



Thursday 24th March 2022

Cardinia Shire

Attention: **Planning Department**

RE: Application for a proposed shed at 155 Gordon Road, Pakenham Upper VIC 3810

The subject site is in a Rural Conversation Zone with a Bushfire Management Overlay & Environmental Significance Overlay.

The proposed shed is 9.5m x 14m with the total floor area is 133sqm. The proposed shed will be used for housing of property maintenance equipment included a small portion for motor vehicles.

A planning permit is triggered by the Rural Conversation Zone as the proposed shed will be constructed over 100sqm in size and within 20m of any other road.

Although this does not meet the general requirements, the proposed location has been determined to have the least amount of impact on the natural environment. The proposed shed will be constructed in an open clearing on the property with no vegetation removal required. The area is a levelled existing hard surface with driveway access already in place to the site. There is no further cut, or fill required for the proposed shed. The proposed shed will be surrounded by vegetation screening the development from the closest neighbouring dwelling and streetscape, resulting in little to no disruption or visual impact. See Figure 1.

If the proposed shed were to be constructed the required 20m from any other road along with still adhering to the other building and works setbacks, there would result in a dramatic impact on the natural environment. There is a substantial amount of fall on the land, and it is highly vegetated. Any other location on the property would result in the proposed shed being situated in a densely vegetated area. This would result in not only vegetation removal being required for the construction of the proposed shed but also be required to allow access to the proposed shed. It would also result in extensive excavation works for the development along with allowing access to it. As the proposed shed will be constructed on a levelled existing hard surface in an open clearing, the property owners have determined the current position to be the best possible location on the property. See Figure 2.

By allowing the property owners to construct the proposed shed in the current proposed position, it ensures the natural environment is protected as all of the structure on the property will be constructed within the open clearing on a small area of the property. Resulting in retaining the natural vegetation coverage and enhancing the biodiversity of the area. This will re-enforce the purpose of the Rural Conversation zone to conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.

A precedent has been set in the area as there are a number of surrounding properties which have outbuildings constructed within 20m of any other road. The proposed shed will be constructed in cohesion with the surrounding neighbourhood area. The proposed shed is set back with vegetation screening resulting in there being no disruption or visual impact on the closest neighbouring dwelling or streetscape. See Figure 3.

















Another precedent has been set in the area as there are a number of surrounding properties which have outbuildings constructed over 100sqm in size. The proposed shed will be constructed in cohesion with the surrounding neighbourhood area. The proposed shed is set back with vegetation screening resulting in there being no disruption or visual impact on the closest neighbouring dwelling or streetscape. See Figure 4 (Photo A - C).

The proposed shed is setback approximately 15m from Gordon Road and screened by existing wellestablished vegetation, resulting in the structure only being partially visual from the streetscape and causing a minimal disruption or visual impact. This ensures that the new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting. See Figure 5 & 6.

The proposed shed will be constructed approximately 155m from the closest neighbouring dwelling and obscured from view by dense vegetation coverage, resulting in there being no disruption or visual impact on the neighbouring dwellings. This ensures that the owners have considered the siting and design of the outbuilding and works, and it does not adversely impact on environmental values of the area. See Figure 5.

The above will assist the proposed shed to meet the following Rural Conversation Zone purposes:

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

Under the Bushfire Management Overlay the proposed shed triggers the need for a planning permit as it is over 100 square metres. A Bushfire Management Plan has been included in the application.

A planning permit is triggered by the Environmental Significance Overlay as the proposed shed will be constructed over 4m above natural ground level and all outbuildings on the property exceeding 120sqm.

Unfortunately, due to the use of the proposed shed and the extensive existing levelling to the site that has been completed, it is not possible to keep the proposed shed under the overall height of 4m above natural ground level. The overall height from the finish floor level will be 4.77m to allow for a roller door clearance of 3.38m to enable the property owner to house his property maintenance equipment.

The property does not currently have enough facilities for housing the property owners equipment, resulting in this machinery being out in the elements and not protected. The proposed shed is compatible with storage of goods associated with the use of the land and it generally services the local community needs as the property machinery are protected and stored away in a designated area.

















