# NOTICE OF AN APPLICATION FOR AN AMENDMENT TO A PLANNING PERMIT

The land affected by the application is located at:	71 Beaconsfield-Emerald Road, Emerald VIC 3782 CP152806
The application is to amend permit:	Amended permit - Building and works for Meditation center in association to existing use.
The applicant for the amendment to the permit is:	M & D Town Planning Pty Ltd
The application reference number is:	T080271-2
You may look at the application and	Cardinia Shire Council
any documents that support the application at the office of the Responsible Authority:	20 Siding Avenue Officer 3809
	This can be done during office hours and is free of charge.
	Documents can also be viewed on Council's website:
	https://www.cardinia.vic.gov.au/advertisedplanningapplications

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

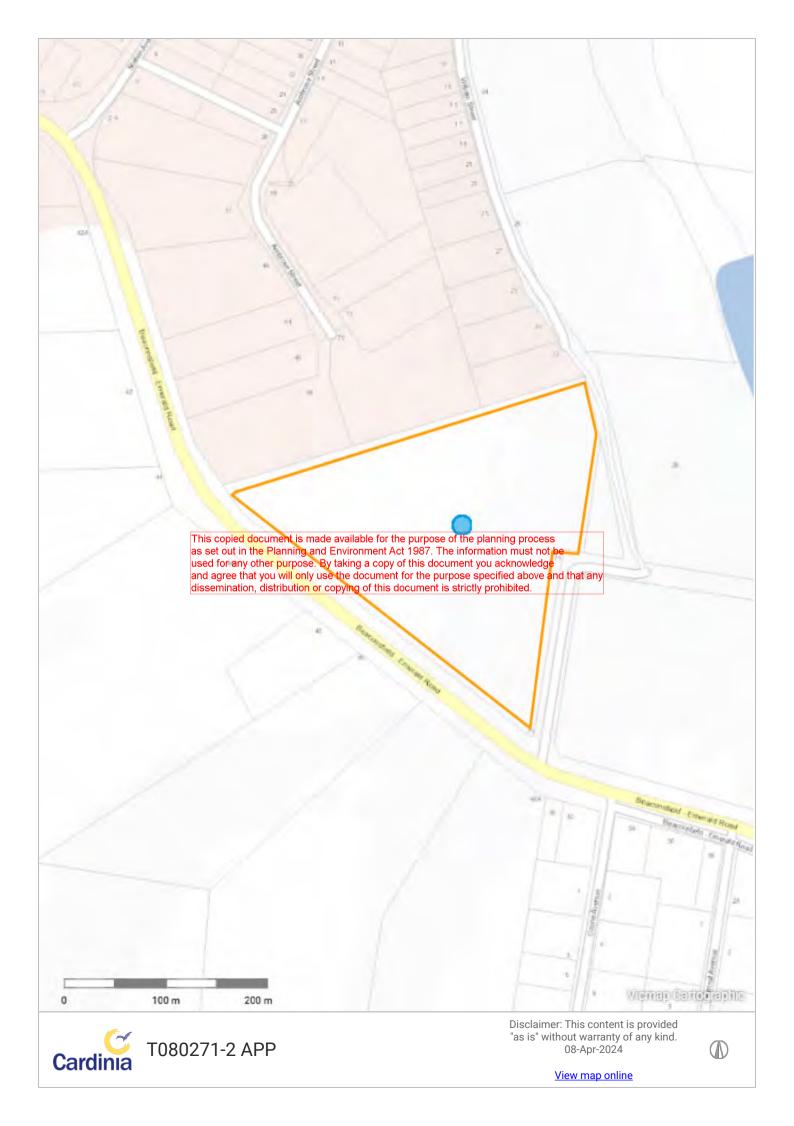
An objection must	*	be sent to the Responsible Authority in at Cardinia Shire Council, PO Box 7, Pakenham, Vic, 3810 or e mail@cardinia.vic.gov.au	writing, mail at			
	*	nclude the name and address of the objector / submitter				
	*	nclude the application number and site address				
	*	include the reasons for the objection, and				
	*	state how the objector would be affected.				
The Responsible Auth decide on the applica	•	22 April 2024				

If you object, the Responsible Authority will tell you its decision.

Please be aware that copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process.

For additional information or advice contact Cardinia Shire Council, Planning Department on 1300 787 624 or mail@cardinia.vic.gov.au

Your objection/submission and personal information is collected by Cardinia Shire Council for the purposes of the planning process as set out in the *Planning and Environment Act 1987*. If you do not provide your name and address, Council will not be able to consider your objection/submission. Your objection/submission will be available free of charge at the Council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the P&E Act. You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright.



Date Lodged:



1

#### Application to AMEND a Planning Permit **Planning Enquiries** Phone: 1300 787 624 If you need help to complete this form, read MORE INFORMATION at the end of this form. Web: www.cardinia.vic.gov.au Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987. If you have any questions, please contact Council's planning department. A This form cannot be used to: • amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 97I of the Act). A Questions marked with an asterisk (\*) must be completed. Click for further information. The Land Address of the land. Complete the Street Address and one of the Formal Land Descriptions. Street Address \* Unit No.: St. No .: 71 St. Name: Beaconsfield-Emerald Road Postcode: 3782 Suburb/Locality: Emerald Formal Land Description \* Complete either A or B. OLodged Plan Title Plan O Plan of Subdivision A Lot No.: 1 No.: 190594N A This information can be OR found on the certificate of title. B Section No . Crown Allotment No.: If this application relates to more than one address, attach a separate sheet Parish/Township Name: setting out any additional property details Planning Permit Details What permit is being Planning Permit No.: T080271 - 1 amended?\* The Amended Proposal 🌲 You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application What is the amendment This application seeks to amend: being applied for?\* What the permit allows Plans endorsed under the permit Indicate the type of changes proposed to the permit. Current conditions of the permit Other documents endorsed under the permit List details of the proposed changes. Details: Amendment to the plans to allow for the construction of a new If the space provided is insufficient, meditation building, car spaces and accessway attach a separate sheet. This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited. Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

Development Cost			
Estimate cost of development* If the permit allows <i>development</i> , estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.	Cost of proposed amended development: \$750000 Insert 'NA' if no development is propose You may be required to verify this of		Cost difference (+ or –):
Existing Conditions			
Describe how the land is used and developed now *	Have the conditions of the land cha If yes, please provide details of the	anged since the time of the original p existing conditions.	ermit application?
For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.	Buddhist Temple		
	Provide a plan of the existing cond Photos are also helpful.	itions if the conditions have changed since	e the time of the original permit application.

# Title Information

Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

O Yes (If 'yes' contact council for advice on how to proceed before continuing with this application.)

$\bigcirc$	No	
$\smile$	INU	

🖉 Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

6 D

# Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *	Name:						
The person who wants the permit.	Title: First Name:			Surname:			
	Organisatio	n (if applicable): M & D 1	own Planni	na Ptv Ltd			
	Postal Address:						
	Unit No.:	Unit No.: St. No.: 23 St. Name: Ellis Street					
	Suburb/Loca	ality: Frankston		State: VIC	Postcode: 3199		
Please provide at least one contact	Contact infor	mation for applicant OR c	ontact person b	elow			
phone number *	Business ph	one: 03 9016 0416	E	mail: info@mndf	townplanning.com.au		
	Mobile phon	e:	F	ex:			
Where the preferred contact person for the application is different from	Contact perso Name:	on's details*			Same as applicant		
the applicant, provide the details of that person.	Title: First Name:		Sumame:				
	Organisation (if applicable):						
	Postal Address: If it is a P.O. Box, enter the details here:						
	Unit No.:	St. No.:	St. Name		1		
	Suburb/Loca	ality:		State:	Postcode:		
Owner *	1				Come or performe		
The person or organisation	Name:	-			Same as applicant		
	Title:	made available for the purpo	se of the plannin	n process			
Where the owner is different used for	out in the Planning or any other purpo	and Environment Act 1987. se. By taking a copy of this d by use the document for the n or copying of this documer	The information ocument you ack	must not be nowledge			
organisation.	nnation, distributio	n or copying of this documer	it is strictly pronit				
					day / month / year		

# Declaration

#### This form must be signed by the applicant\*

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

all change owner (if r	s part of the amended proposal and that the plication.
Signatur	Date: 8/9/23
	day / month / year

# Need help with the Application?

If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for his application and obtain a checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer	O No O Yes	If 'Yes', with whom?:		-]	
			Date:	day / month / year	

Checklist 1	Filled in the form completely?
Have you:	Paid or included the application fee? Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
	Attached all necessary supporting information and documents?
	Completed the relevant council planning permit checklist?
	Signed the declaration above?
Lodgement i	
Lodge the completed and signed form and all documents with:	Cardinia Shire Council PO Box 7 Pakenham VIC 3810
	In person: 20 Siding Avenue, Officer
	Contact information:
	Telephone: 1200 787 624

Telephone: 1300 787 624 Fax: (03) 5941 3784 Email: <u>mail@cardinia.vic.gov.au</u> DX: 81006

Deliver application in person, by post or by electronic lodgement.

MORE INFORMATION

#### The Land

It is important that your application to amend a planning permit includes details of the land, consistent with the Planning Permit. Refer to a copy of your Planning Permit, when completing the street address section of the form

Also ensure you provide up-to-date details for the formal land description, using the current copy of the title.

#### **Planning Permit Details**

You must identify the permit being amended by specifying the permit number. This can be found at the beginning of the permit.

#### The Amended Proposal

First select the type of amendment being applied for. This may include an amendment to:

- the use and/or development allowed by the permit
- conditions of the permit.
- plans approved by the permit.
- · any other document approved by the permit.

Then describe the changes proposed to the permit, including any changes to the plans or other documents included in the permit.

#### **Development Cost**

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development to be allowed by the amended permit and the difference between the development this made available for the purperselopment and the difference between the development is made available for the purperselopment and the difference between the development.

#### Existing Conditions

#### How should land be described?

If the conditions of the land have changed since the time of the original permit application, you need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (for example, single dwelling, 24 dwellings in a threestorey building, medical centre with three practitioners and 8 car parking spaces, vacant land).

Please attach to your application a plan of the existing conditions of the land, if the conditions have changed since the time of the original permit application. Check with the local Council for the quantity, scale and level of detail required.

It is also helpful to include photographs of the existing conditions.

### Title Information

#### What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- Restrictive Covenants: A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on type of building materials to be used).
- Section 173 Agreements: A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- Easements: An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- Building Envelopes: A 'building envelope' defines the

allowed by the permit. allowed by the permit. Council may ask you to justify you be determined by an environment of the planning procession of the plan

dissemination, distribution or copying of this document doctine meshical a long to find encumbrances

Fees are exempt from GST.

The cost difference is calculated as follows:

cost related to the Application to Amend a Planning	Development cost related to the Application for	= Cost Difference
---	---	-------------------

If the estimated cost of the proposed amended development is less than the estimated cost of the development allowed by the permit, show it as a negative number.

#### Example 1

Where the cost of the development to be allowed by the amended permit is lower than the cost of the development allowed by the permit:

\$180,000 - \$195,000 = -\$15,000

#### Example 2

Where the cost of the development to be allowed by the amended permit is higher than the cost of the development allowed by the permit: \$24

A Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

A Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

#### What about caveats and notices?

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

#### What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the Planning and Environment Act 1987 for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

A You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

#### Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

#### What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title. In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

A Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

#### Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

Copies of title documents can be obtained from Land Registry: Level
 10, 570 Bourke Street, Melbourne; 03 8636 2010;
 www.landata.vic.gov.au – go direct to "titles & property certificates"

#### Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with Council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between Council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

#### See Example.

#### Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration

A Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit

#### Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged. This will help speed up the processing of your application.

#### Checklist

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- · provided all the required information on the form
- · included payment of the application fee
- · attached all necessary supporting information and documents
- · completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form.

A The more complete the information you provide with your application, the sooner Council will be able to make a decision.

#### Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

Applicant and Owner	Details 1	
Provide details of the applicant and the	e owner of the land.	
Applicant *	Name:	
The person who wants the permit.	Title: MR First Name: LEN	Surname: BROWNING
	Organisation (if applicable): RESPONSIBL	E DEVELOPERS PTY LTD
		O. Box, enter the details here:
	Unit No.: 4 St. No.: 12 St. Nan	ne: ARDOUR LANE
	Suburb/Locality: WYCHEPROOF	State: VIC Postcode: 3527
Please provide at least one contact phone number *	Contact information for applicant OR contact person	below
prone number	Business phone: 9123 4567	Email: tcpl@bigpond.net.au
	Mobile phone: 0412 345 678	Fax: 9123 4567
Where the preferred contact person	Contact person's details*	Same as applicant
for the application is different from the applicant, provide the details of that person.	Name:           Title:         MR   First Name: ANDREW	Surname: HODGE
		JING CONSULTANTS O. Box, enter the details here:
	Unit No.: St. No.: St. Nar	ne: PO BOX 111
	Suburb/Locality: PARKDALE	State: VIC Postcode: 3194
Owner *		
The person or organisation	Name:	Same as applicant
who owns the land	Title: First Name:	Surname:
Where the owner is different	Organisation (if applicable):	
from the applicant, provide the details of that person or	Postal Address: If it is a P.	O. Box, enter the details here:
organisation.	Unit No.: St. No.: St. Na	ne:
	Suburb/Locality:	State: Postcode:
	Owner's Signature (Optional):	Date:
		day / month / year



The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 1

VOLUME 09564 FOLIO 188

Security no : 124105878443P Produced 05/05/2023 02:05 PM

#### LAND DESCRIPTION

Land in Plan of Consolidation 152806. PARENT TITLE Volume 09448 Folio 887 Created by instrument L024092U 09/05/1984

#### **REGISTERED PROPRIETOR**

#### ENCUMBRANCES, CAVEATS AND NOTICES

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

#### DIAGRAM LOCATION

SEE CP152806 FOR FURTHER DETAILS AND BOUNDARIES

#### ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END



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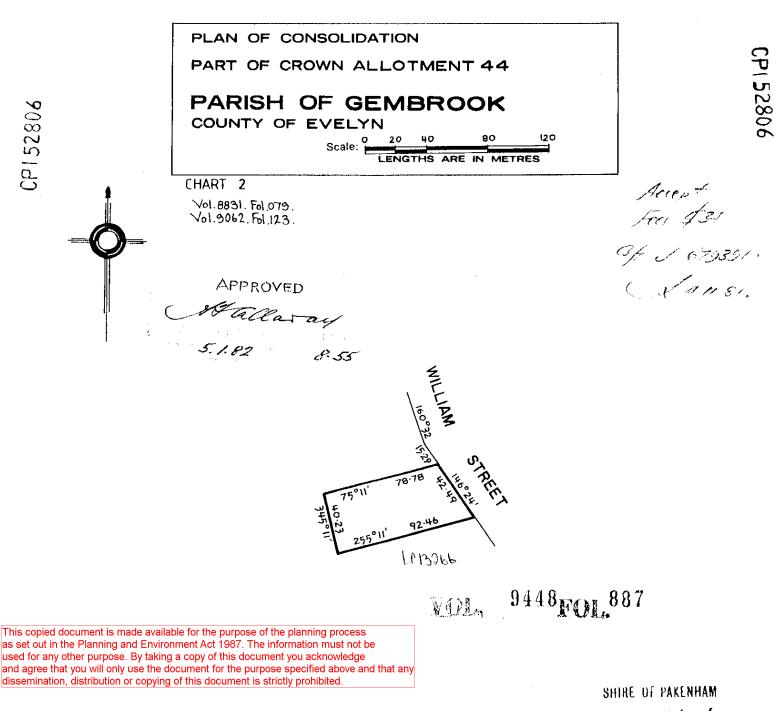
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14873/79--PL



REF. NO 68/1/P2 336

SEAL & ENDORSEMENT OF MUNICIPALITY SURVEYORS CERTIFICATION Sealed Pursuant to the provisions of Sec. 569 A B of the Local Gov. Act I certify that this plan has been made by me or under my immediate supervision and accords Connerate Scall of the President, Councillors and Ratepayers of with title. a SHIRE OF PAKENHAM was hereunte affected in the presence of: Hallacus RESIDENT barren OUNCILLOR LICENSED SURVEYOR CBETABY DATED 15.5-00 day of State Dated this No 🕅 Ref C.O.S. 5491<sup>38</sup> P2-4



11 August 2023

Cardinia Shire Council,

20 Siding Avenue Officer VIC 3809

Application:S72 Amendment T080271 – 1Address:71 Beaconsfield-Emerald Road, Emerald VIC 3782RE:Site Context Report

Dear Cardinia Shire Council,

We write in response to the Further Information Request dated 20 June 2023, originally issued for Application No. T230245 PA. The purpose of this document is to describe the site context of the property, including a description of the proposed works' location and any views and vistas that may be affected by the proposal.

The subject site is located within the Green Wedge Zone, and affected by the Environmental Significance Overlay, Schedule 1 and the Bushfire Management Overlay.

The subject site is located to the north-east of Beaconsfield Emerald Road. The site is quite large in area, incorporating a total of 67,893sqm of area. The topography of the land is steep, with approximately 13 meters of slope across the site. The highest point of the land is around the middle of the subject site, sitting at approximately 108 meters to AHD. This area currently holds the existing buildings on site, including the existing temple and other ancillary buildings and structures. Please refer to the submitted survey plan prepared by Wilson & Wilson Surveyors, which demonstrates all relevant spot levels across the site (excerpt below).



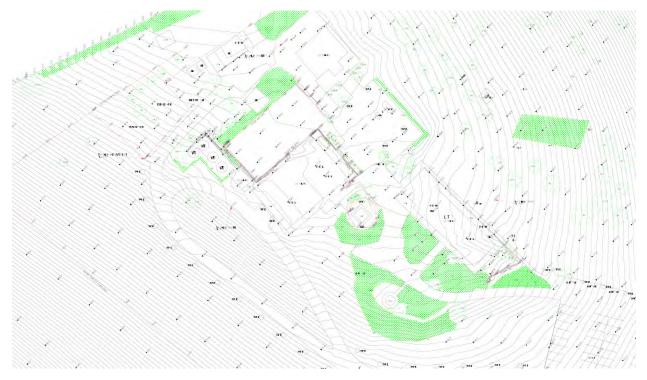


Figure 1: Survey Plan Excerpt

The proposed works are located to the north eastern corner of the property, adjacent to William Street. The works for the new building are provided with extremely generous boundary setbacks, 40 meters from the rear boundary and 20 meters from the eastern side boundary. The proposed additional car spaces are located adjacent to the existing car parking found on site, adjacent to the Ulmer Road boundary.

The new proposed building is located on one of the lowest spot points on the site, ranging from 91 to 94m to AHD. This is a substantially lower level than the existing buildings on site, which sit at approximately 108m AHD.

The proposed works are also located within an area that is clear of vegetation, so the proposal will result in minimal impact on the vegetation on site.

Please see site plan excerpt below showing the location of the proposed buildings and works, along with the proposed boundary setbacks.



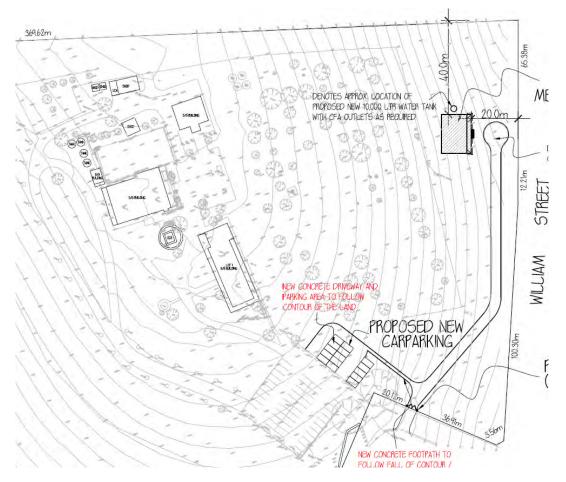


Figure 2: Proposed Site Layout

The proposal results in a modest site coverage of 1956sqm, or **2.88%** of the site area. Impervious surface coverage also remains at a minimum, with 5681 or **8.37%** of impervious area proposed.

