Planning and Consultation Committee Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 14 April 2026 commencing at 7:00 PM.

Attachments

Carl Cowie
Chief Executive Officer

Thursday 9 April 2026

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
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Nillumbik
The Green Wedge Shire

Nillumbik Shire Council

Attachments

Planning and Consultation Committee Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 10 March 2026 commencing at 7:00 PM.

Minutes

Carl Cowie
Chief Executive Officer

Friday 13 March 2026

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
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Nillumbik
The Green Wedge Shire

Nillumbik Shire Council

Contents

Nillumbik Shire Council

Minutes of the Planning and Consultation Committee Meeting held Tuesday 10 March 2026. The meeting commenced at 7:00 PM.

Councillors present:

Cr Naomi Joiner	Bunjil Ward **(Mayor)**
Cr Kate McKay	Swipers Gully Ward **(Deputy Mayor) (Chairperson Consultation Matters)**
Cr Grant Brooker	Blue Lake Ward
Cr Kelly Joy	Edendale Ward
Cr Peter Perkins	Ellis Ward **(Chairperson Planning Matters)**
Cr Kim Cope	Sugarloaf Ward
Cr John Dumaresq	Wingrove Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Corrienne Nichols	Director Communities
Frank Vassilacos	Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Katia Croce	Manager Governance and Property
Steve Blight	Manager Capital and Infrastructure
Tania Treasure	Economic Development and Tourism Lead

1. Welcome by the Chair

2. Acknowledgement of Country

Acknowledgement of Country was read by the Chairperson Consultation Matters Cr Kate McKay.

3 Apologies/Leave of Absence

Nil

4 Declarations of conflict of interest

Nil

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COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 10 March 2026

Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 10 March 2026

5. Confirmation of Minutes

COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 11 November 2025

Confirmation of the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 11 November 2025.

Committee Resolution

MOVED: Cr Naomi Joiner
SECONDED: Cr Kim Cope

That the Committee (acting under delegation from Council) confirms the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 11 November 2025 (**Attachment 1**).

CARRIED UNANIMOUSLY

Planning and Consultation Committee Minutes **10 March 2026**

5. Confirmation of Minutes

COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 11 November 2025

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6. Officers' reports

PCC.001/26 Eltham Town Activity Centre Special Rate Levy 2026-2029 - Consideration of Submissions

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Item: **Consultation Matter**

Distribution: **Public**

Manager: **Frank Vassilacos, Director Planning, Environment and Strategy**

Author: **Tania Treasure, Economic Development &Tourism Lead**

Previous Items: **CM.151/25 - Eltham Town Activity Centre Special Rate Levy (2026 - 2029) - Council Meeting - 09 Dec 2025 7:00 PM**

Summary

This report presents and considers submissions (**Attachment 1 and 2**) from Council's notice for its Intention to Declare a Special Rate Levy (SRL) for the Eltham Town Activity Centre (2026-2029).

Following the receipt of a written request from the Eltham Chamber of Commerce and Industry (ECCI) to renew the SRL, Council at the Council Meeting on the 9 December 2025, commenced the statutory process and gave notice of it's Intention to Declare a Special Rate Levy on the Eltham Town Activity Centre for the period of 1 July 2026 to 30 June 2029.

The proposed SRL will raise an annual value of $143,000 for the term of the special rate, which will be provided to ECCI for the purpose of defraying marketing, promotion and other incidental expenses associated with the encouragement of commerce in the Eltham Town Activity Centre.

In response to Council's notification 11 submissions were received – 10 in support and 1 objection. A summary of the submissions is provided in **Attachment 3**. The 10 supportive submissions all reinforced the benefits the SRL investment will provide to the Eltham town centre. The single objection did not provide any commentary.

Following this Committee meeting, Council will decide to declare, modify or abandon the proposed Eltham Town Activity Centre Special Rate Levy at its Council meeting on the 26 May 2026.

Committee Resolution

MOVED: Cr John Dumaresq
SECONDED: Cr Naomi Joiner

That the Committee (acting under delegation from Council)

1. Notes and considers the feedback provided by submitters in response to Council's public notice of its Intention to Declare a Special Rate Levy on the Eltham Town Activity Centre.
2. Thanks the submitters for their comments of Council's public notice of it's Intention to Declare a Special Rate on the Eltham Town Activity Centre.
3. In accordance with section 223(c) of the *Local Government Act 1989*, Council consider the submissions received and matters raised in this Planning and Consultation Committee on the Eltham Town Activity Centre Special Rate at the Council Meeting on 26 May 2026.

6. Consultation Matters

PCC.001/26 Eltham Town Activity Centre Special Rate Levy 2026-2029 - Consideration of Submissions

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4. Resolves that Attachments 2 remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.002/26 Jayson Avenue Special Charge Scheme, Eltham - Consideration of Submissions

---

Item: **Consultation Matter**

Distribution: **Public**

Manager: **Derek Rotter, Chief Operating Officer**

Author: **Steven Blight, Manager Capital and Infrastructure**

Summary

Council resolved on 9 December 2025 (CM.155/25) to give public notice of its intention to declare a special charge scheme for the sealing and upgrade of Jayson Avenue in Eltham.

Council's notice of its intention to declare was publicly advertised in *The Age* newspaper and on Council's website on 18 December 2025. A letter and notice of the declaration were sent to all property owners with a liability under the scheme. The closing date for submissions and/or objections was specified as 5 February 2026.

The public notice and letter sent to property owners indicated that submissions would be heard at the Planning and Consultation Committee meeting on 10 March 2026 and that declaration would be made at the Council Meeting on 28 April 2026.

Council has not received any written submissions in support or in objection of the declaration.

Committee Resolution

MOVED: Cr John Dumaresq
SECONDED: Cr Kim Cope

That the Committee (acting under delegation from Council)

1. Notes that Council had not received any submissions or objections to the intention to declare a special charge scheme for Jayson Avenue in Eltham prior to the specified closing date.
2. Considers the views of any person that registers to speak at the Planning and Consultation Committee meeting on 10 March 2026.
3. Requests that a further report be presented at the Council Meeting on 28 April 2026 to consider the declaration of the Jayson Avenue Special Charge Scheme.

CARRIED UNANIMOUSLY

Tania Treasure, Economic Development and Tourism Lead left the meeting at the commencement of this item at 7:05pm.

6. Consultation Matters

PCC.002/26 Jayson Avenue Special Charge Scheme, Eltham - Consideration of Submissions

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7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 7:06pm.

Confirmed: _____

Cr Chairperson Planning Matters

Cr Chairperson Consultation Matters

COM.001/26 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 10 March 2026

Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 10 March 2026

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Subject Site and Surrounds

Subject Site: 17-29 Butlers Road Plenty

Application Number: 714/2023/14P

Subject Site **Objectors**

Nearby Objectors: 23

Total: 23

Prepared by: Planning Business Support

Planner: Briana Barnes

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PLAN OF SUBDIVISION

EDITION 1 | STAGE - | PS915982F

LOCATION OF LAND

PARISH: MORANG

TOWNSHIP: ----

SECTION: 4

CROWN ALLOTMENT: ----

CROWN PORTION: 2 (PART)

TITLE REFERENCE: Vol. 8938 Fol. 207

LAST PLAN REFERENCE: Lot 12 on LP95176

POSTAL ADDRESS: 17-29 BUTLERS ROAD
(at time of subdivision) PLENTY 3090

MGA2020 CO-ORDINATES: E: 334240 ZONE: 55
(of approx centre of land in plan) N: 5828855 GDA 2020

COUNCIL NAME: NILLUMBIK SHIRE COUNCIL

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1	NILLUMBIK SHIRE COUNCIL

NOTATIONS

DEPTH LIMITATION DOES NOT APPLY

SURVEY:
This plan is based on survey.

STAGING:
This is not a staged subdivision.

Planning Permit No.XX/XXXX

This survey has been connected to permanent marks No(s). XXXX

In Proclaimed Survey Area No.-

NOTATIONS

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	ELECTRICITY	SEE PLAN	D330149	STATE ELECTRICITY COMMISSION VICTORIA
E-2	ELECTRICITY	SEE PLAN	D330149	STATE ELECTRICITY COMMISSION VICTORIA
E-2	ELECTRICITY	SEE PLAN	C299342	STATE ELECTRICITY COMMISSION VICTORIA

PRELIMINARY

PETER RICHARDS SURVEYING
Unit 45, 7 DALTON ROAD, THOMASTOWN 3074
Tel: 9432 6944 Fax: 9434 4052
POSTAL ADDRESS: P.O. Box 237
WATSONIA 3087
subdivisions@prsurveying.com.au

SURVEYORS FILE REF: 18995

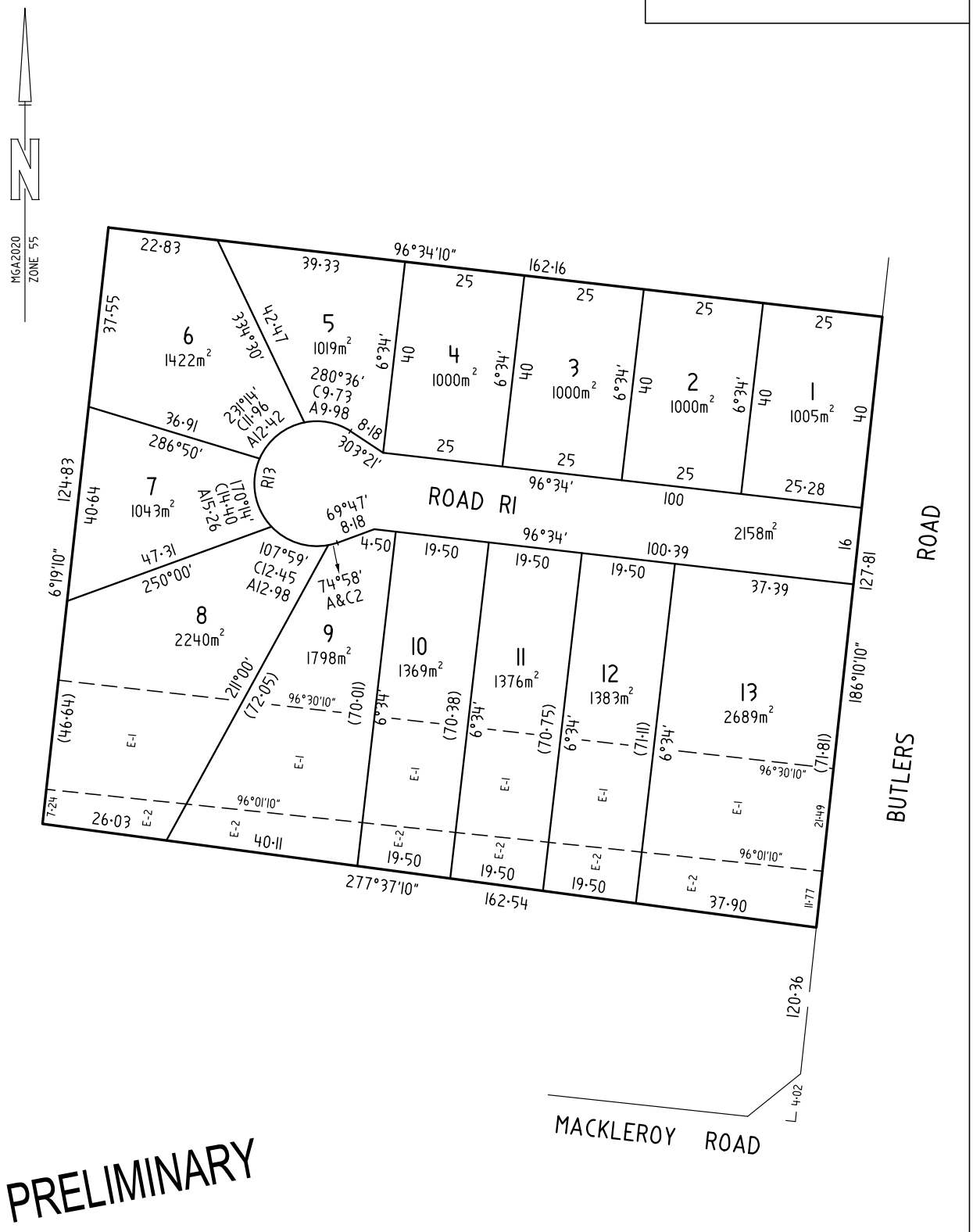
LICENSED SURVEYOR: CAMERON HOLLEY

VERSION: 7

ORIGINAL SHEET SIZE: A3

SHEET 1 OF 3 SHEETS

PS915982F



SURVEYORS FILE REF: 18995

PETER RICHARDS SURVEYING
Unit 45, 7 DALTON ROAD, THOMASTOWN 3074
Tel: 9432 6944 Fax: 9434 4052
POSTAL ADDRESS: P.O. Box 237
WATSONIA 3087
subdivisions@prsurveying.com.au

SCALE 1:750	7.5 0 7.5 15 22.5 30 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 2
LICENSED SURVEYOR: CAMERON HOLLEY VERSION: 7			

PS915982F

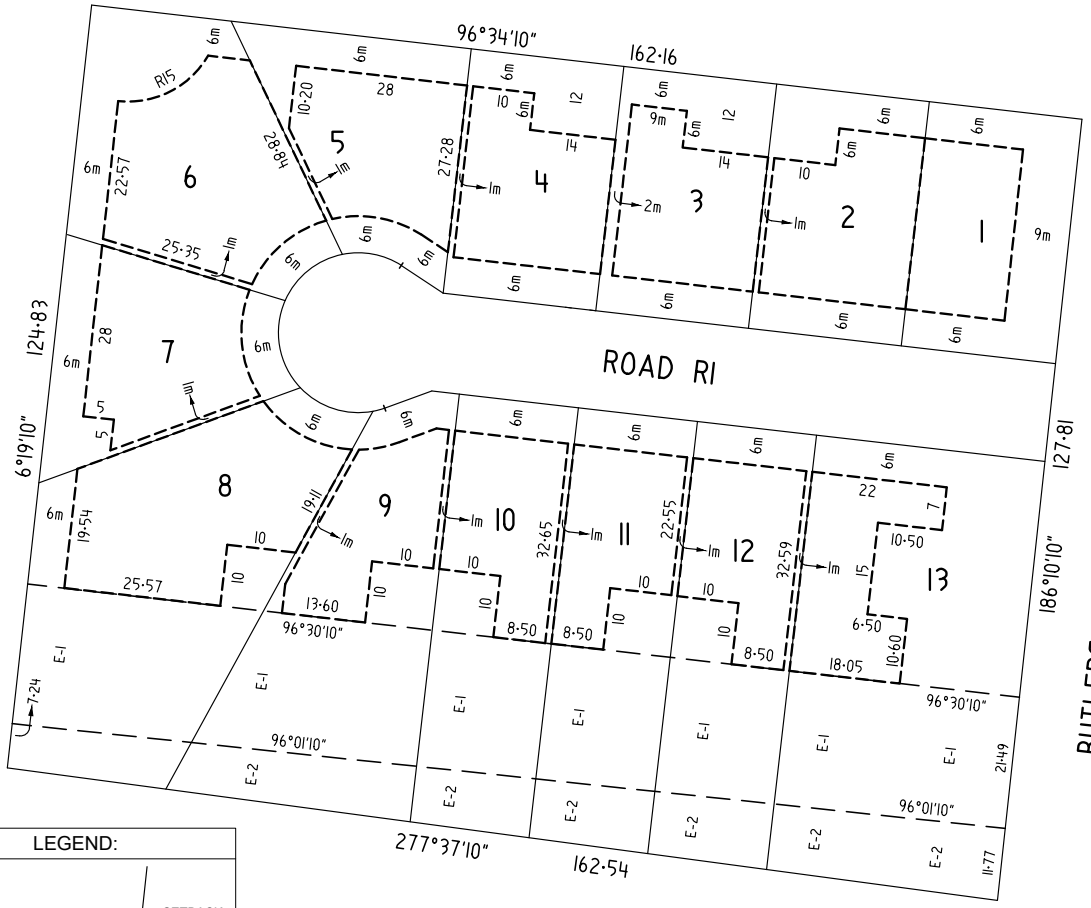
CREATION OF A RESTRICTION

UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED:

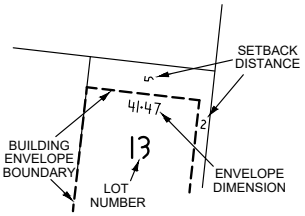
LAND TO BENEFIT: LOTS 1 TO 13 (BOTH INCLUSIVE)
LAND TO BE BURDENED: LOTS 1 TO 13 (BOTH INCLUSIVE)

DESCRIPTION OF RESTRICTION:

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY LOT FORMING PART OF THE LAND TO BE BURDENED SHALL NOT, CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY BUILDING OUTSIDE THE ENVELOPE BOUNDARIES SHOWN BELOW



LEGEND:



PRELIMINARY

PETER RICHARDS SURVEYING Unit 45, 7 DALTON ROAD, THOMASTOWN 3074 Tel: 9432 6944 Fax: 9434 4052 POSTAL ADDRESS: P.O. Box 237 WATSONIA 3087 subdivisions@prsurveying.com.au	SURVEYORS FILE REF: 18995	ORIGINAL SHEET SIZE: A3	SHEET 3
	LICENSED SURVEYOR: CAMERON HOLLEY VERSION: 7		

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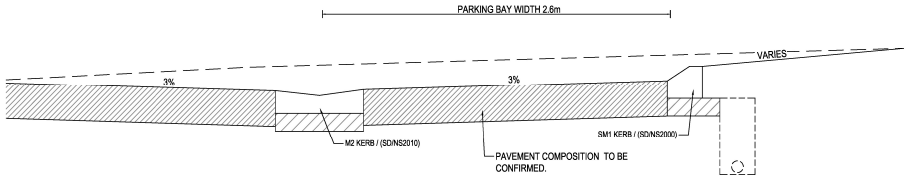
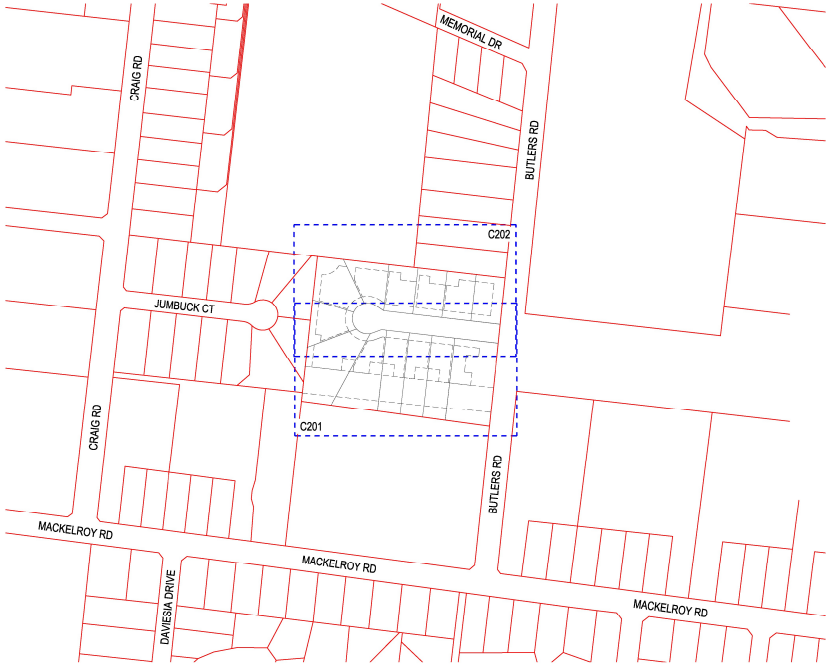
17-29 BUTLERS ROAD, PLENTY

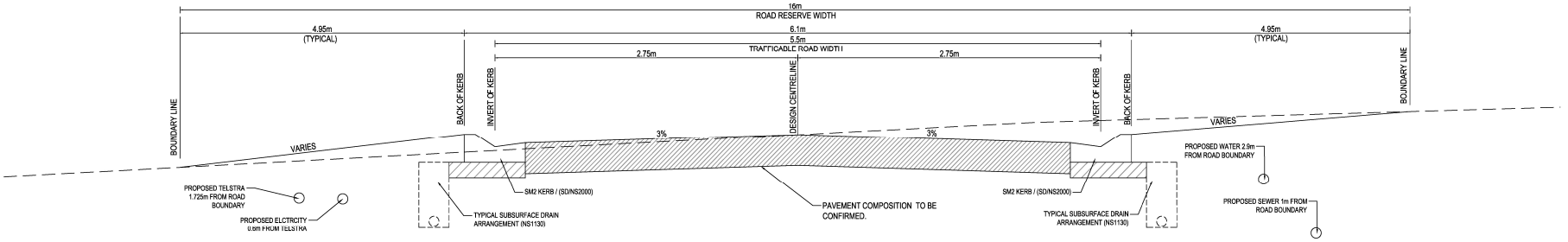
SHEET INDEX		
SHEET NO.	DESCRIPTION	VERSION
C101	LOCALITY PLAN AND DRAWING INDEX	07
C201	CUT/FILL PLAN	07
C202	DETAIL PLAN	07
C203	DETAIL PLAN	07
C301	ROAD LONGITUDINAL SECTION	07
C401	ROAD CROSS SECTIONS	07



TYPICAL PARKING BAY SECTION
N.T.S



LOCALITY PLAN



TYPICAL CROSS SECTION
N.T.S

VER.	DATE	AMENDMENT
07	28.02.25	PROPERTY BOUNDARY LAYOUT CHANGES
06	13.01.25	TREE NUMBER ARB REPORT V3-RFI 2
05	13.08.24	ADDITIONAL DIMENSIONS
04	15.07.24	PARKING AND LAYOUT CHANGES
03	03.05.24	TPZ AND LAYOUT CHANGES
02	01.02.24	CHANGES FROM COUNCIL COMMENTS
01	21.12.23	CLIENT COMMENTS
00	20.12.23	ORIGINAL ISSUE

CAD FILE: 31732-C1.dwg
DESIGNED: JB
CHECKED: SP
DATE: 28/02/2025
DATUM AHD
SCALE: AS SHOWN

JCA Land Consultants
Surveying - Engineering - Town Planning
Suite 9, 303 Maroondah Highway
Ringwood Victoria, Australia 3134
Phone 03 9730 4000 Email jca@jca.com.au www.jca.com.au

Quality Management System ISO 9001 mark-mark.com*

PLAN STATUS: CONCEPT DESIGN

PLAN
17-29 BUTLERS ROAD, PLENTY

LOCALITY PLAN AND DRAWING INDEX

SHEET SIZE A1
VERSION 07
DWG No. 31732
SHEET No. C101

PRINTED: 28/02/2025 BY: JAKE BROUWERS

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terramatrix
Bushfire Management Statement
for the proposed subdivision of
17-29 Butlers Road
Plenty VIC 3090
Prepared for
Greg Zuccala
December 2024
WWW.TERRAMATRIX.COM.AU

Terramatrix project: ZuccalaHomeVicPtyLtd-2023-01 BMO_P3-Plenty
Cover image: Looking at the existing dwelling on the property.