A precedent has been set in the area as there are a number of surrounding properties which have all outbuildings on the property exceeding 120sqm. resulting in the proposed shed will be in cohesion with the surrounding neighbourhood area. The proposed shed is set back with vegetation screening resulting in there being no disruption or visual impact on the closest neighbouring dwelling or streetscape. As the proposed shed is consistent with the neighbourhood character of the area, it ensures that the owners have considered the siting and design of the outbuilding and works and it does not adversely impact on environmental values of the area. See Figure 7 (Photo A & B).

The site coverage for the property is only 0.9% including the proposed shed. This ensures that the new buildings will be integrated with the site and the surrounding area in terms of the relationship to existing buildings, open space areas and landscapes. See site plan enclosed with this application.

The outbuildings constructed upon the property are not excessive in size and do not pose any disruption or visual impact on the neighbouring properties and streetscape. The property is surrounded by rural lots with substantial outbuildings constructed upon these proving the proposed shed would not cause any impact.

The above, along with the points listed under the Rural Conversation Zone Overlay, will assist the proposed shed to meet the following Environmental Significance objectives:

- 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 bio links 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

Thanks in advance for your assistance with this application. Please do not hesitate to contact one of our team members on 03 5979-3677 or via email on admin@melbournegarages.com.au

Regards, Melbourne Garages Representative

















Figure 1.

Aerial view of 155 Gordon Road, Pakenham Upper VIC 3810 showing the proposed shed will be constructed in an open clearing on the property with no vegetation removal required. The area is a levelled existing hard surface with driveway access already in place to the site. There is no further cut, or fill required for the proposed shed. Proposed shed shown via blue box.



















Figure 2.

Aerial view of 155 Gordon Road, Pakenham Upper VIC 3810 showing the proposed shed location if it was situated 20m from any other road while still adhering to the other building and works guidelines, there would result in a dramatic impact on the natural environment regardless of the location as vegetation removal and excavation works would be required. Proposed shed shown via blue box.



















Figure 3.

Aerial view of 155 Gordon Road, Pakenham Upper VIC 3810 showing the proposed shed is consistent with the precedent set on neighbouring properties as there are buildings constructed within 20m from any other road. Refer to red boxes. Proposed shed shown via blue box.

155 Gordon Road, Pakenham Upper VIC 3810 - Approximately 12m

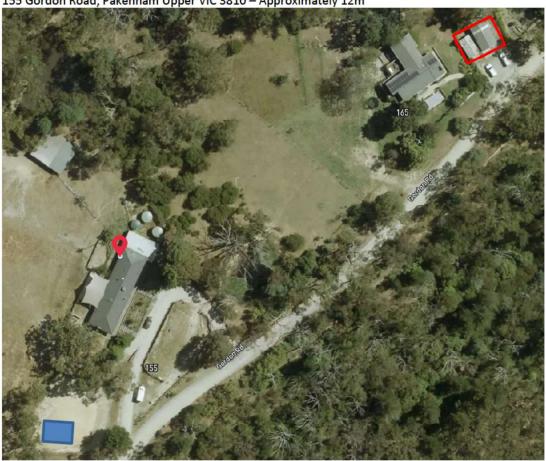


















Figure 4.

Aerial view of the surrounding neighbourhood to 155 Gordon Road, Pakenham Upper VIC 3810 showing the proposed shed is consistent with the precedent set on neighbouring properties as there are buildings constructed over 100sqm in size. Refer to red boxes.

Photo A:

190 Gordon Road, Pakenham Upper VIC 3810 – Approximately 140sqm 185 Gordon Road, Pakenham Upper VIC 3810 - Approximately 206sqm















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Photo B:

210 Gordon Road, Pakenham Upper VIC 3810 – Approximately 110sqm















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240 Gordon Road, Pakenham Upper VIC 3810 – Approximately 276sqm















ELBOURNE ARAGES



Aerial view of 155 Gordon Road, Pakenham Upper VIC 3810 showing the proposed shed will be setback with dense existing vegetation screening the proposed shed from the closest neighbouring dwelling and streetscape. Proposed shed shown via blue box.



Figure 6. Street view of 155 Gordon Road, Pakenham Upper VIC 3810 showing the proposed shed will be screened by existing well-established vegetation, resulting in the structure only being partially visual from the streetscape and causing a minimal disruption or visual impact. Proposed shed location shown via blue arrow.



















Figure 7.