The images below are provided to demonstrate additional context for the location of the proposed works, along with the visibility of the subject site from surrounding properties.

The following image is captured from the front fence of the subject site, looking towards the proposed driveway positioning:





Figure 3: Subject site from front fenceline

The following image is provided to demonstrate the visibility of the proposed works and location of the proposed new building:



Figure 4: location of proposed works (left) and driveway

The following image demonstrates views to the subject site, from Ford Road which is located to the north east of the subject site:

M & D Town Planning Pty Ltd





Figure 3: View from Ford Road to Subject Site

As can be seen in the above images, there is minimal impact on any views to the subject site. The proposed works are sited on a lower area compared to the existing buildings on site. Therefore, the proposed works will not have a detrimental impact on any views and will not be visible from outside the site.

The surrounding area is heavily vegetated with large trees which will provide additional screening for the proposed works. It is submitted that the proposed works will not be more visible than the existing buildings on site and will be appropriately screened from the surrounds. The works incorporate modest site coverage and maximum heights.

If you require any additional information or supporting documentation, please don't hesitate to get in touch with the undersigned.

#### Sincerely,



Director M & D Town Planning Pty Ltd

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M & D Town Planning Pty Ltd



# ARBORICULTURAL

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ASSESSMENT

**REPORT COMMISSIONED BY:** 

IMPACT

SUBJECT SITE: 71 Beaconsfield-Emerald Road, Emerald Vic 3782

**REPORT PREPARED BY:** 

Consulting Arborist Certificate 5 Horticulture (Arboriculture)

PHONE

DATE OF ASSESSMENT: Monday, February 06, 2023

DATE OF REPORT: Wednesday, August 30, 2023

**VERSION 3** 

TMC REPORTS

# ARBORICULTURAL CONSULTING SERVICES

# 13 601 685 223

ABN

3 0401 442 604

#### nick@tmcreports.com.au

EMAIL

WEBSITE

www.tmcreports.com.au

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# 1 Assignment

# 1.1 Author / Consulting Arborist

Name

Consulting Arborist Certificate 5 Horticulture (Arboriculture)



# 1.2 Client

# Name

Site Address

71 Beaconsfield-Emerald Road, Emerald Vic 3782

# **Intended Audience**

- The property/tree owner(s)
- The development project manager and associated construction staff
- o Council Planning Department

# 1.3 Brief

The purpose of this report is to provide an independent arboricultural assessment of prominent trees that are located within close proximity to the proposed construction.

Detail has been requested in relation to the following instructions:

- o To assess the overall condition and retention value of the subject trees.
- To determine the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of the subject trees.
- To determine whether the subject trees are expected to remain viable following the proposed development.
- To propose recommendations that are expected to ensure that the subject trees would remain viable post construction.

# 1.4 Summary

- Two trees (Trees 1 & 2) are of high retention value.
- $\circ~$  Three trees (Trees 3, 4 & 5) are of low retention value.
- $\circ~$  Three trees (Trees 1, 2 & 3) trigger both a VPO1 and ESO1 permit.
- Less invasive construction measures for the carpark / footpath (8.3.1) and drains and services (8.4.7).



# 2 Data collection

# 2.1 Site visit

• assessment on Monday the 6<sup>th</sup> of February 2023 at 12:30pm.

# 2.2 Method of data collection

- The subject trees were assessed from observations made as viewed from ground level.
- Access to neighbouring properties was not permitted. Assessment was therefore limited only to parts of the trees that were visible from within the subject site.
- A digital camera was used at ground level to obtain photographs within this report.
- The canopy spreads of the trees were estimated.
- The heights of the trees were measured by using a Nikon Forestry Pro 2 Laser Range Finder.
- $\circ\,$  A circumference tape measure was used to determine the trunk dimensions of Trees 1 5.
- Encroachment percentages have been calculated via ArborCAD.

# 2.2.1 Documents viewed

- Proposed plan (17/08/2023)
- o Cardinia Council Planning Scheme
- Australian Standard AS4970 2009 'Protection of Trees on Development Sites'
- o Australian Standard AS4373 2007 'Pruning of Amenity Trees'

# 3 Site description

- The subject site is located in a Green Wedge Zone Schedule 2 (GWZ2) and also a Low Density Residential Zone – Schedule 2 (LDRZ2) within the Cardinia Council.
- The site is located within a bushfire prone area.
- $\circ$  The terrain of the site appeared to be declining in a north-easterly direction.
- The subject trees are all located within the subject site.



# 4 Tree data

Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread	DBH CA1 DAB	Health	Structure	NLE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Permit Required	Comments
1	Pinus radiata	Mature	Exotic	26.0 m	N-S 19.0 m	1.25 m 4.05 m	Fair	Fair	20 + years	High	High	15.0 m	3.8 m	ESO1 VPO1	Existing concrete driveway, carpark and front fence within TPZ. Large specimen.
	Radiata pine				E-W 19.0 m	1.40 m									
2	Pinus radiata	Mature	Exotic	26.0 m	N-S 23.0 m	2.40 m 7.85 m	Fair	Fair	20 + years	High	High	15.0 m	5.1 m	ESO1 VPO1	Existing concrete driveway and front fence within TPZ.
	Radiata pine				E-W 22.0 m	2.80 m			youro					vi o i	Large specimen.
	Betula pendula				N-S	0.20 m									
3	'Youngii'	Mature	Exotic	3.4 m	5.5 m	0.66 m	Good	Fair	20 + years	Low	Low	2.4 m	1.9 m	ESO1 VPO1	Existing carpark within TPZ. Low hanging branchesto ground level.
	Weeping birch				E-W 5.5 m	0.26 m									
	Castanea sativa				N-S	0.09 m									
4		Semi Mature	Exotic	4.0 m	3.5 m	0.28 m	Good	Fair	20 + years	Low	Low	2.0 m	1.5 m	No Exempt	Exempt weed species.
	Sweet chestnut				E-W 3.5 m	0.15 m									
5	Castanea sativa	Semi Mature	Exotic	4.6 m	N-S 4.7 m	0.07 m 0.09 m 0.12 m (0.18 m) 0.22 m 0.28 m 0.28 m 0.41 m (1.19 m)	Good	Fair	20 + years	Low	Low	2.2 m	1.9 m	No Exempt	Exempt weed species.
	Sweet chestnut				E-W 4.7 m	0.27 m									



# 4.1 Photographic evidence





Tree 2



Tree 3





Tree 4

Tree 5



Existing entry as viewed from the west



Location of the proposed carpark as viewed from the east





Location of the proposed carpark as viewed from the south



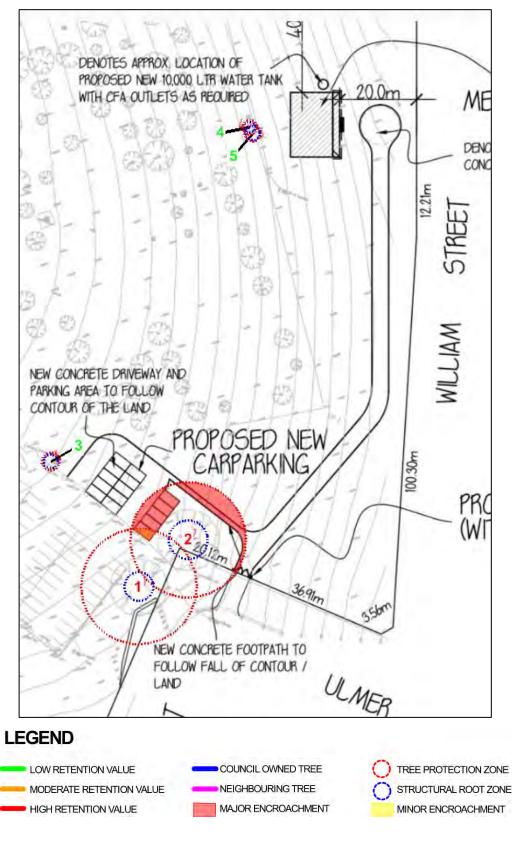
Location of the proposed meditation room as viewed from the east



# 5 Site maps

# 5.1 Proposed plan (overview)

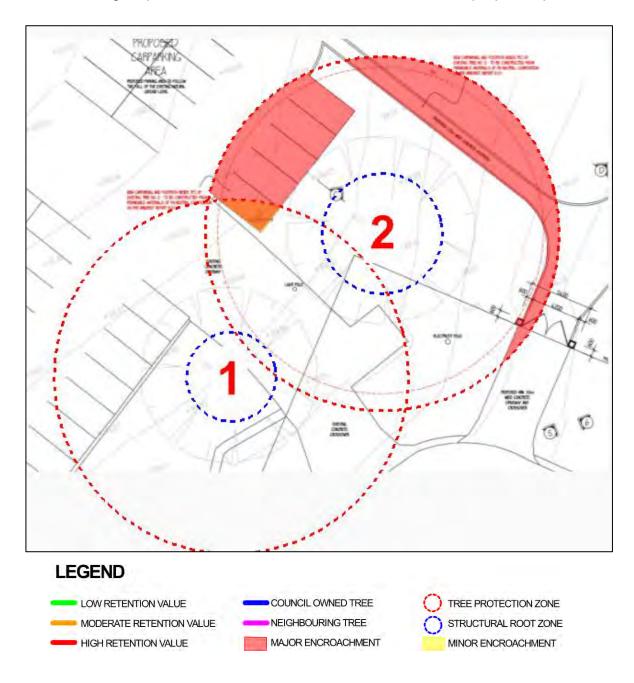
The following map indicates the tree locations in relation to the proposed plans:





# 5.2 Proposed plan (carpark / footpath)

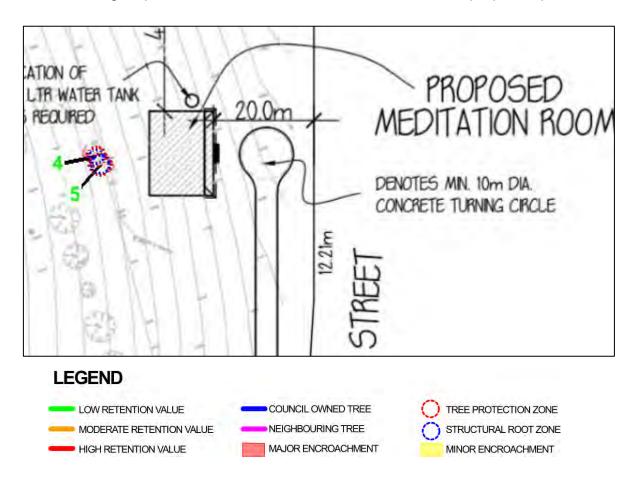
The following map indicates the tree locations in relation to the proposed plans:



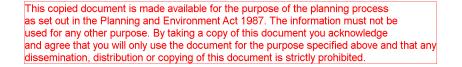


# 5.3 Proposed plan (meditation room)

The following map indicates the tree locations in relation to the proposed plans:







# 6 Discussion

# 6.1 Tree protection zone

The tree protection zone (TPZ) is determined by multiplying the trunk diameter of the tree at breast height, 1.4m from ground level, by 12. A 10% encroachment on one side of this zone is acceptable without investigation into root distribution or offset of the lost area.

Section 3.2 of the Australian Standard AS4970 – 2009 Protection of Trees on Development Sites states that the TPZ of Palms, other monocots, cycads and tree ferns should not be less than 1 moutside the crown projection.

# 6.2 Structural root zone

The structural root zone (SRZ) is the setback required to avoid damage to stabilising structural roots. The loss of roots within the SRZ must be avoided. The SRZ is determined by applying the following formula: (D X 50) 0.42 X 0.64 where D = trunk diameter in metres.

# 6.3 Designing around trees

It may be possible to encroach into or make variations to the TPZ of the trees that must be retained. Encroachment includes excavation, compacted fill and machine trenching.

The following is referenced from section 3.3 of the Australian Standards AS4970 – 2009 Protection of Trees on Development Sites:

# 6.3.1 Minor encroachment

If the proposed encroachment is less than 10% of the area of the TPZ and is outside the SRZ, detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.

# 6.3.2 Major encroachment

If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ the project arborist must demonstrate that the trees would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This may require root investigation by non-destructive methods.



# 7 Conclusion

# 7.1 Tree retention value

# 7.1.1 Low retention value

The following trees are considered to be of low retention value as they are relatively small specimens that are insignificant to the landscape:

- o Tree 3
- o Tree 4
- o Tree 5

# 7.1.2 High retention value

The following trees are considered to be of high retention value as they are very large trees that are significant to the landscape, with no obvious health or structural defects:

- o Tree 1
- o Tree 2

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## 7.2 Permit requirements

# 7.2.1 Vegetation Protection Overlay

The site is subject to the Vegetation Protection Overlay – Schedule 1 (VPO1), which states the following:

A permit is required to remove, destroy or lop any vegetation. This does not apply if:

- It is exempt under Clause 52.12 (Bushfire Protection: Exemptions) of this Planning Scheme. The vegetation is a tree overhanging the roof of a building used for Accommodation. This exemption only allows the removal, destruction or lopping of that part of the tree which is overhanging the building and which is necessary for fire protection.
- The vegetation is dead as a result of natural circumstances or as a result of the spread of noxious weeds and which has been assessed as being suitable for removal by an authorised officer of the responsible authority. This exemption does not apply to standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.



- It is the minimum extent necessary to maintain utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like, provided that the removal, destruction or lopping is with the written consent of the responsible authority.
- It is necessary for maintenance by the Cardinia Shire Council of works including any road, drain, essential service or public facility.
- The vegetation is seedlings or regrowth less than 5 years old, the land has previously been lawfully cleared and the land is being maintained for cultivation or pasture.
- It is the removal of any vegetation from an existing dam wall where the vegetation may impact on the structural stability of the dam wall.
- It is within 6 metres of an existing dwelling on a lot of less than 0.4 hectares. It is necessary for works associated with the normal operation of the Puffing Billy Tourist Railway as defined in the Schedule to the Public Use Zone under Clause 36.01 of this Planning Scheme.
- The vegetation is required to be pruned or lopped (but not removed) as part of normal domestic or horticultural practice for the species.
- The vegetation is an environmental weed contained in the table below; that is not listed under the Schedule to Clause 43.01 (Heritage Overlay) and there is no condition listed in the table (7.2.3).

# 7.2.2 Environmental Significance Overlay

The site is subject to the Environmental Significance Overlay – Schedule 1 (ESO1), which states the following:

A permit is required to:

Remove, destroy or lop any vegetation, including dead vegetation. This does not apply if:

- The vegetation is a tree overhanging the roof of a building used for Accommodation. This exemption only allows the removal, destruction, or lopping of that part of the tree which is overhanging the building, and which is necessary for fire protection.
- The vegetation is dead as a result of natural circumstances or the spread of noxious weeds and which has been assessed as being suitable for removal by an authorised officer of the responsible authority. This exemption does not apply to standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
- o It is within 6 metres of an existing dwelling on a lot less than 0.4 hectares.
- The vegetation is an environmental weed contained in the table below; that is not listed under the Schedule to Clause 43.01 (Heritage Overlay) and there is no condition listed in the table (7.2.3).



# 7.2.3 Cardinia weed list

Botanical name	Common name	Condition
Acacia baileyana	Cootamundra Wattle	
Acacia decurrens	Early Black Wattle	
Acacia elata	Cedar Wattle	
Acacia floribunda	White Sallow Wattle	
Acacia longifolia	Coast/Sallow Wattle	
Acacia saligna	Golden Wreath Wattle	
Acacia sophorae	Coastal Wattle	
Acer spp.	Maple	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Agapanthus praecox orientalis	African Lily	
Allium triquetrum	Angled Onion	
Alstromeria aurea	Peruvian Lily	
Amaryllis belladonna	Belladonna Lily	
Anredera cordifolia	Madeira vine	
Anthoxanthum odoratum	Sweet Vernal Grass	
Arbutus unedo	Strawberry Tree	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Arctotheca calendula	Cape Weed	
Asparagus asparagoides	Bridal Creeper	



Botanical name	Common name	Condition
Asparagus scandens	Asparagus Fern	
Berberis darwinii	Darwin's Berberry	
Briza minor	Shivery Grass	
Briza maxima	Quaking Grass	
Buddleia variabilis	Butterfly Bush	
Calicotome spinosa	Spiny broom	
Castanea spp.	Chestnut	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Cestrum elegans	Red Cestrum	
Chamaecytisus palmensis	Tree Lucerne	
Chrysanthemoides monilifera	Boneseed	
Chrysanthemum maximum	Shasta Daisy	
Cirsium vulgare	Spear thistle	
Conium maculatum	Hemlock	
Convolvulus spp.	Bindweeds	
Conyza bonariensis	Tall Fleabane	
Coprosma repens	Mirror Bush	
Coprosma repens	Tuapata	
Coprosma robusta	Karamu	
Cornus capitata	Evergreen Dogwood	
Cortaderia selloana	Pampas Grass	



Botanical name	Common name	Condition	
Corymbia maculata	Spotted Gum	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres	
Cotoneaster spp.	Cotoneaster		
Crataegus monogyna	Hawthorn		
Crocosmia x crocosmiifolia	Montbretia		
Cytisus palmensis	Tree Lucerne		
Cytisus scoparius	English Broom		
Cynodon dactylon	Couch grass		
Cyperus erogrostis	Drain Flat Sedge		
Delairea odorata	Cape Ivy		
Dipogon lignosus	Common Dipogon (Dolichos)		
Dodonea viscose	Sticky Hop Bush		
Echium plantagineum	Paterson's Curse		
Ehrharta erecta	Panic Veldt Grass		
Ehrharta longiflora	Annual Veldt grass		
Erica baccans	Berry-flower Heath		
Erica lusitanica	Spanish Heath		
Euryops abrotanifolius	Euryops		
Foeniculum vulgare	Fennel		
Fraxinus angustifolia	Narrow-leafed Ash		
Fraxinus ornus	Manna Ash		



Botanical name	Common name	Condition
Fraxinus oxycarpa	Caucasian Ash	
Galium aparine	Cleavers	
Genista linifolia	Flax Leaf Broom	
Genista monspessulana	Cape/Montpellier Broom	
Hakea salicifolia	Willow Hakea	
Hakea sauveolens	Sweet Hakea	
Hedra helix	English Ivy	
Holcus lanatus	Yorkshire Fog	
Hypericum androsaemum	Tutsan	
Hypericum perforatum	St.John's Wort	
Hypericum tetrapterum	St. Peter's Wort	
llex aquifolium	Holly	
Ipomoea indica	Morning Glory	
Lathyrus latifolius	Sweet Pea	
Leycesteria Formosa	Himilayan Honeysuckle	5
Lingustrum lucidum	Broad-Leaved Privet	
Ligustrum vulgare	Privet	
Lonicera japonica	Japanese Honeysuckle	
Malus spp	Apple	
Melaleuca armillaris	Giant Honey Myrtle	



Botanical name	Common name	Condition
Melaleuca hypericifolia	Honey Myrtle	
Myosotis sylvatica	Common Forget-me-not	
Myrsiphyillum scandens	Asparagus Fern	
Myrsiphyllum asparagoides	Bridal Creeper	
Myrsiphyllum asparagoides	Smilax	
Oenothera stricta	Common Evening Primrose	
Opuntia aurantiaca	Prickly Pear	
Oxalis pes-caprae	Soursob	
Portulaca oleracea	Common Purslane	
Paraserianthis lopantha	Cape Wattle	
Passiflora sp. aff. mollissima	Banana Passionfruit	
Pentaglottis serpvirens	Alkante	
Phalaris aquatica	Toowoomba Canary Grass	
Pennisetum clandestinum	Kikuyu	
Phytolacca octandra	Inkweed	
Pinus radiata	Montery Pine	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Pittosporum crassifolium	Karo	
Pittosporum undulatum	Sweet Pittosporum	
Polygalia myrtifolia	Myrtle Leaf Milkwort	
Populus tremuloides	American Aspen	



Botanical name	Common name	Condition
Prunus cerasifera	Cherry Plum	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Prunus laurocerasus	Cherry Laurel	
Prunus Iusitanica	Portugal Laurel	
Prunus spp.	Plum	Does not included Prunus cerasifera (Cherry Plum)
Psoralea pinnata	Bloukeur (Pinnate Scurf-Pea	a)
Pyracantha spp.	Firethorns	
Quercus spp.	Oak	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Ranunculus repens	Creeping Buttercup	
Rhamnus alaternus	Italian Buckthorn	
Ricinus communis	Castor Oil Plant	
Robinia pseudacacia	Black Locust	
Romulea rosea var australis	Onion Grass	
Rosa rubiginosa	Sweet Briar	
Rubus fruticosus spp. agg.	Blackberry	
Saliz babylonica	Weeping willow	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Salix spp.	Weeping willow	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Salpichroa origanifolia	Pampas Lily of the Valley	



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Botanical name	Common name	Condition
Senecio jacobaea	Ragwort	
See Cape Wattle	False Wattle	
Solanum linnaeanum	Apple of Sodom	
Solanum mauritianum	Tree Tobacco	
Solanum nigrum	Black Nightshade	
Solanum pseudocapsicum	Madeira Winter Cherry	
Sollya heterophylla	Blue-bell Creeper	
Spartina anglica	Common Cord-grass	
Tradescantia fluminensis	Wandering Jew/Trad	
Trapaeolum majus	Nasturtium	
Ulex europaeus	Gorse	
Verbascum thapsus	Great Mullein	
Vibernum timus	Laurestinus	
Vinca major	Blue Periwinkle	
Viola odorata	Fragrant Violet	
Viola riviniana	Wood Violet	
Watsonia borbonica	Rosy Watsonia	
Watsonia meriana var. bulbillifera	Bulbil Watsonia	
Zantedeschia aethiopica	White Arum Lily	

### 7.2.4 Bushfire Management Overlay

The site is subject to the Bushfire Management Overlay, which none of the assessed trees are affected by.



