

# Bernie Wilder and Associates



*We respectfully acknowledge the traditional custodians, the Gunditjmara peoples. We pay our respects to all Aboriginal Community Elders past and present who have been an integral part of this region's history.*

***Town Planning, Project Management and Local Government Consultants***

**Proposed Dwelling, Shed, Clearing  
and Conservation Management in accordance  
First Nation Principles and Practice  
at  
Allot. 6B Sec. 10 PARISH OF CONDAH  
CONDAH ESTATE ROAD HEYWOOD 3304**

**Glenelg Planning Scheme**

**PLANNING REPORT**

**16 April 2025**

## Introduction and Context

This report has been prepared to accompany an application for a Planning Permit under the Glenelg Planning Scheme for a Dwelling, Shed, Clearing and Conservation Management in accordance First Nation Principles and Practice the proposal involves associated vegetation removal on land known as Allot. 6B Sec. 10 parish of Condah, Condah Estate Road Heywood 3304. c

As part of the project children and young adults will participate in the management of the site under expert guidance by the owner and other experts. The owner is an eminently qualified expert in the field of delivering workshops and fostering children and young adults to counteract Lateral Violence which is endemic in Indigenous communities. Lateral violence occurs when a community implodes on itself through destructive behaviours like gossip, backstabbing, emotional, spiritual and physical violence.

The program will focus on:

- Have courage to act in all of the principles of a healthy community and to know when you have made mistakes so that you can know when to have humility.
- Have compassion toward others so that you may learn to be graceful with your spirit
- Honour the great spirit, the property of others and your own life path.
- Conduct yourself and act honestly at all time so that others may learn from you.
- The report considers the various provisions of the Glenelg Planning Scheme.
- Respect all living things and beings to enable them to respect you.
- Learn from all you hear, see and feel, this will inform you on who you are and who you can be.
- Listen to the earth, waters, and others so that you may learn.
- Learning new skills and mental healing.
- Placement of bird nesting boxes.
- Providing habitat for animals.
- Conservation and land management.

The dwelling will be occasionally occupied by the owner. Visiting specialists such as Botanists, Scientists and Rangers will also be accommodated from time to time. The land will be tended by the children and young adults who will be brought to the site in small groups but accommodated elsewhere. The site will utilise adjacent facilities and resources at the Condah Mission, Heywood, Portland and the World Heritage facility at Budge Bim

The applicant is an Australian playwright, scriptwriter and musician. He is an Aboriginal Australian of Gunditjmarra origin from Victoria. He has worked significantly for Aboriginal Australian causes.

worked as a soldier, a fisherman, and as a field officer to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC),<sup>[1]</sup> which ran from 1987 until its final report was issued in 1991.<sup>[2]</sup> His experience with RCIADIC inspired him to write several plays, including *No Way to Forget*, *Who Killed Malcolm Smith*, and *Conversations with the Dead*.<sup>[3]</sup>

won an AFI Award for Best Screenplay in a Short for his 1996 short film No Way to Forget. It was the first film by an Indigenous director to win an AFI Award.<sup>[4]</sup> It screened at

the 1996 Cannes Film Festival in the category of Un Certain Regard,<sup>[5][6]</sup> and was broadcast nationally in Australia on SBS TV.<sup>[7]</sup>

He wrote and directed Harry's War (1999), a feature film based on his uncle's role in World War II on the Kokoda Trail. The film was screened at the British War Memorial in London and won Best Short Film at Spike Lee's alternative Oscars for black film-makers in Hollywood.<sup>[8]</sup>

His 2002 play, Conversations with the Dead,<sup>[1]</sup> was staged in 2003 by Company B Belvoir, directed by Wesley Enoch and featuring Wayne Blair, Luke Carroll, Kirk Page, Elaine Crombie, her mother Lillian Crombie, and Vic Simms.<sup>[9]</sup> In 2004, the play was performed at the United Nations.<sup>[10]</sup>

is also a musician, whose music features on the soundtracks to many of his films. In 1992 his first band Djaambi supported Prince on his Australian tour.<sup>[11]</sup> He formed The Charcoal Club in 1990, with a number of Indigenous and non-Indigenous members. They released three albums on CD: The Charcoal Club (2002), Cry Freedom (2005) and Hearts Full of Rust (2010).<sup>[12]</sup> A Facebook page for them is still

In the early nineties he founded Mirimbiak Nations Aboriginal Corporation (MNAC) which was the first Indigenous statewide land organisation in some 25 years. MNAC was responsible for representing traditional owners and lodging all native title claims throughout the state of Victoria (excepting the already lodged Yorta Yorta, claim but including the recently successful Gunditjmara claim). Richard was also instrumental in forming Defenders of Native Title (DONT), which later became Australians for Native Title and Reconciliation (ANTAR).<sup>[14]</sup>

served as Head of the Wilin Centre for Indigenous Arts and Cultural Development at the University of Melbourne, and as of 2020 is an Associate Professor in Cross-Disciplinary Practice in the Division of Fine Arts and Music at the Victorian College of the Arts.<sup>[16][17]</sup>

The owner is exploring a proposal for a Trust For nature Covenant to preserve the long term integrity of the site and its vegetation and fauna.

### **Budj Bim Cultural Landscape**

The Budj Bim Cultural Landscape, located in the traditional Country of the Gunditjmara people in south-eastern Australia, consists of three serial components containing one of the world's most extensive and oldest aquaculture systems. The Budj Bim lava flows provide the basis for the complex system of channels, weirs and dams developed by the Gunditjmara in order to trap, store and harvest kooyang (short-finned eel – *Anguilla australis*). The highly productive aquaculture system provided an economic and social base for Gunditjmara society for six millennia. The Budj Bim Cultural Landscape is the result of a creational process narrated by the Gunditjmara as a deep time story, referring to the idea that they have always lived there. From an archaeological perspective, deep time represents a period of at least 32,000 years. The ongoing dynamic relationship of Gunditjmara and their land is nowadays carried by knowledge systems retained through oral transmission and continuity of cultural practice

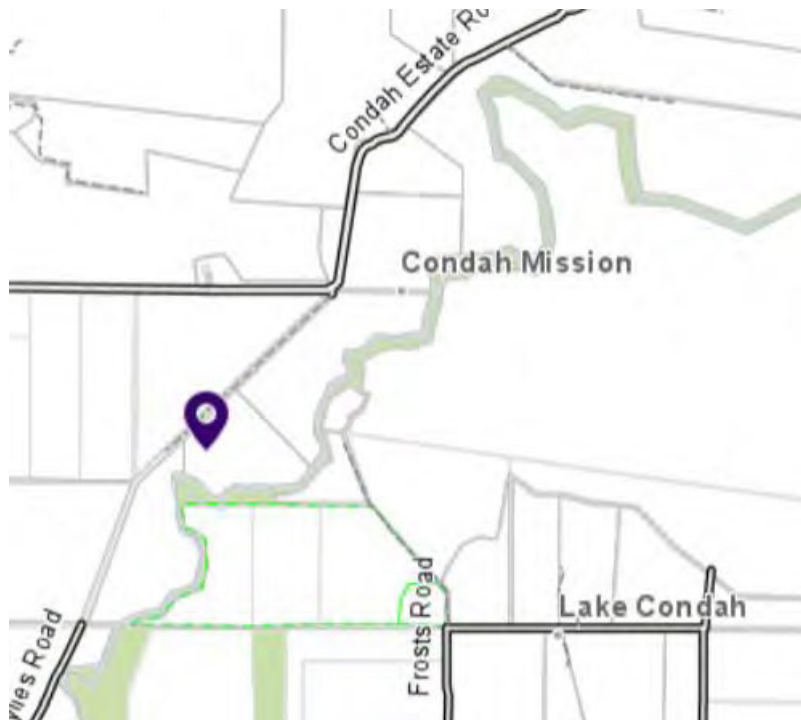
The siting of the Dwelling and its use has been devised to pay special attention to the particular environmental qualities of the site and is needed to properly maintain the site and conduct seed collection. The shed will house plant, equipment and tools to maintain and conserve the site.

### Site Details

The land has an area of 32.31ha. The land is zoned Farming Zone under the Glenelg Planning Scheme. BUSHFIRE MANAGEMENT OVERLAY (BMO), ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO), ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2 (ESO2), ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 3 (ESO3) Provisions apply.

The site has access to Condah Settlement Road which is a constructed all weather road. The site is predominantly old regrowth forest vegetation. Some tree clearing is involved in this application to provide fire protection and a cleared house site.