Aerial view of the surrounding neighbourhood to 155 Gordon Road, Pakenham Upper VIC 3810 showing the proposed shed is consistent with the precedent set on neighbouring properties as there are buildings constructed on the property totally over 120sqm (Domestic) and/or 160sqm (Agricultural). Refer to red boxes.

Photo A:

190 Gordon Road, Pakenham Upper VIC 3810 – Approximately 140sqm 185 Gordon Road, Pakenham Upper VIC 3810 - Approximately 206sqm



















Photo B:

240 Gordon Road, Pakenham Upper VIC 3810 – Approximately 276sqm















Council Reference

T220214 PA - CFA Requirements - 155 Gordon Rd, Pakenham Upper - Internal 45654

Dear Sir/Madam,

Further to my 'phone call last week to Mr Hamish Mival in your office, I have, as suggested, compiled as much relevant information as possible to assist you in reaching a fair and just decision concerning the Shed planning permit for the current proposed location on our property at the above address.

We trust the following information with paint a clearer picture as to the reason we have chosen the proposed location and see no other viable options, hopefully this will assist you in the decision-making process for the approval of the planning permit. We believe this is the most logical location with the least environment impact.

Current Proposed area:

The current proposed area is located at the top of the property close to the current residential house, the <u>current shed proposed location</u> was already cut (similar to the profile of the house cut) some years ago and was subsequently clean up. **See pictures below.**

Note: the tree's in question for removal / off setting are located to the right of the white float



Picture 1: View looking across from the house at the proposed location.



Picture 2: View looking back across to the house from the proposed shed location.

Other Council Proposed Location:

Front of the house location (see included picture below) is not viable due to the following factors.

- Very large Ghost Gum located next to the area.
- All utilities for the property pass under this area.
- Two additional gum trees' (self-seeded) located next to the road)
- Difficult entry and exit into the location.
- Area not large enough for required shed



Picture 3: view of front location with large tree

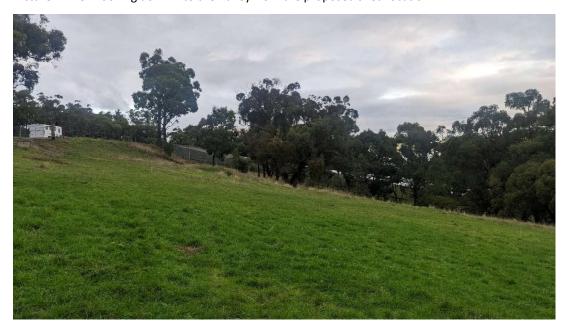
Other Council Proposed Location:

Paddocks / "Cleared area"

Our property is located on the Southeast side of a valley, our house and the planned location for the shed is located at the top of the valley ridgeline alongside Gordon Road. Our property then drops off (Paddocks) into the Valley floor at a steep gradient to the bottom of the valley where most of the "sensitive" fauna and flora predominantly exist. See picture below. (brown Grass Area in picture)



Picture 4: View looking down into the Valley from the proposed shed location.

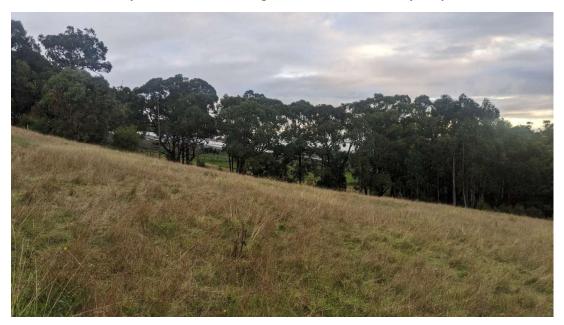


Picture 5: Showing gradient of the top paddock looking back across and up to the proposed location.



Picture 6: Looking down into the Valley from the top paddock

You will see from the pictures below that the gradient for this area is very steep.



Picture 7: Showing gradient of the bottom paddock looking across to the Northwest.

Paddock locations (see included picture below) are not viable due to the following factors.

- Gradient of land would require very large amount of excavation work; this is not desired.
- Access would be limited to ~4months of the year due to difficult terrain in wet weather.
- Access roads would need to be cut and gravelled. This is not desired.
- Locations further down into the Valley would bring our activity closer to more sensitive areas V's where has been proposed.