### 7.2.5 Trees subject to permit requirements

The following trees require a permit to remove, destroy or lop under both ESO1 and VPO1:

- o Tree 1
- o Tree 2
- o Tree 3

The following trees are exempt from both ESO1 and VPO1 permit requirements as they are listed as weed species:

- o Tree 4
- o Tree 5

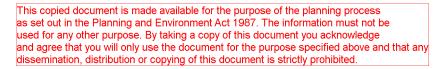
#### 7.3 Impact assessment

The following table represents the encroachments of the proposed development:

Tree No.	Encroachment	TPZ encroachment	SRZ encroachment	Encroachment category	Proposed retention
1	New carpark	1.0%	0%	Minor	Retain
	Crossover	0.3%	0%	Minor	
	New gate	0.1%	0%	Minor	
2	Carpark	11.6%	0%	Major	Retain
2	Driveway	1.6%	0%	Minor	Retain
	Footpath	12.0%	0%	Major	
	TOTAL	25.6%	0%	Major	
3	N/A	0%	0%	N/A	Retain
4	N/A	0%	0%	N/A	Retain
5	N/A	0%	0%	N/A	Retain

Note: encroachment calculations are approximate and do not consider over excavation





### 7.3.1 No encroachment

Development is not proposed to encroach into the TPZ or SRZ of the following trees:

- o Tree 3
- o Tree 4
- o Tree 5

The proposed development is not expected to compromise the long-term viability of the above-mentioned trees.

Less invasive construction measures or development redesign is therefore not required to ensure that these trees would remain viable post construction.

### 7.3.2 Minor encroachment

The proposed development is considered to be a minor encroachment according to section 3.3.2 of the Australian Standard AS4970 – 2009 'Protection of Trees on Development Sites' of the following tree:

o Tree 1

The proposed development is not expected to compromise the health and/or structural integrity of the above-mentioned tree.

Less invasive construction measures or development redesign is therefore not required to ensure that this tree remains viable post construction.

### 7.3.3 Major encroachment

The proposed development is considered to be a major encroachment according to section 3.3.3 of the Australian Standard AS4970 – 2009 'Protection of Trees on Development Sites' of the following tree:

#### Tree 5

Crossover

- The proposed footprint of the crossover is considered to be a minor encroachment (6.3.1) of 0.3% of the TPZ and 0% of the SRZ.
- Individually, the construction of the crossover is not expected to compromise the tree's long-term viability.

New gate

• The proposed new gate is considered to be a minor encroachment (6.3.1) of 0.1% of the TPZ and 0% of the SRZ.



 Individually, the construction of the new gate is not expected to compromise the tree's long-term viability.

#### Carpark

- The proposed new carpark is considered to be a major encroachment (6.3.2) of 11.6% of the TPZ and 0% of the SRZ.
- Individually, the construction of the new carpark has the potential to compromise the tree's long-term viability.

#### New driveway

- The proposed new driveway is considered to be a minor encroachment (6.3.1) of 1.6% of the TPZ and 0% of the SRZ.
- Individually, the construction of the new driveway is not expected to compromise the tree's long-term viability.

#### Footpath

- The proposed footpath is considered to be a major encroachment (6.3.2) of 12.0% of the TPZ and 0% of the SRZ.
- Individually, the construction of the footpath has the potential to compromise the tree's long-term viability.

#### Overview

- The total encroachment of the crossover, new gate, carpark, driveway and footpath is 25.6% of the TPZ and 0% of the SRZ, which is considered to be major (6.3.2).
- This tree is of high retention value.
- This tree is proposed to be retained.
- This tree is protected under both ESO1 and VPO1.
- The construction of the crossover, new gate and driveway are not expected to compromise the tree's long-term viability.
- The construction of the carpark and footpath have the potential to compromise the tree's long-term viability.
- Recommendations within section 8.3 and 8.4 of this report are required to ensure that this tree would remain viable post construction of the carpark and footpath.



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### 8 **Recommendations**

### 8.1 Tree retention

The following trees of low retention value are proposed to be retained:

- o Tree 3
- o Tree 4
- o Tree 5

The following trees of high retention value are proposed to be retained:

- o Tree 1
- o Tree 2

The following is recommended in order to ensure that trees that are proposed to be retained would remain viable post construction:

- Comply with less invasive construction measures (8.3)
- Comply with tree protection measures (8.4)

### 8.2 Tree removal

None of the assessed trees are proposed to be removed.

In the unlikely event of tree removal, the following is recommended:

- Tree removal should be undertaken prior to construction commencing (including demolition).
- Written consent from the responsible authority must be obtained prior to tree removal (if required).

### 8.3 Less invasive construction measures

### 8.3.1 Carpark / footpath (Tree 2)

- Construct the carpark / footpath at or above grade within the TPZ of Tree 2.
- Construct the carpark / footpath via permeable materials of pH neutral composition which allows water to penetrate through the surface and into the soil profile within the TPZ of Tree 2.



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### 8.4 Tree protection measures

### 8.4.1 Pruning

• Pruning of trees that are proposed to be retained (8.1) is not required for clearance purposes and should therefore not be undertaken.

### 8.4.2 Tree protection fencing

- Tree protection fencing (TPF) should be installed for Trees 1, 2 & 3.
- TPF should be installed as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
- The existing site perimeter fencing may be used as TPF for other trees.
- TPF should be installed prior to machinery being brought onsite for the demolition of the existing dwelling.
- TPF should be a minimum 1.8m high and comprised of wire mesh (or similar) supported by concrete feet (or similar).
- o TPF should remain intact for the duration of the project.
- TPF should only be removed or shifted with the approval of the Project Arborist and the Responsible Authority.

### 8.4.3 Tree protection signage

- The signage on the TPF should be placed on TPZ fencing at regular intervals so that it is visible from any angle outside the TPZ.
- Signage should state 'Tree Protection Zone, No Access' or similar.
- Signage should be greater than 600mm X 400mm in size.
- The contact details of the project arborist and site manager should be written clearly on the sign.

# Tree Protection Zone O NO ACCESS

### 8.4.4 Scaffolding

• When scaffolding must be erected within Tree Protection Zones, cover the ground with a 10cm layer of mulch, and then cover this with boards and plywood to prevent soil compaction.

#### 8.4.5 Site storage

• A designated storage area where building materials, chemicals etc. can be stored should be located outside the TPZ of retained trees.



### 8.4.6 Prohibitions within the TPZ

The following activities are prohibited within the TPZ:

- Machine excavation including trenching (unless approved by the Responsible Authority)
- o Cultivation
- o Storage
- o Preparation of chemicals, including cement products
- Parking of vehicles
- o Refuelling
- Dumping of waste
- o Wash down and cleaning of equipment
- o Placement of fill
- o Lighting of fires
- Physical damage to the tree
- o Pruning or damaging of roots greater than 30mm in diameter

### 8.4.7 Drains and services

In the event that any drains or services are included in a greater than 10% encroachment into the TPZ or encroach into the SRZ of trees that are proposed to be retained, the following should be undertaken:

 Drains or services should be installed by non-root destructive means such as horizontal boring at greater than 1100mm in depth or by low pressure hydro-excavation to ensure that the bark of the roots remain intact, unless a root investigation determines that the tree(s) would remain viable.

Note: encroachment calculations must consider additional encroachments e.g. site cuts, retaining walls, building footprint.



### 9 Limitation of liability

TMC Reports and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Trees are living organisms that fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been made from ground level and limited to accessible components without dissection, excavation or probing. There is no guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of this report, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Such issues cannot be taken into account unless complete and accurate information is given prior to or at the time of site inspection.

Information contained in this report covers those items that were examined and reflect the condition of those items at the time of inspection. There is no warranty or guarantee expressed or implied that the problems or deficiencies of the trees or property in question may not arise in the future. Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks involved with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.



### 10 Definition of terms

The following descriptors are used as indicators only. Other factors may be used in assessing an individual tree's health, structure, ULE, retention value and amenity value.

#### 10.1 Tree health

- o Good
- o Fair
- o Poor
- o Very poor
- o Dead
- Good: The tree is demonstrating good or exceptional growth for the species. The tree should exhibit a full canopy of foliage and have only minor pest or disease problems. Foliage colour size and density should be typical of a healthy specimen of that species.
- Fair: The tree is in reasonable condition and growing well for the species. The tree should exhibit an ad equate can opy of foliage. There may be some dead wood in the crown, some grazing by insect or animals may be evident, and/orfoliage colour, size or density may be atypical for a healthy specimen of that species.
- Poor: The tree is not growing to its full capacity. Extension growth of the laterals may be minimal. The canopy may be thinning or sparse. Large amounts of dead wood may be evident throughout the crown, as well as significant pest and disease problems. Other symptoms of stress indicating tree decline may be present.
- Very poor: The tree appears to be in a state of decline, and the canopy may be very thin and sparse. A significant volume of dead wood may be present in the canopy, or pest and disease problems may be causing a severe decline in tree health.

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Dead: The tree is no longer alive.

#### 10.2 Structure

- o Good
- o Fair
- o Poor
- Very poor
- o Failed

The definition of structure is the likelihood of the tree to fail under normal conditions. A tree with good structure is highly unlikely to suffer any significant failure, while a tree with poor to very poor structure is likely or very likely to fail.

Good: The tree has a well-defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunks or the branches. Major limbs are well defined. The tree would be considered a good example for the species. Probability of significant failure is highly unlikely. The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance Fair: at some branch unions or branches may be exhibiting minor structural faults. If the tree has a single trunk, this may be on a slight lean, or be exhibiting minor defects. Probability of significant failure is low. Poor: The tree may have a poorly structured crown, the crown may be unbalanced, or exhibit large gaps. Major limbs may not be well defined; branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered major root damage. Probability of significant failure is moderate. Very poor: The tree has a poorly structured crown. The crown is unbalanced or exhibits large gaps. Major limbs are not well defined. Branch unions may be poor or faulty at the point of attachment. A section of the tree has failed or is in imminent danger of failure. Active failure may be present, or failure is probably in the immediate future. Failed A significant section of the tree or the whole tree has failed.



#### 10.3 Useful life expectancy (ULE)

- o Unsafe or 0 years
- Less than 5 years
- o 5 to 10 years
- o to 20 years
- o 20 + years

Useful life expectancy is approximately how long a tree can be retained safely and usefully in the landscape providing site conditions remain unchanged and the recommended works are completed.

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It is based on the principals of safety and usefulness in the landscape and should not reflect personal opinions on species suitability.

Unsafe or 0 years: The tree is considered dangerous in the location and/or no longer provides any amenity value.

- Less Than 5 years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 5 years. The tree will need to be replaced in the short term. Replacement plants should be established as soon as possible if there is efficient space, or consideration should be given to the removal of the tree to facilitate replanting.
- 5 to 10 Years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 10 years. Trees in this category may require regular inspections and maintenance particularly if they are large specimens. Replacement plants should be established in the short term if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.
- 10 to 20 Years: The tree under normal circumstances and without extra stress should be safe and of value of up to 20 years. During this period, regular inspections and maintenance will be required.
- 20 + Years: The tree under normal circumstances and without extra stress should be safe and of value of more than 20 years. During this period, regular inspections and maintenance will be required.

#### 10.4 Tree retention value

- o High
- o Moderate
- o Low
- Neighbouring tree
- Council Owned Tree
- High: The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (eg. habitat, shade, flowers or fruit). The tree is free from structural defects and is vigorous. Consider the retention of the tree and designing the development to accommodate the tree.
- Moderate: The tree may offer some screening in the landscape or serve a particular function in the location and have minor structural defects. The tree may be entering the mature stage of its life cycle. The tree may be retained if it does not hamper the design intent.
- Low: The tree offers very little in the way of screening or amenity and may have significant structural defects. The tree may also be mature and entering the senescent stage of its life cycle. The tree may be removed if necessary.
- Neighbouringtree: The tree is located within an adjoining private property/land. The tree is to be protected unless written consent from the tree owner(s) and/or responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.

Council Owned Tree: The tree is located within Council owned land. The tree is to be protected unless written consent from the responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.



#### 10.5 Age

- o Young
- o Semi Mature
- o Mature
- Senescent

Young:Juvenile or recently planted approximately 1-7 years.Semi Mature:Tree actively growing.Mature:Tree has reached expected size in situation.Senescent:Tree is over mature and has started to decline.

#### 10.6 Amenity value

- o Very low
- o Low
- o Moderate
- o High
- Very Low: Tree makes little or no amenity value to the site or surrounding areas. In some cases, the tree might be detrimental to the area's amenity value (e.g. unsightly, risk of weed spread)
- Low: Tree makes some contribution of amenity value to the site but makes no contribution to the amenity value of surrounding areas. The removal of the tree may result in little loss of amenity. Juvenile trees, including street trees are generally included in this category. However, they may have the potential to supply increased amenity in the future.
- Moderate: The tree makes a moderate contribution to the amenity of the site and/or may contribute to the amenity of the surrounding area.
- High: The tree makes a significant contribution to the amenity value of the site, or the tree makes a moderate contribution to the amenity value of the larger landscape.

The amenity value rating considered the impact that the tree has on any neighbouring sites as being equally important to that supplied to the subject site. However, trees that contribute to the general area (e.g. streetscape) are given a greater weight.

#### 10.7 Terms within tree data table

- o DBH
- o DAB
- o CA1
- o TPZ
- o SRZ
- DBH: Diameter at breast height (1.4m from ground level). Combined DBH has been calculated according to the Australian Standard AS4970 2009 'Protection of Trees on Development Sites'
- DAB: Diameter at base of tree
- CA1: Circumference of trunk at 1m from ground level. Combined circumference is the sum of individual stem circumferences.
- TPZ: Tree Protection Zone
- SRZ: Structural Root Zone





# Bushfire Management Statement: 71 Beaconsfield – Emerald Road, Emerald



March 2023



### Bushfire Management Statement 71 Beaconsfield Emerald Road, Emerald

### March 2023

Cover image: Existing driveway along the southern side of the developed areas.

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TOP3519 R:\Cardinia\71 Beaconsfield-Emerald Road, Emerald\Report

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1.0	02/03/2023			Final for submission
1.1	28/03/2023			Updated plans provided

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# 1. INTRODUCTION

# 1.1 Application details

Municipality:	Cardinia			
Property Address	71 Beaconsfield-Emerald Road, Emerald			
Applicant/Owner Name				
Zoning	Low Density Residential Zone - Schedule 2 (LDRZ2)			
Overlays	<ul> <li>Bushfire Management Overlay (BMO).</li> <li>Environmental Significance Overlay - Schedule 1 (ESO1)</li> <li>Vegetation Protection Overlay - Schedule 1 (VPO1)</li> </ul>			
Bushfire Prone Area	Yes			
Application for:	Place of worship			

# 1.2 Application requirements

Clause 44.06 details the application requirements to address the BMO:

Unless a schedule to Clause 44.06 - Bushfire Management Overlay specifies a different requirement, an application under the BMO must be accompanied by:

- A bushfire hazard site assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2018 Construction of buildings in bushfire prone areas (AS3959-2018) (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A bushfire hazard landscape assessment including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-4.
- A bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 44.06. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.



Clause 53.02 details the objectives, approved measures, alternative measures and decision guidelines to be met under the BMO and is divided into three sections (Clause 53.02–3, 4 and 5). Clause 53.02–3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

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

Clause 53.02-4 applies to all other applications and Clause 53.02-5 contains the tables with site specific requirements (to be determined through site assessment and evaluation of Clause 53.02-3 or 4).

### Relevance to proposal

As this application is for a recreation centre; Clause 53.02-4 will be applied. An application must be accompanied by a bushfire management plan that:

- Shows all of the required bushfire protection measures specified,
- Includes written conditions that implement the required bushfire protection measures,
- Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
- Details vehicle access.

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### 1.3 Executive summary

A summary of the Approved and Alternative Measures of Clause 53.02, those which apply to the site and those which are met by this proposal is presented in Table 1.

The area within 150 metres of proposed works has steady downslopes towards Beaconsfield– Emerald Road to the west and a creek to the east. The majority of the direct surroundings are farmland and low-density residential housing. These areas are classified as Grassland as per (AS3959–2018) and Modified vegetation as per Clause 53.02 respectively. This vegetation was mostly located on downslopes relative to the subject site.

The surrounding landscape can be seen to have gentle rolling hills that stretch across all adjoining areas. Farming areas are seen to stretch across the landscape amongst low density residential housing, this is typical of areas to the north, east and west. Dense Forest vegetation is seen to surround Cardinia Reservoir to the south and extending through the landscape to the east. The subject site is separated from this vegetation by low density residential housing and farmland. Densely vegetated and more steeply inclined terrain is seen north east of the subject site within the Wright Forest Bushland Reserve.