Terramatrix Pty. Ltd.
ACN 129 163 373
ABN 44 129 163 373
PO Box 1391, Collingwood VIC 3066
P: 03 9417 2626
www.terramatrix.com.au

Version Control

Version	Date	Comments	Name
0.1	29/08/2023	Analysis, mapping and report compilation	Brittney Taylor Analyst
0.1	29/08/2023	Peer review	John Eastwood Analyst
1.0	29/08/2023	Bushfire Management Statement (BMS)	To client
1.1	7/12/2023	Revised BMS to reflect new plans	To client
1.2	15/12/2023	Revised BMS to reflect new plans	To client
1.3	1/02/2024	Revised BMS to reflect Tree retention	To client
1.4	8/04/2024	Revised BMS to reflect Tree retention	To client
1.5	2/10/2024	Revised BMS to reflect new plans and CFA RFI	To client
1.6	4/10/2024	Revised BMS	To client
1.7	16/12/2024	Revised BMS to reflect new plans	To client

TABLE OF CONTENTS

1 Introduction

This Bushfire Management Statement (BMS) has been prepared on behalf of Greg Zuccala, to show how the subdivision of 17-29 Butlers Road, Plenty VIC 3090, can comply with the Victorian planning and building controls that relate to bushfire, specifically the requirements of Clause 13.02 *Bushfire*, Clause 44.06 *Bushfire Management Overlay (BMO)* and associated Clause 53.02 *Bushfire Planning* in the Nillumbik Planning Scheme.

The site is in the Neighbourhood Residential Zone - Schedule 1 (NRZ1). The development proposal is for a 13 lot subdivision of the site. Accordingly, this report demonstrates how the development responds to the subdivision objectives at Clause 53.02-4.4 (Nillumbik Planning Scheme).

The site is within a declared Bushfire Prone Area (BPA) and is covered by the BMO. In accordance with the application requirements of Clause 44.06 (Nillumbik Planning Scheme), this report includes:

- A *Bushfire hazard site assessment*, including a plan that describes the bushfire hazard within 150 m of the site in accordance with the site assessment methodology of *AS 3959-2018 Construction of buildings in bushfire-prone areas* and Clause 44.06;
- A *Bushfire hazard landscape assessment,* including a plan that describes the bushfire hazard of the general locality more than 150 m from the site; and
- A *BMO compliance* section, detailing how the development responds to the bushfire risk and the requirements and objectives of Clauses 44.06 and 53.02.

This report has been prepared consistent with guidance provided in the technical guide *Planning Permit Applications – Bushfire Management Overlay* (DELWP, 2017).

1.1 Property details

Address:	17-29 Butlers Road, Plenty VIC 3090
Property size:	2.05ha
Local Government Area:	Nillumbik Shire Council
Zone/s	Neighbourhood Residential Zone - Schedule 1 (NRZ1)
Overlay/s	Bushfire Management Overlay (BMO) Design and Development Overlay – Schedule 3 (DDO3)
Directory reference:	Melway 11 C5
Site assessment date:	5/06/2023
Assessed by:	Brittney Taylor

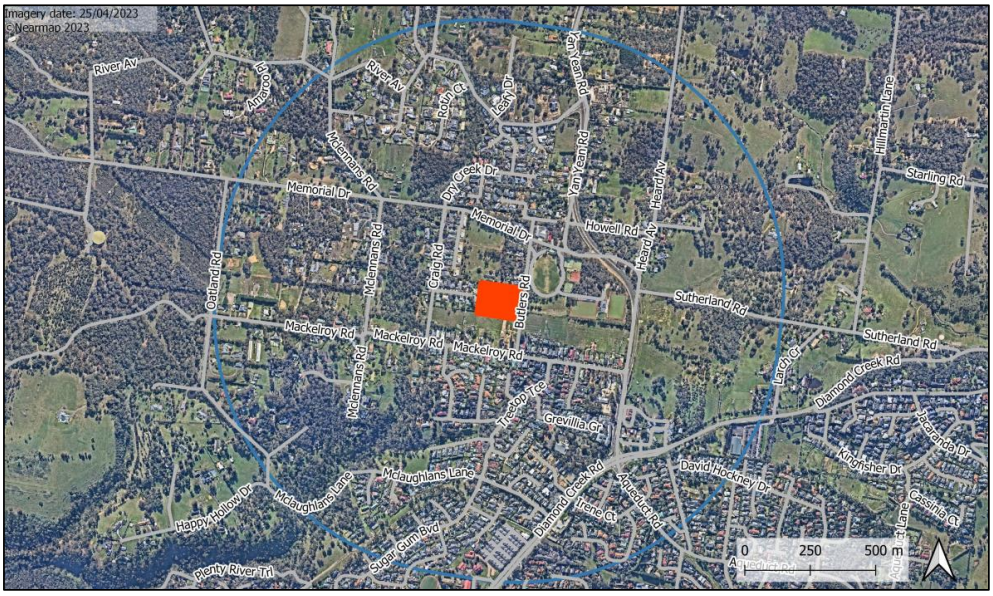

Figure 1 - Site location (site shown in red fill, 1 km buffer of site in blue outline; Nearmap imagery date: 2017-04-25).

2 Bushfire hazard site assessment

2.1 Classified vegetation

Vegetation within the 150 m assessment zone around the subdivision boundary has been classified in accordance with the BMO/AS 3959 methodology. Classified vegetation is vegetation that is deemed hazardous from a bushfire perspective.

The classification system is not directly analogous to Ecological Vegetation Classes (EVCs) but uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas: No. 7 - Native Vegetation) classification system. The classification is based on the mature state of the vegetation and the likely fire behaviour that it will generate.

2.1.1 Woodland

Treed vegetation along the east of Butlers Road best accords with the Woodland group of AS 3959-2018. Woodland vegetation typically comprises areas with trees up to 30 m tall, 10–30% foliage cover dominated by eucalypts (and/or callitris) with a prominent grassy understorey, may contain isolated shrubs (Standards Australia, 2020).

2.1.2 Grassland

Vegetation on neighbouring properties to the north, east, south and south-west matches the AS 3959-2018 classification of Grassland, which is defined as all forms of vegetation (except Tussock Moorlands) including situations with shrubs and trees, if overstorey foliage cover is less than 10%. Includes pasture and cropland.

Grassland vegetation is considered hazardous and therefore classifiable, when it is not managed in a minimal fuel condition. Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (e.g. short-cropped grass, to a nominal height of 100 mm) (Standards Australia, 2020). In the BMO, Grassland areas are assumed to be unmanaged and classifiable unless there is 'reasonable assurance' that they will be managed in perpetuity, in a low threat state, no more than 100 mm high.

2.2 Excluded vegetation and non-vegetated areas

Areas of low threat vegetation and non-vegetated areas within 150 m of a development, can be excluded from classification in accordance with Section 2.2.3.2 of AS 3959-2018, if they meet one or more of the following criteria:

a) *'Vegetation of any type that is more than 100 m[1] from the site.*

[1] This distance extends to 150 m in BMO areas.

b) *Single areas of vegetation less than 1 ha in area and not within 100 m of other areas of vegetation being classified vegetation.*
c) *Multiple areas of vegetation less than 0.25 ha in area and not within 20 m of the site, or each other, or of other areas of vegetation being classified vegetation.*
d) *Strips of vegetation less than 20 m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20 m of the site or each other, or other areas of vegetation being classified vegetation.*
e) *Non-vegetated areas, that is, areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.*
f) *Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a minimal fuel condition[2], mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks'* (Standards Australia, 2020).

Low-threat areas excluded from classification include the managed gardens of the surrounding properties, the Plenty Valley Fire Brigade Competition Track to the east of the site, and the managed reserve at the Plenty Cricket Club. Non-vegetated areas include the roads, driveways, pools and structures within the 150 m site assessment zone (see Map 1).

2.3 Topography

The BMO/AS 3959 methodology requires that the 'effective slope' be identified to determine the BAL and applicable defendable space or vegetation setback distances. This is the slope of land under the classified vegetation that will most significantly influence the bushfire attack on a building. Two broad types apply:

- Flat and/or Upslope - land that is flat or on which a bushfire will be burning downhill in relation to the development. Fires burning downhill (i.e. on an upslope) will generally be moving more slowly with a reduced intensity.
- Downslope - land under the classified vegetation on which a bushfire will be burning uphill in relation to the development. As the rate of spread of a bushfire burning on a downslope (i.e. burning uphill towards a development) is significantly influenced by increases in slope, downslopes are grouped into five classes in 5˚ increments from 0˚ up to 20˚.

The topography on and around the site within the 150 m assessment zone is consists of undulating slopes rising from Dry Creek, approximatley 275 metres west of the site, and Sawpit Creek approximately 1.2 kilometres north-east of the site.

[2] Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack, recognisable as short-cropped grass for example, to a nominal height of 100 mm (Standards Australia, 2019).

For the purposes of determining the BAL and defendable space, the applicable slope class is 'Downslope >0˚ – 5˚' under the Grassland to the south and north-east and 'All upslopes and flat land under the Woodland to the east (see Map 1). The site is also exposed to Grassland in the 'Downslope <5°-10° slope class. However, it is separated from the site by low-threat vegetation and is not considered to be the predominant bushfire hazard.

Map 1 – Bushfire hazard site assessment plan.

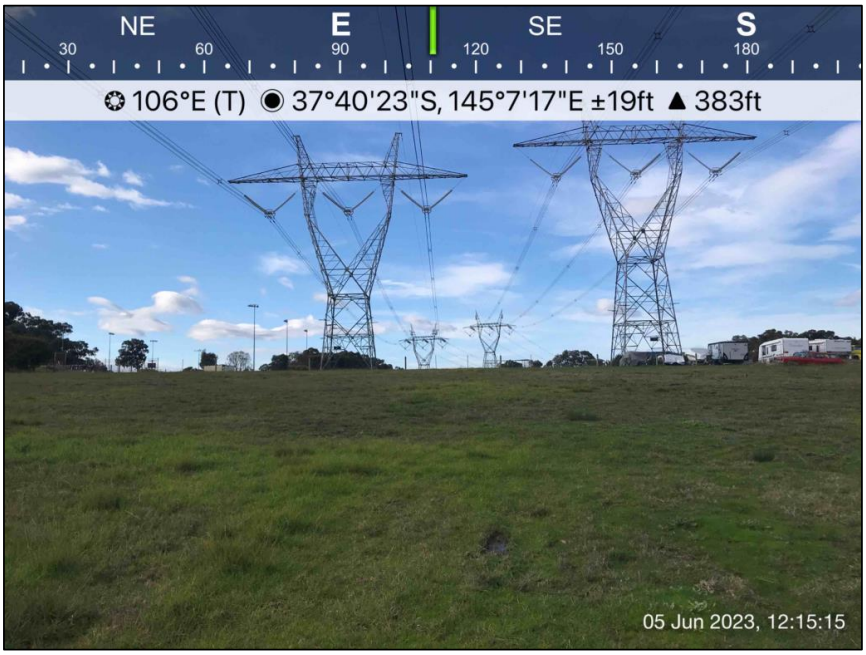

Figure 2 – Looking at Grassland within power transmission easement on property to the east of the site.

Figure 3 – Looking south at Grassland on a neighbouring property.

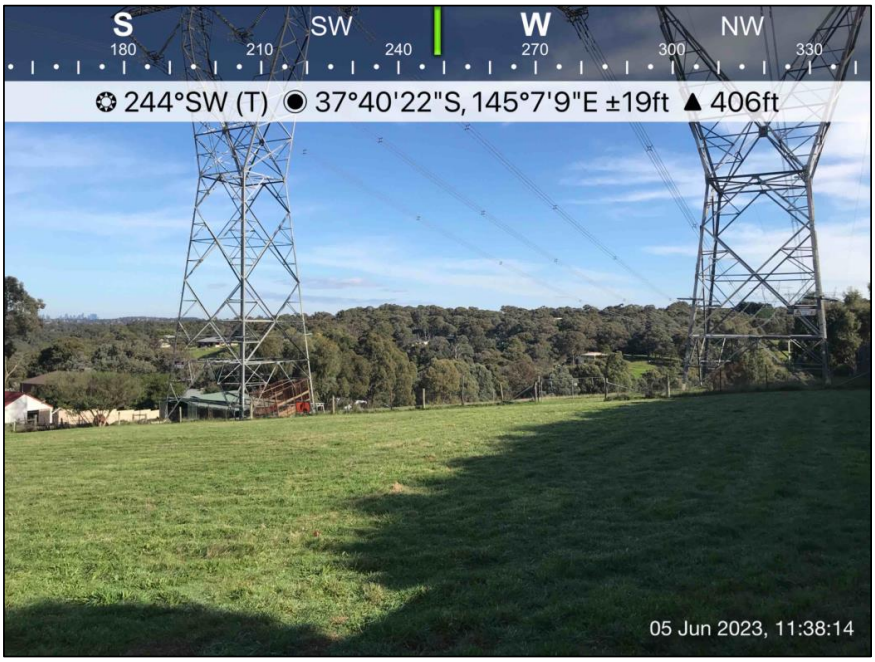

Figure 4– Looking beyond cultivated lawn at classified Grassland.

Figure 5 – Looking at Woodland along Butlers Road to the south of the site.

Figure 6 – Looking at managed gardens in Jumbuck Court to the west of the site.

Figure 7 – Looking at the proposed trees for retention along the northern boundary, with tree 32 on the left, trees 35 and 36 in the middle, and the clump (trees 33 and 34) on the right.

Figure 8 – Looking at the proposed trees for retention along the northern boundary, with tree 32 on the left, the proposed clump (trees 33 and 34) on the right, and trees 35 and 36 in the middle. Note: tree 35 is obscured by tree 36.

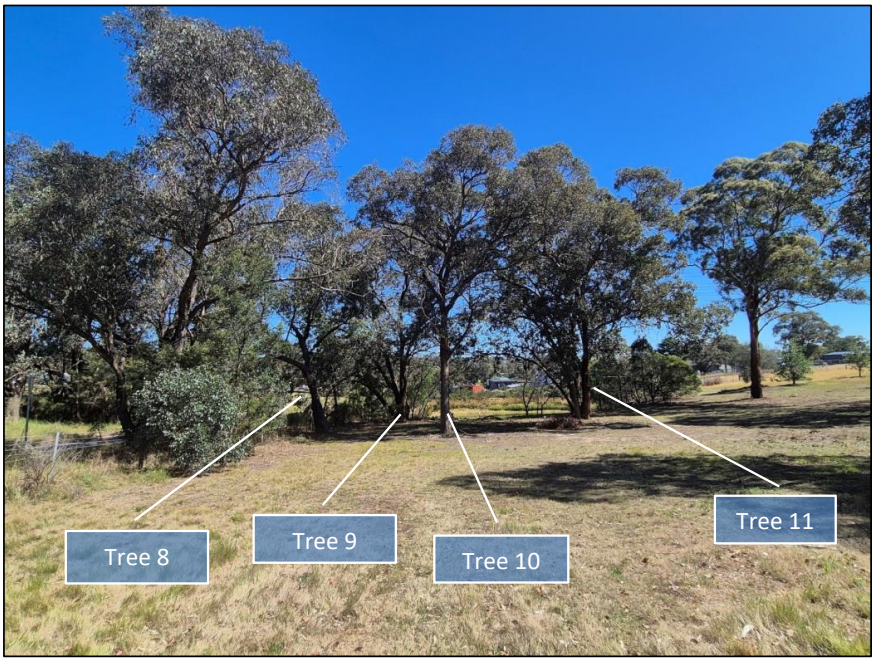

Figure 9 – Looking at the proposed trees for retention along the eastern boundary, with trees labelled in photo accordingly.

3 Bushfire hazard landscape assessment

3.1 Location description

Plenty is a suburb consisting of low-densisty residential and higher density built up residential areas. Dry Creek is approximately 200 m west of the site. It lies approximately 4 km east of Diamond Creek, and apprximately 3 km north of St Helena. Most of the land within 5 km of the site comprises of residential areas to the sout and west, and smaller townships interspersed amongst forested areas to the north and east. The topography within 5 km of the site consists predominantly of undulating slopes (see Map 2).

3.2 Landscape risk

Clause 13.02 of the Planning Policy Framework prioritises the protection of human life over all other policy considerations. Clause 13.02 stipulates that developments must properly assess bushfire risk, including consideration of the hazard (and the resultant risk) beyond the site level (Nillumbik Planning Scheme). BMO applications under Clause 53-02-4, must also have regard to the nature of the bushfire risk arising from the surrounding landscape (Nillumbik Planning Scheme).

To assist in defining the risk beyond the site scale, four 'broader landscape types' are described in the DELWP technical guide *Planning Applications Bushfire Management Overlay*. They represent different landscape risk levels and are intended to streamline decision-making and support more consistent decisions based on the landscape risk (DELWP, 2017).

The four types range from low risk landscapes where there is little hazardous vegetation beyond 150 m of the site and extreme bushfire behaviour is not credible, to extreme risk landscapes with limited or no evacuation options and where fire behaviour could exceed BMO presumptions.

The surrounding landscape best accords with Broader Landscape Type 2, however it also has some elements of Type 3 (see Table 1). The site is located in an area that is not managed in a minimum fuel condition and a bushfire may approach the site from more than one aspect.

The bushfire risk to this site is moderate. The most likely bushfire scenarios for a large landscape fire in Victoria, are an approach from those directions typically associated with the direction of the wind on severe or higher, fire danger days i.e. approach of bushfire from the north, northwest, west or southwest (Long, 2006).

There is the possibility for a fire to approach the site through approximately 3 km of bushland from the south-west. However, the bushland is separated from the site by smaller patches of bushland and Grassland interspersed with residential development, making it unlikely for a fully

developed fire front to reach the site. A grassfire may interact with local vegetation surrounding the site, increasing the potential for ember attack.

The area within 5 km of the site has an extensive bushfire history. Most bushfires occurred in the 1960's with a large bushfire occurring to the west in 1963 and 1968, and a large mosaic of bushfires burning areas to the east in 1965 and 1969. Other moderately sized bushfires occurred to the west in 1978, and 1980, reburning small patches affected by the 1963 and 1969 fires. Bushfires to the west may have generated ember attack that could have impacted the site. Smaller bushfires occurred to the east of the site in 2014, to the south-east in 1982, 1985, 1991 and 1998 and to the north in 2009, 2014 and 2019 and posed no threat to the site (see Map 2).

Access to a safer area is available in the surrounding residential non-BPA areas 200 m to the south accessible via Butlers and Mackelroy Road. A neighbourhood safe place (NSP) that could provide shelter from a bushfire is also available in the suburb of Greensborough, approximately 2 km south from the site and is accessible via Diamond Creek Road through built up residential areas.

Table 1 - Landscape risk typologies (from DELWP, 2017).