Closing comments

The current location that has been proposed we believe is most logical with respect to access, proximity to house and road, with minimal impact on the environment. Any other location on the property would cause far more damaged and be difficult to access.

The shed is required for livestock foods and equipment required to enable us to manage the property safely, we have taken careful consideration into this project consulting our direct neighbours and CFA members.

We moved to this area for its beauty, view, fauna and flora, our intention is not to destroy the environment that has brought us to this location. We are constantly looking to improve our property which includes this work, along with the planting of new tree's and nurturing of tree's that have "self-seeded" which you can clearly see from the growth in the picture above.

All we are seeking is a common-sense approach to this decision-making process.

Regards

155 Gordon Road Pakenham Upper

Orange – Picture 1 149.33 m Blue – Picture 2 Yellow – Picture 3 Green - - Picture 4 Red - Picture 5 Bush-Land¶ Purple – Picture 6 Light Blue – Picture 7 280 NEONO

PROPOSED SHED AT 155 GORDON ROAD PAKENHAM UPPER





460.94

No. 155

EXISTING SPED

PROPOSED SHED FFL 100mm above FGL 430.04 m 149.33 m

Popologia Popolo

A

stomwater to comect to the existing stomwater drainage system via 90mm UPVC or 100x50 colorbord downpipes

all plumbing work to comply with AS3500: series

owner is responsible for engaging a registered plumber to complete stormwater drainage

existing building area 0.2% total proposed area 0.9% total coverage

0.7%

574m2 441m2

site area

area analysis 62,826m2

DEFENDABLE SPACE REQUIREMENTS

400.53 m

defendable space must be created for a distance of 10 metres around the proposed building or to the property boundary, whichever is the lesser. Defendable space is an area where vegetation (and other flammable materials) must be managed n accordance with the following:

- grass must be sort cropped and maintained during the declared fire danger period
- all leaves and vegetation debris must be removed at regular ntervals during the fire danger period
- within 10 metres of a building, flammable objects must not be located close to vulnerable parts of the building pants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building
 - shrubs must not be located under the canopy of trees
- trees must not overhang or touch any elements of the building

- individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres

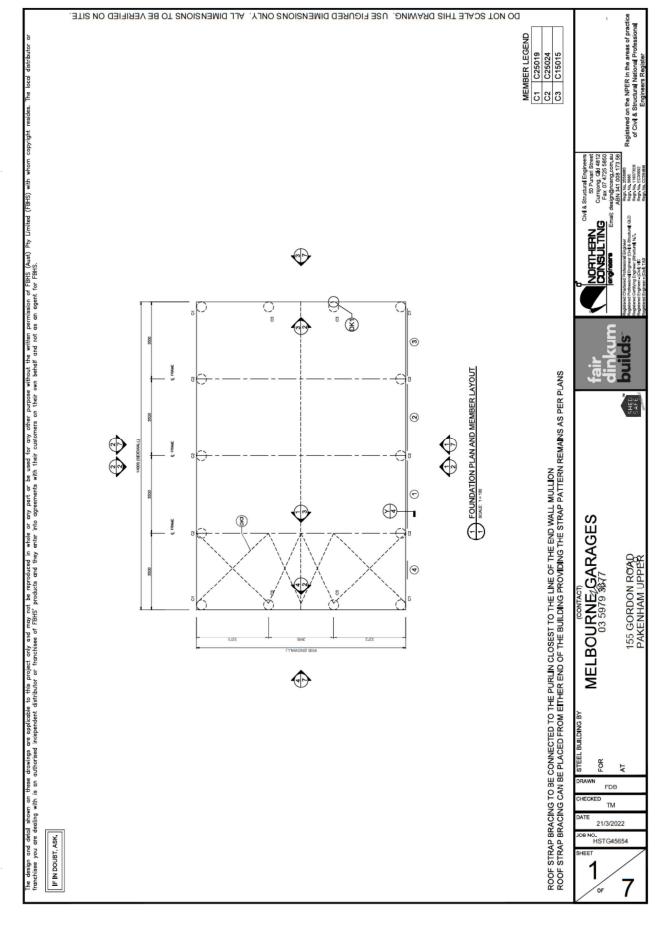
- trees canopy trees must secarated by at least 2 metres.
- there must be a clearance of at least 2 metres between the lowest tree branches and ground level