It is proposed to construct an extension to the existing carpark, a meditation room and appropriate access way to the proposed structure. The application is seen to meet (at least partially) Approved Measures 2.1 and 2.2. The risk from the landscape and down slopes surrounding the property means the risk can never be fully mitigated but presents a lower risk to the site due to vegetation type (mainly grassland from paddocks periodically supporting livestock. The subject site also allows for direct access to Emerald which includes the closest Neighbourhood Safer Place. This, combined with an emergency management plan means it is expected to meet the requirements of Approved Measure 2.1 as much as this landscape allows.

The proposed meditation room is to be placed in the north-eastern corner of the site which does place it directly adjacent to Grassland on the steepest downslopes observed within the assessment area so there are safer locations to place this structure. That being said, the amount of management and the lack of higher risk vegetation types in the immediate area reduces the risk enough for Approved Measure 2.2 is seen to be met. The curved roof proposed for this structure is not ideal when considering ember attack but regular maintenance can potentially address this and this design is only present around the edges of the roof. The structure will also be built into the hill which provides additional shielding so it can be seen as compliant with Approved Measure 2.3.

Approved Measure 3.2 applies here since the application is for a place of assembly but it is also not suitable considering the landscape risk. A higher BAL rating is considered appropriate and will be applied through Alternative Measure 3.6. We're therefore proposing BAL-29 with 15 metres of defendable space in response to the 15-20° Downslope Grassland for the meditation room. Approved Measure 4.2 is applied here for the place of assembly application. Four 22,000L tanks are located at the rear of the property, two of these are for fire control. Five 10,000L tanks are located to the west of the property, all of these tanks are for fire control. All water supply and access measures outlined in Approved Measure 4.2 have been meet.

Approved/Alternative Measure	Relevant to proposal?		Met by proposal?		Further comments	
AM 1.1	Yes 🗌	No 🖂				
AM 1.2	Yes 🗌	No 🖂	N/A		Requirements of Clause 52.03-4 to be met	
AM 1.3	Yes 🗌	No 🖂				
AM 2.1	Yes 🖂	No 🗌	Yes 🖂	No 🗌		
AM 2.2	Yes 🖂	No 🗌	Yes 🖂	No 🗌		
AM 2.3	Yes 🖂	No 🗌	Yes 🖂	No 🗌		
AM 3.1	Yes 🗌	No 🖂	N	/A	AM 3.2 applies	
AM 3.2	Yes 🖂	No 🗌	Yes 🗌	No 🖂		
AltM 3.3	Yes 🗌	No 🖂	N	/A	Not required	
AltM 3.4	Yes 🗌	No 🖂	N/A		Not required	
AltM 3.5	Yes 🗌	No 🖂	N	/A	Not required	

Table 1. Summary of Approved/Alternative Measures to Clause 53.02



Approved/Alternative Measure	Relevant to	o proposal?	Met by proposal?		Further comments
AltM 3.6	Yes 🖂	No 🗌	Yes 🖂	No 🗌	Risk Management analysis will be required to ensure occupants are able to take refuge during extreme fire weather. It is unlikely that occupants will be located within the meditation room during extreme fire weather, refuge is likely to be taken within the main building.
AM 4.1	Yes 🗌	No 🖂	N/	A	AM 4.2 applies
AM 4.2	Yes 🖂	No 🗌	Yes 🖂	No 🗌	
AM 5.1	Yes 🗌	No 🖂			
AM 5.2	Yes 🗌	No 🖂			
AM 5.3	Yes 🗌	No 🖂	N/A		Application does not include a subdivision
AM 5.4	Yes 🗌	No 🖂			
AltM 5.5	Yes 🗌	No 🖂			



# 2. BUSHFIRE HAZARD SITE ASSESSMENT

The bushfire hazard site assessment (the site assessment) documents the bushfire hazard on and near the site. Map 1 provides an overview of the subject site and Map 2 provides the details of the Bushfire Hazard Site Assessment which includes the land within 150 metres.

### 2.1 Site shape, dimensions, size

The shape of the site:	Triangular
The dimensions of the site:	Approximately 360 x 360 m
The site has a total area of:	Approximately 6.64 ha

# 2.2 Existing use and development on the site

The current use of the site	Place of worship and residential dwelling
The buildings or works located on the site:	Existing temple, tennis court, recreation room, residence and carparking area. Proposed meditation room, connecting concrete driveway and carparking.

### 2.3 Existing access and infrastructure connections

Roads and access:	There is an existing concrete driveway within the site that joins Ulmer Road West, which is a dirt road that connects to Beaconsfield- Emerald Road.		
Power	The site is connected to mains power		
Water	The site is connected to tank water		
Nearest fire hydrant	A search of Yarra Valley Water's assets revealed there are no hydrants within 2 km of the site.		



### 2.4 Vegetation and topography

Refer to Map 2 and Table 2 for the results of the vegetation and slope assessment as per Australian Standards 3959–2018: Construction of Buildings in Bushfire Prone Areas (AS3959–2018) (ref).

The site has steady downslopes towards Beaconsfield– Emerald Road to the west and a creek to the east. The majority of the direct surroundings are farmland and low–density residential housing, these areas are classified as Grassland as per Australian Standards AS3959–2018: Construction of Buildings in Bushfire Prone Areas (Standards Australia 2018) (AS3959–2018) and Modified vegetation as per Clause 53.02 respectively. This vegetation was mostly located on downslopes relative to the subject site.

Terrain within 150 metres of the property have been assessed to allow for design change if required. Proposed works are located along the eastern boundary, the Bushfire Attack Level (BAL) Assessments will be developed from the proposed location of the meditation room (*Site Plan*, Graeme Bicknell Pty Ltd, 16/06/2022) (see Appendix 4).

Patch	1	2	3	4	5	6	7	8	9
Direction relative to site/dwelling	All directions	East	South- west	West & south	North	South & west	North– west	West	South
Vegetation type	Modified vegetation	Forest	Forest	Low threat	Grass- Iand	Grass- Iand	Grass- Iand	Grass- Iand	Shrub- Iand
Effective slope (up/down)	N/A	Down	Up	N/A	Up	Down	Down	Down	Down
Effective slope (degrees)	N/A	10-15°	0-1°	N/A	0°	5-10°	10-15°	15-20°	5-10°

Table 2.	Bushfire	hazard	site	assessment

### 2.4.1 Forest

Forest vegetation as per AS3959-2018 consists of a canopy layer between 10-30m high (can be taller) with foliage cover of between 30-70%. There is also an elevated fuel layer of shrubs along with ground story fuels (grasses and herbs). This vegetation is typically dominated by Eucalypts but also includes Pine plantations and denser covering of exotic trees.

The Forest east of the site consists of trees and vegetation located along the creek line (Figure 1). These trees are on a 10–15° downslope towards the creek. Forest is also seen along both sides of the Beaconsfield–Emerald Road reserve. Forest within the road reserve is considered as flat due to the leveling of the road (Figure 2).



### 2.4.2 Shrubland

Shrubland vegetation as per AS3959–2018 lacks a canopy layer due to higher density shrubs and grasses dominating the area and/or poor soil which is unable to support them. Shrubs are normally between 1–2m high with foliage cover of more than 30% and are primarily made up of Banksia, Acacia, Hakea and Grevillea species. Shrubland can be seen in a small path on the southern boundary of Beaconsfield Emerald Road where larger trees have not established (Figure 3).

### 2.4.3 Grassland

Grassland vegetation as per AS3959–2018 is dominated by grass and herb species and can contain canopy and elevated fuel layers of varying heights as long as the foliage cover is less than 10%. This vegetation is the dominant vegetation present within 150 metres of the subject site, this is largely due to the adjacent farmland and livestock. These areas are considered Grassland despite the presence of stock because these animals are periodically removed to allow the pasture to regrow so we cannot consider them managed (Figure 4). Grassland covers the steepest sections surrounding the site as well as being the closest vegetation to proposed works.

### 2.4.4 Low Threat and Modified Vegetation

Low Threat vegetation as per AS3959-2018 consists of vegetation managed to minimal fuel conditions including maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and wind breaks. Low threat vegetation in direct surrounds of the subject site include Beaconsfield-Emerald Road to the west and Ulmer Road West to the south of the site (Figure 5).

The management observed in these areas can also be considered insufficient to consider the vegetation Low Threat but enough to rule out other classified vegetation. Clause 53.02 considers this vegetation Modified as it:

- has been modified, altered or is managed due to urban development or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understorey vegetation, or
- is not low-threat or low-risk vegetation as defined in the standard

Modified Vegetation within 150 metres of the subject site include residential housing and their direct surrounds. These areas can be expected to be consistently managed (Figure 6).



### 2.5 Photographs of the site and assessment area



Figure 1. Downslope forest to the east of the subject site (background)



Figure 2. Roadside Vegetation



Figure 3. Shrubland to the south, along Beaconsfield Emerald Road (Google Maps).



Figure 4. Grassland to the east of the subject site



Figure 5. Beaconsfield-Emerald Road classified



Figure 6. Example of modified vegetation within the subject site



# 3. BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

The bushfire hazard landscape assessment provides information on the bushfire hazard more than 150 m away. This information is presented in Map 3 and Map 4 and discussed further below.

### 3.1 Adjacent and nearby land

Map 3 and Figure 7 shows the adjoining and nearby land.

The subject site is located on the top of a hill with sloping terrain to the south, east and west. The site sits at approximately 320m above sea level with slopes to the adjacent valley to the east and towards Beaconsfield– Emerald Road to the west. Cardinia Reservoir is located to the south west, this area is undeveloped and consists of dense vegetation, however can also be observed as a firebreak and water source. Wright Forest Bushland Area is located to the north east of the site and consists of dense, continuous forested landscape.

The majority of the surrounding landscape is private land zoned Green Wedge Zone (GWZ2) (as per the subject site) and Rural Conservation Zone (RCZ2). Private properties directly adjacent to the subject site include small scale farmland and low-density residential housing. The Township of Emerald is located to the north-west of the site and is mostly zoned as Neighbourhood Residential Zone (NRZ1) with Low Density Residential Zone (LDRZ2) becoming more prevalent heading south-east from Emerald towards the subject site. This zoning indicates that the bushfire risk will not change much as vegetation retention and low-density development are enforced through the RCZ but this zoning also allows for development so the risk is unlikely to increase as well.

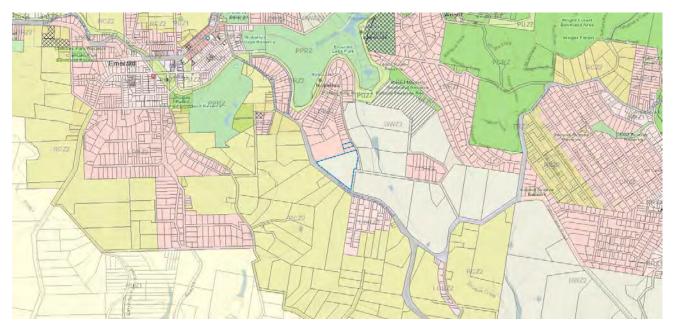


Figure 7. Zoning and overlays on adjacent land



### 3.2 Landscape

The landscape is shown on Map 4 and Figure 8.

The surrounding topography can be seen to have gentle rolling hills that stretch across all adjoining areas. Farming areas are seen to stretch across the landscape amongst low density residential housing, this is typical of areas to the north, east and west. Dense Forest vegetation is seen to surround Cardinia Reservoir to the south and extending through the landscape to the east. The subject site is separated from this vegetation by low density residential housing and farmland. Densely vegetated and more steeply inclined terrain is seen north east of the subject site within the Wright Forest Bushland Reserve.



Figure 8. Landscape

### 3.3 Bushfire history

There are no records of bushfire occurring on site in the available databases. Bushfires have impacted the land north east of the site in the 1983 fires coming to within approximately 1km of the site. Many planned burns have been undertaken within Cardinia Reservoir and Wright Forest Bushland Reserve Park between 2005 and 2020. The majority of planned burns are located with Wright Forest Bushland Reserve and in areas previously burn during the 1983 bushfire.

# 3.4 Potential fire behaviour

The most likely approach for fire is from the south-west and north-west due to winds from this direction being more common during bushfire season. Cardinia Reservoir to the south-west limited the distance a bushfire can travel from this aspect and the management within this catchment area also reduce the risk. Despite this, a bushfire can approach from this aspect and threaten the site via embers and high winds (see Map 4)



Bushfire approaching from the North west is expected to be confronted with the Township of Emerald and low-density residential housing prior to reaching the subject site so it is highly unlikely that this bushfire scenario will impact the site directly although embers can result in a local grassfire. A bushfire within the vegetation north of the Cardinia Reservoir could be moved towards the site by the south-westerly wind change but this would require specific timing and is considered unlikely.

### 3.5 Shelter and refuge options

The closest Neighbourhood Safer Place is located at Pepi's Land Netball Courts & Carpark. This is located 2 minutes (1.6 km) north of the subject site along the Beaconsfield–Emerald Road. The safest option for this area is to travel directly to this location through the low–density residential areas and this location is considered the safest, quickest and easiest access for refuge. This route is unlikely to be impacted by bushfire due to continued management of residential garden spaces. Proceeding east towards Cockatoo or south is not recommended due to the vegetation within these areas.

# 3.6 Landscape typology

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Planning Permit Applications - Bushfire Management Overlay - Technical Guide, provides a typology of bushfire landscapes (see Table 3).

We are considering this a Type 2 Landscape since while bushfires can approach from two directions, the chances of the site being impacted by a north-westerly fire are greatly reduced by the presence of the Emerald township (see Section 3.5). Shelter and refuge are readily accessible and located within 1.6 km of the subject site at the closest Neighbourhood Safer Place. Access to the Neighbourhood Safer Place is through managed low density residential housing and is accessible along a main road.

Table 3. Landscape typology as presented in Planning Permit Applications - Bushfire ManagementOverlay - Technical Guide (DELWP 2017)



# 4. BUSHFIRE MANAGEMENT STATEMENT

This section describes how the proposed development responds to the requirements in Clause 53.02 and Clause 44.06.

### 4.1 Definition of objectives and measures

To fulfil the purpose, and allow application of Clause 53.02 of the Planning Scheme, objectives, measures to address the objectives, and decision guidelines are detailed within the Clause. These are defined below:

- **Objectives.** An objective describes the outcome that must be achieved in a completed development.
- Approved measures (AM). An approved measure meets the objective.
- Alternate measures (AltM). An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The responsible authority may consider other unspecified alternative measures.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding on an application, including whether any proposed alternative measure is appropriate.

A schedule to Clause 44.06 may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines.

A substitute approved measure specified in a schedule to Clause 44.06 substitutes the applicable approved measure contained in this clause.

### 4.2 Development proposal

It is proposed to develop a meditation room to the north-east of the subject site, this will include an extension to the existing carpark and a proposed driveway leading from the main entrance of the meditation room

Appendix 3 provides for the Bushfire Management Plan, which shows the proposed development access and defendable space and the site plans are provided in Appendix 4.



### 4.3 Landscape, siting and design

#### Clause 53.02-4.1 Objectives

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

#### Clause 53.02-4.1 Approved measures

AM 2.1
The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.

Proposal meets measure	Yes 🖂	No 🗌	N/A	
------------------------	-------	------	-----	--

This landscape is considered a Type 2 as per Planning Permit Applications – Bushfire Management Overlay – Technical Guide which can be seen as acceptable under AM 2.1. The surrounding landscape is predominantly managed terrain with a lot of fragmentation between larger vegetated areas. The Township of Emerald is directly adjacent and can provide immediate refuge during an emergency and the only bushfires which can approach the site will be mitigated by limited runs or the presence of developed areas providing fuel breaks.

#### AM 2.2

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

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

Proposal meets measure Yes 🖂 No 🗌 N/A 🗌	Proposal meets measure	Yes 🖂	No 🗔	N/A 🗌	
---	------------------------	-------	------	-------	--

The proposed meditation room is to be placed in the north-eastern corner of the site which does place it directly adjacent to Grassland on the steepest downslopes observed within the assessment area so there are safer locations to place this structure. That being said, the amount of management and the lack of higher risk vegetation types in the immediate area reduce the risk.

This placement also provides shielding from the most likely bushfire approach aspect to the northwest (via managed terrain and residential areas) and south-west (via the existing temple). The new parking areas will also provide immediate access to the entrance along the eastern boundary so the development can be considered compliant with AM 2.2.



AM 2.3
A building is designed to be responsive to the landscape risk and reduce the accumulation of debris and entry of embers impact of bushfire on the building.

Proposal meets measure	Yes 🖂	No	N/A	
------------------------	-------	----	-----	--

Appendix 4 provides detailed plans of the proposed structure.

The primary threat from this landscape would be embers and potential high winds during a bushfire emergency. The curved roof proposed for this structure is not ideal when considering ember attack and the amount of debris which could accumulate here but regular maintenance can potentially address this and this curved design is only present around the edges of the roof. The structure will also be built into the hill which will be partially excavated for it which provides additional shielding from the wind so this structure can be seen as compliant with AM 2.3.

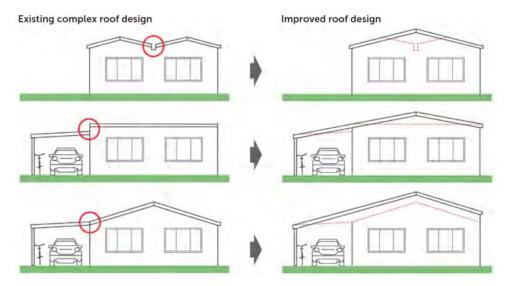


Figure 9. Improvements to roof design



Figure 10. Minimise Ember hazard



### 4.4 Defendable space and construction

#### Clause 53.02-4.2 Objective

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

#### Clause 53.02-4.2 Approved measures

#### AM 3.1

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

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

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

Proposal meets measure	Yes 🗌	No 🗌	N/A 🖂
AM 3.2			

A building used for accommodation (other than a dwelling or dependent person's unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:

- Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.
- Constructed to a bushfire attack level of BAL12.5.

Proposal meets measure	Yes 🗌	No 🖂	N/A
AltM 3.6			

A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02–5 where it can be demonstrated that:

- An integrated approach to risk management has been adopted that considers:
  - The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.
  - The intended frequency and nature of occupation.
  - The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.
- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.

Proposal meets measure
------------------------

As this application is for a place of worship, AM 3.2 applies over AM 3.1 which applies defendable space under Table 3 to Clause 53.02–5 (see Figure 11). However, due to the higher risk from the surrounding landscape, a higher BAL rating is more appropriate and AltM 3.6 is being used as a means to determine the defendable space and the construction requirements. This measure means an integrated response to risk management is required.



Vegetation class	Upslope and Downslope (degrees) flat land (0						
	degrees)	>0-5	>5-10	>10-15	>15-20		
Forest	.60	70	85	105	125		
Woodland	40	50	62	75	95		
Shrubland	25	28	32	36	41		
Scrub	35	40	45	50	55		
Mallee/Mulga	23	26	30	35	40		
Rainforest	30	36	46	60	70		
Grassland	35	40	45	50	55		

Figure 11.	Defendable space requ	irements as per -	Table 3 to Clause 53.	03-5

#### 4.4.1 BAL Assessment

The following table details the conditions within the 150m assessment area to detail the required defendable space. The assessment is split into areas based on the varying threat due to the different vegetation and slope.