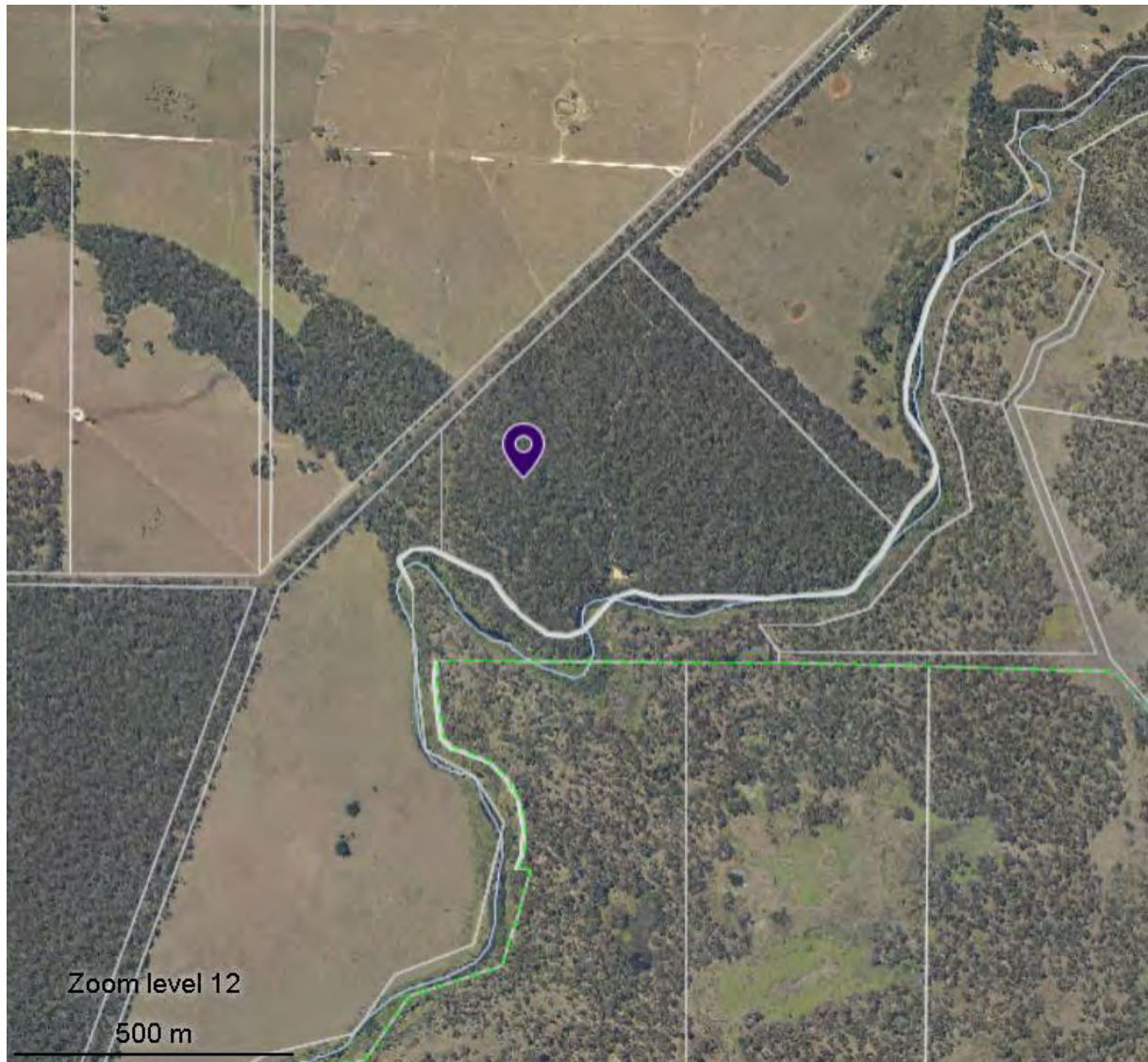
The following map shows the location of the site relative to adjoining allotments:



**Locality plan**

**Source: Land Victoria**





***Air Photograph***

***Source: Land Victoria***

## Features



Contours and Features



View of Access and Vegetation

**Proposed Dwelling**

Details of the proposed Dwelling are set out below:

**Land Use**

The land is currently vacant. The proposed use involves a Dwelling which is a Section 2 Use.

**Buildings**

The proposal involves the erection of a Dwelling together with associated facilities in accordance with the plans.

**Works**

Proposed works involve connection of services and a driveway.

**Site Topography**

The site is relatively flat and drains to existing drainage networks. The site contains remnant vegetation. Tree clearing is proposed.

**Access**

An all-weather access is to connect with Condah Settlement Road. The access is to be all weather standard and meets CFA access requirements.

**Drainage**

Concentrated roof waters are to be collected and used for a potable water supply. No concentrated discharges are proposed to adjoining properties or the streets.

**Waste Treatment and Disposal**

A waste system to EPA Standards is proposed.

**Parking**

Off-street carparking is to be adjacent to the Dwelling.

**Tree Clearing and Landscaping**

Minimal clearing is proposed to provide fire protection as shown on the plans.

**Aboriginal Archaeology**

The proposal is exempt from a Cultural Management Plan requirement. Refer detail later in this Report.


**Key Issues**

The following have been identified as key issues:

- The Planning Scheme Requirements



Vegetation Removal



## Native Vegetation Removal Report

NVRR ID: 323\_20250416\_GIM

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 Guidelines). This report is **not an assessment by DEECA** of the proposed native vegetation removal. Offset requirements have been calculated using modelled condition scores.

Report details

**Date created:** 16/04/2025  
**Local Government Area:** GLENELG SHIRE  
**Registered Aboriginal Party:** Gunditj Mirring  
**Coordinates:** 141.77939, -38.08029  
**Address:** CONDAH ESTATE ROAD HEYWOOD 3304

Regulator Notes

Removal polygons are located:

Summary of native vegetation to be removed

Assessment pathway	Basic Assessment Pathway		
Location category	Location 1		
	The native vegetation extent map indicates that this area is not typically characterised as supporting native vegetation. It does not meet the criteria to be classified as Location Category 2 or 3. The removal of less than 0.5 hectares of native vegetation in this area will not require a Species Offset.		
Total extent including past and proposed removal (ha) <small>Includes endangered EVCs (ha): 0</small>	0.434	Extent of past removal (ha)	0
		Extent of proposed removal - Patches (ha)	0.434
		Extent of proposed removal - Scattered Trees (ha)	0.000
No. Large Trees proposed to be removed	0	No. Large Patch Trees	0
		No. Large Scattered Trees	0
No. Small Scattered Trees	0		



Offset requirements if approval is granted

Any approval granted will include a condition to secure an offset, before the removal of native vegetation, that meets the following requirements:

General Offset amount <sup>1</sup>	0.444 General Habitat Units
Minimum strategic biodiversity value score <sup>2</sup>	0.652
Large Trees	0
Vicinity	Glenelg Hopkins CMA or GLENELG SHIRE LGA

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

The availability of third-party offset credits can be checked using the Native Vegetation Credit Register (NVCR) Search Tool - <https://nvcr.delwp.vic.gov.au>

1. The General Offset amount required is the sum of all General Habitat Units in Appendix 1.

2. Minimum strategic biodiversity value score is 80 per cent of the weighted average score across habitat zones where a General Offset is required.

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## Application requirements

Applications to remove, destroy or lop native vegetation must include all the below information. If an appropriate response has not been provided the application is not complete.

### Application Requirement 1 - Native vegetation removal information

If the native vegetation removal is mapped correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 1.

### Application Requirement 2 - Topographical and land information

This statement describes the topographical and land features in the vicinity of the proposed works, including the location and extent of any ridges, hilltops, wetlands and waterways, slopes of more than 20% gradient, low-lying areas, saline discharge areas or areas of erosion.

The land is gently undulating towards a creek. The proposal involves conservation. buildings are more than 30m from watercourses.

### Application Requirement 3 - Photographs of the native vegetation to be removed

Application Requirement 3 is not addressed in this Native Vegetation Removal Report. All applications must include recent, timestamped photos of each Patch, Large Patch Tree and Scattered Tree which has been mapped in this report.

### Application Requirement 4 - Past removal

If past removal has been considered correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 4.

### Application Requirement 5 - Avoid and minimise statement

This statement describes what has been done to avoid and minimise impacts on native vegetation and associated biodiversity values.

Conservation Management in accordance First Nation Principles and Practice The proposal involves associated vegetation removal and a Dwelling, Shed and Clearing.

### Application Requirement 6 - Property Vegetation Plan

This requirement only applies if an approved Property Vegetation Plan (PVP) applies to the property Does a PVP apply to the proposal?

No

### Application Requirement 7 - Defendable space statement

Where the removal of native vegetation is to create defendable space, this statement:





- Describes the bushfire threat; and
- Describes how other bushfire risk mitigation measures were considered to reduce the amount of native vegetation proposed for removal (this can also be part of the avoid and minimise statement).

This statement is not required if, If the proposed defensible space is within the Bushfire Management Overlay (BMO), and in accordance with the 'Exemption to create defensible space for a dwelling under Clause 44.06 of local planning schemes' in Clause 52.12-5.

A Bushfire Management Plan has been prepared.

### **Application Requirement 8 - Native Vegetation Precinct Plan**

This requirement is only applicable if you are removing native vegetation from within an area covered by Native Vegetation Precinct Plan (NVPP), and the proposed removal is not identified as 'to be removed' within the NVPP.

Does an NVPP apply to the proposal?

No

### **Application Requirement 9 - Offset statement**

This statement demonstrates that an offset is available and describes how the required offset will be secured. The Applicant's Guide provides information relating to this requirement.

A Conservation Covenant is being investigated. Offsets will be sought if required.



## Next steps

Applications to remove, destroy or lop native vegetation must address all the application requirements specified in the Guidelines. If you wish to remove the mapped native vegetation you are required to apply for approval from the responsible authority (e.g. local Council). This Native vegetation removal report must be submitted with your application and meets most of the application requirements. The following requirements need to be addressed, as applicable.

### **Application Requirement 3 - Photographs of the native vegetation to be removed**

Recent, dated photographs of the native vegetation to be removed **must be provided** with the application. All photographs must be clear, show whether the vegetation is a Patch of native vegetation, Patch Tree or Scattered Tree, and identify any Large Trees. If the area of native vegetation to be removed is large, provide photos that are indicative of the native vegetation.

Ensure photographs are attached to the application. If appropriate photographs have not been provided the application is not complete.

### **Application Requirement 6 - Property Vegetation Plan**

If a PVP is applicable, it must be provided with the application.





