Design and Development Overlay and should be supported.

### **Bushfire Management Overlay**

The Bushfire Management Overlay applies to the Site. The purpose of the Bushfire Management Overlay is to ensure that the development of the land prioritises the protection of human life to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The Bushfire Management Overlay (BMO) requires council to consider both State and Local Planning Policy and the decision guidelines of Clause 53.02-4.5 (Bushfire Planning) for both the construction of a dwelling or subdivision of the land in a BMO.

In considering the decision guidelines, council must consider the bushfire hazard site assessment and the bushfire management statement submitted with the application. This report outlines that the site is located in an area of moderate fire risk due to the limited 'high threat vegetation within 150 metres of the site, surrounding built form, and the provision of emergency services and evacuation routes in the local area and the 'Type 2-Type 3' landscape'.

Additionally, according to the report submitted and following the review of the CFA, it is considered that the proposal meets the objectives of Clause 53.02-4, regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.

It is council's position that the ongoing vegetation modification requirements within the defendable space areas are reasonable and can be managed on an ongoing basis in conjunction with the use of the land and that the risk from the broader landscape is not so high to warrant that the development should not proceed.

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

Based on this support from the CFA, the construction materials and the defendable space for the proposed dwelling extension, the potential risk to life and property has been mitigated and is not considered unreasonable and the application can be supported.

### **Vegetation Protection Overlay – Schedule 1**

As vegetation removal is exempt pursuant to Clause 52.12, there is no permit trigger under the VPO1.

### **Clause 53.01 Public Open Space Contribution and Subdivision**

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in Cardinia Planning Scheme. The schedule to the abovementioned clause requires an 8% contribution for land to be used for residential purposes. Clause 53.01 sets out a number of exemptions of when a contribution is not required to be made. A two-lot subdivision, which is unlikely to be further subdivided, is exempt from this requirement.

As stated by the Tribunal in *Crowden v Casey CC* [2013] VCAT 1711 (7 October 2013), "the test of likelihood, i.e. whether further subdivision of the new lots would be unlikely, is not a test of whether further subdivision is possible or whether there is capability for future subdivision. Rather the test is whether further subdivision is probable, i.e. it has a prospect or real chance of occurring in the present circumstances." The question is of whether further subdivision is unlikely, i.e. improbable, turns on the circumstances of the subject land, the nature of the future two lots and the present day relevant planning context applicable to the new lots.

Given that both lots are under 4000m<sup>2</sup>, no further subdivision possible, and therefore a contribution is not required.

### **Clause 53.02 Bushfire Planning**

As discussed above, the proposal is considered to meet the relevant requirements of 53.02-4 Bushfire protection objectives as the vegetation management proposed within the defendable space is adequate

in relation to the construction standard proposed. The Bushfire Management Plan submitted is considered satisfactory and is required to be endorsed.

#### **Clause 65.01 Decision Guidelines - Approval of an application or plan**

The proposal has been assessed against the Clause 65.01 (Approval of an application or plan), which requires Council to consider additional factors such as: the effect the proposal may have on the orderly planning of the area, the amenity of the area, proximity to public land, factors likely to contribute to land degradation, the quality of stormwater within and exiting the site, effects on native vegetation, and potential hazards.

The proposal will have a limited impact on vegetation within the subject site, which has been confirmed with an arborist's report provided by the applicant. Stormwater and waste disposal will be controlled via permit conditions. The proposed subdivision will not have an unreasonable detrimental effect on the amenity of the surrounding residents; indeed, the use and development of a modest second dwelling will be set back an appropriate distance from the nearest neighbour and will not be visually intrusive as a modest single storey structure.

#### **Response to objections**

##### *1. Impact of subdivision and development on the amenity, landscape character and vegetation.*

The amended proposal altered access to the proposed Dwelling 2 from Rawhiti Road to Kilvington Drive. The setbacks on proposed Dwelling 2 have been increased from the southern and eastern boundaries such that it meets the exemption of 5 metres from boundaries by the Design and Development Overlay-Schedule 1 and is therefore considered to achieve the intent of the overlay of creating a spacious, low-density environment. The proposed setbacks from Kilvington Drive and the northern boundary of 8.82 metres and 1.5 metres respectively require a reduction of 1.18 metres from the front boundary and 3.5 metres from the northern boundary (which is the southern boundary of the proposed lot owned by the applicant). These setbacks are consistent with the existing pattern of development, with existing lots such as 75 Kilvington Drive having development located on the side boundary.