Patch	1	2	3	4	5	6	7	8	9
Forest Fire Danger Index	100	100	100	100	100	100	100	100	100
Direction relative to the site	All directions	East	South -west	West & south	Nort h	South & west	North- west	West	South
Vegetation type	Modified vegetation	Forest	Forest	Low threat	Grass -land	Grass- Iand	Grass- Iand	Grass- Iand	Shrub -land
Slope (up/down)	N/A	Down	Up	N/A	Up	Down	Down	Down	Down
Slope (degrees)	N/A	10-15°	0-1°	N/A	0°	5-10°	10-15°	15-20°	5-10°
Defendable space for BAL 12.5 (m)	N/A	82	48	N/A	19	25	28	32	25
Defendable space for BAL 19 (m)	N/A	64	35	N/A	13	17	20	23	17
Defendable space for BAL 29 (m)	N/A	49	25	N/A	9	11	13	15	11
Distance to vegetation (m)	N/A	125	250	N/A	81	165	230	20	301
BAL (based on defendable space provided)	N/A	BAL- LOW	BAL- LOW	N/A	BAL- LOW	BAL- LOW	BAL- LOW	BAL- 29	BAL- LOW

Table 4. Defendable space and BAL assessment

Map 5 shows the extent of the proposed defendable space that will surround the dwelling, including the area of the adjacent road that will also provide defendable space.



The defendable space for the dwelling to be BAL-29 rated is 15 metres from the proposed meditation room. This is due to Grassland vegetation with a 15-20° downslope being located directly to the east. This is easily achievable due to existing mown grass within this area. 2-3 trees are located within this space are accepted to tolerate required canopy clearance. All other classified vegetation patches are expected to have a 'BAL-LOW' BAL Assessment on the proposed meditation room.

### 4.4.2 Proposed Construction standard

Meditation room	BAL-29
Outbuilding	N/A

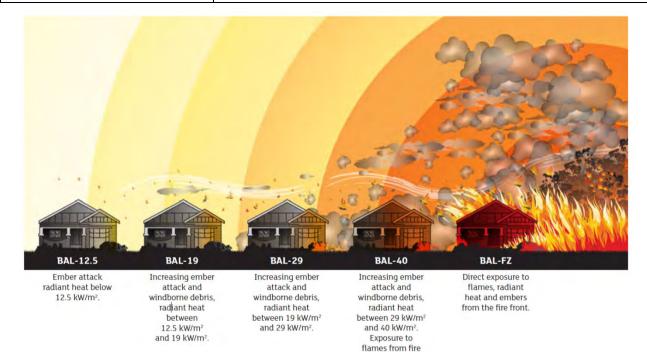


Figure 12. BAL levels (CFA 2012)

front likelu.

### 4.4.3 Defendable Space Management Standards

Table 6 to Clause 53.02-5 requires that defendable space is provided and is managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.



- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

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

There is no need to remove any existing trees on site, trees located within the proposed 15 metre defendable space are expected to tolerate pruning required to achieve 5 metre canopy separation.

### 4.5 Water supply and access

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Four 22,000L tanks are located at the rear of the property, two of these are for fire control. Five 10,000L tanks are located to the west of the property, all of these tanks are for fire control.

#### Clause 53.02-4.3 Objective

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

#### Clause 53.02- Approved measures

AM 4.1

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

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

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

Proposal meets measure	Yes 🗌	No 🗌	N/A 🖂

#### AM 4.2

A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:

- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
- An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

Proposal meets measure	Yes 🖂	No 🗔	N/A 🗌	
------------------------	-------	------	-------	--



The proposed access and water supply is detailed in Appendix 3.

### 4.5.1 Water Supply

Appendix 4 contains the site plans and designs for the proposed facility, the overall floor space of the proposed meditation room is less than 1,500m2 which will necessitate a static supply of

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

The existing tanks on site meet the requirements above.

### 4.5.2 Access

Applies		
	Length of access is less than 30m	There are no design and construction requirements if fire authority access to the water supply is not required under AM4.1.
	Length of access is less than 30 metres	Where fire authority access to the water supply is required under AM4.1 fire authority vehicles should be able to get within 4 metres of the water supply outlet.
	Length of access is greater than 30 metres	<ul> <li>The following design and construction requirements apply:</li> <li>All-weather construction.</li> <li>A load limit of at least 15 tonnes.</li> <li>Provide a minimum trafficable width of 3.5 metres.</li> </ul>
		• Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
		• Curves must have a minimum inner radius of 10 metres.
		• The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.



Bushfire Management Statement: 71 Beaconsfiled- Emerald Road, Emerald

	<ul> <li>Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.</li> </ul>
Length of access is greater than 100 metres	A turning area for fire fighting vehicles must be provided close to the building by one of the following:
	• A turning circle with a minimum radius of eight metres.
	• A driveway encircling the dwelling.
	<ul> <li>The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.</li> </ul>
Length of access is greater than 200 metres	<ul> <li>Passing bays must be provided at least every 200 metres.</li> <li>Passing bays must be a minimum of 20 metres long with a minimum trafficable width of six metres.</li> </ul>
	greater than 100 metres Length of access is

Note 1: The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer.

# 4.6 Emergency Management Recommendations

The measures in this Bushfire Management Statement cannot guarantee safety during an extreme fire event; buildings are only designed to withstand fire up to a Fire Danger Index (FDI) of 100 (i.e. not designed for Code Red Fire Danger), and even below this threshold building survival cannot be guaranteed. Occupants need to develop a Personal Bushfire Plan to clearly understand and plan for how they are going to act in response to a potential and actual fire event. Occupants should refer to CFA's Fire Ready Kit (CFA 2011) to help plan for such events.



### 5. **REFERENCES**

- CFA (2011) Prepare. Act. Survive. Fire Ready Kit. Country Fire Authority, Burwood East, Victoria.
- CFA (2012) Planning for Bushfire Victoria Guidelines for Meeting Victoria's Bushfire Planning Requirements. Country Fire Authority.
- CFA (2014a) Water Supply Requirements (Bushfire Management Overlay). Country Fire Authority, Victoria.
- CFA (2014b) Access Requirements (Bushfire Management Overlay). Country Fire Authority, Victoria.
- DTPLI (2014) *Practice Note 65: Preparing and Assessing a Planning Application under the Bushfire Provisions in Planning Schemes, July 2014.* Department of Transport, Planning and Local Infrastructure, Government of Victoria, Melbourne.
- Standards Australia (2018) Australian Standard 3959-2018 Construction of buildings in bushfire-prone areas (incorporating Amendment No. 1). SAI Global, Sydney.



#### Appendix 1. Water supply and access guidance

#### Water supply guidance

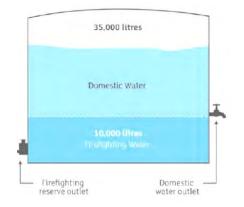


Figure 13. Firefighting water and domestic water can be in shared tank (DTPLI 2014)

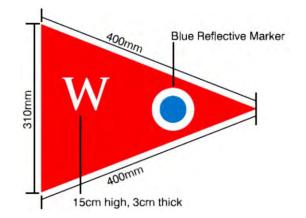
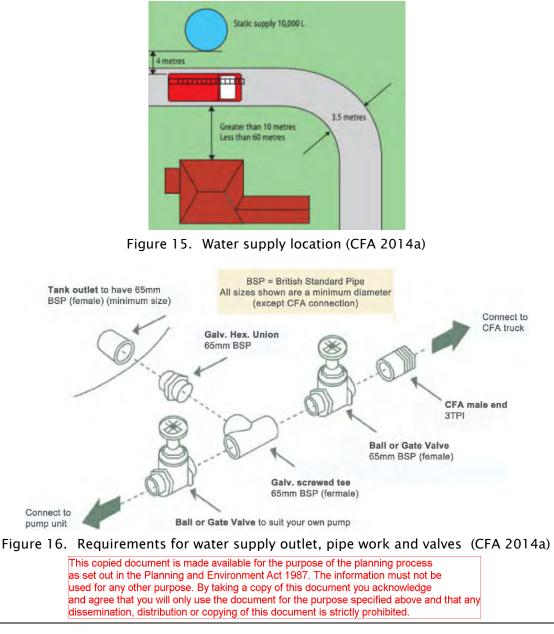


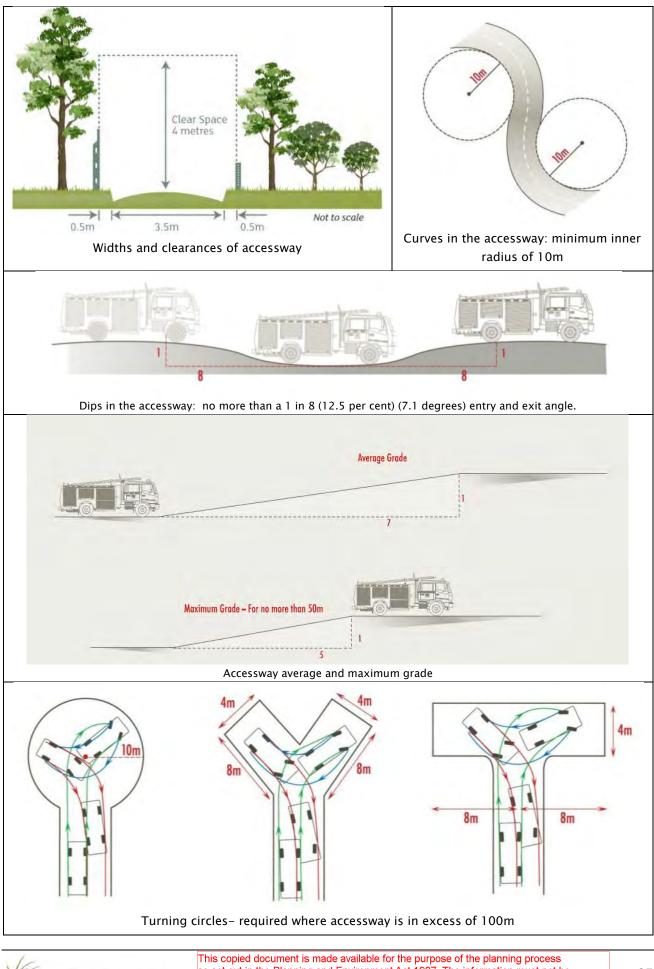
Figure 14. Water supply identification (CFA 2014a)





#### Access guidance

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Figure 17. Access guidance (CFA 2014b)

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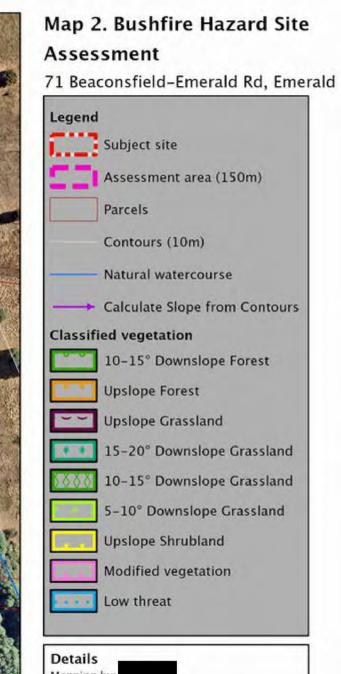
#### Appendix 2. Maps

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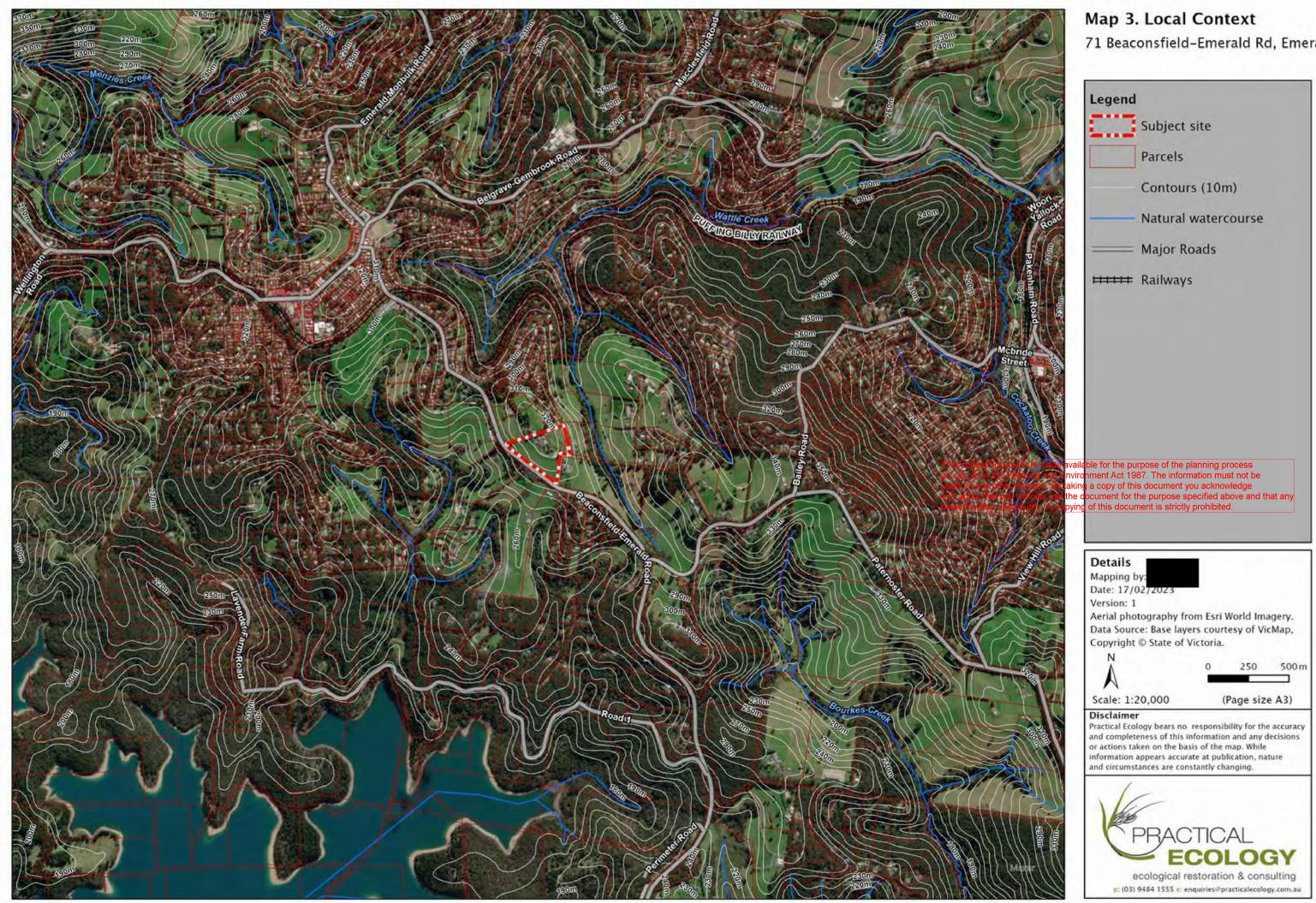


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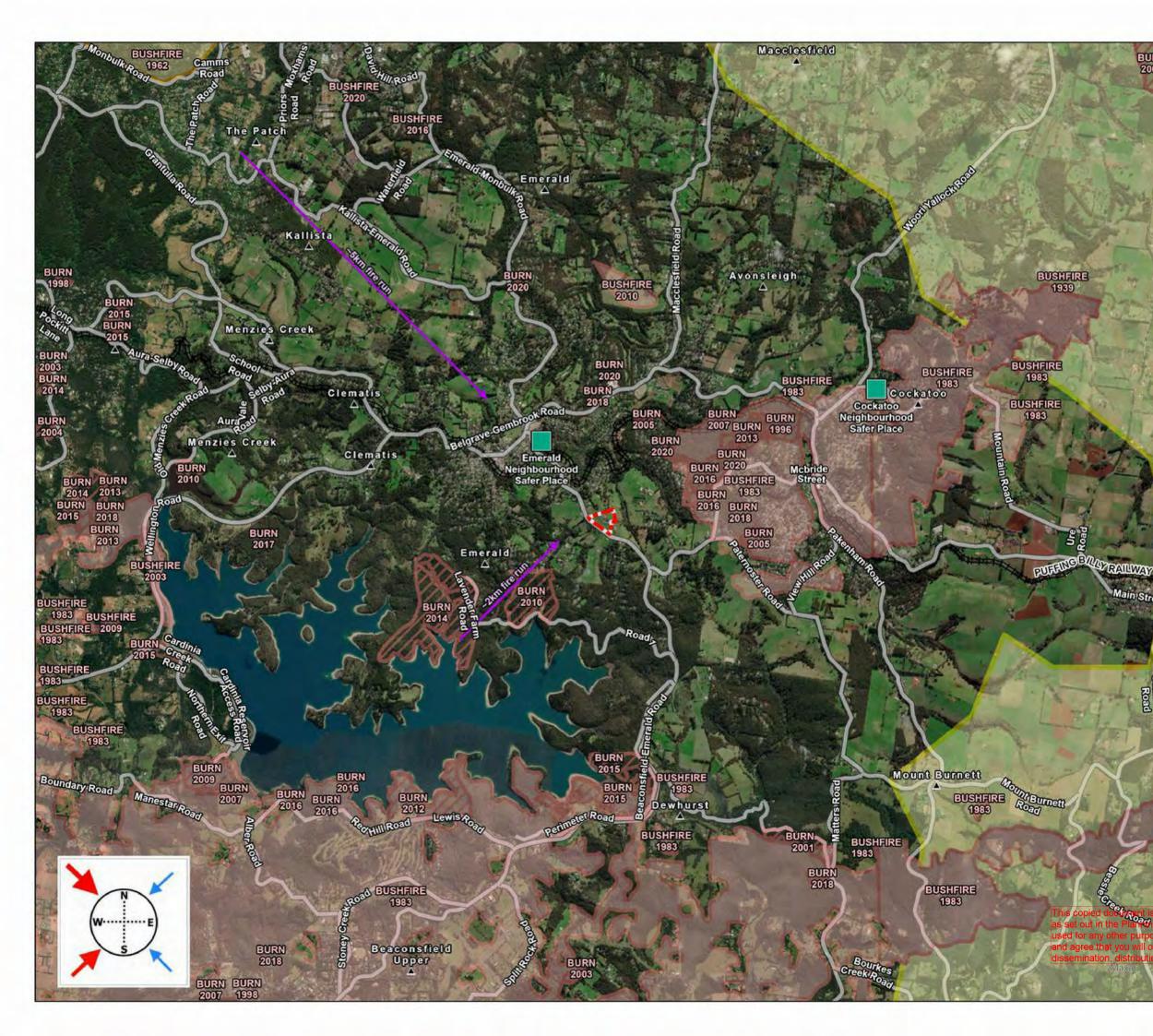
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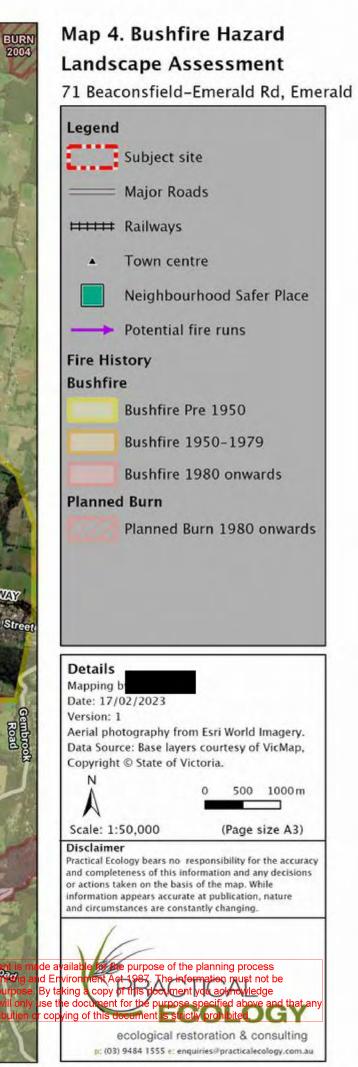