## Appendix 1: Description of native vegetation to be removed

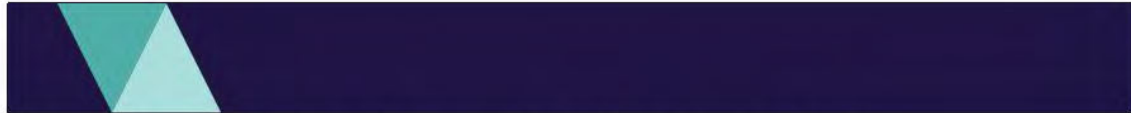
General Habitat Units for each zone (Patch, Scattered Tree or Patch Tree) are calculated by the following equation in accordance with the Guidelines

**General Habitat Units = extent without overlap x condition score 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



Information provided by or on behalf of the applicant			Information calculated by NVR Map							
Zone	Type	DBH (cm)	EVC code (modelled)	Bioregional conservation status	Large Tree(s)	Condition score (modelled)	Polygon extent (ha)	Extent without overlap (ha)	SBV score	General Habitat Units
1	Patch	-	VVP_0023	Vulnerable	-	0.751	0.434	0.434	0.815	0.444

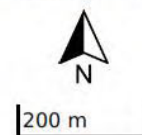


## Appendix 2: Images of mapped native vegetation

### 1. Property in context



-  Proposed Removal
-  Property Boundaries

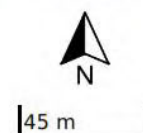




**2. Aerial photograph showing mapped native vegetation**



□ Proposed Removal





### 3. Location Risk Map

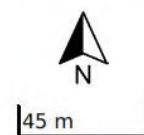


□ Proposed Removal

□ Location 1

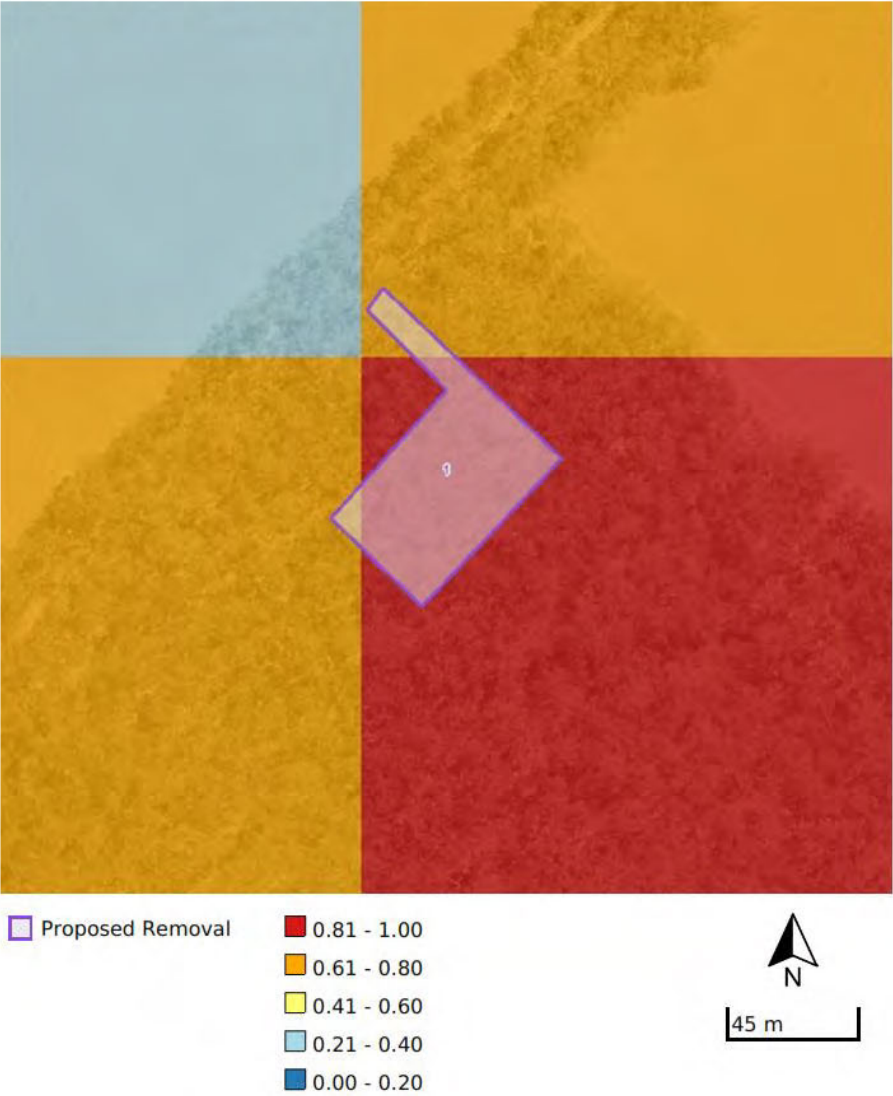
□ Location 2

□ Location 3





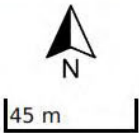
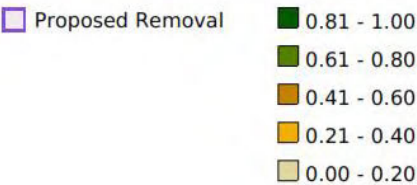
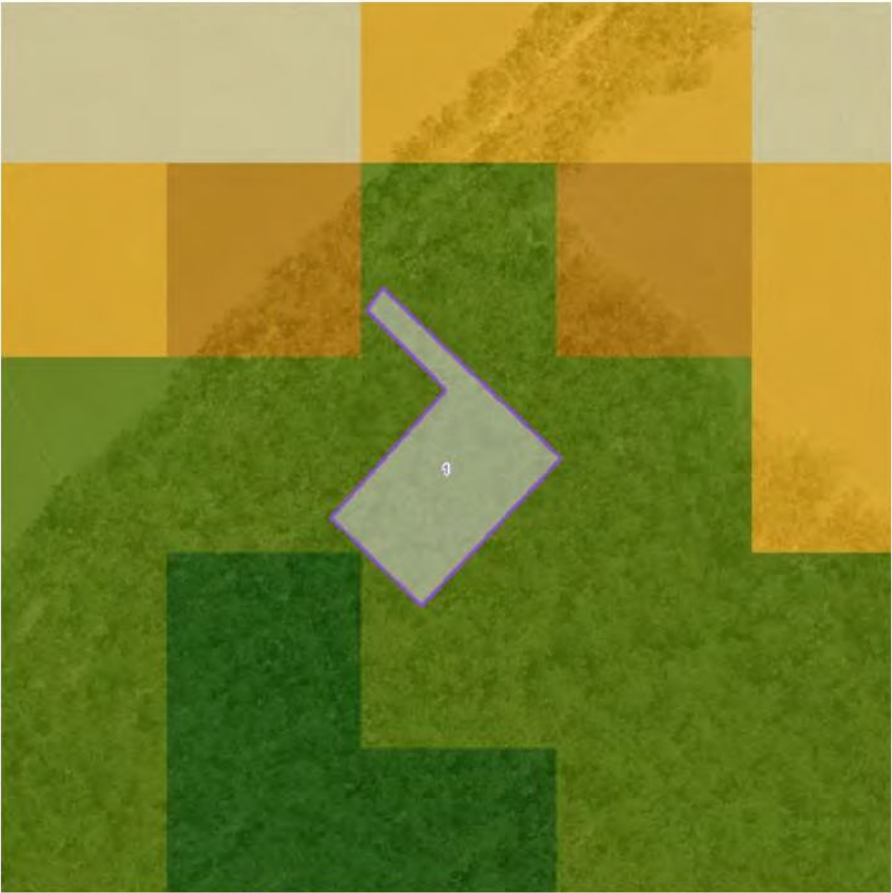
4. Strategic Biodiversity Value Score Map

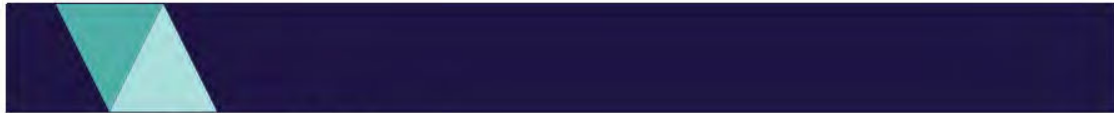






5. Condition Score Map





## 6. Endangered EVCs

Not Applicable

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## EVC

The following EVC applies:

Department of  
Sustainability and  
Environment

**EVC/Bioregion Benchmark for Vegetation Quality Assessment**  
**Victorian Volcanic Plain bioregion**  
**EVC 23: Herb-rich Foothill Forest**

**Description:**  
Occurs on relatively fertile, moderately well-drained soils on an extremely wide range of geological types and in areas of moderate to high rainfall. Occupies easterly and southerly aspects mainly on lower slopes and in gullies. A medium to tall open forest or woodland to 25 m tall with a small tree layer over a sparse to dense shrub layer. A high cover and diversity of herbs and grasses in the ground layer characterise this EVC.