Broader Landscape Type 1	Broader Landscape Type 2	Broader Landscape Type 3	Broader Landscape Type 4
• *There is little vegetation beyond 150 metres of the site (except grasslands and low-threat vegetation).* • *Extreme bushfire behaviour is not possible.* • *The type and extent of vegetation is unlikely to result in neighbourhood- scale destruction of property.* • *Immediate access is available to a place that provides shelter from bushfire.*	• *The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.* • *Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition.* • *Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.*	• *The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.* • *Bushfire can approach from more than one aspect.* • *The site is located in an area that is not managed in a minimum fuel condition.* • *Access to an appropriate place that provides shelter from bushfire is not certain.*	• *The broader landscape presents an extreme risk.* • *Fires have hours or days to grow and develop before impacting.* • *Evacuation options are limited or not available.*
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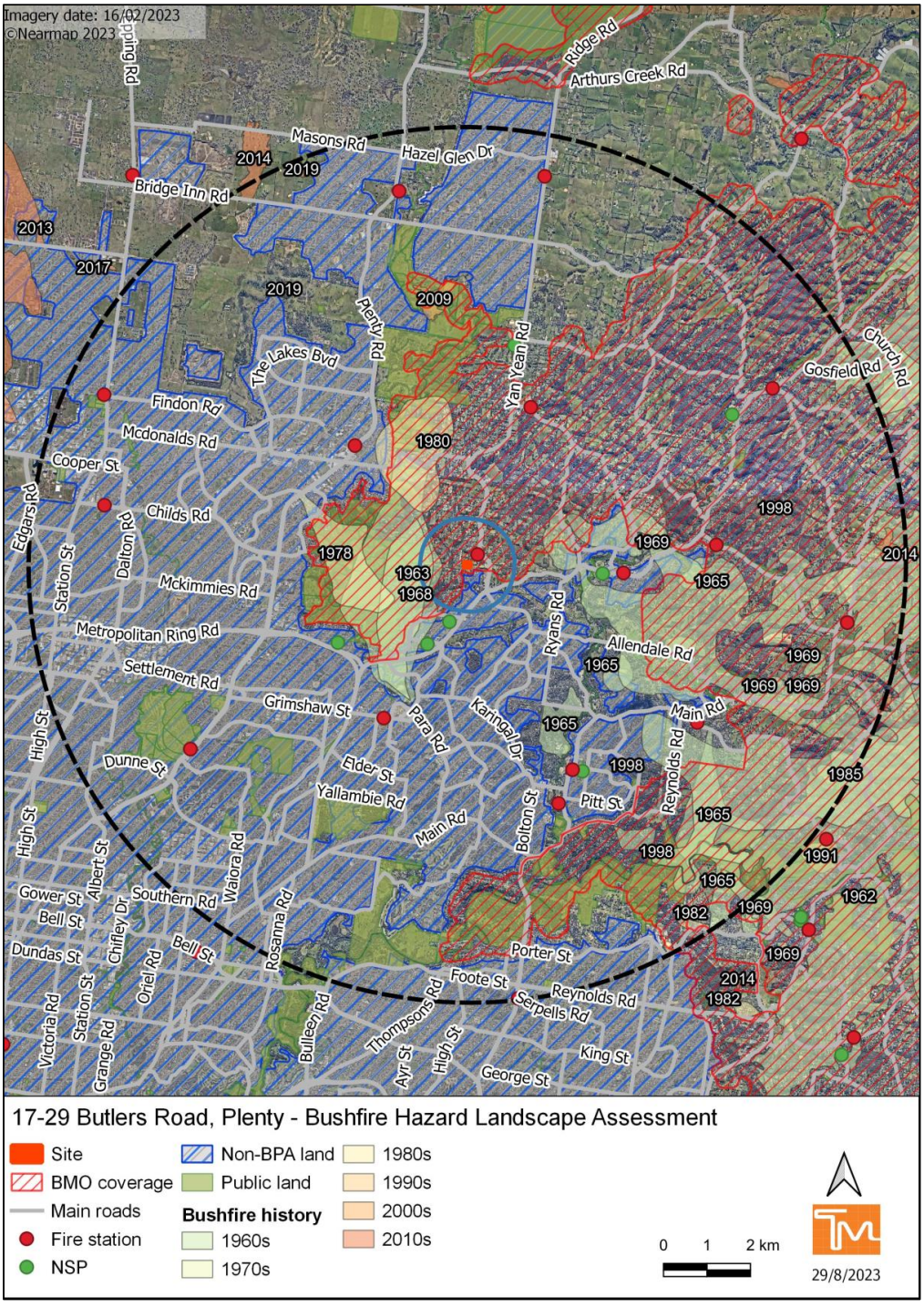


Map 2 - Bushfire hazard landscape assessment plan.

4 BMO compliance

This section identifies how the proposed development responds to the bushfire risk and the requirements of Clause 44.06 and associated Clause 53.02 of the Nillumbik Planning Scheme.

4.1 Subdivision objectives

'To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes' (Nillumbik Planning Scheme).

As the subdivision is in the Neighbourhood Residential Zone - Schedule 1 (NRZ1), compliance with approved measure (AM) 5.2 applies and is deemed to meet the objectives.

4.1.1 Approved measure 5.2

'An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:

- *Each lot satisfies the approved measure in AM 2.1.*
- *A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with:*
  - *Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or*
  - *Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.*

  The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.
- *Defendable space wholly contained within the boundaries of the proposed subdivision.*
- *Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.*
- *Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.*
- *Water supply and vehicle access that complies with AM 4.1'* (Nillumbik Planning Scheme).

AM 2.1 – Landscape

'The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level' (Nillumbik Planning Scheme).

As identified in Section 3.2, the landscape is not one of extreme bushfire risk. Bushfire behaviour is likely to be within BMO expectations and design parameters.

Accordingly, it is proposed that the risk can be mitigated to an acceptable level by a combination of approved and alternative measures s to meet the BMO objectives.

AM 2.2 - Siting

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

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

The siting and layout provides an adequate setback from the Grassland and Woodland and achieves compliance with the BMO setback requirements for defendable space (see Map 2).

The proposed development is close to the road and access and egress can comply with the requirements for emergency vehicles.

Defendable space and construction

As the subdivision comprises more than 10 lots, defendable space is in accordance with Columns A or B of Table 2 to Clause 53.02-5, which equates to a BAL-12.5 or BAL-19 construction standard with defendable space as detailed in Table 2 below and shown for each envelope on Map 3.

Table 2 –BAL construction standard and commensurate defendable space distance.

Lot	Vegetation	Slope class	BAL	BAL setback required	Defendable space (m)
1	Woodland	'All upslopes and flat land'	19	24 m	To Lot boundary
2	N/A	N/A	12.5	N/A	To Lot boundary
3	N/A	N/A	12.5	N/A	To Lot boundary
4	N/A	N/A	12.5	N/A	To Lot boundary
5	Grassland	'Downslope >0-5°'	12.5	22	To Lot boundary
6	Grassland	'Downslope >0-5°'	19	15	To Lot boundary

7	Grassland	'Downslope >0-5°'	12.5	22	To Lot boundary
8	Grassland	'Downslope >0-5°'	12.5	22	To Lot boundary
9	Grassland	'Downslope >0-5°'	12.5	22	To Lot boundary
10	Grassland	'Downslope >0-5°'	12.5	22	To Lot boundary
11	Grassland	'Downslope >0-5°'	12.5	22	To Lot boundary
12	Grassland	'Downslope >0-5°'	12.5	22	To Lot boundary
13	Grassland	'All upslopes and flat land'	12.5	19	To Lot boundary
		'Downslope >0-5°'	12.5	22	
	Woodland	'All upslopes and flat land'	12.5	33	

It is not possible to achieve all the defendable space within lot boundaries, however, it is reasonable to assume that the overlap of defendable space (see Map 1) will be managed near or in a low threat state consistent with the objective of providing defendable space. Defendable space for Lots 1 to 7 overlap with the cultivated gardens of surrounding properties to the north and west, while defendable space for Lots 1 and 13 overlaps with Butlers Road and the road reserve to the west of Butlers Road.

This invokes Alternate measure 3.3 (which applies to applications involving a single dwelling) which states that *'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'*.

Two clumps of trees are proposed for retention. Along the northern boundary, a clump of two trees (trees 33 and 34) is proposed for retention without 5 m canopy separation. Additionally, the clump (trees 33 and 34) and tree 32 will be retained without 5 m canopy separation from the trees on the neighbouring property (trees 35, 36 & 40). As shown in Figure 7 and Figure 8, the canopies of trees 32-36 are all connected, and are therefore expected to act as one canopy in the event of a bushfire.

Although trees 35, 36, 37 and 40 are on a neighbouring property and cannot be managed by the applicants, they have been included both here, and in the Bushfire Management Plan (BMP) to ensure consistency with the site plan prepared by Peter Richards Surveying.

A second clump of trees is proposed for retention (trees 8, 10 and 11 along the eastern site boundary) without 5 m canopy separation. Additionally, tree 9 will also be retained without 5 m canopy separation from the clump of trees (8, 10 and 11). As shown in Figure 9, the canopies of trees 8, 10 and 11 are connected, and are therefore expected to act as one canopy in the event of a bushfire. As per page four of the report prepared by DB Horticulture (DB Horticulture, 27/07/24), the canopy of tree 9 can achieve 2 m of separation from the clump of trees (8, 10, and 11) and in this way, can be considered to comply with Table 6.

Furthermore, the proposed tree retention along the northern and eastern boundaries are not in proximity to each other, and the site is not located in a high-risk location. Therefore, the proposed tree retention within the site is not considered to significantly increase the risk to the proposed lots, or surrounding properties.

The proposed vegetation retention is detailed in the BMP provided as Map 3.

Approved measure 4.1

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

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

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies' (Nillumbik Planning Scheme).

Table 4 to Clause 53.02-5 requires that a static water supply be provided, based on the property size and the proximity of the building/envelope to a hydrant, as detailed in Table 3 of this report.

Table 3 - Water supply requirements from Table 4 to Clause 53.02-5.

Property size (m^2)	Hydrant within 120 m of the rear of the building	Tank capacity (litres)	CFA fittings and access required
Less than 500	Not applicable	2,500	No
500 - 1000	Yes	5,000	No
500 – 1000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

Map 3 shows the applicable compliance requirements for the lots in the proposed subdivision.

All lots will be over 1000 m^2 and therefore will need to be provided with a 10,000L compliant static water supply within 60 m of the dwelling, with CFA compliant access and fittings, as detailed in Appendix B to this report.

Note additionally, that as a residential subdivision, the hydrant requirement at Clause 56.09-3 applies, and hydrants should be within 120 m of the rear of the dwellings.

Map 3 also comprises a Bushfire Management Plan (BMP), detailing all the required bushfire protection measures for the development, consistent with the CFA's standard permit conditions and BMP guidance (CFA, 2017).

Driveways compliant with Table 5 to Clause 53.02-5 will be provided for all lots as detailed in Appendix C to this report and in the BMP provided as Map 3.

4.1.2 Approved measure 5.3

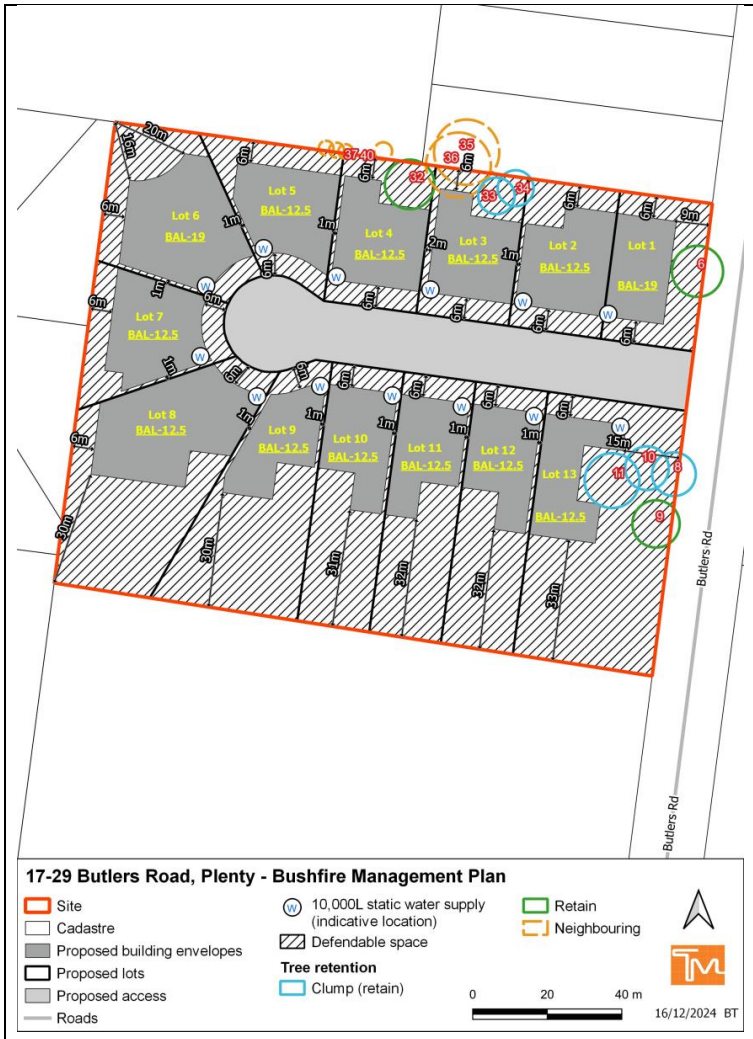
'An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting' (Nillumbik Planning Scheme).

The local and landscape bushfire risk to the site is low; therefore, no perimeter road has been proposed as part of this application.

4.1.3 Approved measure 5.4

'A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas' (Nillumbik Planning Scheme).

No public open space or communal areas are being proposed as part of this application.



Map 3 - Bushfire Management Plan v1.7 Page 1 of 2

Construction Standard

Dwellings on Lots 2 to 5 and 7 to 13 must be designed and constructed to a minimum BAL-12.5 standard and dwellings on Lots 1 and 6 must be designed and constructed to a minimum BAL-19 standard.

Water Supply

All lots must be provided with a minimum 10,000L of effective water supply for fire fighting purposes must be provided in accordance with the following requirements:

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

Vehicle Access

Vehicle access to the dwelling and the water supply outlet must be provided in accordance with the following requirements:

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

Defendable Space Management

Defendable space must be provided to the property boundary and be 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 m 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 m^2 in area and must be separated by at least 5 m.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 m, except for a clump of trees (trees 33 and 34) to be retained along the rear (northern) boundary of the property and a clump of trees to be retained along the eastern boundary (trees 8, 10 and 11). The clump (trees 33 and 34) and tree 32 will be retained without 5 m separation from the trees on the neighbouring property (trees 35, 36 & 40), while the second clump (trees 8,10 and 11) will be retained without 5 m canopy separation from tree 9.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

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5 Conclusion

The proposed development of a 13 lot subdivision at 17-29 Butlers Road, Plenty VIC 3090 was assessed for compliance with Clause 44.06 and Clause 53.02 of the Nillumbik Planning Scheme.

The site is in the Neighbourhood Residential Zone - Schedule 1 (NRZ1) and accordingly AM5.2 applies. It has been shown that the subdivision can comply with the requirements of AM5.2, including for acceptable landscape risk, BAL construction standard, water and access.

The proposed lot layout and envelope siting maximises setbacks from hazardous vegetation as far as is practicable. Defendable space is provided to the lot boundary of all lots within the subdivision, based the proposed BAL-12.5 and BAL-19 construction standard. Where the full required defendable space distance overlaps land beyond the property boundary, it can be reasonably assured that the land will stay near or in a low threat state consistent with the objective of defendable space.

All vegetation within the defendable space except for tree 32, and a clump of trees (trees 33 and 34) along the northern property boundary, and tree 9 and a clump of trees (trees 8, 10 and 11) along the eastern boundary will be managed in accordance with Table 6 to Clause 53.02-5 as detailed in Appendix A of this report. These trees will be retained without the 5 m canopy separation.

Water supply and access will meet BMO requirements.

As the landscape risk is not extreme, the bushfire protection measures detailed in this report can be deemed to provide acceptable safety, as they comply with BMO requirements. Accordingly, it is considered that the objective of Clause 13.02 *Bushfire*, which is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life (Nillumbik Planning Scheme), has also been met.

Please Note: The bushfire protection measures proposed in this document do not guarantee survival of buildings or building occupants in the event of a bushfire. Residents should be encouraged to develop and practice a bushfire survival plan including determining triggers for leaving early on days of severe or higher, fire danger. Information and assistance including a template for a Bushfire Survival Plan is provided on the CFA website at <http://www.cfa.vic.gov.au/plan-prepare/>.

6 Appendices

6.1 Appendix A: Vegetation management requirements

As per Table 6 to Clause 53.02-5:

'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 m of a window or glass feature of the building.*
- *Shrubs must not be located under the canopy of trees.*
- *Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.*
- *Trees must not overhang or touch any elements of the building.*
- *The canopy of trees must be separated by at least 5 metres.*
- *There must be a clearance of at least 2 metres between the lowest tree branches and ground level*

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority' (Nillumbik Planning Scheme).

6.2 Appendix B: Water supply requirements

Table 4 from Clause 53.02-5 - Capacity, fittings and access (Nillumbik Planning Scheme)

Capacity, fittings and access

Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

Note 1: A hydrant is available if it is located within 120 metres of the rear of the building

Fire Authority Requirements

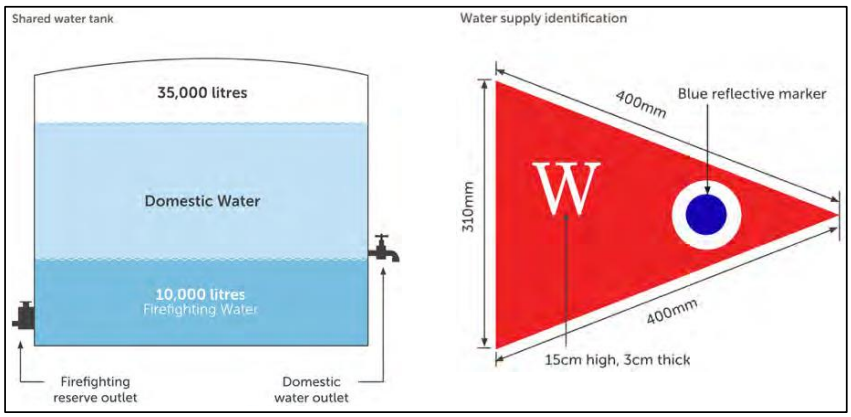
'Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

- *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 signage 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)'* (Nillumbik Planning Scheme).

The water supply may be provided in the same water tank as other water supplies provided they are separated with different outlets. See figure below illustrating signage and an example of outlets where fire fighting water will be in the same tank as water for other use.



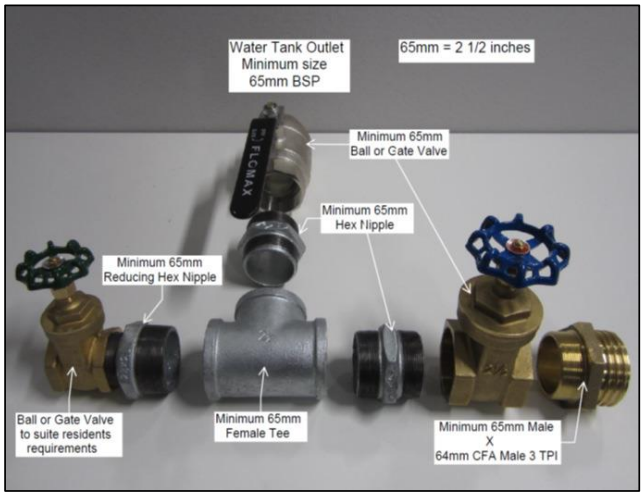
(DELWP, 2017)

CFA Fittings (CFA, 2022)

'If specified within Table 4 to Clause 53.02-5 (if fire brigade access to your water supply is required), CFA's standard BMO permit conditions require the pipe work, fittings and tank outlet to be a minimum size of 64 mm.

65 mm BSP (British Standard Pipe) is the most common size available. A 65 mm fitting is equivalent to the old 21/2 inch. A 65 mm BSP (21/2 inch) fitting exceeds CFA's requirements and will therefore comply with CFA's standard permit conditions for the BMO.

The diagram below shows some common tank fittings available at most plumbing suppliers which meet the connection requirements. It includes a 65 mm tank outlet, two 65 mm ball or gate valves with a 65 mm male to 64 mm CFA 3 threads per inch male coupling. This is a special fitting which allows the CFA fire truck to connect to the water supply. An additional ball or gate valve will provide access to the water supply for the resident of the dwelling'.