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## 71 Beaconsfield-Emerald Rd, Emerald







## Map 5. Defendable Space Assessment

#### 71 Beaconsfield-Emerald Rd, Emerald

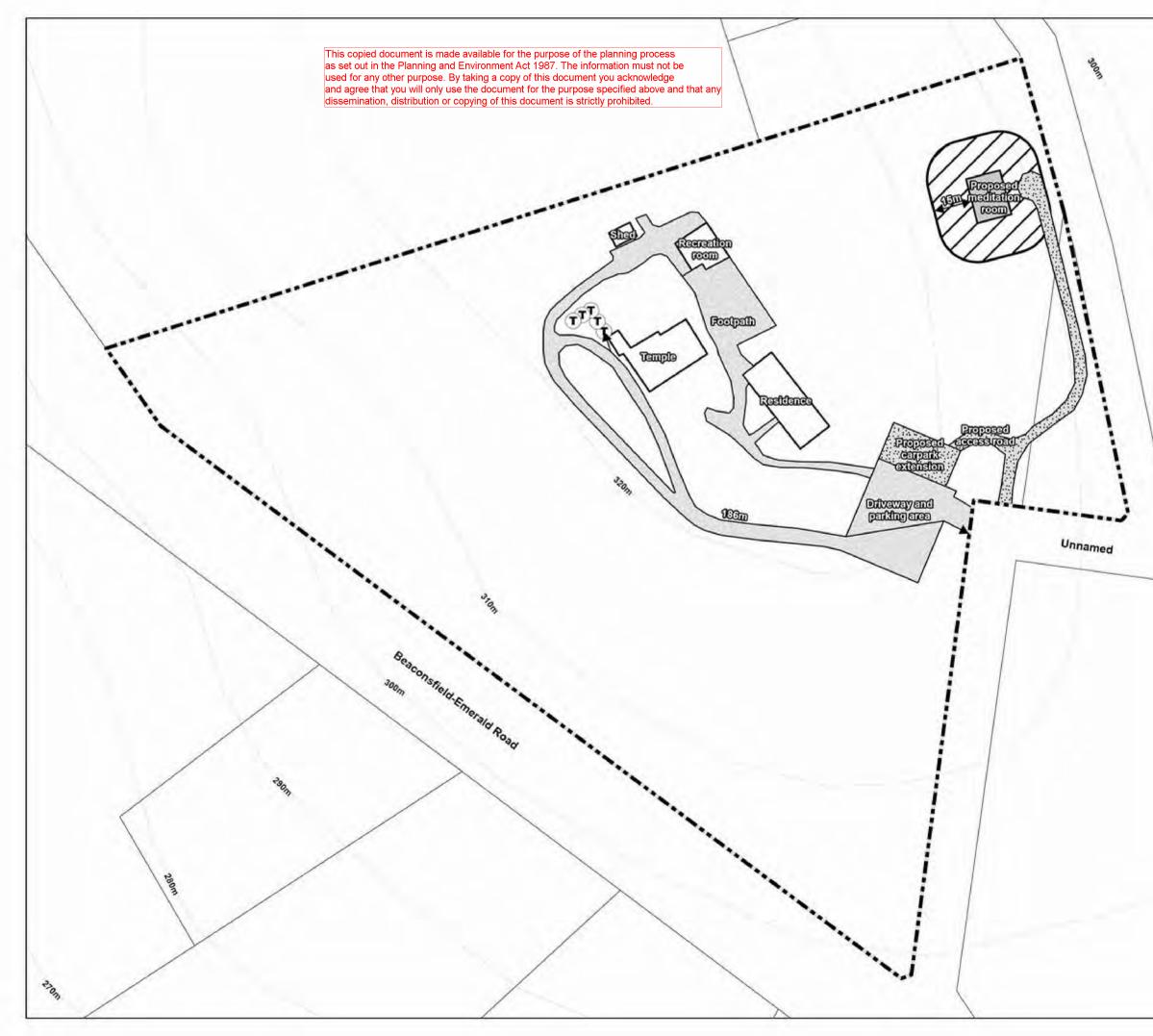
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## Appendix 3. Bushfire Management Plan

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#### **Bushfire Management Plan**

#### Address

#### Page 2 of 2

- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm and coupling (64mm CFA 3 thread per inch male fitting).
- The outlet of the water tank will be within 4m of the accessway and be unobstructed.
- Be located within 60m of the outer edge of the approved building.
- provided.
- Any pipework and fittings will be a minimum of 65mm (excluding the CFA coupling).

#### Access designed to accommodate CFA access

- All-weather construction.
- A load limit of at least 15 tonnes.
- Curves will have a minimum inner radius of 10m.
- 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Dips will have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- above the accessway.
- A turning area for fire fighting vehicles must be provided close to the building by one of the following: ٠
  - A turning circle with a minimum radius of eight metres.
  - A driveway encircling the dwelling.
  - 0 Design for an 8.8 metre Service Vehicle.

#### **Ongoing Bushfire Mitigation Measures**

The bushfire mitigation measures detailed on this plan, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority in perpetuity.

Note: This BMP cannot guarantee safety during a bushfire event. Occupants need to develop a Personal Bushfire Plan to clearly understand and plan for how they are going to act in response to a bushfire event

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#### Construction

Dwelling will have a minimum Bushfire Attack Level of BAL - 29 that the building will be designed and constructed to in accordance with the Building Code of Australia.

Outbuildings are to be greater than 10 m from dwelling and exempt from BAL requirements within the Building Code of Australia.

#### **Classified vegetation**

- Forest
- Grassland
- Modified Vegetation
- Shrubland
- Low Threat

#### Defendable space management standards:

Defendable space [a distance of 15m or to the property boundary surrounding the proposed building] where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

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

#### Water supply for fire fighting purposes

10,000L of effective water supply for fire fighting purposes which will meet the following requirements:

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



Be readily identifiable from the building or appropriate identification signage to the satisfaction of the CFA must be

The average grade will be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in

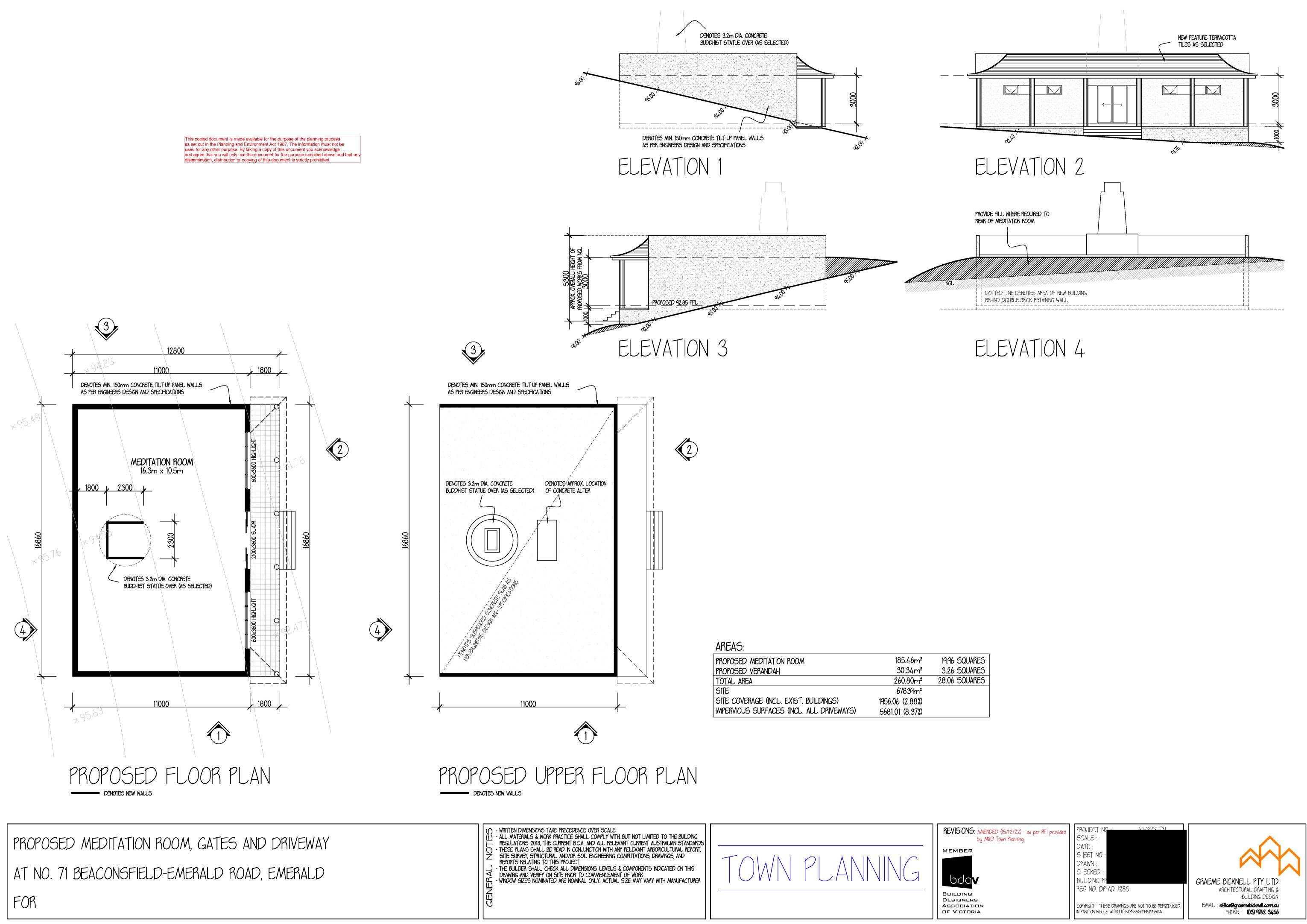
Will have a minimum trafficable width of 3.5m and be clear of encroachments for at least 0.5m on each side and 4m

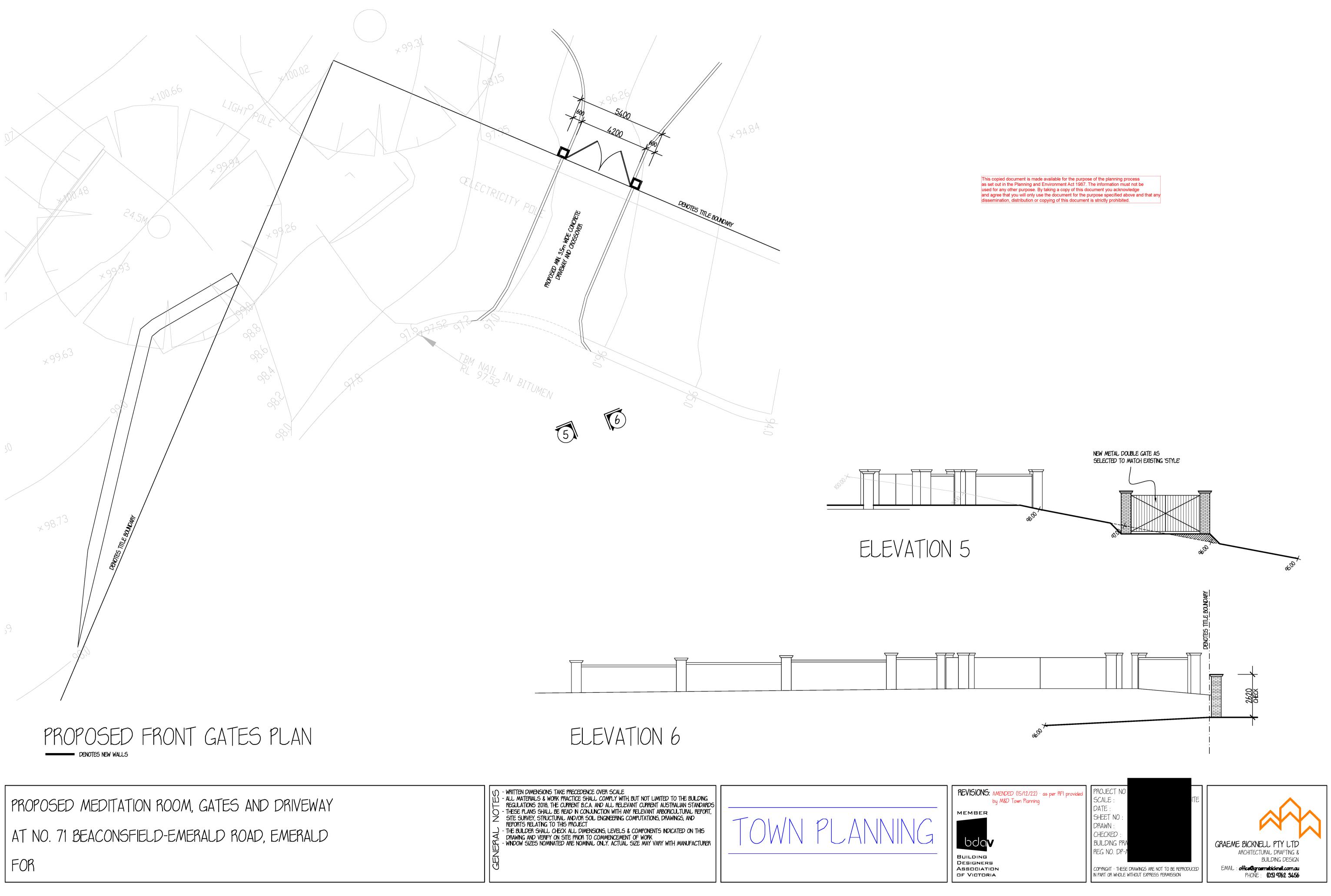
The provision of other vehicle turning heads - such as a T or Y head - which meet the specification of Austroad

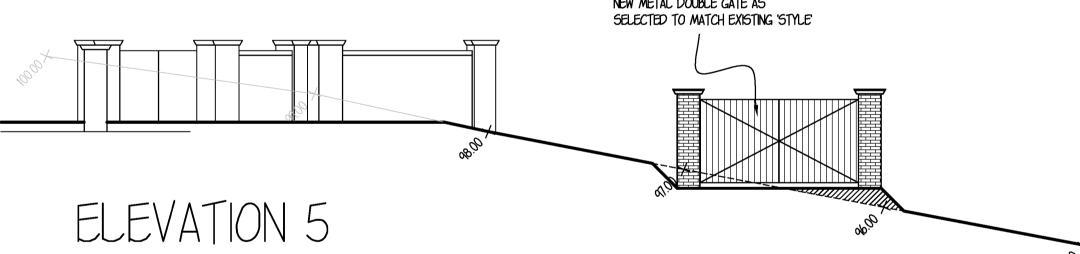
### Appendix 4. Detailed site plans and house drawings

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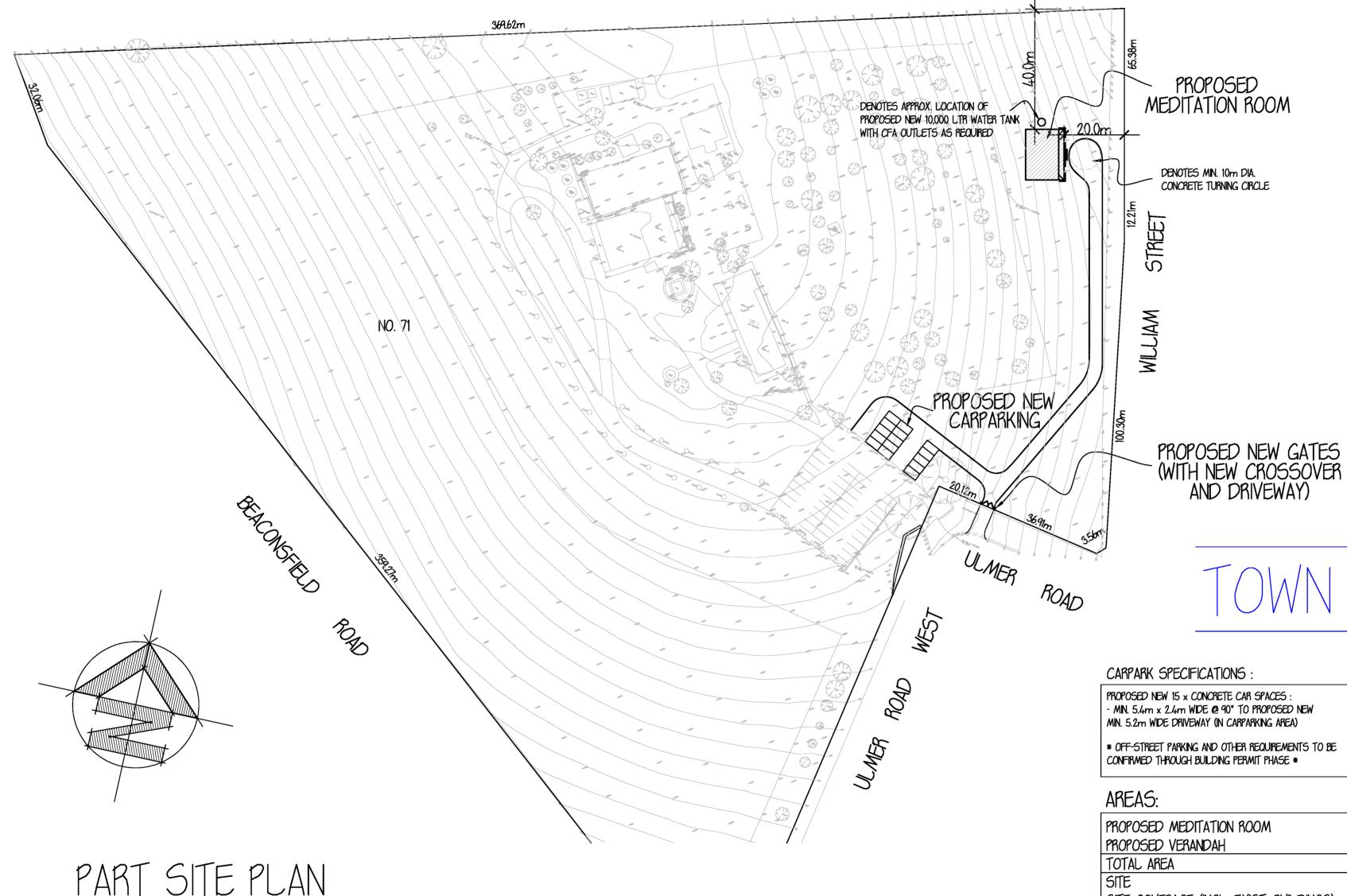












PROPOSED MEDITATION ROOM, GATES AND DRIVEWAY AT NO. 71 BEACONSFIELD-EMERALD ROAD, EMERALD

DENOTES EXISTING WALLS

TO BE DEMOLISHED

<del>\_/////////</del>

REVISIONS: AMENDED (15/12/22) - as per RFI provided by M&D Town Planning

GENERAL NOTES:

- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE ALL MATERIALS & WORK PRACTICE SHALL COMPLY WITH, BUT NOT LIMITED TO THE BUILDING
- THESE PLANS SHALL BE READ IN CONJUNCTION WITH ANY RELEVANT STRUCTURAL AND OR
- THE BUILDER SHALL CHECK ALL DIMENSIONS, LEVELS & COMPONENTS NDICATED ON THIS DRAWING AND VERIFY ON SITE PRIOR TO COMMENCEMENT OF WORK
- STRUCTURAL TIMBERS TO COMPLY WITH A.S. 1684-2010. HARDWOOD F8, RADIATA PINE F5 & F7, MACHINE GRADED PINE MGP 10 & 12 & KILN DRIED HARDWOOD F17
- TERMITE PROTECTION IF REQUIRED TO COMPLY WITH A.S. 3660-2014 WINDOW SIZES NOMINATED ARE NOMINAL ONLY. ACTUAL SIZE MAY VARY WITH MANUFACTURER
- WINDOWS TO BE FLASHED ALL AROUND

FOR

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# OWN PLANNING

\* OFF-STREET PARKING AND OTHER REQUIREMENTS TO BE

PROPOSED MEDITATION ROOM PROPOSED VERANDAH	185.46m² 30.34m²	19.96 SQUARES 3.26 SQUARES
TOTAL AREA	260.80m <sup>2</sup>	28.06 SQUARES
SITE	67839m²	
SITE COVERAGE (INCL. EXIST. BUILDINGS)	1956.06 (2.88%)	
IMPERVIOUS SURFACES (INCL. ALL DRIVEWAYS)	5681.01 (8.37%)	

PROJECT NO 21-1973 TP1 1:100 1:1000 SITE SCALE MEMBER DATE : REGULATIONS 2018, THE CURRENT B.C.A. AND ALL RELEVANT CURRENT AUSTRALIAN STANDARDS SHEET NO SOL ENGNEERING COMPUTATIONS, DRAWINGS, AND REPORTS RELATING TO THIS PROJECT DRAWN bda<mark>v</mark> CHECKED GRAEME BICKNELL PTY LTD BUILDING PRACTITIONER ARCHITECTURAL DRAFTING & Building REG NO. DP-AD 1285 BUILDING DESIGN DESIGNERS EMAIL : officeQgraemsbicknell.com.au ASSOCIATION COPYRIGHT - THESE DRAWINGS ARE NOT TO BE REPRODUCED PHONE: (03) 9762 3456 of Victoria IN PART OR WHOLE WITHOUT EXPRESS PERMISSION





# TOWN PLANNING SUBMISSION

71 Beaconsfield-Emerald Road, Emerald VIC 3782

August, 2023 Prepared f

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> M & D Town Planning Pty Ltd info@mndtownplanning.com.au



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#### 1.0 Introduction & Overview

M & D Town Planning PTY LTD have been engaged by John Zethof to prepare a Town Planning Assessment Report for buildings and works at 71 Beaconsfield-Emerald Road, in Emerald. As requested by Council, the report and application have been altered to be submitted as a Section 72 Amendment Application against existing Permit No. T080271 – 1.