**Large trees:**

Species	DBH(cm)	# /ha
<i>Eucalyptus</i> spp.	70 cm	20 / ha


**Tree Canopy Cover:**

%cover	Character Species	Common Name
40%	<i>Eucalyptus ovata</i>	Swamp Gum
	<i>Eucalyptus obliqua</i>	Messmate Stringybark
	<i>Eucalyptus viminalis</i> ssp. <i>viminalis</i>	Manna Gum

**Understorey:**

Life form	#Spp	%Cover	LF code
Immature Canopy Tree		5%	IT
Understorey Tree or Large Shrub	2	10%	T
Medium Shrub	3	20%	MS
Small Shrub	1	1%	SS
Large Herb	2	5%	LH
Medium Herb	6	15%	MH
Small or Prostrate Herb	3	5%	SH
Large Tufted Graminoid	3	20%	LTG
Large Non-tufted Graminoid	1	5%	LNG
Medium to Small Tufted Graminoid	5	10%	MTG
Medium to Tiny Non-tufted Graminoid	2	10%	MNG
Ground Fern	1	5%	GF
Scrambler/Climber	2	5%	SC
Bryophytes/Lichens	na	20%	BL

Ecological Vegetation Class bioregion benchmark





## EVC 23: Herb-rich Foothill Forest - Victorian Volcanic Plain bioregion

LF Code	Species typical of at least part of EVC range	Common Name
T	<i>Acacia melanoxylon</i>	Blackwood
MS	<i>Leptospermum continentale</i>	Prickly Tea-tree
MS	<i>Acacia verticillata</i>	Prickly Moses
MS	<i>Ozothamnus ferrugineus</i>	Tree Everlasting
MS	<i>Bursaria spinosa</i>	Sweet Bursaria
SS	<i>Pimelea humilis</i>	Common Rice-flower
SS	<i>Hibbertia riparia</i>	Erect Guinea-flower
PS	<i>Bossiaea prostrata</i>	Creeping Bossiaea
PS	<i>Acrotriche serrulata</i>	Honey-pots
LH	<i>Senecio tenuiflorus</i>	Slender Fireweed
LH	<i>Pterostylis longifolia</i> s.l.	Tall Greenhood
MH	<i>Euchiton collinus</i> s.s.	Creeping Cudweed
MH	<i>Hypericum gramineum</i>	Small St John's Wort
MH	<i>Gonocarpus tetragynus</i>	Common Raspwort
MH	<i>Viola hederacea</i> sensu Willis (1972)	Ivy-leaf Violet
SH	<i>Hydrocotyle laxiflora</i>	Stinking Pennywort
LTG	<i>Juncus procerus</i>	Tall Rush
LTG	<i>Lepidosperma laterale</i> var. <i>majus</i>	Variable Sword-sedge
LTG	<i>Deyeuxia quadriseta</i>	Reed Bent-grass
LNG	<i>Lepidosperma longitudinale</i>	Pithy Sword-sedge
MTG	<i>Lomandra filiformis</i>	Wattle Mat-rush
MTG	<i>Lomandra sororia</i>	Small Mat-rush
MTG	<i>Lepidosperma laterale</i> var. <i>laterale</i>	Variable Sword-sedge
MNG	<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping Grass
MNG	<i>Poa tenera</i>	Slender Tussock-grass
GF	<i>Pteridium esculentum</i>	Austral Bracken
SC	<i>Clematis aristata</i>	Mountain Clematis
SC	<i>Billardiera scandens</i>	Common Apple-berry

**Recruitment:**

Continuous

**Organic Litter:**

40 % cover

**Logs:**

20 m/0.1 ha.

**Weediness:**

LF Code	Typical Weed Species	Common Name	Invasive	Impact
MH	<i>Hypochoeris radicata</i>	Cat's Ear	high	low
MH	<i>Centaurea erythraea</i>	Common Centaury	high	low
MNG	<i>Holcus lanatus</i>	Yorkshire Fog	high	high
MTG	<i>Anthoxanthum odoratum</i>	Sweet Vernal-grass	high	high

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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 07890 FOLIO 160

Security no : 124123737806N

Produced 16/04/2025 11:29 AM

**LAND DESCRIPTION**

Crown Allotment 6B Section 10 Parish of Condah.  
PARENT TITLE Volume 06121 Folio 003  
Created by instrument 2562605 29/05/1953

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor

**ENCUMBRANCES, CAVEATS AND NOTICES**

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP445298A FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: CONDAH ESTATE ROAD HEYWOOD VIC 3304

**ADMINISTRATIVE NOTICES**

NIL

DOCUMENT END

Title 7890/160

Page 1 of 1



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TITLE PLAN		EDITION 1	TP 445298A
<b>Location of Land</b>  Parish: CONDAH Township: Section: 10 Crown Allotment: 6B Crown Portion:  Last Plan Reference: Derived From: VOL 7890 FOL 160 Depth Limitation: NIL		<b>Notations</b>  WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE  ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
<b>Description of Land / Easement Information</b>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 23/05/2000 VERIFIED: EWA	
LENGTHS ARE IN LINKS Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets	

Covenants

There are no restrictions or covenants on title.



The following plans sets out the details of the proposal:



### Management Plan 1:2000 at A1

**PROPERTY DETAILS**

Item	Details
Address	CONDAH ESTATE ROAD HEYWOOD 3504
Standard Parcel Identifier (SPi)	58-10/PP2420
Local Government Area (Council)	OLENELO
Council Property Number	90000000.009
Planning Scheme	Glenside
Dictionary Reference	Vicroads 88 83

**Asset Protection Zone**

25m or to property boundary (whichever is the lesser) from walls for 10/15.

### Defendable Space

The vegetation management of the area around all buildings within the building envelopes for lots on the BUSHFIRE MANAGEMENT PLAN endorsed under the Permit must at all times comply with the following minimum 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.

### Construction Standards

A minimum Bushfire Attack Level of **BAL-40 for the future buildings** on the lots will be designed and constructed.

### Water Supply

**20,000**lts of effective water supply for firefighting purposes must be provided which meets 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 firefighting purposes must be made of corrosive resistant metal.
- The water supply must also :
- Incorporate an approved CFA male fitting.
- The outlet/s of the water tank must be within 4m of the access way and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of RFS must be provided.
- Any pipework and fittings must be a minimum of 65 mm excluding the RFS coupling).

### Access

All access for firefighting purposes must meet the following requirements:

- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all- weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
- Dips must have no more than 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- Incorporate a turning area for fire fighting vehicles close to the building for driveways over 100mts.

### Gas Tanks

All gas tanks must meet CFA guidelines and be located clear from buildings. Metal pipes must be used for connections.

### Fire protection and access to CFA requirements.

Asset Protection Zone and building requirements to meet Australian Standard AS 3959-2009

Classification: Forest FDI 100 Slope 0-5 Deg BAL 40

### Management Plan 1:2000 at A1

**PROPERTY DETAILS**

Item	Details
Address	CONDAH ESTATE ROAD HEYWOOD 3504
Standard Parcel Identifier (SPi)	58-10/PP2420
Local Government Area (Council)	OLENELO
Council Property Number	90000000.009
Planning Scheme	Glenside
Dictionary Reference	Vicroads 88 83

**Asset Protection Zone**

25m or to property boundary (whichever is the lesser) from walls for 10/15.

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**Asset Protection Zone**

25m or to property boundary





## Planning Scheme Requirements

### Planning Policy Framework

The Planning policy framework policy generally gives preference and protection to farming activities in appropriate areas. The proposal involves conservation of flora and fauna, seed collection and habitat conservation which are legitimate farming activities related to horticulture.

In this case the land has no agricultural value for the intended purpose due to size, existing vegetation, soil type and surrounding lifestyle land uses. The conservation aspects which gives weight to the land being used for a dwelling and associated large scale conservation activities.

### Municipal Strategic Statement

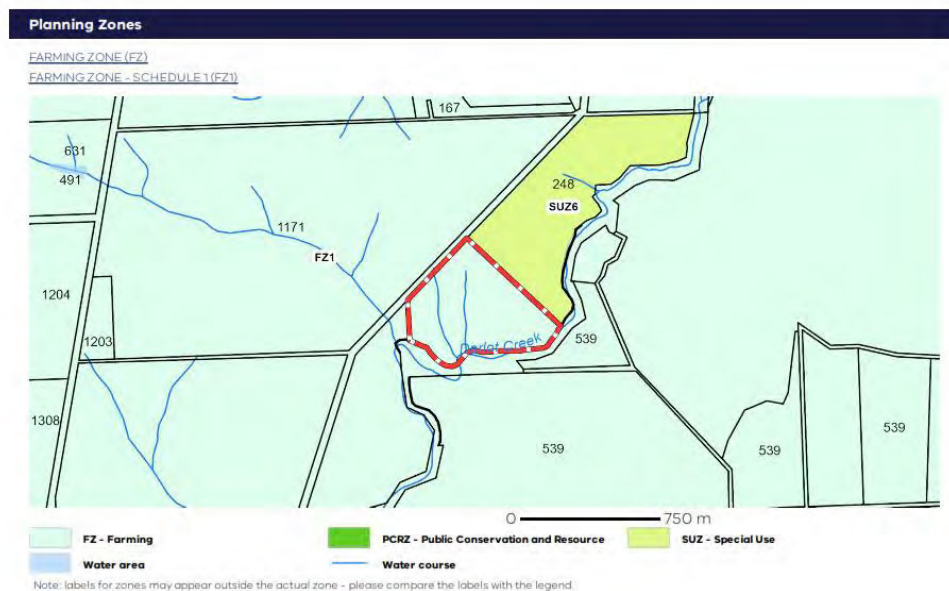
The MSS generally supports the concept of using rural areas for dwellings particularly related to farming and horticulture.

### Relevant Local Policy

There are no specific issues to be addressed relating to the Local Policy in the application. Suffice to say that the proposal will contribute to the economic wellbeing of the Shire and provide an opportunity for a diversity of land use within the zone.

### Zoning Details

The land is within a Farming Zone under the Glenelg Planning Scheme. The following extract of the Zoning Map indicates the land and surrounding land:



**Extract of Glenelg Planning Scheme Map**

**Source: Land Victoria**



Under the Glenelg Planning Scheme, the Farming Zone has the following purpose:

<b>35.07</b>	<b>FARMING ZONE</b>
05/09/2013 VC103	Shown on the planning scheme map as <b>FZ</b> with a number (if shown).
<b>Purpose</b>	
To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	
To provide for the use of land for agriculture.	
To encourage the retention of productive agricultural land.	
To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.	
To encourage the retention of employment and population to support rural communities.	
To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.	