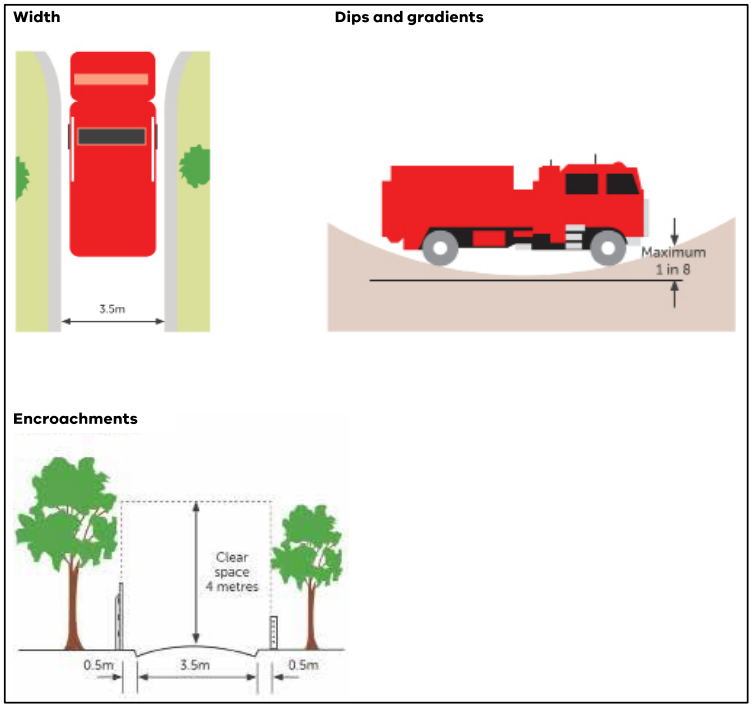
6.3 Appendix C: Access requirements

Driveways less than 30 m long have no specific requirements unless access to the water supply outlet is required, in which case the following apply as appropriate.

Access between 30 m and 100 m in length

Where the length of access is greater than 30 metres the following design and construction requirements apply (*the length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer* (Nillumbik Planning Scheme)):

- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- A load limit of at least 15 tonnes and be of all-weather construction.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- A cleared area of 0.5 metres is required to allow for the opening of vehicle doors along driveways.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

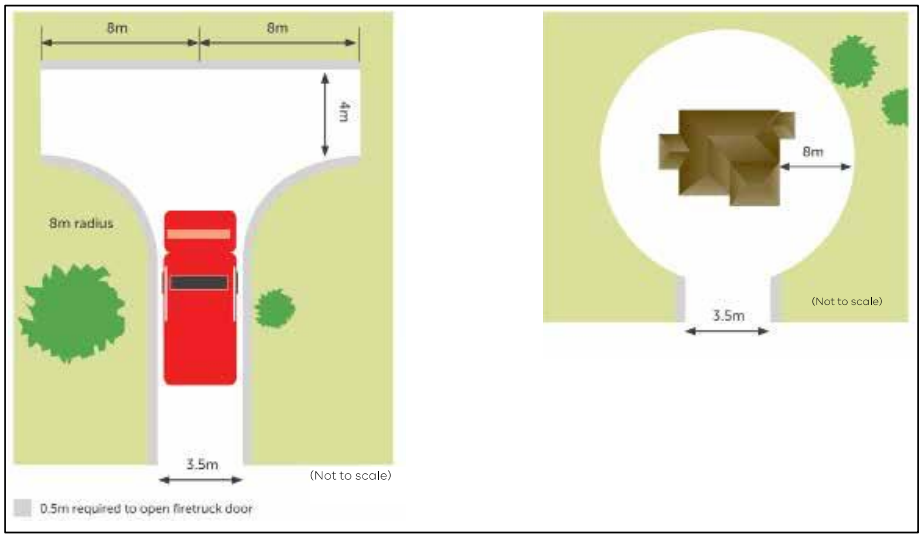


(DELWP, 2017)

Access between 100 m and 200 m in length

In addition to the 30 m-100 m requirements above, a turning area for fire fighting vehicles must be provided close to the building by one of the following:

- a turning circle with a minimum radius of 8 metres
- a driveway encircling the dwelling
- 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.

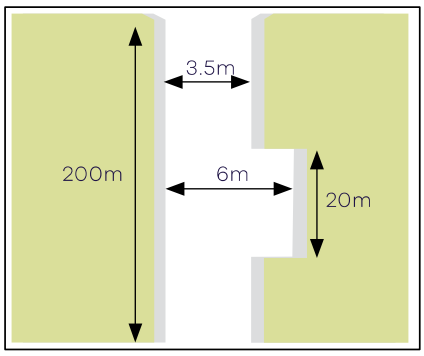


(DELWP, 2017)

Access greater than 200 m in length

In addition to the requirements above, passing bays are required at least every 200 metres that are:

- a minimum of 20 metres long
- with a minimum trafficable width of 6 metres.



(DELWP, 2017)

7 References

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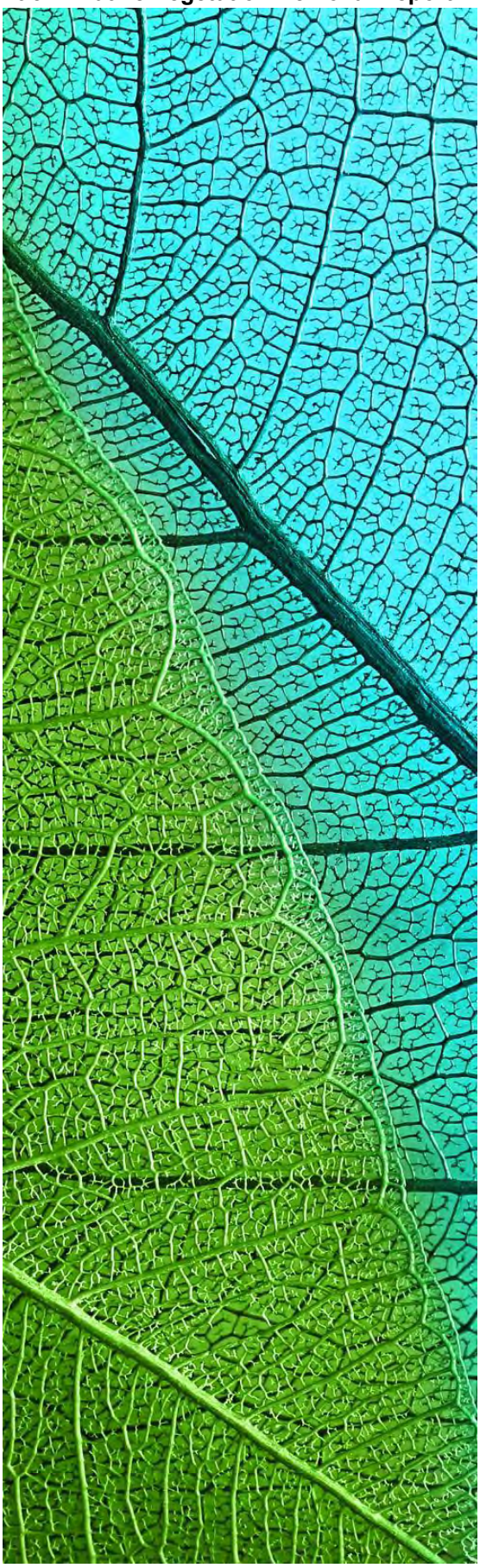

17-29 Butlers Road, Plenty

Native Vegetation Assessment

Prepared for Apex Town Planning

June 2025
Report No. 22327.01 (5.0)

Nature Advisory
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Executive summary

Nature Advisory Pty Ltd undertook a native vegetation assessment of an approximately 2.05-hectare area of private land at 17-29 Butlers Road, Plenty (herein referred to as the 'study area'). The proposed development at the study area is the subdivision of a lot for residential lots and a new access road. The native vegetation assessment also included the section of the road reserve of Butlers Road that is directly adjacent to the study area.

This report presents the information relevant to native vegetation in the study area to accompany a planning permit application under Clause 52.17 of the Nillumbik planning scheme, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017a) (herein referred to as 'the Guidelines') and the *Assessor's handbook - Applications to remove, destroy or lop native vegetation* (DELWP 2018) (herein referred to as 'the Assessor's Handbook').

The study area comprised a residential property consisting of a dwelling, landscaping, fruit trees and a large expanse of cleared area with mown lawn and scattered (dead and living) Eucalyptus trees, with a dried-out dam in the southeast corner. Native vegetation in the study area was limited to patches of dry grass forest within the canopy of living trees and scattered trees.

The following native vegetation was recorded in the study area:

- Four patches of native vegetation, totalling 0.357 ha (including 12 large trees in patches); and
- Seventeen scattered trees (namely eleven large scattered trees and six small scattered trees).

Trees 11 and 12 were previously mapped as small scattered trees, until Habitat Zone B was extended to the south to include some Wattle regrowth (as per a Request For Further Information in email correspondence from the Nillumbik Shire Council in January 2024), so Trees 11 and 12 are no longer small scattered trees under the Guidelines. The Wattle regrowth is consistent with the area named G42 in the Arboricultural & Impact Assessment Report prepared by DB Horticulture.

The 11 large scattered trees in the study area include nine dead native trees (>40cm trunk diameter) and two native trees that are 'alive with dead canopy'[1].

The proponent proposes to remove 0.695 ha of native vegetation in the study area comprising:

- 0.208 ha of native vegetation in patches (including five large trees in patches);
- Seven scattered trees, namely, two large scattered trees and five small scattered trees; and.
- 0.235 ha of past removal (consisting of nine large scattered trees) as directed by DEECA.

Note that one tree to be removed (Tree 20) is a standing dead tree with less than 40cm DBH and therefore does not require a permit for removal, in accordance with the Assessor's Handbook.

The application site lies within Location 1. Based on the extent of native vegetation, the number of large trees, and the location category, the proposal must be assessed under the **Detailed** assessment pathway. This **would** trigger a referral to the Department of Energy, Environment and Climate Action (DEECA).

A *Native Vegetation Removal* (NVR) report for this proposal is provided in Appendix 7.

Offsets required to compensate for the proposed removal of native vegetation from the study area are:

[1] 'Alive with dead canopy' refers to trees with the main trunk appearing to be dead and the crown completely absent, but with a living new sprout from the base of the trunk.

- 0.0990 general habitat units, with following offset attribute requirements:
  - A minimum strategic biodiversity value (SBV) of 0.1771
  - Located within the Melbourne Water CMA or the Nillumbik Shire Council municipal district
  - Include protection of at least 7 large trees.

Under the Guidelines all offsets must be secured prior to the removal of native vegetation.

The offset target for the current proposal will be achieved via a third-party offset.

The table below summarises the compliance of the information in this report with the application requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017a).

	Application requirement	Response
1.	Information about the native vegetation to be removed.	See Section 3.3.
2.	Topographic and land information relating to the native vegetation to be removed.	See Section 3.1 and Figure 1.
3.	Recent, dated photographs of the native vegetation to be removed.	See Appendix 5.
4.	Details of any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five-year period before the application for a permit is lodged.	Not applicable.
5.	An avoid and minimise statement.	See Section 5.3.
6.	A copy of any Property Vegetation Plan contained within an agreement made pursuant to section 69 of the *Conservation, Forests and Lands Act 1987* that applies to the native vegetation to be removed.	Not applicable.
7.	Where the removal of native vegetation is to create defendable space, a written statement explaining why the removal of native vegetation is necessary. This statement is not required when the creation of defendable space is in conjunction with an application under the Bushfire Management Overlay.	Not applicable.
8.	If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations (at decision guideline 8).	Not applicable.
9.	An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.	See Section 5.6.

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Appendices

1. Introduction

Nature Advisory Pty Ltd undertook a native vegetation assessment of an approximately 2.05-hectare area of private land at 17-29 Butlers Road, Plenty (herein referred to as the 'study area'). The proposed development at the study area is the subdivision of a lot for residential lots and a new access road.

This investigation was commissioned to provide information on the extent and condition of native vegetation in the study area according to the Guidelines (DEWLP 2017a) and Assessor's Handbook (DEWLP 2018). Potential impacts on flora and fauna matters listed under the Victorian *Flora and Fauna Guarantee Act 1988* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* have been considered as part of a review of existing information and field investigation; no relevant implications were identified under either Act.

Specifically, the scope of the investigation included the following:

- Existing information on the flora and native vegetation of the study area and surrounds was reviewed and included:
  - DEECA's *Native Vegetation Information Management system* (NVIM); and
  - DEECA's *NatureKit*.
- A site survey was conducted and involved the following:
  - Characterisation and mapping of native vegetation on the site, as defined in the Guidelines;
  - Assessment of native vegetation in accordance with the Guidelines, including habitat hectare assessment and/or scattered tree assessment; and
  - Compilation of a flora species list for the site.

This investigation was undertaken by a team from Nature Advisory comprising Caroline Tan (Senior Botanist and Project Manager), Emma Wagner (GIS Analyst) and Maya Zaeim (GIS Analyst).

2. Definitions, methods, and assessment process

2.1. Definitions

2.1.1. Study area

The study area for this investigation is defined as private and at the address of 17-29 Butlers Road, Plenty.

This native vegetation assessment also included the road reserve of Butlers Road that is adjacent to the eastern boundary of the study area.

2.1.2. Native vegetation

Native vegetation is currently defined in Clause 73.01 of all Victorian planning schemes as 'plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses'. The Guidelines (DELWP 2017a) further classify native vegetation as belonging to two categories:

- Patch; or
- Scattered tree.

The definitions of these categories are provided below, along with the prescribed DEECA methods of assessment. Further details on definitions of patches and scattered trees are provided in Appendix 1.

Patch

A patch of native vegetation is defined as one of the following:

- An area of vegetation where at least 25 per cent of the total perennial understorey plant cover is native; or
- Any area with three or more native canopy trees[2] where the drip line[3] of each tree touches the drip line of at least one other tree, forming a continuous canopy; or
- Any mapped wetland included in the *Current wetlands* map, available in DEECA's *Native Vegetation Information Management* (NVIM) system (DEECA 2023b).

Patch condition is assessed using the habitat hectare method (Parkes *et al.* 2003; DSE 2004b) whereby components of the patch (e.g. tree canopy, understorey and ground cover) are assessed against an Ecological Vegetation Class (EVC) benchmark. The score effectively measures the percentage resemblance of the vegetation to the original condition.

The NVIM system (DEECA 2023b) provides modelled condition scores for native vegetation to be used in certain circumstances.

Scattered tree

A scattered tree is defined as:

- A native canopy tree that does not form part of a patch.

[2] A native canopy tree is a mature tree (i.e. able to flower) that is taller than three metres and normally found in the upper layer of the relevant vegetation type.
[3] The drip line is the outermost boundary of a tree canopy (leaves and/or branches) where the water drips onto the ground.

Scattered trees are counted and mapped, the species identified and the circumference at 1.3 m above the ground is recorded.

Tree Protection Zone

A Tree Protection Zone (TPZ) is defined as the area around the base of a tree, with a radius of 12 × that tree's diameter at breast height (DBH). The maximum TPZ is 15 metres, while a minimum of 2 metres applies. Dead trees are treated in the same manner.

2.2. Field methods

The field assessment was conducted on 13th February 2023. During this assessment, the study area was surveyed on foot.

Sites in the study area found to support native vegetation or with potential to support listed matters were mapped through a combination of aerial photograph interpretation and ground truthing using ArcGIS Field Maps (accurate to approximately 5 metres).

Whilst this assessment was not designed to provide an exhaustive inventory of flora species in the study area, all efforts were made to schedule the site assessment at a time of year when most of the native vegetation life forms are likely to be present. The summer timing of the survey and condition of vegetation was considered suitable to ascertain the extent and condition of native vegetation.

2.3. Planning permit and application requirements

State planning provisions are established under the *Victorian Planning and Environment Act 1987*. Clause 52.17 of all Victorian Planning Schemes states the following:

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

A permit is not required if the following apply:

- If an exemption in Cl. 52.17-7 specifically states that that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into the planning scheme and listed in the schedule to Cl. 52.16.
- If the native vegetation is specified in a schedule to Cl. 52.17.

2.3.1. Application requirements

Any application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines (DELWP 2017a).

When assessing an application, Responsible Authorities are also obligated to refer to Clause 12.01-2S *Native vegetation management* in the Planning Scheme that, in addition to the Guidelines, refers to the following:

- The Assessor's Handbook (DELWP 2018a); and
- Statewide biodiversity information maintained by DEECA.

The application of the Guidelines (DELWP 2017a) is explained further in Appendix 1.

2.3.2. Referral to DEECA

Clause 66.02-2 of the Planning Scheme determines the role of DEECA in the assessment of native vegetation removal permit applications. If an application is referred, DEECA may make certain recommendations to the responsible authority in relation to the permit application.

Any application to remove, destroy or lop native vegetation must be referred to DEECA if any of the following apply:

- The impacts to native vegetation are in the *Detailed* assessment pathway;
- A property vegetation plan applies to the site; or
- The native vegetation is on Crown land that is occupied or managed by the responsible authority.

3. Existing information and results

3.1. Site description

The study area for this investigation (Figure 1) was approximately 2.05 ha of public land located at 17-29 Butlers Road, Plenty, approximately 20 kilometres north-east of Melbourne's CBD. The study area covered the entire property. The study area was bordered by smaller residential properties to the north and west, Butlers Road to the east and a similar-sized rural residential property to the south. It was observed that the southern property had ongoing development (building construction works). Across Butlers Road is a public sports field.

The study area was located on an east-facing slope with a gentle gradient. The study area did not contain any watercourses or waterbodies, nor did any occur within the immediate vicinity. The study area contained a dwelling with landscaping and fruit trees in the western section. There was also a small, dense patch of Prickly Pear, Blackberry, Sweet Pittosporum and other weeds located at the edge of the driveway. The south-eastern corner of the study area contained a dam that was deep with steep slopes and completely dried-out at the time of the field assessment. The dam was predominantly surrounded by Golden Wattle and weeds like Boneseed, Montpellier Broom, Blackberry and Sweet Briar.

The remainder (majority) of the study area was cleared of native understory with scattered, remnant native trees including Red Box, Bundy and Red Stringybark. The remnant trees in the centre of the study area were dead, except for two trees that were 'alive with dead canopy'[4]. The entire understorey had been historically cleared and regularly maintained. At the time of the field assessment, regular mowing was evident and it could be seen that most of the groundcover was weed-dominated, particularly Green Couch, Paspalum, Panic Veldt-grass and Ribwort. Other common weeds include Cocksfoot, Common Centaury, Spear Thistle, Galenia, Bridal Creeper, Inkweed, Black Nightshade, Rough Sow-thistle, Twiggy Turnip and Modiola. Native groundcovers included Nodding Saltbush, Grassland Wood-sorrel, native Rush and wallaby-grasses. Four non-native trees (e.g. Common Olive) had been planted in a row in the central-southern area.

Where the native trees formed a canopy, these areas comprised native vegetation patches of Grassy Dry Forest (EVC 22). This native vegetation can be described as highly modified forest lacking in understorey cover and native lifeform diversity. The understorey was generally weed-dominated, mainly Panic Veldt-grass, Green Couch, Cocksfoot, Paspalum, Chilean Needle-grass, Bridal Creeper and Ribwort. Native shrubs and groundcovers were highest in cover and diversity along the eastern boundary of the study area, including the native groundcovers mentioned above and more such as Kneed Spear-grass, Wattle Mat-rush, Small-leaved Clematis and Kidneyweed. Native shrubs (limited to along the property fencing) included juvenile Eucalyptus, Kangaroo Thorn, Sticky Hop-bush and Black Wattle. Weed shrubs included Montpellier Broom, Sweet Briar and scattered Ash (particularly nearer to or along the property fencing).

The adjacent road reserve of Butlers Road included treed vegetation on both sides of the road, comprising native vegetation patches of Grassy Dry Forest (EVC 22). The treed vegetation on the eastern side of the road extended north of the study area, running between Butler's Road and the public sports field; the current investigation assessed this native vegetation to an extent of approximately 12m north of the study area in the road reserve. The canopy comprised Red Box, Bundy and Red Stringybark. Several trees were remnant mature trees, with seven of large size (> 60cm DBH) and the species reflecting the modelled EVC for the local area, i.e. Dry Grassy Forest (EVC 22). The understorey contained a mixture of native and

[4] 'Alive with dead canopy' refers to trees with the main trunk appearing to be dead and the crown completely absent, but with a living new sprout from the base of the trunk.

weed shrubs. Native shrubs included juvenile Eucalypts, Drooping Cassinia, Sticky Hop-bush, Black Wattle and Cherry Ballart. Weed shrubs included Montpellier broom, Blackberry, Sweet Pittosporum and Hawthorn. The groundcover was generally weed-dominated, mainly Panic Veldt-grass, Cocksfoot, Paspalum, Chilean Needle-grass, Drain Flat-sedge, Clustered Dock, Bridal Creeper and Ribwort. Native groundcovers included Kneed Spear-grass, Wallaby-grasses, Wattle Mat-rush, Nodding Saltbush and Small-leaved Clematis.

There were shallow, gently-sloping drainage lines (asphalt) along the edges of Butlers Road, which were choked with weeds (mainly Drain Flat-sedge and Clustered Dock).

The study area lies within the Highlands Southern Fall bioregion and falls within the Port Phillip and Westernport catchment.

3.2. Zoning and overlays

The entire study area and adjacent Butlers Road are currently zoned as Neighbour Residential (NRZ) in the Nillumbik planning scheme.