The applied planning permit triggers are:

Clause 35.04-5	A permit is required to construct a building or carryout works associated with a Section 2 use.
Clause 42.01-2	A permit is required to construct a building or carryout works, as the exemptions outlined in the Schedule are not met by the proposal.

#### 2.0 Subject Site and Surrounds

The subject site is located to the north eastern side of Beaconsfield-Emerald Road, in Emerald. The site is irregular in shape with a total area of 67839sqm. The land is quite steep in topography across the site. The land currently holds a Buddhist Temple named Nan Hai Pu Tuo Temple. The site is located on Beaconsfield-Emerald Road, which is a Transport Zone 2.

The surrounding area consists of a mixture between Low Density Residential, Rural Conservation, and Green Wedge properties. Properties to the north of the site are zoned for Low Density Residential purposes and have been developed with low scale residential dwellings accordingly. Properties to the south of the site are zoned for Rural conservation and have been developed with dwellings on large sized lots with significant areas for landscaping.

The subject site is also within close proximity to several open space reserves, such as the Emerald Lake Park, the Wright Forest Bushland Reserve and the Cockatoo Garden Estate Reserve.

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Figure 1: Aerial View of Subject Site. Source: Landchecker



Figure 2: Zoning of Surrounds (Source: Vicplan)

#### 3.0 Title Details

Title Volume 09564, Folio No. 188 relating to Lot 1 on Plan of Subdivision TP190594N does not have any registered encumbrances or restrictions.



#### 4.0 Overview of the Proposed Development

The application seeks to amend the existing Permit No. T080271 – 1 to allow for additional buildings and works consisting of a new building, new crossover and accessway and front gates. Details of the proposal are provided below:

#### Meditation Building

- A new building is proposed for construction, to be used for the purpose of a meditation room.
- The proposed building is to be located to the north-eastern corner of the site.
- The building will have a 40 meter setback from the northern rear boundary, and a 20 meter setback from the eastern side boundary fronting William Street.
- The building is proposed to be rectangular in shape, with the dimensions of 11 meters x 16.8 meters. This results in a floor area of 260.8sqm.
- The building will be double storey in form, with a maximum height of 6.3 meters (including the proposed statue) above the NGL.
- The building will be constructed using rendered tiled panels for the external wall material and a terracotta tiled roof
- It is also proposed to place a 3.2m diameter stone Buddhist Statue over the roof of the proposed building (externally).

#### Proposed parking spaces, driveway & accessway

- The construction of 15 new car parking spaces is proposed. These are to be located adjacent to the existing car parking area.
- A new 4.2m wide crossover off Ulmer Road is proposed for vehicle access.
- The crossover will connect to a proposed driveway leading to the proposed car spaces and meditation building.
- The driveway will have a minimum width of 5.2 meters and a minimum 10m diameter turning area adjacent to the entrance of the proposed meditation building.
- A new entry gate is proposed to secure the crossover. The gate will have a height of 3 meters.

#### <u>Overall</u>

- The proposal results in a site coverage of 1956.6sqm, or 2.88%. This includes all existing and proposed buildings.
- The proposal results in 8.37% of impervious surfaces across the site, including all driveways.



#### 5.0 Zoning & Overlays

#### 5.1 Zoning

#### Green Wedge Zone – Schedule 2 (GWZ2) – Clause 35.-4

The subject site is located within the Green Wedge Zone, Schedule 2. Pursuant to Clause 35.04-5, a planning permit is required to construct a building or carryout works associated with a Section 2 use of Clause 35.04-1.

#### Zone Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.
- To encourage use and development that is consistent with sustainable land management practices.
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area.

#### **Decision Guidelines:**

Pursuant to Clause 35.04-6, an application to construct or carry out works must be assessed against the following decision guidelines:

#### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.



• The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.* 

#### Rural Issues

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

#### Environmental Issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

#### **Design and Siting Issues**

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

#### In Response:

The proposal is considered consistent with the above provisions and decision guidelines associated with the Green Wedge Zone, Schedule 2. A full assessment against the Municipal



Planning Strategy and Planning Policy Framework as well as local policy and particular provisions can be found in later sections of this report.

The proposed works are associated with the existing use of the land and are therefore considered appropriate and complimentary to existing use and development of the site. The proposed works have been carefully considered in terms of siting and the existing constraints within the site. The proposed building is appropriately sited in an area that is clear of vegetation and not visible from the street frontage. The proposal incorporates a modest maximum building height and materials that blend with the existing development of the land. The additional car parking spaces proposed have been located adjacent to the existing parking spaces on site, and will not adversely impact any native or protected vegetation. The works are therefore not expected to detrimentally impact the flora or fauna on site, or the natural elements or scenic beauty of the surrounding area.

No native vegetation is proposed to be lopped or destroyed as part of the proposal. The proposed works maintain the natural elements of the site and will be nestled between the existing established canopy trees on site.

#### Response to additional information requested within Further Information Letter, Item 3a:

The proposed Meditation Building and associated amenities align harmoniously with the outlined guidelines and priorities for minimizing adverse impacts on the landscape, infrastructure services, and the character of the area.

Firstly, the siting, design, height, bulk, and materials chosen for the building reflect a thoughtful consideration of its integration within the landscape. By adhering to a 40-meter setback from the northern rear boundary and a 20-meter setback from the eastern side boundary fronting William Street, the proposed building maintains a respectful distance from the boundaries, reducing its impact on the visual aesthetics of the surroundings. Additionally, the use of rendered tiled panels for external walls and a terracotta tiled roof in muted shades blends well with the natural environment, further diminishing any negative visual effects.

The introduction of a stone Buddhist Statue atop the building is considered compatible with the existing buildings on site and doesn't overpower the surrounding landscape due to its relatively modest diameter of 3.2 meters. This statue, instead of contrasting with the surroundings, could become a unique focal point that enhances the overall visual experience of the area.

In terms of infrastructure services, the proposed location and design of the parking spaces, driveway, and accessway have been thoughtfully considered. The 4.2-meter wide crossover off Ulmer Road ensures efficient vehicle access while the proposed 5.2-meter wide driveway minimizes any visual obstruction. The turning area adjacent to the entrance of the meditation building further attests to the meticulous design aimed at preserving the area's visual integrity.

The overall site coverage of 2.88% demonstrates a judicious use of space, ensuring that the proposed development does not dominate the landscape. Furthermore, the 8.37% impervious surface coverage, including driveways, has been maintained at a level that does not compromise the area's natural aesthetics or create any negative visual impact.



Overall, the Meditation Building proposal excels in aligning with the need to minimize adverse impacts on landscape features, infrastructure services, and the character of the area. Its thoughtful siting, design, and use of materials, along with the preservation of open space and impervious surface coverage, collectively showcase a comprehensive approach to ensure that the proposed development seamlessly integrates with the existing environment while contributing positively to the overall character of the area.

#### 5.2 Overlays

#### Environmental Significance Overlay, Schedule 1 – (ESO1) – Clause 42.01

The subject site is affected by the Environmental Significance Overlay, Schedule 1 relating to the Northern Hills area. Pursuant to Clause 42.01-2, and Section 3.0 of the Schedule to the Overlay, a planning permit is required for the proposed buildings and works as the height of the proposed building exceeds 4 meters above the natural ground level. No trees are proposed for removal as part of the proposal.

#### <u>Purpose</u>

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

#### Statement of Environmental Significance

The hills to the northern part of the municipality (generally to the north of the Princes Highway) is an area with significant landscape and environmental values. The area is characterised by a geology of Devonian Granitic and Sulrian Sediment origin, moderate to steep slopes, and areas of remnant vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance. These characteristics are also a significant factor in terms of environmental hazards including erosion and fire risk.

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

#### Environmental Objective to be Achieved

To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.

To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.



To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.

To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.

#### Decision Guidelines

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- Whether the removal of any vegetation has been avoided and/or minimised.
- The Land Capability Study for the Cardinia Shire (February 1997).
- The protection and enhancement of the natural environment and character of the area.
- The retention, protection and enhancement of remnant vegetation and habitat, and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The impact of any buildings and works on areas of remnant vegetation, and habitat of botanical and zoological significance and threatened species.
- The impact of proposed buildings and works on the landscape character of the area, including prominent ridgelines and significant views.
- Whether the siting, height, scale, materials, colours and form of the proposed buildings and works have been designed to have the least visual impact on the environment and landscape.
- The availability of other alternative sites, alternative building designs or alternative construction practices for the proposed buildings and works that minimise cut and fill and would better meet the environmental objectives of this schedule, having regard to the size and topography of the land, retention of vegetation and the form and nature of the proposed buildings and works.
- 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.

#### In Response:

The proposal is considered consistent with the requirements of the Environmental Significance Overlay, Schedule 1 outlined above. The works are considered consistent with the Municipal Planning Strategy and Planning Policy Framework, with a full assessment of both provided later in the report. The proposal does not require the removal, destruction or lopping of any vegetation on the land. It is therefore considered that the application has appropriately avoided and minimised impacts on native vegetation. The proposal does



involve some encroachment into the TPZ of Tree 2 (Pinus radiata), which is protected by the ESO1. This has been offset by alternative construction methods for the car park and driveway within the TPZ of the tree, as outlined in Section 8.3.1 of the Arborist Report prepared by TMC reports.

The proposed external materials for the statue consist of granite stone in a grey colour. The proposed building will be constructed off rendered tilt panel walls in red and terracotta roof tiles in black. This is consistent with the character of the existing building on site.

Some cut and fill are proposed to accommodate for the proposal, but these remain at minimal depths to maintain the integrity of the land. Please refer to the drawings submitted in support of the application for further details.

The proposal has therefore provided appropriate siting for the proposed buildings and works, which maintain and protect the natural environment and character of the area. The proposed works are considered modest in terms of the maximum height of the building, and are not expected to impact on any prominent ridgelines or significant views. Overall, the proposal has appropriately considered the requirements of the ESO1 including the protection of native vegetation and maintenance of the natural environmental value of the site.

#### Response to additional information requested within Further Information Letter, Item 3c:

The proposed works align with the outlined guidelines of the ESO1, reflecting a comprehensive approach that considers landscape impact, visual harmony, alternative design considerations, and environmental hazards.

Firstly, the strategic siting of the proposed building in the north-eastern corner of the site demonstrates a conscious effort to minimize its impact on the landscape character. The generous setbacks of 40 meters from the northern rear boundary and 20 meters from the eastern side boundary, coupled with the use of compatible materials like rendered tiled panels and terracotta tiled roof, integrate the building seamlessly with the environment. This approach respects the natural aesthetics of the area, while the rectangular form and modest height of 6.3 meters ensure a harmonious blend with the surroundings.

The choice of location for the new building, positioned at a lower elevation ranging from 91 to 94 meters AHD compared to the existing buildings at 108 meters AHD, further emphasizes the minimal visual impact. This consideration safeguards against obstructing prominent ridgelines and significant views, ensuring that the proposed building remains unobtrusive and does not detract from the visual integrity of the area. The existing large trees on the site contribute to screening the building, preserving the visual aesthetics of the surroundings.

In terms of environmental stewardship, the proposal's placement within an area devoid of vegetation mitigates the impact on the existing flora and fauna. Additionally, the heavy vegetation of the surrounding area not only maintains the project's limited visibility but also provides an extra layer of screening, preventing the proposed building from dominating the landscape. The modest site coverage and maximum heights further contribute to minimizing any potential adverse impact.



Furthermore, the proposal takes into account environmental hazards such as slope, erosion, and drainage. By selecting a location with a lower elevation and addressing drainage through the design of driveways and turning areas, the project aims to mitigate potential concerns, ensuring the overall stability and integrity of the site.

Overall, the proposed works have been responsibly thought out and take full regard to the site's context and surrounds, including the slope of the land and natural value of the established vegetation in the area. The project's design, placement, and careful consideration of environmental factors align seamlessly with the guidelines provided. Its unobtrusive nature, compatibility with the surroundings, and proactive measures against potential environmental hazards underscore its dedication to maintaining the character and quality of the area while providing a valuable meditation space to be utilised by the Buddhist community.

#### Bushfire Management Overlay – (BMO) – Clause 44.06

The site is affected by the Bushfire Management Overlay. Pursuant to Clause 44.06-2, a Planning Permit is required to construct a building or carryout works associated with a place of assembly, unless an exemption is met.

The purpose of the Bushfire Management Overlay is as follows:

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

#### In Response:

The proposed works do not satisfy any of the exemptions listed under Clause 44.06-2, therefore, a planning permit is required for the proposed works pursuant to the requirements of Clause 44.06 (BMO).

A Bushfire Management Statement has been prepared in support of the application and submitted alongside the application documents. The bushfire management plan outlines all the required bushfire protection measures specified, includes written conditions that implement the required bushfire protection measures, identifies water supply and details of vehicle access.

The above documentation is to be referred to the relevant fire authority for comment and approval, as a Section 55 Determining Authority for the application.

#### 6.0 PPF Assessment

Clause 11.01-1S: Settlement

#### <u>Objective</u>



To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

#### **Relevant Strategies**

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Plan for development and investment opportunities along existing and planned transport infrastructure.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

#### Clause 11.02-1S: Supply of Urban Land

#### <u>Objective</u>

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

#### Relevant Strategies

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.
- Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Monitor development trends and land supply and demand for housing and industry.
- Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

#### Clause 12.01-1S: Protection of Biodiversity

#### Strategies:



- Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.
- Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.
- Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:
  - o Cumulative impacts.
  - Fragmentation of habitat.
  - The spread of pest plants, animals and pathogens into natural ecosystems.
- Avoid impacts of land use and development on important areas of biodiversity.
- Assist in the identification, protection and management of important areas of biodiversity.
- Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.
- Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

#### Clause 12.01-2S: Native Vegetation Management

#### Strategies:

• Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

#### Clause 12.05-1S: Environmentally Sensitive Areas

#### **Strategies**

 Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the



Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.

#### Clause 12.05-2S: Landscapes

#### **Strategies**

- Ensure significant landscape areas such as forests, the bays and coastlines are protected.
- Ensure development does not detract from the natural qualities of significant landscape areas.
- Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
- Recognise the natural landscape for its aesthetic value and as a fully functioning system.
- Ensure important natural features are protected and enhanced.

#### Clause 13.02-1S: Bushfire Planning

#### Strategies:

- To strengthen the resilience of settlements and communities to bushfire through riskbased planning that prioritises the protection of human life.
- Identify bushfire hazard and undertake appropriate risk assessment
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.
- Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

#### Clause 13.05-1S: Noise Abatement

#### **Objective**

To assist the control of noise effects on sensitive land uses.

#### **Relevant Strategies**

• Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.



#### Clause 13.07-1S: Land Use Compatibility

#### **Objective**

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

#### Relevant Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

#### Clause 15.01-1S Urban Design

#### <u>Objective</u>

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

#### **Relevant Strategies**

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.



- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

#### Clause 15.01-2S: Building Design

#### <u>Objective</u>

To achieve building design outcomes that contribute positively to the local context and enhance the public realm

#### **Relevant Strategies**

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
- Encourage development to retain existing vegetation.

#### Clause 15.01-5S: Neighbourhood Character

#### <u>Objective</u>

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

#### **Strategies**



- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- 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 respecting the:
  - o Pattern of local urban structure and subdivision.
  - o Underlying natural landscape character and significant vegetation.
  - Neighbourhood character values and built form that reflect community identity.

#### Clause 15.02-1S Energy and Resource Efficiency

#### <u>Objective</u>

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

#### **Relevant Strategies**

- Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.
- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.
- Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.
- Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.

#### Clause 17.01-1S Diversified Economy

#### **Objective**

To strengthen and diversify the economy.

#### **Relevant Strategies**

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.



- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.

#### Clause 17.02-1S: Business

#### <u>Objective</u>

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

#### Relevant Strategies

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
- Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.

#### Clause 18.02-4S: Car Parking

#### <u>Objective</u>

To ensure an adequate supply of car parking that is appropriately designed and located.

#### Relevant Strategies

- Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.
- Encourage the efficient provision of car parking by consolidating car parking facilities.
- Design and locate local car parking to:
  - Protect the role and function of nearby roads.
  - Enable easy and efficient use.
  - Enable the movement and delivery of goods.



- Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment, particularly at night.
- Facilitate the use of public transport.
- Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

#### In Response:

The proposed works respond in a satisfactorily sense to the Planning Policy Framework. The proposal has been appropriately considered and sited with regards to the existing opportunities and constraints applicable to the site, including native trees and vegetation, flora and fauna, the slope of the land and bushfire management. The proposed works are associated with the existing place of worship on site, and allow for an additional area associated with the existing operation of the site. It is not proposed to intensify the existing use operations, therefore the impact of the works are not expected to cause any detrimental amenity impacts to the surrounding properties. The works have been appropriately considered with regards to the natural environmental elements of the property, and have been appropriately sited in areas clear of vegetation. The application does not seek to destroy, lop or remove any native or protected vegetation on the land.