Batter 1.2 starting 1m passed

proposed structure footprint

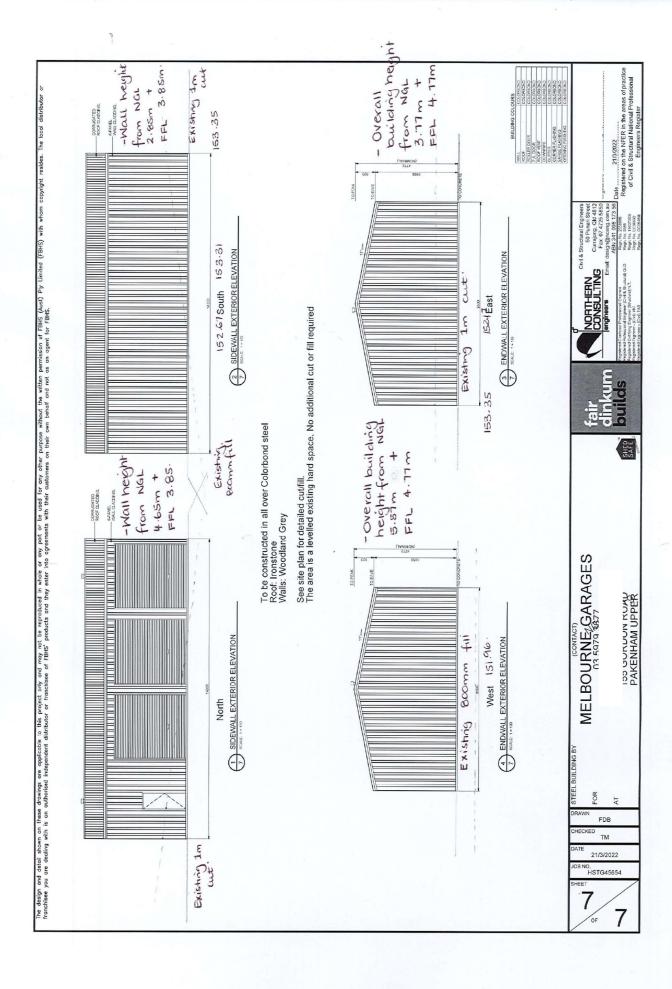
SITE DRANAGE

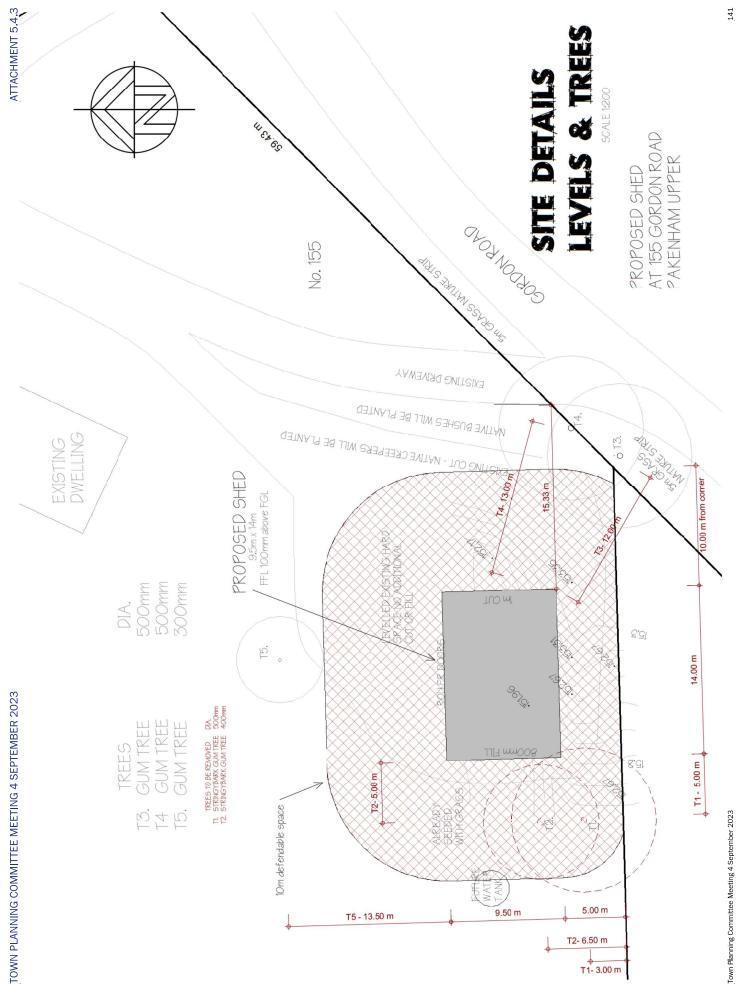
REGROUD MEDIATELY ADJACENT TO THE BUIDING SHALL BE
GRADED VEO OR TO FALL SOWN OVER THE FIRST METER AWAY FROM THE
BUIDING REGARDLESS OF WHETHER NOTED AS SUCH ON THE
ADJACENT METER THIS IS INFOACTIONED. (E. S. OUTHOR SITES) WHERE
THE ADJACENT MATURAL GROUND FALLS TOWARDS THE BUILDING, JUSE
ANG. DRANING OR SPOON UP PAIN MIN IOCOMM. AWAY FROM THE BUILDING
ALL SITE DRAINAGE IS OWNERS RESPONSIBILITY TO ORGANISE