The purpose of this zoning is to provide for predominantly single and double storey residential development. This zone allows for educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The following overlays apply to the study area and adjacent Butlers Road:

- Bushfire Management Overlay (BMO) – the overall purpose of this overlay is to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- Design and Development Overlay (DDO3) – Schedule 3 – the overall purpose of this overlay is to identify areas which are affected by specific requirements relating to the design and built form of new development.

The study area is also located in a bushfire prone area.

3.3. Native vegetation

Pre-1750 (pre-European settlement) vegetation mapping administered by DEECA was reviewed to determine the type of native vegetation likely to occur in the study area and surrounds. Information on Ecological Vegetation Classes (EVCs) was obtained from published EVC benchmarks. These sources included:

- Relevant EVC benchmarks for the Highlands Southern Fall bioregion[5] (DSE 2004a);
- *NatureKit* (DEECA 2023a).

3.3.1. Species recorded

During the field assessment 78 plant species were recorded, of which 30 (38%) were indigenous and 48 (62%) introduced or non-indigenous native in origin. A full list of flora species observed is provided in Appendix 4. Planted vegetation inside the study area have not been included in the species list.

It was noted that no flora species listed under the FFG Act were identified in the road reserve.

[5] A bioregion is defined as "a geographic region that captures the patterns of ecological characteristics in the landscape, providing a natural framework for recognising and responding to biodiversity values". In general bioregions reflect underlying environmental features of the landscape (DNRE 1997).

3.3.2. Patches of native vegetation

Pre–European EVC mapping (DEECA 2023a) indicated that the study area and surrounds would have supported Grassy Dry Forest (EVC 22) prior to European settlement based on modelling of factors including rainfall, aspect, soils and remaining vegetation.

Evidence on site, including floristic composition and soil characteristics, suggested that Grassy Dry Forest (EVC 22) was present in the eastern section of the study area and the majority of the adjacent road reserve (Figure 1). A description of this EVC is provided in the EVC benchmark in Appendix 6.

Four patches (herein referred as habitat zones) comprising low-quality Grassy Dry Forest (EVC 22) were identified (Table 1). They covered a total area of 0.357 ha.

Table 1: Description of habitat zones in the study area

Habitat Zone	EVC	Description
A	Grassy Dry Forest (EVC 22)	This habitat zone comprised mature native trees (being Red Box, Bundy and Yellow Box) over a historically cleared and highly modified understorey, which represented degraded Dry Grass Forest (EVC 22). Two large trees were present in the patch. Shrub layer absent. The groundcover was evidently regularly mown. Native groundcovers included Nodding Saltbush, Grassland Wood-sorrel, native Rush and wallaby-grasses. Weed cover was high (>50%) and mainly consisted of grassy weeds such as Green Couch, Panic Veldt-grass and Paspalum. Herbaceous weeds included Spear Thistle, Ribwort and Rough Sow-thistle. The inter-tussock spaces were generally well-covered with leaf litter, most prominently leaf litter from the native canopy.
B	Grassy Dry Forest (EVC 22)	These habitat zones comprised mature native trees (Red Box) over a historically cleared and highly modified understorey, which represented degraded Dry Grass Forest (EVC 22). Three large trees were present in the patch of Habitat Zone B. Shrub layer generally absent and the groundcover was evidently regularly mown, except in close proximity to the property fencing along the study area's eastern boundary and the Wattle-dominated shrubs surrounding the dam in the study area's southeastern corner. Along the property fencing, there was much greater diversity and cover of native species, such as Kangaroo Thorn, Stick Hop-bush, Cherry Ballart, Kneed Spear-grass, Wattle Mat-rush, Kidneyweed and Small-leaved Clematis. Habitat Zone B had a much higher diversity of native species than Habitat Zone C. Weed cover was high (>50%) and both habitat zones had higher diversity of weeds than Habitat Zone A. Mainly consisted of grassy weeds such as Green Couch, Cocksfoot, Chilean Needle-grass, Greater Quaking-grass, Panic Veldt-grass and Paspalum. Herbaceous weeds included Bridal Creeper and Boneseed. Woody weeds included Ash, Montpellier Broom and Sweet Briar. The inter-tussock spaces were generally well-covered with leaf litter, most prominently leaf litter from the native canopy. The southwestern section of Habitat Zone was extended to include some Wattle regrowth that had occurred near the dam, at the request of Council. This regrowth is consistent with the area named G42 in the Arboricultural & Impact Assessment Report prepared by DB Horticulture, who confirmed the regrowth boundaries.

Habitat Zone	EVC	Description
C	Grassy Dry Forest (EVC 22)	These habitat zones are contiguous with Habitat Zones B and C, separated by the study area's eastern boundary and change in land tenure. These habitat zones comprised mature native trees (Bundy and Red Box) over a historically cleared and highly modified understorey, which represented degraded Dry Grass Forest (EVC 22). No large trees present in patches. The shrub layer generally absent and the groundcover was evidently highly modified/regularly maintained, except in close proximity to the property fencing along the study area's eastern boundary. Along the property fencing, there was much greater diversity and cover of native species, such as Kangaroo Thorn, Stick Hop-bush, Cherry Ballart, Kneed Spear-grass, Kidneyweed and Small-leaved Clematis. Weed cover was high (>50%). Mainly consisted of grassy weeds such as Green Couch, Cocksfoot, Chilean Needle-grass, Greater Quaking-grass, Panic Veldt-grass and Paspalum. Herbaceous weeds included Bridal Creeper and Boneseed. Woody weeds included Montpellier Broom and Sweet Briar. The inter-tussock spaces were generally well-covered with leaf litter, most prominently leaf litter from the native canopy.
D	Grassy Dry Forest (EVC 22)	This habitat zone could have been considered contiguous with Habitat Zones D and E, separated by the impervious surface of Butlers Road (approximately 6m-wide). These habitat zones comprised mature native trees (Bundy and Red Box) over a historically cleared and highly modified understorey, which represented degraded Dry Grass Forest (EVC 22). However, the understorey of this habitat zone is less disturbed than in the other habitat zones, with a shrub layer present (albeit cover and diversity of weed shrubs contributing) and higher diversity of native species. Seven large trees were present in the patch. The shrub layer generally absent and the groundcover was evidently highly modified/regularly maintained, except in close proximity to the property fencing along the study area's eastern boundary. Along the property fencing, there was much greater diversity and cover of native species, such as Drooping Cassinia, Black Wattle, Kangaroo Thorn, Stick Hop-bush, Cherry Ballart, Kneed Spear-grass, Kidneyweed, Nodding Saltbush, wallaby-grasses and Small-leaved Clematis. Weed cover was high (>50%). Mainly consisted of grassy weeds such as Green Couch, Cocksfoot, Chilean Needle-grass, Greater Quaking-grass, Panic Veldt-grass and Paspalum. Herbaceous weeds included Galenia, Bridal Creeper and Drain Flat-sedge. Woody weeds included Montpellier Broom, Sweet Briar, Blackberry, Hawthorn and Sweet Pittosporum. The inter-tussock spaces were generally well-covered with leaf litter, most prominently leaf litter from the native canopy.

The Vegetation Quality Assessment (VQA) results for these habitat zones are provided in Table 2. More detailed habitat scoring results are presented in Appendix 2. Details of large trees in patches are provided in Appendix 3.

Table 2: Summary of Vegetation Quality Assessment results

Habitat Zone	EVC	Area (ha)	Condition score (out of 100)	No. of large trees in HZ
A	Dry Grassy Forest (EVC 22)	0.076	26	2
B	Dry Grassy Forest (EVC 22)	0.149	32	3
C	Dry Grassy Forest (EVC 22)	0.039	11	0
D	Dry Grassy Forest (EVC 22)	0.094	38	7
Total		**0.146**		**7**

3.3.3. Scattered trees

Scattered trees recorded in the study area would have once comprised the canopy component of Dry Grassy Forest (EVC 22).

Fifteen scattered trees occurred in the study area (Figure 1), including the following:

- Eleven large scattered trees including nine dead native trees whose species could not be determined (≥ 40cm DBH) and two native trees that were 'alive with dead canopy' (≥ 60cm DBH); and
- Five small scattered trees.

Details of all scattered trees recorded are listed in Appendix 3.

Please note the following:

- An Arboricultural & Impact Assessment Report prepared by DB Horticulture shows 41 trees, many of which are not a 'scattered tree' or 'large tree in a patch' as defined under the Guidelines OR were in the adjacent private land, hence were not mapped in this Native Vegetation Assessment by Nature Advisory. Also, the tree numbering in the arboricultural report is different to the numbering in this current native vegetation assessment.
- The five small scattered trees in the study area do not include Trees 11 and 12 in Appendix 3. They are located inside Habitat Zone B as canopy trees which are not large trees in a patch. They were previously mapped as small scattered trees however, in answer to a Request for Further Information from council which required some Wattle regrowth to be included in the native vegetation mapping, Habitat Zone B was extended south and therefore Trees 11 and 12 became included in that patch (so no longer scattered trees).
- Tree 20 as shown on Figure 1 is a standing dead tree with less than 40cm DBH – it was included in the mapping as additional information.

Figure 1: Study area and native vegetation

Project No: 22327
Project: 17-29 Butlers Rd, Plenty
Date: 23/10/2024

Study area

Native vegetation

- Dead tree <40cm DBH
- Dead tree >40cm DBH
- Small scattered tree
- Large scattered tree
- Large tree in patch
- Dry Grassy Forest (EVC 22)

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FIG 1 NV and SA - Created by: GraceO - E:\GIS\2022 Jobs\22327\22327 FIG1 SA and NV and FIG2 update.aprx

4. Assessment of impacts

4.1. Proposed development

The current proposal will involve subdivision. To determine the extent of impacts to native vegetation, the proposed subdivision plan was overlaid with the native vegetation mapped as part of this investigation. Based on this plan, native vegetation impacted by the following was considered removed:

- Direct removal:
  - Native vegetation within all proposed building envelopes.
  - Native vegetation within all proposed driveways.
  - Native vegetation within all proposed roads.
- Consequential removal:
  - Native vegetation within 10 metres of all proposed building envelopes.
  - Native vegetation within 2 metres on either side of all proposed lot boundaries (to address the future *Fences* exemption as (per Cl. 52.17-7)
  - Native vegetation required to be removed for the creation of defendable space
    - This is based on the Bushfire Management Statement (BMS) prepared by Terramatrix, in April 2024
  - Trees with the more than 10% of their TPZ encroached
  - Native vegetation on new lots with an area of less than 0.4 ha (to account for future *Site area* exemption from the requirement for a permit application as per Cl. 52.17-7).

The native vegetation removal based on the latest subdivision plan considered the following:

- Small scattered trees numbered 32, 33 and 34 along the northern boundary will be **retained**, although they are **considered removed** for this assessment due to the principle of consequential removal for native vegetation on new lots that are less than 0.4 ha.
- Five additional trees located at the eastern side of the property will be **retained** as per the updated subdivision layout, although they are **considered removed** for this assessment due to the principle of consequential removal for native vegetation on new lots that are less than 0.4 ha.
- Tree 20 is a standing dead tree with less than 40cm DBH and therefore does not require a permit for removal, in accordance with the Assessor's Handbook.
- The nine dead scattered trees (Tree 21-26 and 28-30) are included as **past removal**, as directed by DEECA's Request for Further Information letter (reference number 00006313). The tree deaths appear likely to be due to a septic tank leak, not unauthorised clearing or lopping. We note that the leak was unintentional/accidental and the tree deaths came about from impacts to the soil environment.
- Trees 27 and 31 were still alive at the time of the native vegetation assessment and therefore included as **proposed removal**.

4.2. Proposed native vegetation removal

The current subdivision proposal will result in the loss of a total extent of **0.695 ha** of native vegetation as represented in Figure 2 and documented in the *Native Vegetation Removal* (NVR) report (Appendix 7).

This comprised the following, as shown in Figure 2:

- 0.208 ha of native vegetation in patches (including five large trees in patches);
- Two large scattered trees; and
- 0.252 ha of past removal in the form of nine dead scattered trees (Tree 21-26 and 28-30) as directed by DEECA.

Photographs of native vegetation proposed for removal are provided in Appendix 5.

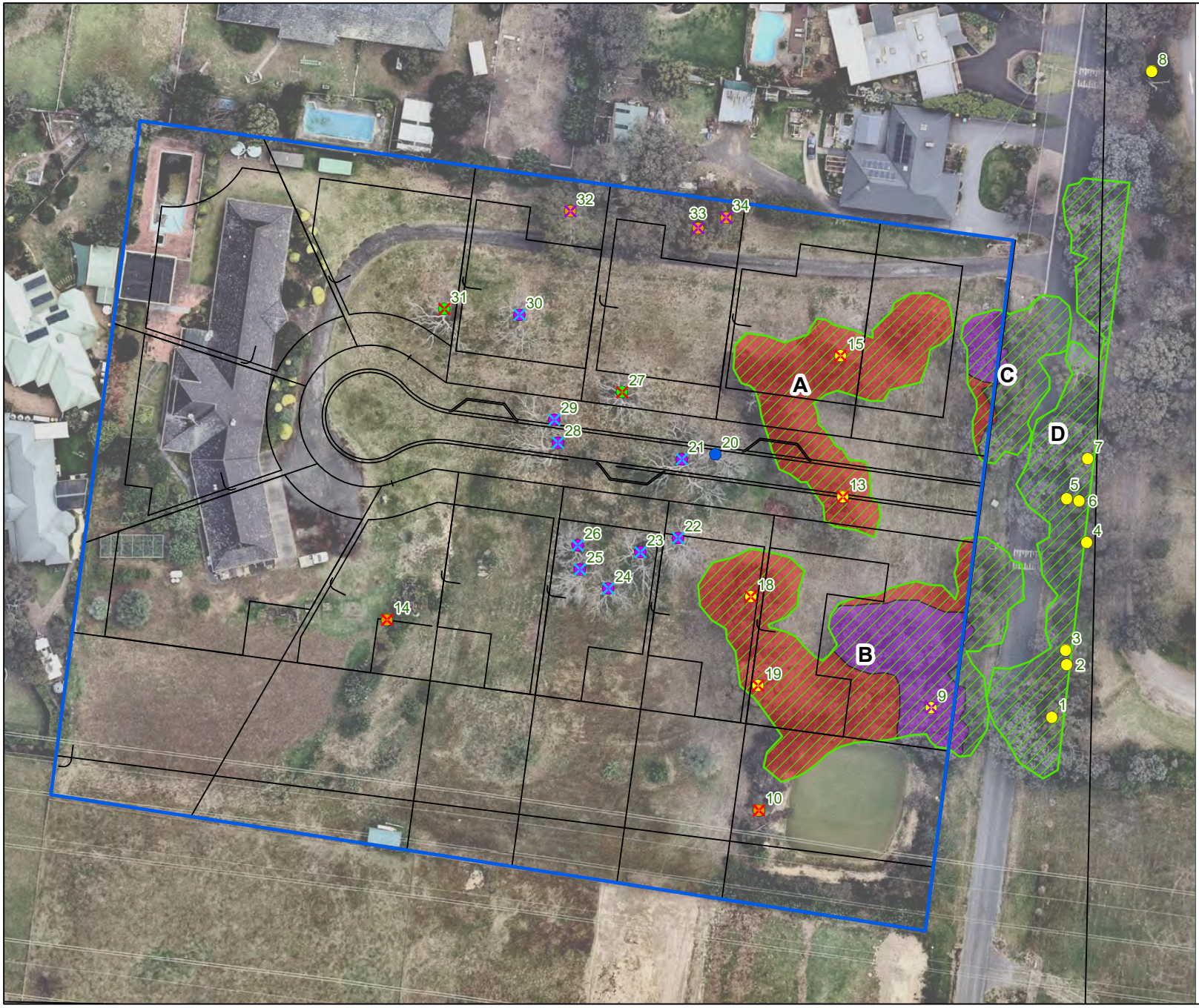

Figure 2: Native vegetation to be removed

Project No: 22327
Project: 17-29 Butlers Rd, Plenty
Date: 19/12/2024

Study area
Proposed development

Native vegetation

Dead tree <40cm DBH
Dead tree >40cm DBH
Small scattered tree
Large scattered tree
Large tree in patch
Dry Grassy Forest (EVC 22)

Native vegetation removal

Tree to be removed
Past tree removal
Trees that will be retained but treated as consequential removal
Native vegetation to be removed
Native vegetation that will be retained but treated as consequential removal

N
Metres
0 5 10 15 20 25

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Fig 2 NVR - Created by: emma - E:\GIS\2022 Jobs\22327\22327 FIG1 SA and NV and FIG2 update.aprx

5. Implications under legislation and policy

5.1. Clause 12.01 of the of the Planning Scheme

Clause 12.01 aims to assist the protection and conservation of Victoria's biodiversity and ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

5.2. Clause 52.17 of the Planning Scheme

A permit for the proposed removal of native vegetation is required under Cl. 52.17 of the State Planning Provisions.

5.2.1. Exemptions

Exemptions listed in Cl. 52.17-7 relevant to the study area are:

- *Dead native vegetation*: Native vegetation that is dead is exempt and does not require a planning permit. This does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. As such, any dead trees with DBH of 40 centimetres or more have been included in the tree data collected for this investigation.
- *Planted vegetation:* Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding. This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity. This applies to the landscaping/gardens around the dwelling.

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.

5.3. Avoid and minimise statement

In accordance with the Guidelines, all applications to remove native vegetation must provide an avoid and minimise statement that describes any efforts undertaken to avoid the removal of, and minimise the impacts to biodiversity and other values of native vegetation, and how these efforts focused on areas of native vegetation that have the highest value. Efforts to avoid and minimise impacts to native vegetation in the current application are presented as follows:

- The site is located within a Neighbourhood Residential Zone, with the Purpose of the zone including the following: "*To recognise areas of predominantly single and double storey residential development.*" Accordingly, the main intent of this land under the zone provisions is to provide for residential housing.
- The site is constrained by the power line easement located at the southern end of the property.
- The location of the road access from Butlers Road does not require the removal of native vegetation. The proposed new road is straight and terminates in a court bowl.
- The site is also impacted by a Bushfire Management Overlay, which also discourages canopy vegetation being located within close proximity to dwellings.
- Site investigations included a bushfire and an arborist assessment to support plans to retain native vegetation. Although all native vegetation within the property will be deemed lost (consequentially removed as proposed lot sizes are <0.4 ha), Trees 32, 33, and 34 will be retained.
- Based on further comments from council regarding the proposed design in November, the design was amended again during November to December 2024 to reduce the native vegetation

removal. The lots have been reconfigured and as a result some of the native trees at the eastern side of the study area can be retained.

- In summary, the subdivision layout:
  - Has been considerate of the site constraints and opportunities including the location of the road access and the lot layout.
  - Is considerate of the various planning controls relating to the need to provide additional residential housing opportunities within the designated residential areas, addressing Bushfire requirements, retaining vegetation where possible and providing a functional subdivision layout.
  - Has already been modified as much as possible to further reduce native vegetation removal while achieving a feasible subdivision layout.
- In addition to the design measures above that were undertaken, Nature Advisory's recommendations to mitigate impacts to native vegetation during construction are provided in Appendix 9.

5.3.1. Modelled species important habitat

The current proposal footprint will not have a significant impact on any habitat for any rare or threatened species as determined in Appendix 7.

5.4. Assessment pathway

The assessment pathway is determined by the location category and extent of native vegetation as detailed for the study area as follows:

- **Location Category:** Location 1
- **Extent of native vegetation:** A total of 0.695 ha of native vegetation (including seven large trees).

Based on the extent of native vegetation removal being ≥ 0.5 hectares, the Guidelines stipulate that the proposal is to be assessed under the **Detailed** assessment pathway, as determined by the following matrix:

Table 3: Assessment pathway matrix

Extent of native vegetation	Location Category		
	Location 1	Location 2	Location 3
< 0.5 hectares and not including any large trees	Basic	Intermediate	Detailed
< 0.5 hectares and including one or more large trees	Intermediate	Intermediate	Detailed
≥ 0.5 hectares	**Detailed**	Detailed	Detailed

This proposal **would** trigger a referral to DEECA based on the above criteria.

5.5. Offset requirements

Offsets required to compensate for the proposed removal of native vegetation from the study area are:

- 0.0990 general habitat units, with following offset attribute requirements:

- A minimum strategic biodiversity value (SBV) of 0.1771
- Located in the Melbourne Water boundary or Nillumbik Shire municipal district.
- Include protection of at least 7 large trees.

Under the Guidelines all offsets must be secured prior to the removal of native vegetation.

5.6. Offset statement

The offset target for the current proposal will be achieved via a third-party offset.

An online search of the *Native Vegetation Credit Register* (DEECA 2023c) has shown that the required offset is currently available for purchase from a native vegetation credit owner.

Evidence that the required offset is available is provided in Appendix 8. The required offset would be secured following approval of the application to remove native vegetation.

5.7. Zoning

The proposed subdivision accommodates the current zoning (NRZ) of the Nillumbik Planning Scheme and the proposed use will not affect surrounding agricultural land use or vegetation.