An assessment of the relevant issues is set out as follows:

Issue	Comment
To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	The proposal is consistent with the relevant policies and zone requirements as set out elsewhere in this report.
To provide for the use of land for agriculture.	The proposal involves the erection of a dwelling on an existing allotment. The dwelling will enhance sustainability and maintenance of the land.
To encourage the retention of productive agricultural land.	Farming will continue in the form of Conservation, seed collection and horticulture..
To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.	The dwelling is a crucial element to the project dwelling which is needed to farm the land successfully.
To encourage the retention of employment and population to support rural communities	The Conservation as proposed on the site will be likely to contribute to the existing community.
To encourage use and development of land based on comprehensive	The proposed dwelling is proposed to be located in a landscaped setting and the

and sustainable land management practices and infrastructure provision.	existing character maintained and tended. Infrastructure is in place.
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The proposal is consistent with the zone purpose in that it provides rural development in a zone designated for that purpose. The proposal also involves sustainability and protection of the environmental and agricultural values of the area.

Clause 35.06-5 of the Planning Scheme provides as follows:

**35.07-2 Use of land for a dwelling**

19/01/2006  
VC37

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person's unit.

Issue	Comment
Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.	Complying access is to be provided.
The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.	Complying waste treatment is proposed.
The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.	Appropriate facilities are proposed.

The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.	Appropriate facilities are proposed.
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It is submitted that all relevant criteria are met.

The Planning Scheme provides:

35.07-4

05/09/2013  
VC103

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

A permit is required.

The Planning Scheme provides:

35.07-5

19/01/2006  
VC37

**Application requirements for dwellings**

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

This report provides the details.

The proposal has been designed to meet all relevant criteria.

Clause 35.07-6 of the Planning Scheme provides as follows:

**35.07-6 Decision guidelines**  
05/09/2013  
VC103

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

An assessment of the relevant issues is set out as follows:

Issue	Comment
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	The proposal is consistent with relevant policies as set out earlier in this report.
Any Regional Catchment Strategy and associated plan applying to the land.	There are no regional catchment strategies relevant to this land. Waste waters are intended to be treated and disposed in accordance with relevant policies. Rainwater tanks are to be provided for a potable water supply.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The proposed lot is of sufficient size to accommodate the development and associated waste treatment systems. The dwelling is needed for proper management.
How the use or development relates to sustainable land management.	The proposed lot is used for farming and the dwelling is required for proper management.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The dwelling is needed for proper management and tending the land.

How the use and development makes use of existing infrastructure and services.	The proposed lot is of sufficient size to accommodate the development and associated waste treatment systems. The land is to be used in the same way as abutting land. All required infrastructure is in place.
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#### **Agricultural issues and the impacts from non-agricultural uses**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

An assessment of the relevant issues is set out as follows:

<b>Issue</b>	<b>Comment</b>
Whether the use or development will support and enhance agricultural production.	The site is of sufficient size to enable agricultural pursuits consistent with the zone purpose.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	There is no likely adverse effect on soil quality. There is also no removal of land from production.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The proposed development is unlikely to limit production on adjoining land or expansion.
The capacity of the site to sustain the agricultural use.	The proposed development is the maximum potential for the site. The land is zoned for rural purposes and is unlikely adversely impact on adjoining land uses.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The land has no general farming suitability. All necessary infrastructure is in place.
Any integrated land management plan prepared for the site.	There is no integrated plan.



**Dwelling issues**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

An assessment of the relevant issues is set out as follows:

Issue	Comment
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	The proposal is unlikely to have any adverse impact on productive purposes.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	The proposal is unlikely to be adversely affected as the land to be used for buildings is remote from boundaries.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The sites comprise land used for farming and a dwelling surrounded by dwellings no adverse impacts are likely.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	No adverse impact is likely.

**Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- 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.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

An assessment of the relevant issues is set out as follows:

Issue	Comment
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	The proposal is unlikely to have any adverse impact as it involves using an existing lot for a purpose allowed in the zone. All relevant services are available and the site is forested and gently sloping. Conservation weed and pest control is proposed. An onsite presence will enhance management and tending the land.
The impact of the use or development on the flora and fauna on the site and its surrounds.	The proposal is unlikely to have any adverse impact as it involves modest development similar to that on adjoining land.
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.	The sites comprise farm land and vegetation enhancement is proposed.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	A waste system meeting EPA requirements is proposed.

#### Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

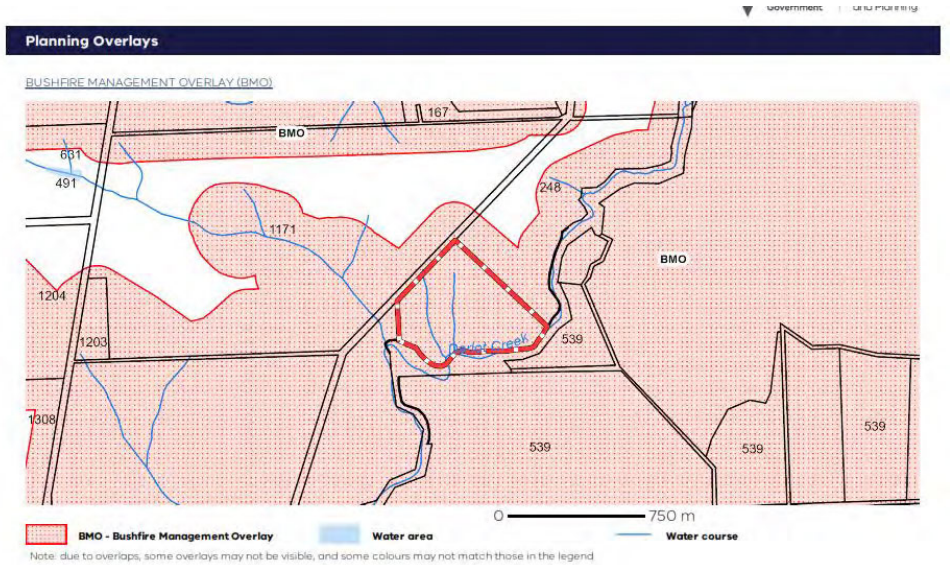
An assessment of the relevant issues is set out as follows:

Issue	Comment
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	The proposal is unlikely to have any adverse impact as it involves using an existing lot for a purpose allowed in the zone. All relevant services are available and the site is forested and gently sloping. Conservation weed and pest control is proposed. An onsite presence will enhance management and tending the land. The dwelling is not visually intrusive. No loss of productive land is involved.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	The proposal is unlikely to have any adverse impact as it involves modest development similar to that on adjoining land.
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	Further enhancement is proposed. There is no likely adverse impact.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	All relevant infrastructure is in place.
Whether the use and development will require traffic management measures.	Access improvement is proposed.

The proposal meets all relevant criteria.



Overlay Controls



The Planning Scheme provides:

**44.06**  
31/07/2018  
VC148

**BUSHFIRE MANAGEMENT OVERLAY**  
Shown on the planning scheme map as **BMO** with a number (if shown).  
**Purpose**  
To implement the Municipal Planning Strategy and the Planning Policy Framework.  
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.

The proposal meets the purpose, and a Bushfire Management Plan has been prepared meeting relevant Standards.

The Planning Scheme provides:

**44.06-1**  
19/09/2017  
VC132

**Bushfire management objectives and application of schedules**  
A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

There are no Schedule Items.

The Planning Scheme provides:

**44.06-2**  
14/12/2023  
VC253

### Permit requirement

#### Subdivision

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

#### Buildings and works

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a moveable unit as defined under the *Housing Act 1983*)

A Permit is required.

The Planning Scheme provides:

**44.06-4**  
31/07/2018  
VC148

### Requirements of Clause 53.02

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

Clause 53.02 requirements are to be met.

The Planning Scheme provides:

**44.06-5**  
31/07/2018  
VC148

### Mandatory condition

#### Buildings and works

A permit to construct a building or construct or carry out works must include the following condition:

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

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition:

*"Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:*

- A dwelling constructed in accordance with planning permit [\*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class10c building within the meaning of the Building Regulations 2006) is:*
  - Constructed on the same land as the dwelling.*
  - Available for use by the occupants of the dwelling at all times.*
  - Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.*

*The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement."*

[Back to](#)

The relevant agreement will be prepared.

The Planning Scheme provides:

<b>44.06-8</b> 31/07/2018 VC148	<b>Decision guidelines</b>
	Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:
	<ul style="list-style-type: none"> <li>■ The Municipal Planning Strategy and the Planning Policy Framework.</li> <li>■ Any other matters specified in a schedule to this overlay.</li> </ul>

The proposal meets the guidelines.

The Planning Scheme provides:

<b>53.02</b> 31/07/2018 VC148	<b>BUSHFIRE PLANNING</b>
	<b>Purpose</b>
	To implement the Municipal Planning Strategy and the Planning Policy Framework.
	To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
	To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
	To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
	To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

The proposal meets the purpose, and all relevant measures are proposed to mitigate risk.

The Planning Scheme provides:

<b>53.02-1</b> 25/02/2025 VC297	<b>Application</b>
	This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06.
	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:
	<ul style="list-style-type: none"> <li>■ The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.</li> <li>■ There is only one dwelling on the lot.</li> <li>■ The application meets all of the approved measures contained in Clause 53.02-3.</li> </ul>
	Clause 53.02-4 applies to all other applications.

Clause 53.02-4 applies, and all provisions are to be met.