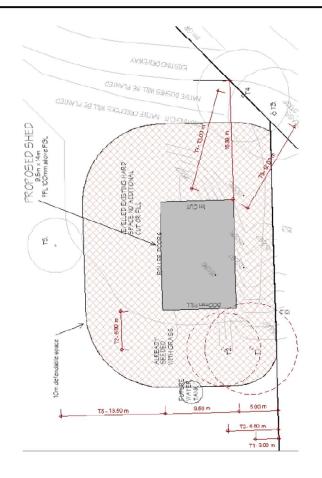
TOWN PLANNING COMMITTEE MEETING 4 SEPTEMBER 2023

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Outbuildings Bushfire Management Plan – 155 Gordon Road, Pakenham Upper VIC 3810



Melbourne Garages Prepared By: Version:

24/03/2022 Date:

Mandatory Condition

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

Bushfire Protection Measures

Defendable Space

Defendable space for a distance of 10 metres around the proposed building or to the property boundary, whichever is the lesser is provided and is managed in accordance to 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
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building
- Shrubs must not be located under the canopy of trees
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 2 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level

Construction Requirement q

Non habitable outbuilding ancillary to a dwelling i**s more** than 10 metres from a dwelling has **no** construction requirements.

Non habitable outbuilding ancillary to a dwelling is less than 10 metres from a dwelling must meet the construction requirements of Table 7 to Clause 53.02-5.

Fable 7 Outbuilding construction requirement

Building construction condition

The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and:

- has a FRL of not less than 60/60/60 for loadbearing walls and -/60/60 for non-load bearing walls when tested from the attached structure side, or
- is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not ess than 90 millimetres in thickness.

Any openings in the wall shall be protected in accordance with the following:

- Doorways by FRL -/60/30 self-closing fire doors
- Windows by FRL -/60/- fire windows permanently fixed in the closed position
- Other openings by construction with a FRL of not less than -/60/-

Note: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not comply with Item iii.



Native vegetation removal report

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*. The report is **not an assessment by DELWP** of the proposed native vegetation removal. Native vegetation information and offset requirements have been determined using spatial data provided by the applicant or their consultant.

Date of issue: 17/05/2023 Report ID: GEN_2023_365

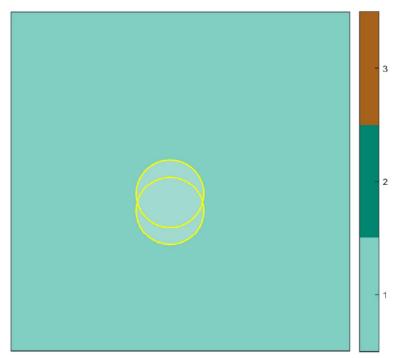
Time of issue: 2:56 pm

Project ID featureclass_132215

Assessment pathway

Assessment pathway	Basic Assessment Pathway	
Extent including past and proposed	0.041 ha	
Extent of past removal	0.000 ha	
Extent of proposed removal	0.041 ha	
No. Large trees proposed to be removed	0	
Location category of proposed removal	Location 1 The native vegetation is not in an area mapped as an endangered Ecological Vegetation Class (as per the statewide EVC map), sensitive wetland or coastal area. Removal of less than 0.5 hectares in this location will not have a significant impact on any habitat for a rare or threatened species	