5.8. Overlays

- *Bushfire Management Overlay (BMO)* – A Bushfire Management Statement (BMS) has been prepared by Terramatrix for the proposed development.
- *Design and Development Overlay – Schedule 7 (DDO7)* – Not relevant to this investigation.

5.9. CaLP Act

The *Catchment and Land Protection Act 1994* (CaLP Act) requires that landowners (or a third party to whom responsibilities have been legally transferred) must eradicate regionally prohibited weeds and prevent the growth and spread of regionally controlled weeds.

Property owners who do not eradicate Regionally prohibited weeds or prevent the growth and spread of Regionally controlled weeds for which they are responsible, may be issued with a Land Management Notice or Directions Notice that requires specific control work to be undertaken.

In accordance with the *Catchment and Land Protection Act 1994*, the noxious weed species listed below, that were recorded in the study area, must be controlled.

- Bridal Creeper
- Spear Thistle
- Hawthorn
- Fennel
- Montpellier Broom
- Spiny Rush
- Horehound
- Chilean Needle-grass
- Prickly Pear
- Sweet Briar

Precision control methods that minimise off-target kills (e.g. spot spraying) should be used in environmentally sensitive areas (e.g. within or near native vegetation, waterways, etc.).

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Appendix 1: Details of the assessment process in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017a)

Purpose and objective

Policies and strategies relating to the protection and management of native vegetation in Victoria are defined in the State Planning Policy Framework (SPPF). The objective identified in Clause 12.01 of all Victorian Planning Schemes is 'To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation'.

This is to be achieved through the following three-step approach, as described in 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 from the removal, destruction or lopping of native vegetation.

Note: While a planning permit may still be required, if native vegetation does not meet the definition of either a patch or a scattered tree, an offset under the Guidelines is not required.

Assessment pathways

The first step in determining the type of assessment required for any site in Victoria is to determine the assessment pathway for the proposed native vegetation removal. The three possible assessment pathways for applications to remove native vegetation in Victoria are the following:

- Basic;
- Intermediate; or
- Detailed.

This assessment pathway is determined by two factors:

- **Location Category**, as determined using the states' Location Map. The location category indicates the potential risk to biodiversity from removing a small amount of native vegetation. The three location categories are defined as follows:
  - Location 1 – shown in light blue-green on the Location Map; occurring over most of Victoria.
  - Location 2 – shown in dark blue-green on the Location Map; includes areas mapped as endangered EVCs and/or sensitive wetlands and coastal areas.
  - Location 3 – shown in brown on the Location Map; includes areas where the removal of less than 0.5 ha of native vegetation could have a significant impact on habitat for rare and threatened species.
- **Extent of native vegetation** – The extent of any patches and scattered trees proposed to be removed (and the extent of any past native vegetation removal), with consideration as to whether the proposed removal includes any large trees. Extent of native vegetation is determined as follows:
  - **Patch** – the area of the patch in ha.
  - **Scattered Tree** – the extent of a scattered tree is dependent on whether the scattered tree is small or large. A tree is considered large if the diameter at breast height (DBH) is equal to or greater than the large tree benchmark DBH for the relevant bioregional EVC. Any scattered

tree that is not a large tree is a small scattered tree. The extent of large and small scattered trees is determined as follows:

- **Large scattered tree** – the area of a circle with a 15 metre radius, with the trunk of the tree at the centre.
- **Small scattered tree** – the area of a circle with a ten metre radius, with the trunk of the tree at the centre.

The assessment pathway for assessing an application to remove native vegetation is subsequently determined as shown in the following matrix table:

Extent of native vegetation	Location Category		
	Location 1	Location 2	Location 3
< 0.5 hectares and not including any large trees	Basic	Intermediate	Detailed
< 0.5 hectares and including one or more large trees	Intermediate	Intermediate	Detailed
≥ 0.5 hectares	Detailed	Detailed	Detailed

Note: If the native vegetation to be removed includes more than one location category, the higher location category is used to determine the assessment pathway.

Landscape scale information – strategic biodiversity value

The SBV is a measure of a location's importance to Victoria's biodiversity, relative to other locations across the state. This is represented as a score between 0 and 1 and determined from the SBV map, available from NVIM (DEECA 2023b).

Landscape scale information – habitat for rare or threatened species

Habitat importance for rare or threatened species is a measure of the importance of a location in the landscape as habitat for a particular rare or threatened species, in relation to other habitat available for that species. This is represented as a score between 0 and 1 and determined from the habitat importance maps administered by DEECA.

This includes two groups of habitat:

- **Highly localised habitats** – Limited in area and considered to be equally important, therefore having the same habitat importance score.
- **Dispersed habitats** – Less limited in area and based on habitat distribution models.

Habitat for rare or threatened species is used to determine the type of offset required in the detailed assessment pathway.

Biodiversity value

A combination of site-based and landscape scale information is used to calculate the biodiversity value of native vegetation to be removed. Biodiversity value is represented by a general or species habitat score as follows.

The extent and condition of native vegetation to be removed are combined to determine the habitat hectares as follows:

Habitat hectares = extent of native vegetation × condition score

The habitat hectare score is combined with a landscape factor to obtain an overall measure of biodiversity value. Two landscape factors exist as follows:

- **General landscape factor** – determined using an adjusted strategic biodiversity score, and relevant when no habitat importance scores are applicable;
- **Species landscape factor** – determined using an adjusted habitat importance score for each rare or threatened species habitat mapped at a site in the Habitat importance map.

These factors are subsequently used as follows to determine the biodiversity value of a site:

General habitat score = habitat hectares × general landscape factor

Species habitat score = habitat hectares × species landscape factor

Offset requirements

A native vegetation offset is required for the approved removal of native vegetation. Offsets conform to one of two types and each type incorporates a multiplier to address the risk of offset:

- A **general offset** is required when the removal of native vegetation does not have a significant impact on any habitat for rare or threatened species (i.e. the proportional impact is below the species offset threshold). In this case a multiplier of 1.5 applies to determine the general offset amount.

General offset (amount of general habitat units) = general habitat score × 1.5

- A **species offset** is required when the removal of native vegetation has a significant impact on habitat for a rare or threatened species (i.e. the proportional impact is above the species offset threshold). In this case a multiplier of 2 applies to determine the species offset amount.

Species offset (amount of species habitat units) = Species habitat score × 2

Note: If native vegetation does not meet the definition of either a patch or scattered tree an offset is not required.

Offset attributes

Offsets must meet the following attribute requirements, as relevant:

- General offsets
  - **Offset amount** – general offset = general habitat score × 1.5

- **Strategic biodiversity value** – the offset has at least 80% of the SBV of the native vegetation removed
- **Vicinity** – the offset is in the same CMA boundary or municipal district as the native vegetation removed
- Habitat for rare and threatened species – N/A
- **Large trees** – the offset includes the protection of at least one large tree for every large tree to be removed

- Species offsets
  - **Offset amount** – species offset = species habitat score × 2
  - Strategic biodiversity value: N/A
  - Vicinity: N/A
  - **Habitat for rare and threatened species** – the offset comprises mapped habitat according to the habitat importance map for the relevant species
  - **Large trees** – the offset includes the protection of at least one large tree for every large tree to be removed

Appendix 2: Detailed Vegetation Quality Assessment results

Habitat Zone			A	B	C	D
Bioregion			HSF	HSF	HSF	HSF
EVC Number			22	22	22	22
Total area of Habitat Zone (ha)			0.0760	0.1487	0.0388	0.0941
Site Condition	Large Old Trees	/10	10	10	0	9
	Tree Canopy Cover	/5	3	3	0	3
	Lack of Weeds	/15	0	0	0	0
	Understorey	/25	5	10	5	15
	Recruitment	/10	0	1	0	1
	Organic Matter	/5	5	5	3	5
	Logs	/5	0	0	0	2
	Site condition standardising multiplier*		1.00	1.00	1.00	1.00
	Site Condition subtotal		*23*	*29*	*8*	*35*
Landscape Context	Patch Size	/10	1	1	1	1
	Neighbourhood	/10	1	1	1	1
	Distance to Core	/5	1	1	1	1
Total Condition Score		**/100**	**26**	**33**	**11**	**38**
Condition score out of 1			0.26	0.32	0.11	0.38

Appendix 3: Large trees in patches and scattered trees recorded in and nearby the study area

Note the native vegetation survey recorded trees according to the VQA method, which is different from the arboricultural assessment. As such, the tree numbers in this assessment are not exactly matched to the tree numbers in the arboricultural assessment. The trees and tree numbers in the table below are shown in Figure 1 and Figure 2 of this report.

Tree No.	Common Name	Scientific Name	DBH (cm)	Habitat Category	Radius of TPZ (m)	Remove/Retain
1	Red Box	*Eucalyptus polyanthermos*	103	Large Tree in a Patch (Road reserve)	12.4	Retain
2	Red Box	*Eucalyptus polyanthermos*	60	Large Tree in a Patch (Road reserve)	7.2	Retain
3	Bundy	*Eucalyptus goniocalyx*	84	Large Tree in a Patch (Road reserve)	10.1	Retain
4	Red Box	*Eucalyptus polyanthermos*	105	Large Tree in a Patch (Road reserve)	12.6	Retain
5	Red Box	*Eucalyptus polyanthermos*	71	Large Tree in a Patch (Road reserve)	8.5	Retain
6	Bundy	*Eucalyptus goniocalyx*	63	Large Tree in a Patch (Road reserve)	7.6	Retain
7	Red Box	*Eucalyptus polyanthermos*	60	Large Tree in a Patch (Road reserve)	7.2	Retain
9	Red Box	*Eucalyptus polyanthermos*	92	Large Tree in a Patch	11.0	**Will be retained but assessed as lost for consequential removal**
10	-	*Eucalyptus spp.*	15	Small Scattered Tree	2.0	Remove
11	-	*Eucalyptus spp.*	10	Previously Small Scattered Trees, now small canopy trees in HZ B	2.0	Remove
12	-	*Eucalyptus spp.*	12		2.0	Remove
13	Red Box	*Eucalyptus polyanthermos*	102	Large Tree in a Patch	12.2	Remove
14	Bundy	*Eucalyptus goniocalyx*	17	Small Scattered Tree	2.0	Remove

Tree No.	Common Name	Scientific Name	DBH (cm)	Habitat Category	Radius of TPZ (m)	Remove/Retain
15	Bundy	*Eucalyptus goniocalyx*	85	Large Tree in a Patch	10.2	Remove
18	Red Box	*Eucalyptus polyanthermos*	69	Large Tree in a Patch	8.3	Remove
19	Yellow Box	*Eucalyptus melliodora*	73	Large Tree in a Patch	8.8	Remove
20	-	Dead *Eucalyptus* sp.	< 40	Dead tree that is not included in native vegetation removal and offsets	-	Remove
21		Dead *Eucalyptus* sp.	72	Large Scattered Tree (Dead)	8.6	Included in past removal
22		Dead *Eucalyptus* sp.	77	Large Scattered Tree (Dead)	9.2	Included in past removal
23		Dead *Eucalyptus* sp.	55	Large Scattered Tree (Dead)	6.6	Included in past removal
24		Dead *Eucalyptus* sp.	62	Large Scattered Tree (Dead)	7.4	Included in past removal
25		Dead *Eucalyptus* sp.	57	Large Scattered Tree (Dead)	6.8	Included in past removal
26		Dead *Eucalyptus* sp.	44	Large Scattered Tree (Dead)	5.3	Included in past removal
27	Red Box	Alive but dead canopy (living sprout) *Eucalyptus polyanthermos*	74	Large Scattered Tree	8.9	Remove
28		Dead *Eucalyptus* sp.	79	Large Scattered Tree (Dead)	9.5	Included in past removal
29		Dead *Eucalyptus* sp.	50	Large Scattered Tree (Dead)	6.0	Included in past removal
30		Dead *Eucalyptus* sp.	44.5	Large Scattered Tree (Dead)	5.3	Included in past removal
31	Bundy	Alive but dead canopy (living sprout) *Eucalyptus goniocalyx*	85	Large Scattered Tree	10.2	Remove
32	Lemon-scented Gum	*Corymbia citriodora*	45	Small Scattered Tree	5.4	**Will be retained but assessed as lost for consequential removal**
33	Spotted Gum	*Corymbia maculata*	47	Small Scattered Tree	5.6	
34	Lemon-scented Gum	*Corymbia citriodora*	44	Small Scattered Tree	5.3	

Notes: DBH = Diameter at breast height (130 cm from the ground); **TPZ =** Tree Protection Zone.

Appendix 4: Flora species recorded in the study area

Origin	Scientific Name	Common Name	FFG	EPBC	CaLP
	Black Wattle	*Acacia mearnsii*			
	Hedge Wattle	*Acacia paradoxa*			
	Golden Wattle	*Acacia pycnantha*			
	Wattle	*Acacia spp.*			
*	Delicate Hair-grass	*Aira elegantissima*			
*	Galenia	*Aizoon pubescens*			
*	Aloe	*Aloe spp.*			
*	Bridal Creeper	*Asparagus asparagoides*			R
	Kneed Spear-grass	*Austrostipa bigeniculata*			
*	Twiggy Turnip	*Brassica fruticulosa*			
*	Large Quaking-grass	*Briza maxima*			
*	Soft Brome	*Bromus hordeaceus*			
	Drooping Cassinia	*Cassinia sifton*			
*	Common Centaury	*Centaurium erythraea*			
	Windmill Grass	*Chloris truncata*			
*	African Boneseed	*Chrysanthemoides monilifera subsp. monilifera*			
*	Spear Thistle	*Cirsium vulgare*			C
	Small-leaved Clematis	*Clematis microphylla s.l.*			
*	Lemon-scented Gum	*Corymbia citriodora subsp. citriodora*			
#	Spotted Gum	*Corymbia maculata*		V	
*	Hawthorn	*Crataegus monogyna*			C
*	Couch	*Cynodon dactylon var. dactylon*			
*	Rough Dog's-tail	*Cynosurus echinatus*			
*	Drain Flat-sedge	*Cyperus eragrostis*			
*	Cocksfoot	*Dactylis glomerata*			
	Kidney-weed	*Dichondra repens*			
	Sticky Hop-bush	*Dodonaea viscosa subsp. spatulata*			
*	Panic Veldt-grass	*Ehrharta erecta*			
	Nodding Saltbush	*Einadia nutans*			
	Bundy	*Eucalyptus goniocalyx s.l.*			
	Yellow Box	*Eucalyptus melliodora*			
	Red Box	*Eucalyptus polyanthemos*			
	Cherry Ballart	*Exocarpos cupressiformis*			
*	Fennel	*Foeniculum vulgare*			R
*	Desert Ash	*Fraxinus angustifolia*			
*	Montpellier Broom	*Genista monspessulana*			C
	Grassland Crane's-bill	*Geranium retrorsum s.l.*			
*	Ox-tongue	*Helminthotheca echioides*			
*	Yorkshire Fog	*Holcus lanatus*			
*	Flatweed	*Hypochaeris radicata*			
*	Spiny Rush	*Juncus acutus subsp. acutus*			C

Origin	Scientific Name	Common Name	FFG	EPBC	CaLP
	Rush	*Juncus spp.*			
	Common Blown-grass	*Lachnagrostis filiformis s.l.*			
*	Rye Grass	*Lolium spp.*			
	Wattle Mat-rush	*Lomandra filiformis*			
*	Pimpernel	*Lysimachia arvensis*			
*	Horehound	*Marrubium vulgare*			C
*	Burr Medic	*Medicago polymorpha*			
	Weeping Grass	*Microlaena stipoides var. stipoides*			
*	Red-flower Mallow	*Modiola caroliniana*			
*	Chilean Needle-grass	*Nassella neesiana*			R
*	Olive	*Olea europaea*			
*	Prickly Pear	*Opuntia spp.*			R
	Grassland Wood-sorrel	*Oxalis perennans*			
*	Paspalum	*Paspalum dilatatum*			
*	Red-ink Weed	*Phytolacca octandra*			
#	Sweet Pittosporum	*Pittosporum undulatum*			
*	Ribwort	*Plantago lanceolata*			
*	Greater Plantain	*Plantago major*			
	Grey Tussock-grass	*Poa sieberiana*			
*	Prunus	*Prunus spp.*			
*	Onion Grass	*Romulea rosea*			
*	Sweet Briar	*Rosa rubiginosa*			C
*	Blackberry	*Rubus fruticosus spp. agg.*			
*	Clustered Dock	*Rumex conglomeratus*			
*	Curled Dock	*Rumex crispus*			
	Common Wallaby-grass	*Rytidosperma caespitosum*			
	Silvertop Wallaby-grass	*Rytidosperma pallidum*			
*	Black Nightshade	*Solanum nigrum s.l.*			
*	Rough Sow-thistle	*Sonchus asper s.l.*			
*	Common Sow-thistle	*Sonchus oleraceus*			
*	Chickweed	*Stellaria media*			
	Kangaroo Grass	*Themeda triandra*			
*	Clover	*Trifolium spp.*			

Notes: EPBC = Threatened species status under the EPBC Act; **FFG-T** = Threatened species status under the FFG Act; **FFG-P =** Listed as protected (P) under the FFG Act; **CaLP Act**: Declared noxious weeds under the CaLP Act (S = State Prohibited Weeds – any infestations must be reported to DEECA that is responsible for control of these; P = Regionally Prohibited Weeds – landowners must eradicate these; C = Regionally Controlled Weeds – landowners must prevent the growth and spread of these; R = Restricted Weeds – trade in these weeds and propagules, either as plants, seeds or contaminants in other materials is prohibited).

* = introduced to Victoria

Appendix 5: Photographs of native vegetation proposed for removal

All photographs were taken on **13th February 2023**.

Habitat Zone A - Dry Grassy Forest (EVC 22). Native canopy over mown understorey.

Habitat Zone B - Dry Grassy Forest (EVC 22). Native canopy over mown understorey

Habitat Zone B - Dry Grassy Forest (EVC 22). Western side of road reserve.

Habitat Zone C - Dry Grassy Forest (EVC 22). Scattered shrubs and less mowing along the fence line of the study area's eastern boundary.

Habitat Zone C - Dry Grassy Forest (EVC 22). Western side of road reserve.

Habitat Zone D - Dry Grassy Forest (EVC 22). Eastern side of road reserve.

Large Scattered Tree (Tree 31) – Dead main trunk with living new sprout from base.

Large Scattered Tree (Tree 27) – Dead main trunk with living new sprout from base.

Dead Eucalypt trees in the central part of the study area.

Landscaping associated with the dwelling.

Fruit trees (e.g. Common Olive and lemon trees) in the western section of the study area, associated with the dwelling.

Largely bare ground and weed species such as Green Couch and Modiola south of the dwelling.

Small patch of dense weeds mainly Prickly Pear, Blackberry and Sweet Pittosporum near the dwelling (and one small scattered tree).

Dam surrounded by mix of native and weed understorey (predominantly Golden Wattle, Blackberry and Sweet Briar) in the southeast corner of the study area.

Treed native vegetation in the road reserve, photo facing south while standing next to the existing driveway at the northeast corner of the study area.

Native vegetation (northern section of Habitat Zone B) where the new access road is currently proposed. No large trees in patches here.

Appendix 6: EVC benchmarks

Dry Grassy Forest (EVC 22) – Highland Southern Falls bioregion

Department of Sustainability and Environment

EVC/Bioregion Benchmark for Vegetation Quality Assessment

Highlands – Southern Fall bioregion

EVC 22: Grassy Dry Forest

Description:
Occurs on a variety of gradients and altitudes and on a range of geologies. The overstorey is dominated by a low to medium height open forest of eucalypts to 20 m tall, sometimes resembling a woodland. The understorey usually consists of a sparse shrub layer of medium height. Grassy Dry Forest is characterised by a ground layer dominated by a high diversity of drought-tolerant grasses and herbs, often including a suite of fern species.