The Planning Scheme provides:

<b>53.02-2</b> 31/07/2018 VC148	<b>Operation</b>
	The provisions of this clause contain:
	<ul style="list-style-type: none"> <li>■ <b>Objectives.</b> An objective describes the outcome that must be achieved in a completed development.</li> <li>■ <b>Approved measures (AM).</b> An approved measure meets the objective.</li> <li>■ <b>Alternative measures (AltM).</b> 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.</li> <li>■ <b>Decision guidelines.</b> 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.</li> </ul>
	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.

The various measures are to be met.



The Planning Scheme provides:

<b>53.02-3</b> 31/07/2018 VC148	<b>Dwellings in existing settlements – Bushfire protection objective</b>  To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.
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The relevant measures are to be met.

The Planning Scheme provides:

Approved measures	
Measure	Requirement
AM 1.1	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"><li>▪ The maximum separation distance between the building and the bushfire hazard.</li><li>▪ The building is in close proximity to a public road.</li><li>▪ Access can be provided to the building for emergency service vehicles.</li></ul>
AM 1.2	<p>A building provides the defensible space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defensible space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.</p> <p>A building is constructed to the bushfire attack level:</p> <ul style="list-style-type: none"><li>▪ That corresponds to the defensible space provided in accordance with Table 1 to Clause 53.02-5, or</li><li>▪ The next lower bushfire attack level that corresponds to the defensible space provided in accordance with Table 1 to Clause 53.02-5 where all of the following apply:<ul style="list-style-type: none"><li>- A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling.</li><li>- A minimum bushfire attack level of BAL12.5 is provided in all circumstances.</li></ul></li></ul>
AM 1.3	<p>A building is provided with:</p> <ul style="list-style-type: none"><li>▪ A static water supply for fire fighting and property protection purposes specified in Table 4 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.</li><li>▪ Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</li></ul>

All measures are to be met.

The Planning Scheme provides:

<b>53.02-3.1</b>	<b>Decision guidelines</b>  Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider: <ul style="list-style-type: none"><li>▪ The Municipal Planning Strategy and the Planning Policy Framework.</li><li>▪ The bushfire hazard site assessment and the bushfire management statement submitted with the application.</li><li>▪ Whether all of the approved measures have been incorporated into the application.</li></ul>
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All measures are to be met in accordance with the decision guidelines.



The Planning Scheme provides:

<b>53.02-4</b> 14/12/2023 VC285	<b>Bushfire protection objectives</b>
<b>53.02-4.1</b>	<b>Landscape, siting and design objectives</b>
	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.

All measures are to be met

The Planning Scheme provides:

#### Approved measures

Measure	Requirement
<b>AM 2.1</b>	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.
<b>AM 2.2</b>	A building is sited to ensure the site best achieves the following: <ul style="list-style-type: none"> <li>▪ The maximum separation distance between the building and the bushfire hazard.</li> <li>▪ The building is in close proximity to a public road.</li> <li>▪ Access can be provided to the building for emergency service vehicles.</li> </ul>
<b>AM 2.3</b>	A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

All measures are to be met.

The Planning Scheme provides:

<b>53.02-4.2</b>	<b>Defendable space and construction objective</b>
	Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

#### Approved measures

Measure	Requirement
<b>AM 3.1</b>	A building used for a dwelling (including an extension or alteration to a dwelling), small second dwelling, industry, office or retail premises is provided with defendable space in accordance with: <ul style="list-style-type: none"> <li>▪ Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</li> <li>▪ If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.</li> </ul> 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.
<b>AM 3.2</b>	A building used for accommodation (other than a dwelling or small second dwelling), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is: <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ Constructed to a bushfire attack level of BAL12.5.</li> </ul>

#### Alternative measures

Measure	Requirement
<b>AltM 3.3</b>	Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.
<b>AltM 3.4</b>	Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2018 <i>Construction of buildings in bushfire prone areas</i> (Standards Australia) subject to any guidance published by the relevant fire authority.

Measure	Requirement
<b>AltM 3.5</b>	<p>A building used for a dwelling (including an extension or alteration to a dwelling) may provide defensible space to the property boundary where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>The lot has access to urban, township or other areas where: <ul style="list-style-type: none"> <li>Protection can be provided from the impact of extreme bushfire behaviour.</li> <li>Fuel is managed in a minimum fuel condition.</li> <li>There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat.</li> </ul> </li> <li>Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</li> <li>The dwelling is constructed to a bushfire attack level of BAL FZ.</li> </ul> <p>This alternative measure only applies where the requirements of <b>AM 3.1</b> cannot be met.</p>
<b>AltM 3.6</b>	<p>A building used for accommodation (other than a dwelling or small second dwelling), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defensible 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:</p> <ul style="list-style-type: none"> <li>An integrated approach to risk management has been adopted that considers: <ul style="list-style-type: none"> <li>The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.</li> <li>The intended frequency and nature of occupation.</li> <li>The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.</li> </ul> </li> <li>Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</li> </ul>

All measures are to be met.

The Planning Scheme provides:

#### 53.02-4.3 Water supply and access objectives

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.

#### Approved measures

Measure	Requirement
<b>AM 4.1</b>	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a small second dwelling, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> <li>A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.</li> <li>Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</li> </ul> <p>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.</p>
<b>AM 4.2</b>	<p>A building used for accommodation (other than a dwelling or small second dwelling), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:</p>

- 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.

All measures are to be met.

The Planning Scheme provides:

#### 53.02-4.5 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.
- The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.
- Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.
- Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.
- Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.
- If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.
- Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.

All measures are to be met

The Planning Scheme provides:

53.02-5  
20/03/2023  
VC229

#### Tables : Defendable space, construction, water supply, vehicle access, vegetation management and outbuilding construction requirements

Table 1 Defendable space and construction

Slope	Vegetation Type	Defendable space distance from building facade (metres)				
		Column A	Column B	Column C	Column D	Column E
All upslopes and flat land (0 degrees)	Forest	48	35	25	19	< 19
	Woodland	33	24	16	12	< 12
	Scrub	27	19	13	10	< 10
	Shrubland	19	13	9	7	< 7
	Mallee/ Mulga	17	12	8	6	< 6
	Rainforest	23	16	11	8	< 8
	Grassland	19	13	9	6	< 6
Downslope >0 to 5 degrees	Forest	57	43	32	24	< 24
	Woodland	41	29	21	15	< 15
	Scrub	31	22	15	11	< 11
	Shrubland	22	15	10	7	< 7
	Mallee/ Mulga	20	13	9	7	< 7
	Rainforest	29	20	14	10	< 10
	Grassland	22	15	10	7	< 7

BAL 12.5

BAL19

BAL29

BAL40

BALFZ

BAL 40 applies.



The Planning Scheme provides:

**Table 2 Defendable space and construction**

Slope	Vegetation	Defendable space distance from building facade (metres)			
		Column A	Column B	Column C	Column D
All upslopes and flat land (0 degrees)	Forest	48	35	25	19
	Woodland	33	24	16	12

Slope	Vegetation	Defendable space distance from building facade (metres)			
		Column A	Column B	Column C	Column D
Downslope >0 to 5 degrees	Scrub	27	19	13	10
	Shrubland	19	13	9	7
	Mallee/ Mulga	17	12	8	6
	Rainforest	23	16	11	8
	Grassland	19	13	9	6
	Forest	57	43	32	24
	Woodland	41	29	21	15
	Scrub	31	22	15	11
	Shrubland	22	15	10	7
	Mallee/ Mulga	20	13	9	7
	Rainforest	29	20	14	10
	Grassland	22	15	10	7
		BAL12.5	BAL19	BAL29	BAL40

BAL 40 applies.



The Planning Scheme provides:

**Fire authority requirements**

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

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

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

**Table 5 Vehicle access design and construction**

Vehicle access (or part thereof) of a length specified in Column A implements the design and construction requirements specified in Column B.

Column A	Column B
Length of access is less than 30 metres	There are no design and construction requirements if fire authority access to the water supply is not required under <b>AM4.1</b> .

Column A	Column B
Length of access is less than 30 metres	Where fire authority access to the water supply is required under <b>AM4.1</b> fire authority vehicles should be able to get within 4 metres of the water supply outlet.
Length of access is greater than 30 metres	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"><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><li>▪ Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.</li><li>▪ Curves must have a minimum inner radius of 10 metres.</li><li>▪ 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.</li><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	<p>A turning area for fire fighting vehicles must be provided close to the building by one of the following:</p> <ul style="list-style-type: none"><li>▪ A turning circle with a minimum radius of eight metres.</li><li>▪ A driveway encircling the dwelling.</li><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 style="list-style-type: none"><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 6 metres.</li></ul>

*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.*

The measures are to be met.

The Planning Scheme provides:

#### Vegetation management requirement

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 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.

The measures are to be met.