1. Location map





Page 1

Native vegetation removal report

Offset requirements if a permit is granted

Any approval granted will include a condition to obtain an offset that meets the following requirements:

General offset amount ¹	0.010 general habitat units
Vicinity	Port Phillip and Westernport Catchment Management Authority (CMA) or Cardinia Shire Council
Minimum strategic biodiversity value score ²	0.448
Large trees	0 large trees

NB: values within tables in this document may not add to the totals shown above due to rounding

Appendix 1 includes information about the native vegetation to be removed

Appendix 2 includes information about the rare or threatened species mapped at the site.

Appendix 3 includes maps showing native vegetation to be removed and extracts of relevant species habitat importance maps

¹ The general offset amount required is the sum of all general habitat units in Appendix 1.

² Minimum strategic biodiversity score is 80 per cent of the weighted average score across habitat zones where a general offset is required

Native vegetation removal report

Next steps

Any proposal to remove native vegetation must meet the application requirements of the Basic Assessment Pathway and it will be assessed under the Basic Assessment Pathway.

If you wish to remove the mapped native vegetation you are required to apply for a permit from your local council. Council will refer your application to DELWP for assessment, as required. This report is not a referral assessment by DELWP.

This Native vegetation removal report must be submitted with your application for a permit to remove, destroy or lop native vegetation.

Refer to the *Guidelines for the removal, destruction or lopping of native* vegetation (the Guidelines) for a full list of application requirements This report provides information that meets the following application requirements:

- · The assessment pathway and reason for the assessment pathway
- A description of the native vegetation to be removed (met unless you wish to include a site assessment)
- · Maps showing the native vegetation and property
- The offset requirements determined in accordance with section 5 of the Guidelines that apply if approval is granted to remove native vegetation.

Additional application requirements must be met including:

- Topographical and land information
- Recent dated photographs
- Details of past native vegetation removal
- An avoid and minimise statement
- A copy of any Property Vegetation Plan that applies
- A defendable space statement as applicable
- A statement about the Native Vegetation Precinct Plan as applicable
- An offset statement that explains that an offset has been identified and how it will be secured.

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www.delwp.vic.gov.au

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Obtaining this publication does not guarantee hat an application will meet the requirements of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes or that a permit to remove native vegetation will be granted.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any na ive vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes.

Appendix 1: Description of native vegetation to be removed

All zones require a general offset, the general habitat units each zone is calculated by the following equation in accordance with the Guidelines:

General habitat units = extent x condition x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)

The general offset amount required is the sum of all general habitat units per zone.

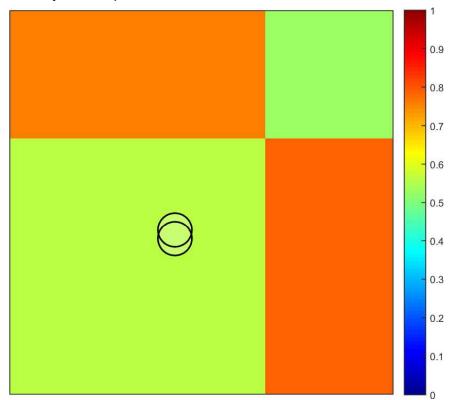
Native vegetation to be removed

/ EnSym	Offset type	General	General
Information calculated by EnSym	Habitat units	0.005	0.005
nation ca	HI		
Inforn	Score	0.560	0.560
	Extent without overlap	0.021	0.021
	Polygon Extent	0.031	0.031
	Modelled Condition score	0.200	0.200
SIS file	Partial removal	0	22
icant in a	Large tree(s)	0	0
Information provided by or on behalf of the applicant in a GIS file	BioEVC conservation status		
ovided by or on t	BioEVC		
rmation pro	Туре	Scattered Tree	Scattered Tree
Info	Zone	1-A	2-A

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Appendix 2: Information about impacts to rare or threatened species' habitats on site This is not applicable in the Basic Assessment Pathway.

Appendix 3- Images of mapped native vegetation 2. Strategic biodiversity values map







4. Map of the property in context



Yellow boundaries denote areas of proposed native vegetation removal.