Large trees:

Species	DBH(cm)	#/ha
Eucalyptus spp.	60 cm	20 / ha

Tree Canopy Cover:

%cover	Character Species	Common Name
30%	*Eucalyptus macrorhyncha*	Red Stringybark
	Eucalyptus goniocalyx s.l.	Bundy
	Eucalyptus polyanthemos	Red Box

Understorey:

Life form	#Spp	%Cover	LF code
Immature Canopy Tree		5%	IT
Understorey Tree or Large Shrub	1	5%	T
Medium Shrub	7	10%	MS
Small Shrub	4	10%	SS
Prostrate Shrub	2	1%	PS
Large Herb	2	1%	LH
Medium Herb	11	20%	MH
Small or Prostrate Herb	3	5%	SH
Large Tufted Graminoid	1	5%	LTG
Medium to Small Tufted Graminoid	7	25%	MTG
Medium to Tiny Non-tufted Graminoid	2	5%	MNG
Ground Fern	1	5%	GF
Scrambler or Climber	3	5%	SC
Bryophytes/Lichens	na	10%	BL
Soil Crust	na	10%	S/C

EVC 22: Grassy Dry Forest
Highlands – Southern Fall bioregion

LF Code	Species typical of at least part of EVC range	Common Name
T	*Exocarpos cupressiformis*	Cherry Ballart
MS	*Cassinia aculeata*	Common Cassinia
MS	*Acacia genistifolia*	Spreading Wattle
MS	*Daviesia leptophylla*	Narrow-leaf Bitter-pea
MS	*Correa reflexa*	Common Correa
SS	*Hovea heterophylla*	Common Hovea
SS	*Dillwynia cinerascens s.l.*	Grey Parrot-pea
SS	*Pimelea humilis*	Common Rice-flower
SS	*Leucopogon virgatus*	Common Beard-heath
PS	*Acrotriche serrulata*	Honey-pots
PS	*Astroloma humifusum*	Cranberry Heath
MH	*Gonocarpus tetragynus*	Common Raspwort
MH	*Hypericum gramineum*	Small St John's Wort
MH	*Viola hederacea sensu Willis (1972)*	Ivy-leaf Violet
SH	*Opercularia varia*	Variable Stinkweed
SH	*Dichondra repens*	Kidney-weed
SH	*Oxalis exilis*	Shady Wood-sorrel
MTG	*Joycea pallida*	Silvertop Wallaby-grass
MTG	*Lomandra filiformis*	Wattle Mat-rush
MTG	*Poa sieberiana*	Grey Tussock-grass
MTG	*Dianella revoluta s.l.*	Black-anther Flax-lily
MNG	*Microlaena stipoides var. stipoides*	Weeping Grass
SC	*Hardenbergia violacea*	Purple Coral-pea
SC	*Billardiera scandens*	Common Apple-berry
SC	*Comesperma volubile*	Love Creeper

Recruitment:
Continuous

Organic Litter:
20 % cover

Logs:
20 m/0.1 ha.

Weediness:

LF Code	Typical Weed Species	Common Name	Invasive	Impact
MH	*Hypochoeris radicata*	Cat's Ear	high	high
MH	*Centaurium erythraea*	Common Centaury	high	low
MTG	*Briza maxima*	Large Quaking-grass	high	low
MTG	*Anthoxanthum odoratum*	Sweet Vernal-grass	high	high

Published by the Victorian Government Department of Sustainability and Environment April 2004

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Appendix 7: Native Vegetation Removal (NVR) report

Native Vegetation Removal Report

NVRR ID: 356_20241023_Q3N

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. Native vegetation information and offset requirements have been determined using spatial data provided by the applicant or their consultant.

Report details

Date created: 23/10/2024

Local Government Area: NILLUMBIK SHIRE

Shapefile name:
22327_NVRMap_Trees_241023.shp
22327_NVRMap_Patches_241023.shp

Site assessor name: Caroline Tan

Registered Aboriginal Party: Wurundjeri

Coordinates: 145.12106, -37.67281

Address: 17-29 BUTLERS ROAD PLENTY 3090

Regulator Notes

Removal polygons are located:

Summary of native vegetation to be removed

Assessment pathway	**Detailed 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) *Includes endangered EVCs (ha): 0*	**0.695**	*Extent of past removal (ha)*	*0.235*
		Extent of proposed removal - Patches (ha)	*0.208*
		Extent of proposed removal - Scattered Trees (ha)	*0.252*
No. Large Trees proposed to be removed	**7**	*No. Large Patch Trees*	*5*
		No. Large Scattered Trees	*2*
No. Small Scattered Trees	5		

Offset requirements if approval is granted

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

General Offset amount [1]	**0.0990 General Habitat Units**
Vicinity	Melbourne Water CMA or NILLUMBIK SHIRE LGA
Minimum strategic biodiversity value score [2]	0.1771
Large Trees*	7
***The total number of Large Trees that the offset must protect**	**7** Large Trees to be protected in either the General, Species or combination across all habitat units protected

NB: values within tables in this document may not add to the totals shown above due to rounding
Appendix 1 includes information about the native vegetation to be removed
Appendix 2 includes information about the rare or threatened species with mapped habitat at the site
Appendix 3 includes the following figures

- Location map
- Strategic Biodiversity Value map
- Condition map
- Endangered EVCs map
- Aerial photograph showing mapped native vegetation
- Property in context
- Habitat Importance maps

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.
3. The Species Offset amount(s) required is the sum of all Species Habitat Units in Appendix 1.

Next steps

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

If you wish to remove the mapped native vegetation you are required to apply for approval from the responsible authority. The responsible authority will refer your application to DEECA for assessment, as required. **This report is not a referral assessment by DEECA.**

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

Refer to the Guidelines for a full list of application requirements This report provides information that meets the following application requirements:

- The assessment pathway and reason for the assessment pathway.
- A description of the native vegetation to be removed (partly met).
- Maps showing the native vegetation and property (partly met).
- Information about the impacts on rare or threatened species.
- The offset requirements determined in accordance with Section 5 of the Guidelines that apply if approval is granted to remove native vegetation.

Additional application requirements must be met including:

- Topographical and land information
- Recent dated photographs.
- Details of past native vegetation removal.
- An avoid and minimise statement.
- A copy of any Property Vegetation Plan as applicable.
- A defendable space statement as applicable.
- A statement about the Native Vegetation Precinct Plan (NVPP) as applicable.
- A site assessment report including a habitat hectare assessment of any patches of native vegetation and details of trees.
- An offset statement that explains that an offset has been identified and how it will be secured.

Appendix 1: Description of native vegetation to be removed

The Species-General Offset Test was applied to your proposal. This test determines if the proposed removal of native vegetation has a proportional impact on any rare or threatened species habitats above the Species Offset threshold. The threshold is set at 0.005 per cent of the mapped habitat value for a species. When the proportional impact meets or exceeds the Species Offset threshold, a Species Offset is required. This test is completed for all species with mapped habitat at the site. Multiple Species Offsets will be required if the Species Offset threshold is exceeded for multiple species.

Where a zone requires Species Offset(s), the Species Habitat Units for each species in that zone are calculated by the following equation in accordance with the Guidelines: ***Species Habitat Units = extent without overlap x condition score x species landscape factor x 2, where the species landscape factor = 0.5 + (habitat importance score/2)***

The Species Offset amount(s) required is the sum of all Species Habitat Units per zone.

Where a zone does not require a Species Offset, the General Habitat Units in that zone 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**	**Bioregional conservation status**	**Partial Removal**	**Condition score**	**Large Tree(s)**	**Polygon extent (ha)**	**Extent without overlap (ha)**	**SBV score**	**HI Score**	**Habitat Units**	**Offset Type**
1-a	Patch	-	HSF_0022	Least Concern	no	0.260	2	0.076	0.076	0.220	-	0.018	General
1-b	Patch	-	HSF_0022	Least Concern	no	0.310	3	0.126	0.119	0.219	-	0.034	General
1-c	Patch	-	HSF_0022	Least Concern	no	0.110	-	0.012	0.012	0.220	-	0.001	General

Information provided by or on behalf of the applicant							Information calculated by NVR Map						
Zone	**Type**	**DBH (cm)**	**EVC code**	**Bioregional conservation status**	**Partial Removal**	**Condition score**	**Large Tree(s)**	**Polygon extent (ha)**	**Extent without overlap (ha)**	**SBV score**	**HI Score**	**Habitat Units**	**Offset Type**
10-tree	Scattered Tree	15	HSF_0022	Least Concern	no	0.200	-	0.031	0.030	0.210	-	0.005	General
14-tree	Scattered Tree	17	HSF_0022	Least Concern	no	0.200	-	0.031	0.031	0.230	-	0.006	General
21-tree	Scattered Tree	72	HSF_0022	Least Concern	no	0.200	1	0.070	0.049		-		General
22-tree	Scattered Tree	77	HSF_0022	Least Concern	no	0.200	1	0.070	0.041		-		General
23-tree	Scattered Tree	55	HSF_0022	Least Concern	no	0.200	-	0.031	0.000		-		General
24-tree	Scattered Tree	62	HSF_0022	Least Concern	no	0.200	1	0.070	0.049		-		General
25-tree	Scattered Tree	57	HSF_0022	Least Concern	no	0.200	-	0.031	0.000		-		General
26-tree	Scattered Tree	44	HSF_0022	Least Concern	no	0.200	-	0.031	0.003		-		General
27-tree	Scattered Tree	74	HSF_0022	Least Concern	no	0.200	1	0.070	0.046	0.220	-	0.008	General
28-tree	Scattered Tree	79	HSF_0022	Least Concern	no	0.200	1	0.070	0.055		-		General

Information provided by or on behalf of the applicant							Information calculated by NVR Map						
Zone	**Type**	**DBH (cm)**	**EVC code**	**Bioregional conservation status**	**Partial Removal**	**Condition score**	**Large Tree(s)**	**Polygon extent (ha)**	**Extent without overlap (ha)**	**SBV score**	**HI Score**	**Habitat Units**	**Offset Type**
29-tree	Scattered Tree	50	HSF_0022	Least Concern	no	0.200	-	0.031	0.006		-		General
30-tree	Scattered Tree	45	HSF_0022	Least Concern	no	0.200	-	0.031	0.031		-		General
31-tree	Scattered Tree	85	HSF_0022	Least Concern	no	0.200	1	0.070	0.070	0.230	-	0.013	General
32-tree	Scattered Tree	45	HSF_0022	Least Concern	no	0.200	-	0.031	0.031	0.222	-	0.006	General
33-tree	Scattered Tree	47	HSF_0022	Least Concern	no	0.200	-	0.031	0.022	0.220	-	0.004	General
34-tree	Scattered Tree	44	HSF_0022	Least Concern	no	0.200	-	0.031	0.022	0.220	-	0.004	General

Appendix 2: Information about impacts to rare or threatened species' habitats on site

This table identifies all rare or threatened species with mapped habitat at the site and the proportional impact associated with the proposed native vegetation removal.

Species common name	Species scientific name	Taxon ID	Conservation status	Group	Habitat impacted	Proportional impact (%)
Little Pink Spider-orchid	Caladenia rosella	503669	Endangered	Dispersed	Habitat importance map	0.0001
Melbourne Yellow-gum	Eucalyptus leucoxylon subsp. connata	504484	Vulnerable	Dispersed	Habitat importance map	0.0001
Grey Goshawk	Accipiter novaehollandiae novaehollandiae	10220	Vulnerable	Dispersed	Habitat importance map	0.0000
Square-tailed Kite	Lophoictinia isura	10230	Vulnerable	Dispersed	Habitat importance map	0.0000
Yarra Gum	Eucalyptus yarraensis	501326	Rare	Dispersed	Habitat importance map	0.0000
Clover Glycine	Glycine latrobeana	501456	Vulnerable	Dispersed	Habitat importance map	0.0000
Slender Stylewort	Levenhookia sonderi	501998	Rare	Dispersed	Habitat importance map	0.0000
Slender Mint-bush	Prostanthera saxicola var. bracteolata	502750	Rare	Dispersed	Habitat importance map	0.0000
Emerald-lip Greenhood	Pterostylis smaragdyna	503915	Rare	Dispersed	Habitat importance map	0.0000
Crimson Spider-orchid	Caladenia concolor	504347	Endangered	Dispersed	Habitat importance map	0.0000
Forest Bitter-cress	Cardamine papillata	505034	Vulnerable	Dispersed	Habitat importance map	0.0000
Matted Flax-lily	Dianella amoena	505084	Endangered	Dispersed	Habitat importance map	0.0000
Austral Crane's-bill	Geranium solanderi var. solanderi s.s.	505337	Vulnerable	Dispersed	Habitat importance map	0.0000
Large-flower Crane's-bill	Geranium sp. 1	505342	Endangered	Dispersed	Habitat importance map	0.0000
Pale-flower Crane's-bill	Geranium sp. 3	505344	Rare	Dispersed	Habitat importance map	0.0000

Species common name	Species scientific name	Taxon ID	Conservation status	Group	Habitat impacted	Proportional impact (%)
Arching Flax-lily	Dianella sp. aff. longifolia (Benambra)	505560	Vulnerable	Dispersed	Habitat importance map	0.0000

Habitat Group

- Highly localised habitat means there is 2,000 hectares or less mapped habitat for the species.
- Dispersed habitat means there is more than 2,000 hectares of mapped habitat for the species.

Habitat Impacted

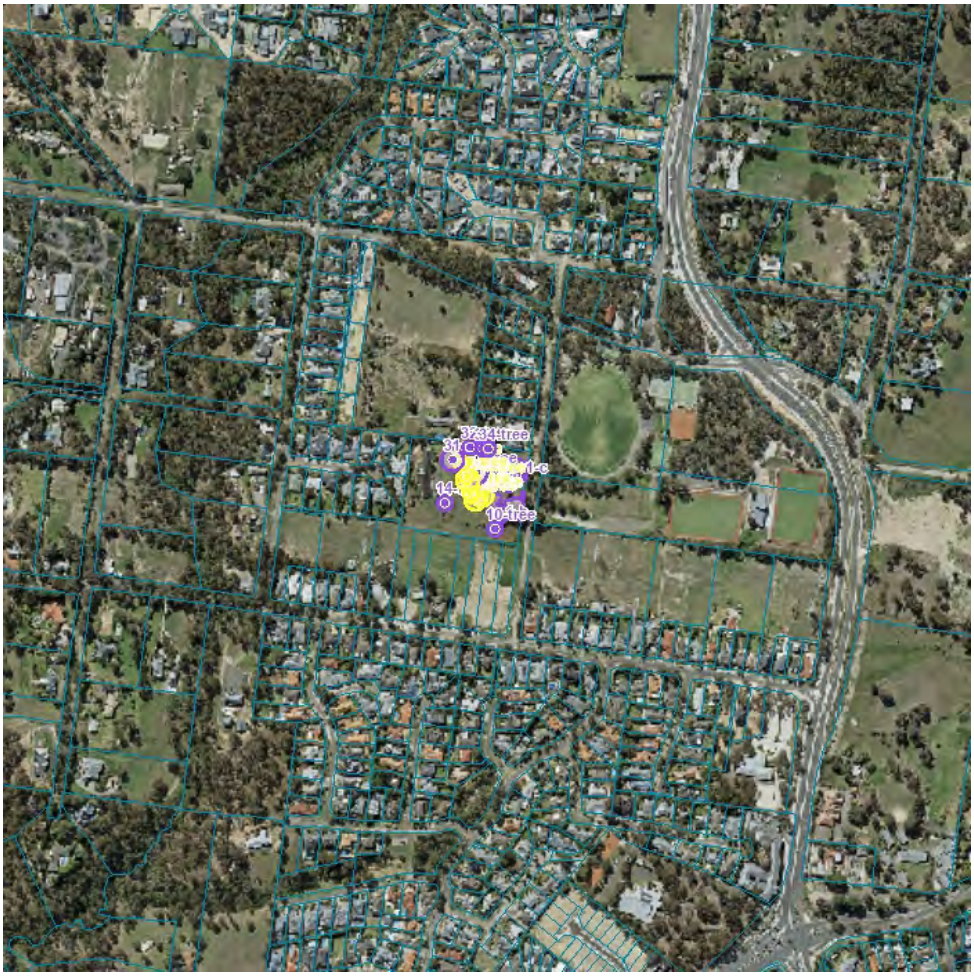
The Species General Offset test, as described in Section 5.3.1 of the Guidelines, is used to determine if proposed native vegetation removal will result in a proportionally significant impact on the habitat value of rare or threatened species. The test is applied where the native vegetation proposed for removal:

- Intersects the Habitat Importance Map for a rare or threatened species; or
- Intersects the 'top ranking' modelled habitat for a rare or threatened species with dispersed habitat, as identified in its Top Ranking Habitat Importance Map.

Top Ranking Maps consist of the 2,000 hectares of habitat with the highest Habitat Importance Scores for each dispersed species.
The 'Habitat impacted' column identifies whether the Habitat Importance Map or its Top Ranking Map was used to determine the proportional impact for a species with dispersed habitat.

Appendix 3: Images of mapped native vegetation

1. Property in context



2. Aerial photograph showing mapped native vegetation

3. Location Risk Map

4. Strategic Biodiversity Value Score Map

5. Modelled Condition Score Map

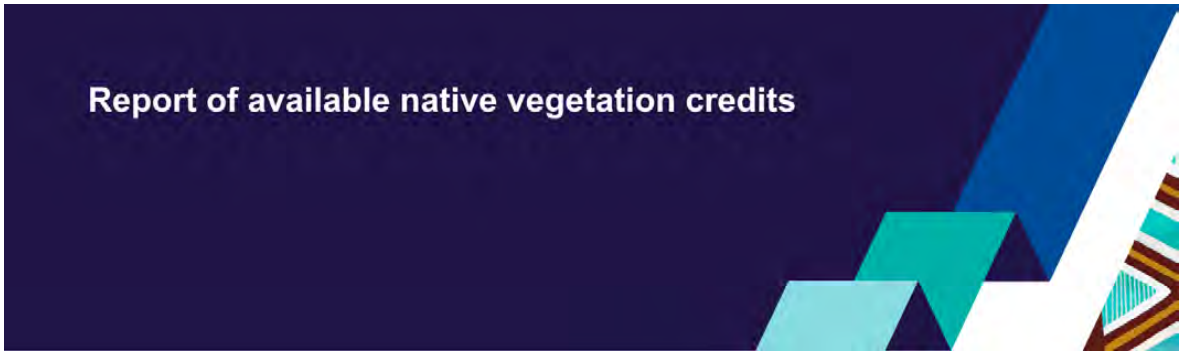
6. Modelled Endangered EVCs

Not Applicable

7. Habitat Importance maps

Not Applicable

Appendix 8: Evidence that native vegetation offset requirement is available



This report lists native vegetation credits available to purchase through the Native Vegetation Credit Register.

This report is **not evidence** that an offset has been secured. An offset is only secured when the units have been purchased and allocated to a permit or other approval and an allocated credit extract is provided by the Native Vegetation Credit Register.

Date and time: 18/12/2024 06:07 **Report ID: 27823**

What was searched for?

General offset

General habitat units	Strategic biodiversity value	Large trees	Vicinity (Catchment Management Authority or Municipal district)	
0.099	0.1771	7	CMA	Melbourne Water
			or LGA	Nillumbik Shire

Details of available native vegetation credits on 18 December 2024 06:07

These sites meet your requirements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
BBA-0277	1.272	439	Melbourne Water	Mornington Peninsula Shire	No	Yes	No	Abezco, Ethos, VegLink
BBA-0670	13.726	72	Melbourne Water	Cardinia Shire	No	Yes	No	Abezco, VegLink
BBA-0677	5.436	1411	Melbourne Water	Whittlesea City	No	Yes	No	Abezco, VegLink
BBA-0678	41.210	2562	Melbourne Water	Nillumbik Shire	No	Yes	No	Abezco, VegLink
BBA-0678_02	0.562	58	Melbourne Water	Nillumbik Shire	No	Yes	No	Abezco, VegLink
BBA-2870	2.544	431	Melbourne Water	Yarra Ranges Shire	Yes	Yes	No	VegLink
BBA-2871	14.173	1634	Melbourne Water	Yarra Ranges Shire	Yes	Yes	No	VegLink
VC_CFL-0838_01	0.184	648	Melbourne Water	Yarra Ranges Shire	Yes	Yes	No	VegLink
VC_CFL-3687_01	0.278	61	Melbourne Water	Baw Baw Shire	Yes	Yes	No	Baw Baw SC
VC_CFL-3708_01	0.192	487	Melbourne Water	Yarra Ranges Shire	Yes	Yes	No	VegLink
VC_CFL-3709_01	0.121	336	Melbourne Water	Yarra Ranges Shire	Yes	Yes	No	VegLink
VC_CFL-3710_01	6.238	322	Melbourne Water	Yarra Ranges Shire	Yes	Yes	No	VegLink

VC_CFL-3744_01	1.164	349	Melbourne Water	Macedon Ranges Shire	Yes	Yes	No	VegLink
VC_CFL-3805_01	3.289	802	Melbourne Water	Yarra Ranges Shire	Yes	Yes	No	VegLink

These sites meet your requirements using alternative arrangements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)

There are no sites listed in the Native Vegetation Credit Register that meet your offset requirements when applying the alternative arrangements as listed in section 11.2 of the Guidelines for the removal, destruction or lopping of native vegetation.

These potential sites are not yet available, land owners may finalise them once a buyer is confirmed.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
VC_CFL-3746_01	4.962	563	Melbourne Water	Macedon Ranges Shire	Yes	Yes	No	VegLink
VC_CFL-3792_01	14.025	1235	Melbourne Water	Macedon Ranges Shire	Yes	Yes	No	VegLink

LT - Large Trees *CMA - Catchment Management Authority* *LGA - Municipal District or Local Government Authority*

Next steps

If applying for approval to remove native vegetation
Attach this report to an application to remove native vegetation as evidence that your offset requirement is currently available.

If you have approval to remove native vegetation
Below are the contact details for all brokers. Contact the broker(s) listed for the credit site(s) that meet your offset requirements. These are shown in the above tables. If more than one broker or site is listed, you should get more than one quote before deciding which offset to secure.