The Planning Scheme provides:

#### 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 less than 90 millimetres in thickness.

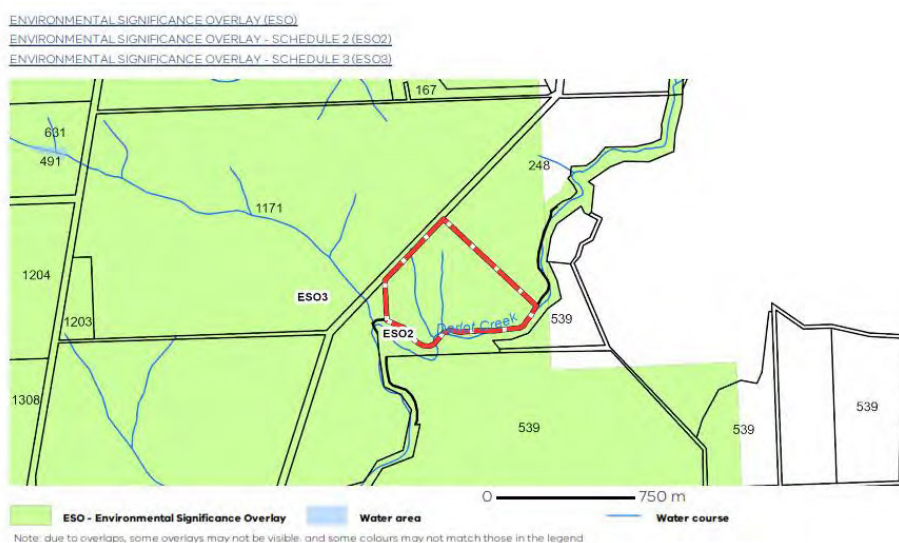
Any openings in the wall shall be protected in accordance with the following:

- i. Doorways – by FLR -/60/30 self-closing fire doors
- ii. Windows – by FRL -/60/- fire windows permanently fixed in the closed position
- iii. 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.*

The measures are to be met.

The land is in an Environmental Significance Overlay area :



## Environmental Significance Overlay

### 42.01

31/07/2018  
VC148

### ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO** with a number.

#### Purpose

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.

The site contains a forest area which is to be conserved. A plan has been prepared to maximise the conservation value and maintenance.

The Planning Scheme provides:

The Planning Scheme provides:

### 42.01-1

31/07/2018  
VC148

### Environmental significance and objectives

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

The project has been devised to meet the objectives.

The Planning Scheme provides:

### 42.01-2

14/12/2023  
VC253

### Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - If the table to Clause 42.01-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

A Permit is required.

The Planning Scheme provides:

### 42.01-4

31/07/2018  
VC148

### Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

There are no schedule items prescribed.



The Planning Scheme provides:

<b>42.01-5</b> <small>31/07/2018 VC145</small>	<b>Decision guidelines</b> <p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> <li>▪ The Municipal Planning Strategy and Planning Policy Framework.</li> <li>▪ The statement of environmental significance and the environmental objective contained in a schedule to this overlay.</li> <li>▪ The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.</li> <li>▪ Any other matters specified in a schedule to this overlay.</li> </ul>
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The proposal meets the guidelines.

## ESO2

The Planning Scheme provides:

<small>20/11/2020 C97gelg</small>	<b>SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY</b> <p>Shown on the planning scheme map as <b>ESO2</b>.</p> <p><b>WATERWAY, WETLAND AND ESTUARY PROTECTION</b></p>
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The schedule applies.

The Planning Scheme provides:

<b>1.0</b> <small>20/11/2020 C97gelg</small>	<b>Statement of environmental significance</b> <p>The Shire's waterways, wetlands and estuaries are of major regional, state, national, and international significance. A large proportion of Victoria's ephemeral wetlands occur within the shire. Many wetlands in the Glenelg Shire are listed on the <i>Directory of Important Wetlands in Australia</i> (DIWA). These wetlands provide habitat for a wide range of species, many of which are rare, threatened or endangered and may be protected under the Federal <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). Long Swamp near the mouth of the Glenelg River is recognised under the <i>Ramsar Convention</i> as being a wetland of international significance.</p> <p>The Surry and Fitzroy River Estuaries and their associated wetlands are of major significance from social, cultural, economic, and environmental perspectives. As 'open-coast salt-wedge estuaries of Western Victoria' these systems support an assemblage of species specifically listed as endangered under the EPBC Act. The species are consequently protected under the EPBC Act.</p> <p>The Glenelg River is the largest river in the southwest of Victoria and is one of two of the 15 national 'biodiversity hotspots' in Victoria and is a Victorian Heritage River listed under the <i>Heritage Rivers Act 1992</i>. Other significant watercourses include the Crawford, Stokes, Wando, Surry, Fitzroy, and Wannon Rivers and Darlots Creek.</p> <p>Waterways, wetlands and estuaries are assets of major significance to the long-term vibrancy of the municipality. They are to be protected from inappropriate development so that the eco-system service functions they perform are maintained for the benefit of future generations.</p>
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The land is adjacent to the Darlots Creek. The proposal involves conservation which will enhance the significance and do no harm.

The Planning Scheme provides:

<b>2.0</b> <small>20/11/2020 C97gelg</small>	<b>Environmental objective to be achieved</b> <p>To maintain and where possible enhance the environmental values of waterways, wetlands, estuaries and their seasonal tributaries.</p>
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The proposal involves conservation which will enhance the significance and do no harm.



The Planning Scheme provides:

**3.0**  
20/11/2020  
C97gelg

#### Permit requirement

A permit is not required for:

- Works associated with informal outdoor recreation.
- Construction of permeable surfaces, including paved patios and car parking areas, ancillary to a dwelling.
- Construction of structures open on all sides, except those associated with animal production.
- Works ancillary to a dwelling, excluding an effluent disposal system.
- Works undertaken by a public authority relating to watercourse management, environmental improvements or infrastructure services.

A permit is required.

The Planning Scheme provides:

**5.0**  
20/11/2020  
C97gelg

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The likely environmental impact of the proposal on the water quality of the wetland, waterway or estuary.
- Whether the siting and management of the proposal is capable of treating and retaining wastewater without an adverse impact on the wetland, waterway or estuary.
- An assessment of the likely impact of the proposal on the flora, fauna, aquatic life, and landscape features of the wetland, waterway or estuary.
- The availability of alternative sites for the proposal not within the overlay area.
- Whether the proposed development is likely to expose occupants or emergency service personnel to risks posed by flooding.
- Whether the proposed development is likely to be damaged by flooding.
- Whether the proposal will increase flooding on neighbouring land.
- The impact on soils and measures to prevent erosion.
- Protection of the area for recreational and landscape values.
- The need to maintain, or plant, vegetation along waterways in order to protect water quality.
- Any management plan for the land.
- The comments of the relevant environmental and catchment management authority.

The proposal responds in a positive way to the criteria and will enhance the environment and natural systems.

### ESO3

The Planning Scheme provides:

28/05/2021  
C99gelg

#### SCHEDULE 3 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO3.

#### SOUTH-EASTERN RED-TAILED BLACK COCKATOO HABITAT AREAS

Schedule 3 applies.

The Planning Scheme provides:

**1.0**  
28/05/2021  
C99gelg

#### Statement of environmental significance

The Red-tailed Black Cockatoo (*Calyptorhynchus banksii graptogyne*) of south-eastern Australia has been classified as an endangered species. The current population is estimated at approximately 1500 birds. The species faces a range of threats that must be addressed if its extinction is to be prevented.

The South-eastern Red-tailed Black Cockatoo is a highly nomadic species and its population ranges throughout much of the Glenelg Shire's rural district. The only other areas where the species is found include parts of the West Wimmera Shire in Victoria, as well as part of the Tatiara District Council, Naracoorte-Lucindale Council, Wattle Range Council and District Council of Grant in South Australia. The absence of South-eastern Red-tailed Black Cockatoos from a locality within its range does not mean that the locality does not provide habitat for the species.

The South-eastern Red-tailed Black Cockatoo's feeding habitat is mainly located on public land, while much of its Eucalyptus nesting habitat is located on private land. Scattered, mature paddock trees represent particularly important habitat for South-eastern Red-tailed Black Cockatoo, both as feeding and nesting habitat. Live and dead hollow-bearing eucalypts provide suitable nesting sites for the species, while Brown Stringybark Eucalyptus baxteri and Desert Stringybark Eucalyptus arenacea provide feeding habitat for the species. The feeding and nesting habitat of the South-eastern Red-tailed Black Cockatoo must be protected in order to secure the long-term survival of the species.

This policy supports the objectives of the National Recovery Plan for the South-Eastern Red-Tailed Black Cockatoo, including increasing the population size by protecting nesting habitat and mitigating against food shortages. This policy plays a significant role in ensuring that there are adequate nesting and feeding resources available to support the species into the future.

The conservation of the site will enhance the significance.

The Planning Scheme provides:

**2.0**  
28/05/2021  
C99gelg

#### Environmental objective to be achieved

To protect and conserve the critical habitat of the endangered South-eastern Red-tailed Black Cockatoo through the retention of live and dead hollow bearing trees within the bird's range and the retention of Brown Stringybark and Desert Stringybark trees within the bird's known feeding area.

The objectives are satisfied.

The Planning Scheme provides:

**3.0**  
26/01/2023  
C109gelg

#### Permit requirement

A permit is not required to:

- Construct a building or construct or carry out works.
- Subdivide land where a proposed boundary is not within 4 metres of any vegetation, including dead vegetation.
- Remove, destroy or lop vegetation in accordance with a Property Vegetation Plan approved by the responsible authority and endorsed by the Department of Environment, Land, Water and Planning.
- Remove, destroy or lop the minimum extent of native vegetation necessary for the operation and maintenance of existing fences. The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.

- Remove, destroy or lop the minimum extent of vegetation necessary to obtain reasonable amounts of wood for personal use by the owner or occupier of the land. Personal use means uses such as heating and cooking, building and fence construction on land and hobbies such as arts and craft. This exemption does not apply to:
  - Contiguous land in one ownership that has an area of less than 10 hectares.
  - The removal, destruction or lopping of native vegetation by means other than cutting or chopping.
  - A standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
  - Brown Stringybark *Eucalyptus baxteri* or Desert Stringybark *Eucalyptus arenacea* with a trunk diameter of greater than 30 centimetres at 1.3 metres above ground level.
  - A hollow bearing eucalypt tree.
- Remove, destroy or lop any dead vegetation, unless the vegetation is a hollow bearing Eucalyptus tree with a trunk diameter greater than 40 centimetres at 1.3 metres above ground level.
- Remove, destroy or lop any live vegetation, unless the vegetation is:
  - A hollow bearing eucalypt tree.
  - Brown Stringybark *Eucalyptus baxteri* or Desert Stringybark *Eucalyptus arenacea* with a trunk diameter of greater than 30 centimetres at 1.3 metre above ground level.