#### 7.0 Local Planning Policies

#### Municipal Strategic Statement

#### Clause 21.01 Cardinia Shire Key Issues and Strategic Vision

The Cardinia Shire is located on the south east fringe of Melbourne and is one of eight 'interface Councils' which form the perimeter of metropolitan Melbourne, providing a transition between urban and rural areas. The municipality has an area of approximately 1,280 square kilometres, comprising a variety of landforms and landscapes.

The majority of the Cardinia Shire's population is located within the urban areas of Beaconsfield, Officer and Pakenham. These areas are within the Casey-Cardinia South-east Growth Corridor, and will accommodate the majority of future residential and commercial growth. The remainder of the population is located within Cardinia's townships and rural residential areas.

Key Issues for Cardinia Shire are focused on the strategic themes relating environment, settlement and housing, economic development, infrastructure and particular use and development.



## Clause 21.01-5 Strategic Framework Plan

The Cardinia Shire Strategic Framework Plan (shown below) sets out the general pattern for land use and development to respond to the key influences and issues to achieve the strategic vision for the municipality.



Source: Cardinia Shire Planning Scheme

## Clause 21.02-4 Bushfire Management

Areas within the Cardinia Shire, particularly north of the Princes Highway, are prone to bushfires due to the topography and vegetation cover. During the Ash Wednesday fires of 1983, there was a significant loss of life and property in the Upper Beaconsfield and Cockatoo areas.

Bushfire risk is the product of a number of factors including fuel levels, slope, climatic conditions, population and the degree of preparation of individual property owners to cope with a fire. Other factors such as the accessibility of land to fire fighting vehicles and the availability of water will affect the risk levels for individual properties.

## Key Issues

• Recognising that climate change will increase the risk from bushfires.



- Prioritising human life over all other policy considerations.
- Directing new development to low risk locations.
- Where new development is permitted in high risk areas, safe access is provided.
- Ensuring that any further strategic work has regard to the significant bushfire risk faced by many parts of the Shire, including the development of township strategies and structure plans.
- Ensuring that any development in bushfire risk areas can implement bushfire protection without unacceptable biodiversity impacts.

#### **Objectives**

To recognise that areas in the municipality are prone to bushfire and to minimise the potential risk to life, property and the environment.

#### In Response:

The subject site is located within a bushfire prone area. The proposal has been designed with respect to bushfire management, and a bushfire management plan has been provided in support of the application, to the satisfaction of the Responsible Authority. A referral of the application to the relevant fire authority is also warranted, as a Section 55 Determining Authority pursuant to the Act.

## Clause 21.06-1 Urban Design

The long term benefits of good design are a more attractive, functional and sustainable built environment. Good design is based on the principle of being site responsive, designing to take into account the character and constraints of a site and wider area.

#### Key Issues

- Implementing Precinct Structure Plans, Activity Centre Structure Plans and Urban Design Frameworks in current and future activity centres including Beaconsfield, Pakenham, Pakenham Homemaker Precinct, Cardinia Lakes, Lakeside Boulevard and Lakeside Square and the future Officer Town Centre.
- Providing for advertising signs that are in context with the scale of development, the surrounding environment and with the surrounding signage patterns.
- Enhancing the design and built form of existing industrial areas.
- Recognising design issues in the rural townships including the need to protect and enhance the character and appearance of the town centres and associated sites of cultural and heritage significance.

#### **Objectives**

• To promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.



#### In response:

The proposed development is considered consistent with the design and built form sought by this policy. The development incorporates high quality building design and architecture, provided though a carefully considered design which is consistent with the existing and preferred character for the area. The development also achieves a quality landscaping response, with ample landscape areas maintained on the site, with potential for additional replanting if required by the Responsible Authority. The proposal has been appropriately sited with regards to the natural elements of the land and remains consistent with the predominate scale of development within the area.

# 8.0 Particular Provisions

## Clause 52.06 – Car Parking

Clause 52.06 applies before a new use is to commence. The purpose of this clause is as follows:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

## Number of car spaces required:

The statutory car parking requirements applicable to the proposal are specified in Clause 52.06 of the Cardinia Shire Planning Scheme. Pursuant to the car parking provisions outlined in Table 1 of Clause 52.06-5, a place of assembly requires 0.3 spaces per each patron permitted on site. As the proposal does not seek to alter the maximum allowable patronage of the existing use, no additional car parking spaces are generated pursuant to Clause 52.06-5.

## Design standards for car parking

Pursuant to Clause 52.06-9, plans are required to meet the design standards and requirements outlined in this Clause. As the proposal seeks approval for additional car parking spaces and a new accessway, the provisions below are applicable to the development.



#### <u>Accessways</u>

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
- If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or Transport Zone 3.
- Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

## Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

## **Gradients**

Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage.

## <u>Urban Design</u>

Ground level car parking, garage doors and accessways must not visually dominate public space.

Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.



Design of car parks must take into account their use as entry points to the site.

#### <u>Safety</u>

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.

#### Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

#### In Response:

The proposal has provided car parking spaces and accessway design in accordance with the above requirements, including the minimum car space and accessway dimensions, appropriate vehicle turning areas, ample opportunity for landscaping and an appropriate location for the new accessway and car spaces proposed.

## Clause 52.17 – Native Vegetation

#### Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- 1. Avoid the removal, destruction or lopping of native vegetation.
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.



To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetations, including dead native vegetation.

#### In Response:


The proposal does not seek to remove, destroy or lop any native vegetation on the land. Please refer to the Arboricultural Assessment Report, prepared by TMC Reports (Dated 23 March 2023) for an assessment of all relevant vegetation on the land.


# 9.0 Conclusion

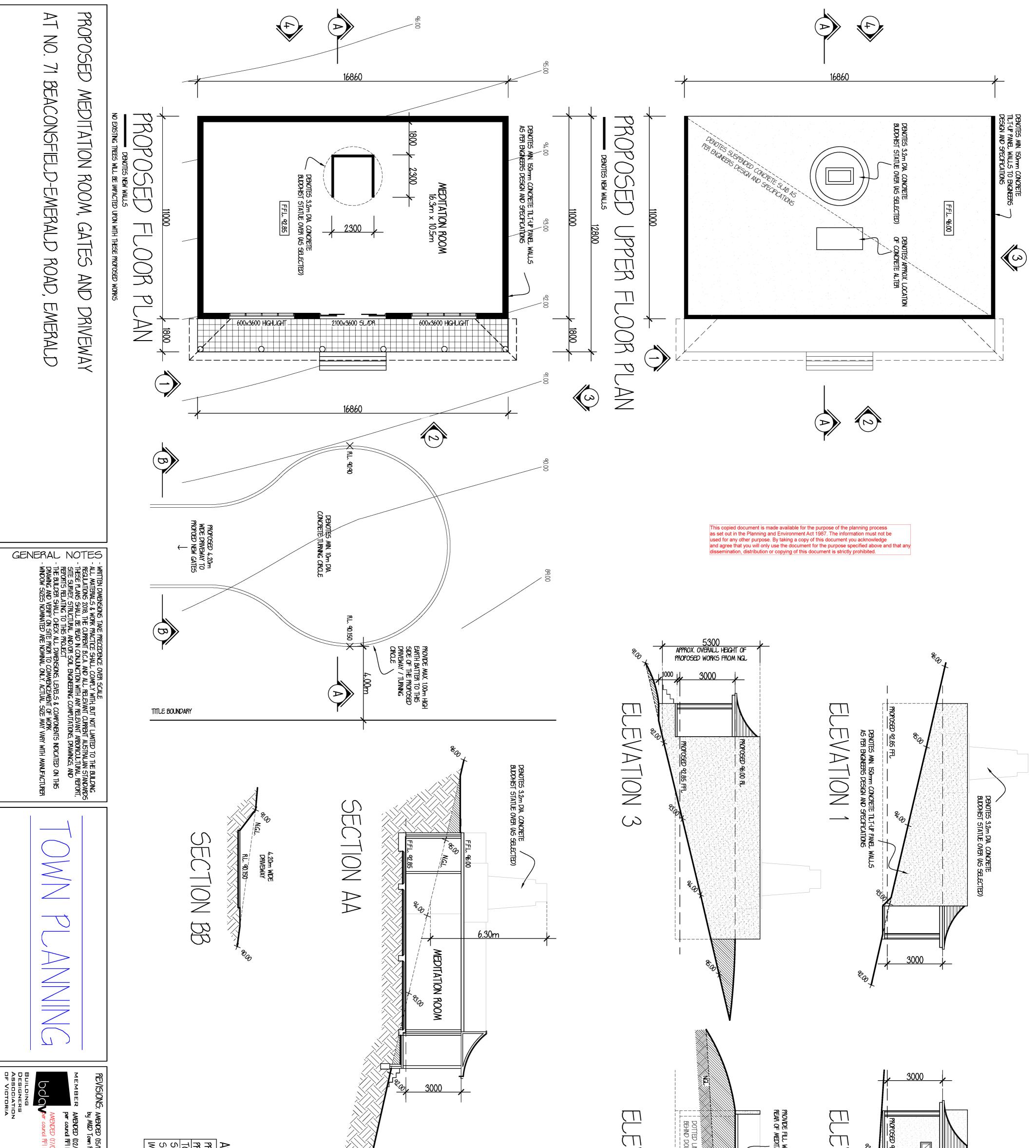
The proposed development at 71 Beaconsfield-Emerald Road, Emerald is compliant with the abovementioned planning zones, overlays, particular provisions and relevant planning policies. It is submitted that an Amendment to the existing Permit No. T080271 – 1 can be granted in support of the proposed works.

We trust that Council has received all of the required information to assess the application. We therefore kindly request a planning permit to be issued for the proposal. If any questions arise, please do not hesitate to contact the applicant to discuss the proposal.

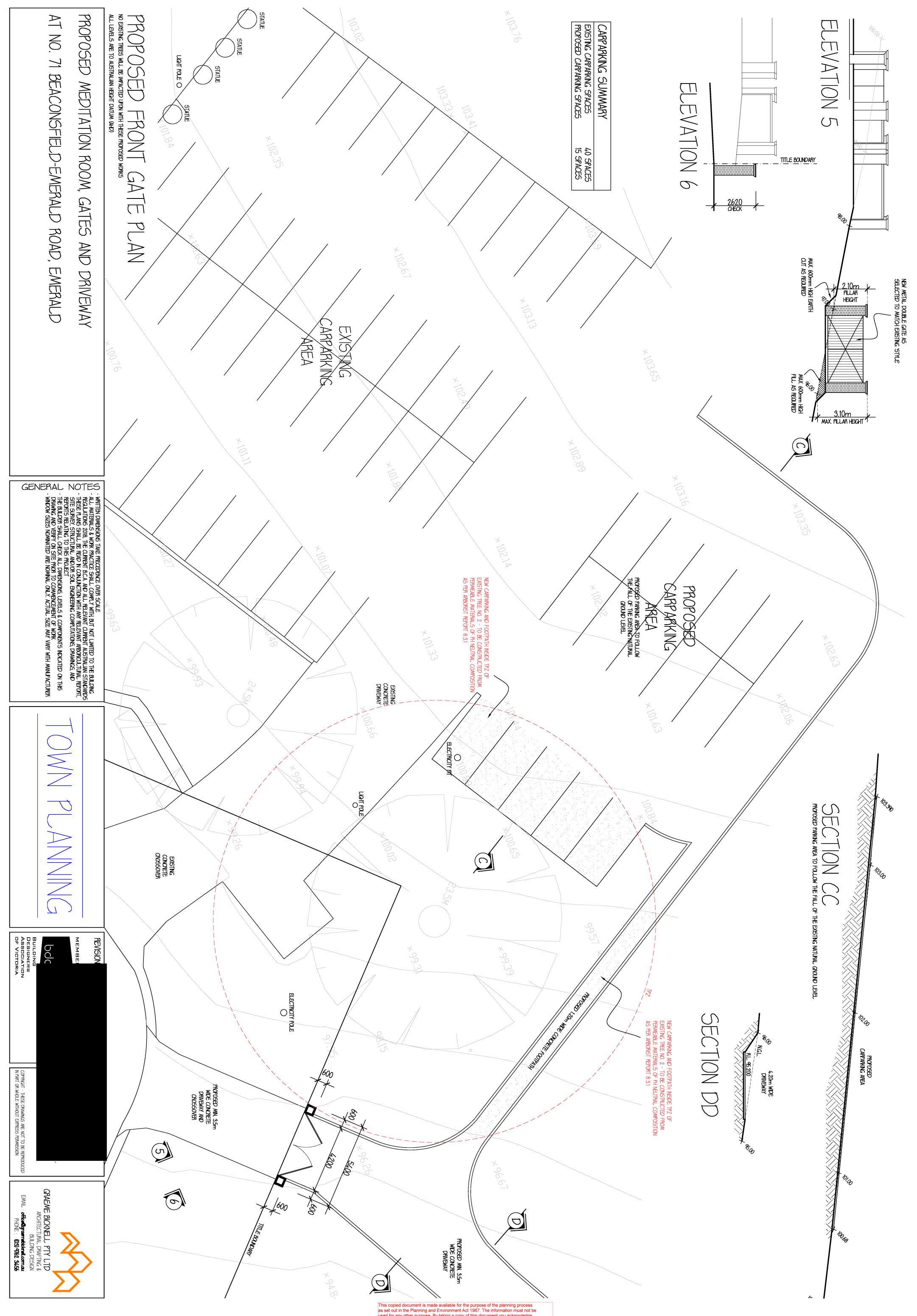
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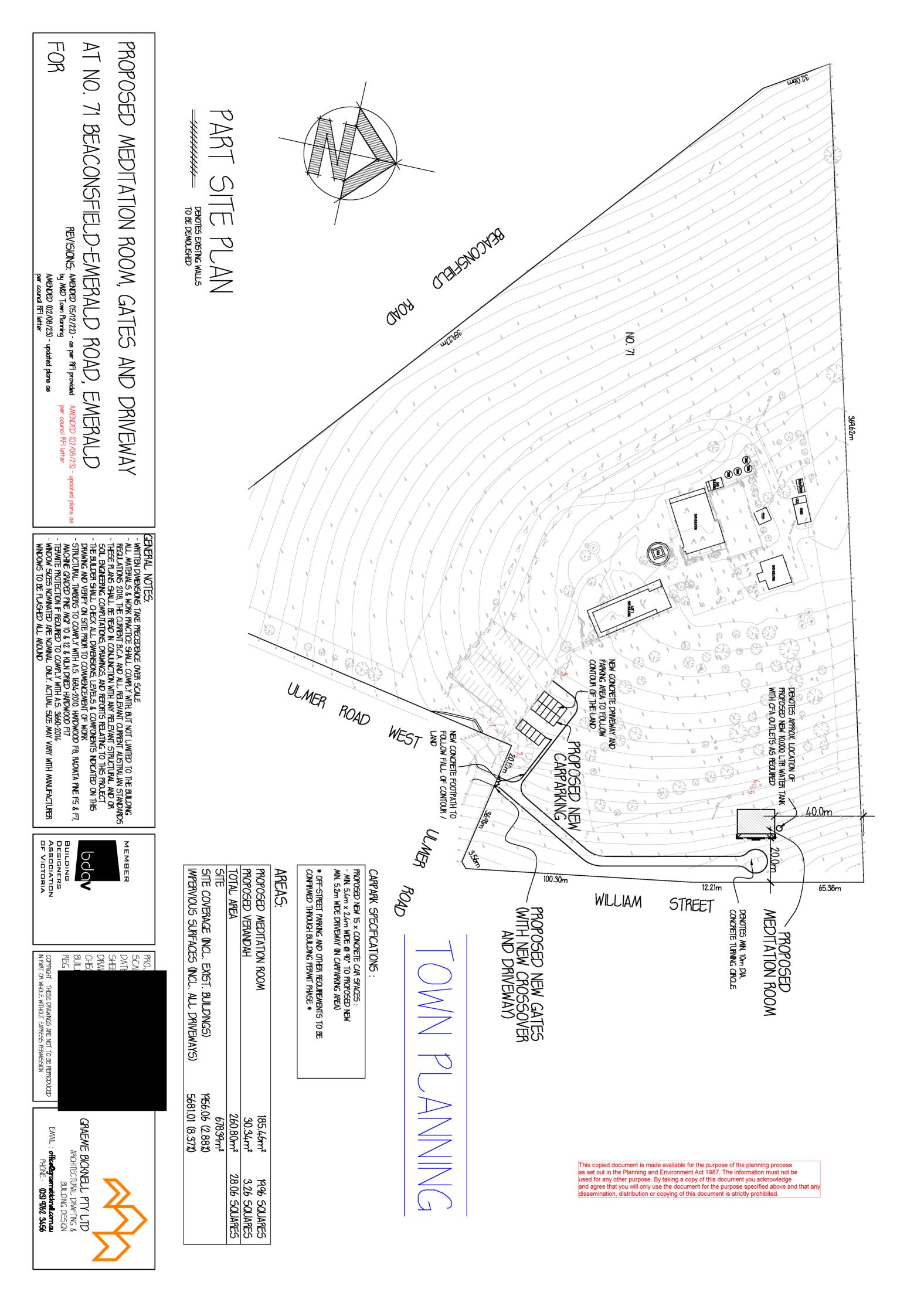




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17 November 2023

Cardinia Shire Council 20 Siding Avenue Officer VIC 3809

Application:	T080271 - 2 APP
Address:	71 Beaconsfield-Emerald Road, Emerald VIC 3782
RE:	<b>Response to Section 54 Further Information Request</b>

Dea

We write in response to Council's request for further information dated 6 October 2023, pursuant to Section 54 of the *Planning and Environment Act 1987*. Please see the below responses to the information requested:

- 1. All outstanding application fees have been paid.
- No existing permit conditions are proposed to be removed or amended. It is proposed for the endorsed plans to be amended to allow for the additional building, car parking and accessway proposed.
- Rendered images and landscape perspective images have been provided in accordance with items 3(a) and 3(b).

#### **Preliminary Concerns**

Please see below responses to the preliminary concerns raised by the further information request.

1. Proposed access concerns

It is unclear why an additional accessway is not supported by Council as no reasons have been provided within the further information request.

The proposed accessway does not impeded on any trees, and is in the same general location to the existing crossover on site.

The Buddhist temple requires the separate accessway for religious reasons. The proposed meditation room will be used for a specific type of meditation that is in relation to deceased persons. The proposed room provides an area for patrons to mourn any recent deaths and meditate for this purpose.

The building therefore requires its own accessway and driveway access as patrons cannot use the existing due to their religious beliefs.

#### 2. Design Concerns

As mentioned above, the proposed building cannot be grouped in with the existing building or rely on the same accessway as the main temple building due to the Buddhist traditions and religious beliefs.

It must also be considered that the area adjacent to the existing building does contain significant vegetation. The proposed building has been sited in an area that is clear of vegetation.

The area where the existing building is sited is also on a higher slope level to the area where the building is proposed. It is unclear how siting the proposed building in this area would minimise the visual impact.

The proposed building is also in area where existing dwellings can be found directly north of the proposed building. Therefore, there are existing buildings in the area and the proposed building is not the only structure found in the vicinity.

Landscaping can be provided to the satisfaction of the Responsible Authority to aid in screening the proposed building and statue.

In addition, the building has been provided with retaining walls which assists in addressing environmental hazards as outlined in the ESO1. Any further investigations can be conditioned on any amended permit issued, to the satisfaction of the Responsible Authority.

We trust the above information satisfies Council's requirements. We kindly request that the application be advertised at Council's earliest convenience as the information has been submitted within the specified deadline for advertising prior to Christmas.

If the information has not provided all the required details, we request an extension to the lapse date by an additional four (4) weeks.

Sincerely,



M & D Town Planning Pty Ltd

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