The proposed boundary realignment creates two new lots of 1405 square metres and 995 square metres. The proposed lot sizes are more balanced and consistent with the existing subdivision pattern with the adjoining 75 Kilvington Drive being 1048 square metres and 80 Kilvington drive being 1053 square metres.

The application proposes the removal of nine (9) trees within the development footprint and defensible space of the dwellings, all of which as discussed above are exempt. The altered proposal retains vegetation along the eastern part of the site.

It is considered that the amended proposal has reduced negative impacts to adjoining landowners by increasing setbacks and has reduced amenity impacts to an acceptable level.

##### *2. Treatment of wastewater and drainage impacts*

The Land Capability Assessment submitted with the application has determined that both proposed lots can contain the waste from the proposed dwellings as confirmed by Council's Environmental Health Department. The proposal can be appropriately drained by the provision of outfall drainage to the existing street drain as confirmed by Council's Engineering Department.

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### **Conclusion**

The application has been assessed against the Clause 65 – Decision Guidelines. It is considered that the application, as discussed above complies with the relevant Planning Policy Framework and the purpose of the zone and overlays that apply to the site. The Use and Development of Land for the Purpose of Two (2) Dwellings and Subdivision of Land (Boundary Realignment) will not compromise established neighbourhood character or result in unreasonable offsite amenity impacts. The bushfire risk has also been appropriately responded to. As such it is considered that the application has appropriate regard to the decision guidelines and should be supported.

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## Recommendation

### Notice of Decision

That Council having caused notice of Planning Application No. T220553 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit in respect of the land known and described as L1 TP296948N & L1 TP333909W, 73 Kilvington Drive Emerald, for the Use and Development of Land for the Purpose of Two (2) Dwellings, Subdivision of Land (Boundary Realignment) is generally in accordance with the endorsed plans, subject to the following conditions:

### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

### General

2. The development and subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.
3. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
4. Before works start, the permit holder must advise all persons undertaking the vegetation removal, development or works on site of all relevant permit conditions and associated statutory requirements or approvals.

### Subdivisions that do not require referral

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

### Telecommunications

8. The owner of the land must enter into an agreement with:
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
9. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian

Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **Prior to Statement of Compliance**

10. Prior to the issue of a Statement of Compliance under the *Subdivision Act, 1988*, the following works must be completed on or to the land in accordance with plans and specifications submitted to and approved by the responsible authority:
  - a. Construction of a concrete vehicle crossing to service proposed Lot 2.
  - b. Driveway access and drainage connection points must be provided to all lots.
  - c. All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.

#### **Tree protection**

11. Before the development starts, tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.
12. At all times during the carrying out of the development:
  - a. the tree protection fencing must remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites* to the satisfaction of the responsible authority.
  - b. development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing to the satisfaction of the responsible authority.

The responsible authority may consent in writing to the variation of these requirements.

#### **Engineering**

13. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
14. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
15. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
16. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
17. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.

#### **Prior to occupation of Dwelling 2**

18. Dwelling 2 must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
  - a. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- b. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the Responsible Authority.
- c. The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.
- d. The standard concrete vehicle crossing as shown on the approved plans must be constructed in accordance with the approved plans and to the satisfaction of the Responsible Authority as required by Condition 3(a).
- e. All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.

#### **Country Fire Authority**

19. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
20. Before the development starts, the Bushfire Management Plan prepared by Ranges Environmental, Dated 01 August 2023, Sheets 1 and 2 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

#### **Commencement**

21. This permit will operate from the issued date of this permit.

#### **Expiry**

22. This permit will expire if one of the following circumstances applies:
  - a. The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
  - b. A statement of compliance is not issued within 5 years of the date of certification.
  - c. The development is not started within 2 years of the issued date of this permit.
  - d. The development is not completed within 4 years of the issued date of this permit.
  - e. The use does not start within 2 years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

#### **Permit notes**

- CFA notes the variation to Table 6 requirements of Clause 53.02-5 of the Cardinia Planning Scheme and can accept the variation for the clumping of trees 11-14. CFA note that no vacant lots will be created as a result of the subdivision and development, and therefore does not require the Mandatory Condition of Clause 44.06-5 of the Cardinia Planning Scheme.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.