A permit is required.

The Planning Scheme provides:

## 5.0

20/01/2023  
C106gelg

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

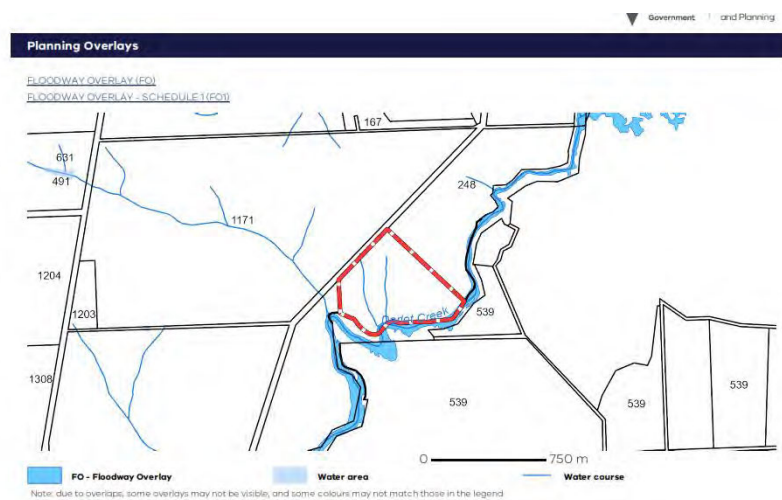
- The significance of the vegetation identified for removal as potential nesting and/or feeding sites for the South-eastern Red-tailed Black Cockatoo.
- The significance of vegetation in relation to the levels of hollow bearing eucalyptus trees or Stringybark in the vicinity.
- Strongly discourage the removal of scattered paddock Brown or Desert Stringybark trees.
- Whether the clearing of Stringybark trees and hollow bearing eucalyptus trees can be avoided.
- Whether proposed vegetation offsets are commensurate with the significance of vegetation to be removed as habitat for the South-eastern Red-tailed Black Cockatoo.
- Preference will be given to offsets designed to achieve no net loss of habitat and which deliver the following to the satisfaction of the responsible authority:
  - Generate a gain in South-eastern Red-tailed Black Cockatoo habitat values equivalent to, or in excess of, the loss of habitat values caused by removal or destruction of vegetation.
  - Protection of trees with an equivalent or greater level of risk of loss as that of the trees being removed.
  - Providing for the future provision of habitat.
- Offsets may be taken as consistent with the preceding guidelines where an offset delivers, in the case of Stringybark trees:



- Protection of the same species and comparable size of trees as those proposed for removal at a ratio not less than 4 trees for every 1 tree removed.
- Recruitment of 10 new trees of the same species as that removed for every 1 tree removed.
- Protection includes appropriate on-title agreement prior to removal.
- In the case of hollow-bearing Eucalyptus trees:
  - Protection of the same species and comparable size of vegetation as that proposed for removal at a ratio of not less than 10 trees for every 1 tree removed.
  - Provision of suitable artificial hollows with dimensions appropriate for the species at a ratio of 1 hollow for each 1 suitable hollow to be removed, until at least one suitable natural hollow is produced.
  - Protection is secured by appropriate on-title agreement prior to removal.
- Any relevant guidance or objectives for the species outlined under the *Environment Protection and Biodiversity Conservation Act 1999* or the *Flora and Fauna Guarantee Act 1988*, including any subordinate documents.

The project responds in a positive way to the objectives.

The Planning Scheme provides:



There is no building within any area subject to inundation or flooding and all structures are more than 30m from watercourses.



There is no building within area subject to inundation and all structures are more than 30m from watercourses.



Cultural Heritage

The Planning Scheme provides:



Cultural Heritage

The area where the buildings are to be located is outside sensitive areas. In any event the proposal is exempt from CMHP requirements. However, the site is to be managed using input from experienced First Nation People as the Conservation is to use Traditional practice and one objective is to foster those techniques and inform others.

Clause 53.02-4.5 of the Planning Scheme provides as follows:

- 53.02-4.5 Decision guidelines**
- Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:
- The Municipal Planning Strategy and the Planning Policy Framework.
  - The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.
  - The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.
  - Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.
  - Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.
  - Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.
  - If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.
  - Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.

Assessment

Guideline	Comments
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal meets all relevant policy.

The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	The assessments indicate compliance with all relevant measures and the provision of adequate fire safety.
The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.	The area is well served with fire brigade services and a local fire prevention plan.
Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.	All relevant measures are to be met.
Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	All relevant measures are to be met and are sustainable.
Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.	Alternative measures are not required.
If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.	All relevant measures are to be met and are sustainable.
Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	The broader landscape is low risk because of the grazing use.

The relevant provisions are to be met.

Tree Clearing

Clause 52.17 of the Planning Scheme provides as follows:

52.17

14/07/2022

VC213

### 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.

The proposal has been devised to meet the stated purpose.

Clause 52.17-1 of the Planning Scheme provides as follows:

52.17-1

12/12/2017

VC188

### Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

A Permit is required.

Clause 52.17-4 of the Planning Scheme provides as follows:

52.17-4

12/12/2017

VC138

### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.

Assessed within this report elsewhere.

Clause 52.17-5 of the Planning Scheme provides as follows:

52.17-5

**Offset requirements**

14/07/2022  
VC213

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

Offsets will be made if required.

Clause 65.01 of the Planning Scheme provides as follows:

**APPROVAL OF AN APPLICATION OR PLAN**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

This clause does not apply to a VicSmart application.

An assessment of the relevant issues is set out as follows:



Issue	Comment
The matters set out in Section 60 of the Act.	The proposed has been devised to meet relevant criteria.
Any significant effects the environment, including the contamination of land, may have on the use or development.	The proposed has been devised to meet relevant criteria. No Adverse impacts.
The Municipal Planning Strategy and the Planning Policy Framework.	The proposed has been devised to meet relevant criteria.
The purpose of the zone, overlay or other provision.	The proposed has been devised to meet relevant criteria.
Any matter required to be considered in the zone, overlay or other provision.	The proposed has been devised to meet relevant criteria.
The orderly planning of the area.	The proposed has been devised to meet relevant criteria.
The effect on the environment, human health and amenity of the area.	The proposal is unlikely to have any adverse impacts.
The proximity of the land to any public land.	The land remote from public land.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposed has been devised to meet relevant criteria. No Adverse impacts.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposed has been devised to meet relevant criteria. No Adverse impacts.
The extent and character of native vegetation and the likelihood of its destruction.	Vegetation is to be removed. The proposal involves extensive conservation.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	Vegetation is to be removed. The proposal involves further plantings. Vegetation can reestablish.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or	No adverse impact is likely.

management of the land so as to minimise any such hazard.	
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	No adverse impact is likely.
The impact the use or development will have on the current and future development and operation of the transport system.	No adverse impact is likely.
This clause does not apply to a VicSmart application.	Not VicSmart.

The proposal is consistent with the assessment criteria.

### Environmental Considerations

The following is an assessment of relevant factors:

Factor	Comments
Zoning considerations	Allowable use and development.
Overlay considerations	Addressed.
Site features and suitability	Land is relatively flat and all relevant services are available.
Current use	Vacant.
Previous use	Timber production and a Dwelling.
Surrounding land use	Grazing and lifestyle.
Contamination	No known issues.
Hours of operation	Not Applicable.
Access	Access to existing public road.
Traffic considerations	No likely adverse impact.
Parking	Parking available on site.
Manoeuvring	There is adequate space available.
Loading and unloading	There is adequate space available.

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Disabled access	There is adequate space available.
Utilities	All relevant services are available.
Social impacts	No adverse impacts likely.
Visual intrusion and prominence	No adverse impacts likely.
Privacy	No adverse impacts likely.
Streetscape	No adverse impacts likely.
Setbacks	No adverse impacts likely.
Neighbourhood character	No adverse impacts likely.
Acoustic considerations	No adverse impacts likely.
Views	No adverse impacts likely.
Overshadowing	No adverse impacts likely.
Economic impacts	No adverse impacts likely.
Water pollution	No adverse impacts likely.
Air pollution	No adverse impacts likely.
Flooding	No adverse impacts likely.
Erosion	No adverse impacts likely.
Sedimentation	No adverse impacts likely.
Excavation	No adverse impacts likely.
Heritage	No adverse impacts likely.
Aboriginal artefacts	No adverse impacts likely.
Vegetation	No adverse impacts likely.
Tree removal	No adverse impacts likely.
Landscaping	No adverse impacts likely.
Threatened species	No adverse impacts likely.

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Koalas	No adverse impacts likely.
Cultural	No adverse impacts likely.
hazards	No adverse impacts likely.
Fire	No adverse impacts likely.
Waste management	No adverse impacts likely.
Energy	No adverse impacts likely.
Sustainability	No adverse impacts likely.
Amenity	No adverse impacts likely.
Other	Nil.

### Conclusions

The proposal meets the objectives and detailed requirements of the Planning Scheme and has been devised to fit in with the character of this area.

The dwelling has been designed to have due regard to relevant environmental considerations and involves retention and sustainable management of existing vegetation. The area is zoned for farming purposes and the proposal is consistent with that purpose.

**Bernie Wilder and Associates**

**16 April 2025**