Broker contact details

Broker Abbreviation	Broker Name	Phone	Email	Website
	Fully traded			
Abezco	Abzeco Pty. Ltd.	(03) 9431 5444	offsets@abzeco.com.au	www.abzeco.com.au
Baw Baw SC	Baw Baw Shire Council	(03) 5624 2411	bawbaw@bawbawshire.vic.gov.au	www.bawbawshire.vic.gov.au
Bio Offsets	Biodiversity Offsets Victoria	0452 161 013	info@offsetsvictoria.com.au	www.offsetsvictoria.com.au
Contact NVOR	Native Vegetation Offset Register	136 186	nativevegetation.offsetregister@deeca.vic.gov.au	www.environment.vic.gov.au/native-vegetation
Ecocentric	Ecocentric Environmental Consulting	0410 564 139	ecocentric@me.com	Not avaliable
Ethos	Ethos NRM Pty Ltd	(03) 5153 0037	offsets@ethosnrm.com.au	www.ethosnrm.com.au
Nillumbik SC	Nillumbik Shire Council	(03) 9433 3316	offsets@nillumbik.vic.gov.au	www.nillumbik.vic.gov.au
TFN	Trust for Nature	8631 5888	offsets@tfn.org.au	www.trustfornature.org.au
VegLink	Vegetation Link Pty Ltd	(03) 8578 4250 or 1300 834 546	offsets@vegetationlink.com.au	www.vegetationlink.com.au
Yarra Ranges SC	Yarra Ranges Shire Council	1300 368 333	biodiversityoffsets@yarraranges.vic.gov.au	www.yarraranges.vic.gov.au

Appendix 9: Construction mitigation recommendations

Recommendations to mitigate impacts to vegetation during construction are provided below:

- Establish appropriate vegetation protection zones around areas of native vegetation to be retained prior to works.
- Establish appropriate tree protection zones around native trees to be retained prior to works.
- Ensure all construction personnel are appropriately briefed prior to works, and that no construction personnel, machinery or equipment are placed inside vegetation/tree protection zones.
- A suitably qualified zoologist should undertake a pre-clearance survey of planted trees to be removed in the week prior to removal to identify the presence of any nests or hollows.
- If considered necessary based on the results of the pre-clearance survey, a suitably qualified zoologist should be on site during any tree removal works to capture and relocate any misplaced fauna that may be present.

17-29 Butlers Road, Plenty

Stormwater Management Strategy

Prepared for:
Greg Zuccala

23 September 2025

Prepared by:
Stefan Yance

Project/File:
300204193 17-29 Butlers Rd, Plenty SWMS

Stantec Australia Pty Ltd

Revision Schedule

Revision	Description	Author	Date	Quality Check	Date	Independent Review	Date
R01	To Client	SAY	5/02/25	TP	6/02/25	AS	7/02/25
R02	For Approval	SAY	24/06/25	TP	24/06/25	AS	24/06/25
R03	Council review response	SAY	04/09/25	TP	05/09/25	AS	05/09/25
R04	Council review response	SAY	23/09/25	TP	23/09/25	AS	23/09/25

Disclaimer

The conclusions in the Report titled SWMS are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

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Prepared by: _____ Signature _____

Stefan Yance
Name

Reviewed by: _____ Signature _____

Tommy Plahcinski
Name

Approved by: _____ Signature _____

Andy Sheehan
Name

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Acronyms / Abbreviations

Acronym / Abbreviation	Full Name
AEP	Annual Exceedance probability
AHD	Australian Height Datum
ARR2019	Australian Rainfall and Runoff Guidelines 2019
BPEMG	Best Practice Environmental Management Guidelines
DSS	Development Service Scheme
FSL	Finished Surface Level
GP	Gross Pollutants
Ha	Hectare
LPOD	Legal Point of Discharge
SS	Suspended Solids
SWMS	Storm Water Management Strategy
TN	Total Nitrogen
TP	Total Phosphorus

1 Introduction

This report outlines the Stormwater Management Strategy (SWMS) (*the Strategy)* for the proposed subdivision at 17-29 Butlers Road, Plenty. The site is located within a Neighbourhood Residential Zone 1 and has a size of approximately 2.05 hectares.

This *Strategy* addresses the request for further information by Melbourne Water set out in its letter on 30 October 2024 and its email of 23 May 2025 and requests for amendments to the *Strategy* received by Council in August 2025.

Stantec's assessment has identified that the proposed subdivision adheres to Melbourne Water engineering design criteria for land development projects, the lot layout adequately accommodates overland flows and the site outflow does not adversely affect surrounding properties or downstream conditions which aligns to the requirements of the Dry Creek Development Services Scheme.

2 Existing Conditions

The subject site is located at 17-29 Butlers Road, Plenty with an approximate size of 2.05 hectares. The site is characterised by grasslands with some natural tree coverage as well as a single dwelling at the most northeast corner. There is significant elevation change across the site with the natural ground levels ranging from 126.65 mAHD to 115.05 mAHD. Apart from a very small portion of the northwest corner of the site which drains to the Nort West, the site currently drains from northwest to southeast via sheet flow to an existing dam (i.e. informal storage basin) and then outlets to an informal drainage channel along the road reserve of Butlers Road.

The site is bounded by multiple residential developments to the north, west and south of the site with a sporting precinct located to the immediate east of the site. The eastern boundary of the site is bounded by Butlers Road.

Refer to Figure 2-1 for a *Locality Map* which shows the site boundary, existing flow paths and upstream catchments

Figure 2-1 Locality Map

3 Developed Conditions

3.1 Proposed Development

It is proposed to subdivide the site into 13 residential lots with allotments ranging between 800-2500 m^2. A 16m wide cul de sac road will provide access to each property. For developed conditions the whole site will drain from northwest to southeast. Refer to Figure 3-1 for the proposed subdivisional layout plan with stormwater assets indicatively shown within and downstream of the site. To convey the minor flow storm events, the A2-A3 Dry Creek DSS pipeline will also be constructed as part of the development. It's proposed to extend the A2-A3 pipeline to capture the northern half of the site to minimise impact to the existing tree, improve maintenance access as well as minimise easement requirements within property boundaries.

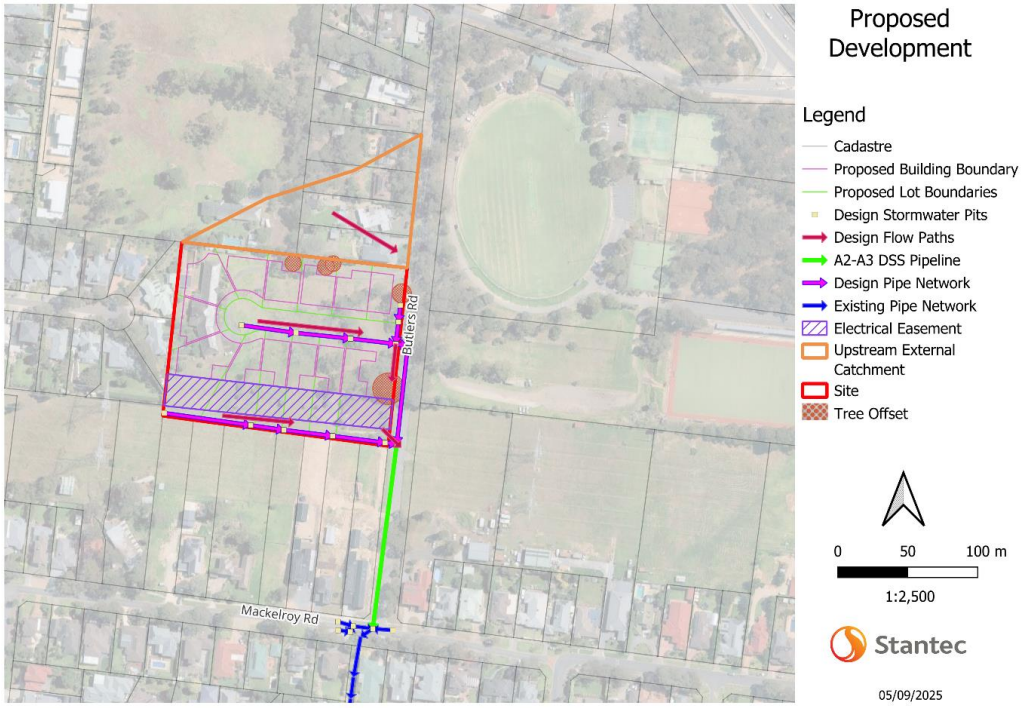

Figure 3-1 Development Plan

3.2 Downstream Conditions

Water flows from the site on to Butlers Road and through to Mackelroy Road. The stormwater network and overland flow path along Mackelroy Road receives water through an easement and into Camphora Court which then flows into Dry Creek.

4 Authority Requirements

4.1 Dry Creek Drainage Services Scheme

The site is located within Melbourne Water's Dry Creek Drainage Services Scheme (DSS) (4621). As advised by Melbourne Water, there are permanent works to be constructed in association with the Proposed Subdivision. This includes a 120 m length of drainage pipeline running between nodes AD2 and AD3 (refer Figure 4-1 below) catering for the 10% AEP storm and a Q10 flow of 0.29 m^3. Node AD2 also corresponds with being on the southeast corner of the subject site and represents the location of the Legal Point of Discharge (LPOD).

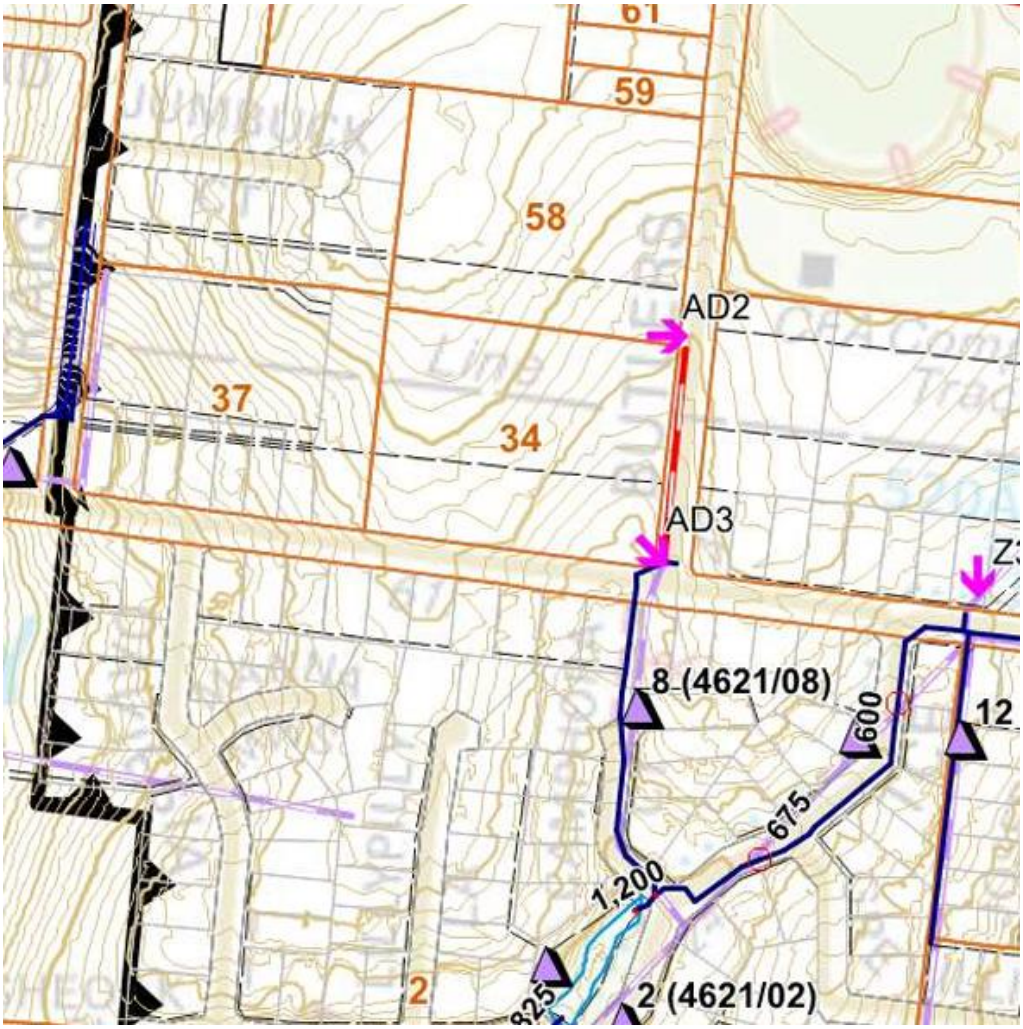

Figure 4-1 Melbourne Water Dry Creek Drainage Services Scheme Map (4621)

The A2-A3 drainage pipe will be constructed in association with this development. The alignment and design details of this pipeline will be confirmed as part of the detailed design stage and works will be refundable via the Dry Creek Drainage Services Scheme.

Design approval processes in association with these DSS works would be undertaken outside the scope of and following approval of this SWMS and would likely form part of a Drainage Agreement with Melbourne Water in association with these permanent drainage works.

A dispensation is sought to the above charges based on the proposed stormwater management measures proposed inclusive of water quality measures including a raingarden.

4.2 Melbourne Water SWMS Requirements

As detailed above, Melbourne Water has set out its requirements to be satisfied within a SWMS. This *Strategy* seeks to address all of Melbourne Waters's requirements set out in its letter of 30 October 2024. Specifically, Melbourne Water's assessment of the Subdivision Application requested that a SWMS must demonstrate the following:

- That the subdivisional layout is in accordance with the approved development services scheme;
- Details of the outlet connections and ultimate outfall/s for the development including all relevant calculations;
- The proposed alignment for any 20%/10% AEP drainage infrastructure and any associated overland flow paths directions for the 1% AEP flood event;
- That the lot layout adequately accommodates the overland flows;
- A Flood Extent Plan and Overland Flow-path Plan for the ultimate floodplain, including 1% AEP flood levels;
- How stormwater runoff from the subdivision achieves the objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO)';
- Details of the ultimate and any interim drainage arrangements and how these works are proposed to align with the development of the subdivision;
- Details of management of any temporary flows and strategies to minimise any adverse impact from various rainfall frequency events (up to 1% AEP) as well as volumetric impact;
- In the event that the proposal does not restrict flows downstream to predevelopment levels; the application must incorporate all reasonable integrated water management measures, and demonstrate how the increased flows will not result in detrimental downstream impacts;
- Demonstrate how any offsite drainage works would be tied to the subject site and planning permit, including how rights/interests to undertake these works would be secured and how ownership, management and transfer of land/creation of easements would be managed; and
- Consideration of Dry Creek Development Services Scheme assets that are to be constructed.

Additionally following a meeting with Melbourne Water, Apex Planning Pty Ltd, Zuccula Homes Pty Ltd and Stantec on 23rd May 2025, Melbourne Water requested the following:

- SWMS to detail the delivery of the A2-A3 DSS pipe;
- Application to detail Council acceptance of the on site assets;
- Application to detail acceptance of the location of the on-site assets from the relevant power authority for the transmission easement

In the same correspondence, Melbourne Water provided the following general advice:

- The DSS Asset A2-A3 would be refundable through the DSS.
- There would be a hydraulic charge under the DSS for the subdivision
- The Scheme pipe AD2 to AD3 has a Q10 flow of 0.29m3
- AD3 to AD4 has been constructed and is a 450mm diameter pipeline (construction drawing was also attached but is not provided here)

Refer to Appendix A for copies of correspondence from Melbourne Water.

4.3 Ausnet SWMS Requirements

Apex Planning Pty Ltd have written to Council seeking confirmation of their acceptance and agreement to the on-site stormwater assets. Ausnet have confirmed in their response on 17th June 2025 they have no object to the proposed assets as shown in the '17-29_Butlers_Rd_Plenty_SWMS_R03' report subject to the relevant conditions in their referral response being satisfied.

As part of the detailed design stage a plan showing the proposed finished surface levels (mAHD) for the site will be provided to AusNet to satisfy their requirements.

4.4 Nillumbik City Council SWMS Requirements

Apex Planning Pty Ltd, Zuccula Homes Pty Ltd and Stantec met with Council on 22nd August 2025. Following the meeting, Council wrote to Apex Planning Pty Ltd, Zuccula Homes Pty Ltd and Stantec on 25th August 2025 seeking changes to the SWMS. These changes have now been incorporated which includes altering the drainage arrangements within the site to exclude the proposed swale, retarding basin and raingarden from the design.

Refer to Appendix A for details of correspondence received from Nillumbik Shire Council.

5 Hydrological Modelling

The 10% AEP and 1% AEP storm events are defined as the minor and major storm events respectively. In alignment with the Australian Rainfall and Runoff 2019 (ARR2019) Guidelines, a DRAINS hydrological and hydraulic model has been developed to assess and identify the stormwater quantity assets required to detain post-developed flows prior to draining to Butlers Road. Due to the relatively small size of the catchment which DRAINS is better suited for, a DRAINS model was developed for this assessment. The modelling undertaken demonstrates that the site does not negatively impact surrounding or downstream properties.

5.1 Site Catchment Delineation

There are approximately five properties that impact flow into the site. The external catchment (A1) makes up an extra 0.78 ha of catchment area. The site itself (A2) is 2.05 ha which flows to and outlets to an informal drainage network along Butlers Road. There are no other catchments that directly affect the site. As stated above, a catchment wide DRAINS model has been created to address external property impacts. Figure 5-1 and Table 5-1 also includes these sub-catchments and their corresponding areas.

Figure 5-1 Site Catchment Delineation

Table 5-1 Site Catchment Delineation Areas

Catchment Name	Area (ha)
A1	0.78
A2 (Site)	2.05
B	1.21
C	1.40
D	1.76
E	0.97

5.2 Hydrological Model Inputs

Fraction impervious values have been adopted via Melbourne Water's AM STA 6200 guidelines. The values adopted in the model are shown in Table 5-2.

Table 5-2 Fraction Impervious Values

Scenario	Zone	Total IA	DCA	ICA	PA
Pre-development	Rural Zone	0.3	0.2	0.1	0.7
Post-development	Residential Zone (Medium density)	0.8	0.5	0.3	0.2

Pervious initial and continuous losses have been adopted from ARR2019 Datahub. The Impervious Area values have been adopted via Melbourne Water's AM STA 6200 guidelines. Table 5-3 show the values used in the model.

Table 5-3 Initial and Continuing Losses

Parameter	Value
Impervious Area Initial Loss (mm)	1.5
Impervious Area Continuing Loss (mm/hr)	0
Pervious Area Initial Loss (mm)	20
Pervious Area Continuing Loss (mm/hr)	3.3

Bureau of Meteorology Rainfall Data for 37.6625S and 145.1125E have been used within the DRAINS model. Table 5-4 shows the rainfall data in millimetres for a range of durations between 10 minutes to 72 hours between the 63.2% AEP to 1% AEP storm events.

Table 5-4 ARR2019 BoM Rainfall Data in mm

Duration	63.20%	50%	0.5EY	20%	0.2EY	10%	5%	2%	1%
10 min	7.27	8.2	9.11	11.5	11.7	14	16.9	21.1	24.8
15 min	8.86	10	11.1	14	14.3	17.2	20.6	25.9	30.4
20 min	10.1	11.3	12.6	15.9	16.2	19.4	23.3	29.2	34.3
25 min	11	12.4	13.8	17.3	17.6	21.1	25.4	31.8	37.3
30 min	11.8	13.3	14.7	18.5	18.8	22.6	27.1	33.9	39.8
45 min	13.7	15.3	17	21.2	21.6	25.8	30.8	38.5	45.1
1 hour	15.1	16.9	18.7	23.2	23.6	28.1	33.6	41.8	49
1.5 hour	17.3	19.3	21.4	26.2	26.7	31.7	37.8	46.9	54.9
2 hour	19.1	21.2	23.5	28.7	29.2	34.6	41.1	50.9	59.6
3 hour	21.9	24.2	26.9	32.7	33.3	39.3	46.6	57.6	67.3
4.5 hour	25.1	27.9	30.9	37.5	38.2	45	53.3	65.8	76.7
6 hour	27.8	30.8	34.2	41.6	42.4	49.9	59.1	72.8	84.6
9 hour	32	35.7	39.6	48.3	49.3	58.1	68.8	84.5	97.8
12 hour	35.3	39.5	43.9	53.9	55	64.9	76.8	94.2	109
18 hour	40.5	45.6	50.6	62.8	64.1	75.9	89.8	109	126
24 hour	44.4	50.2	55.7	69.8	71.2	84.4	99.8	121	139
30 hour	47.5	53.8	59.8	75.3	76.8	91.2	108	130	149
36 hour	50	56.9	63.1	79.9	81.5	96.8	114	138	157
48 hour	54	61.6	68.3	86.9	88.6	105	124	149	168
72 hour	59.3	67.8	75.2	95.6	97.6	116	136	162	182

5.3 Existing DRAINs Model

The existing conditions DRAINS model is shown in Figure 5-2 with the naming convention on the left and the 1% AEP results on the right.

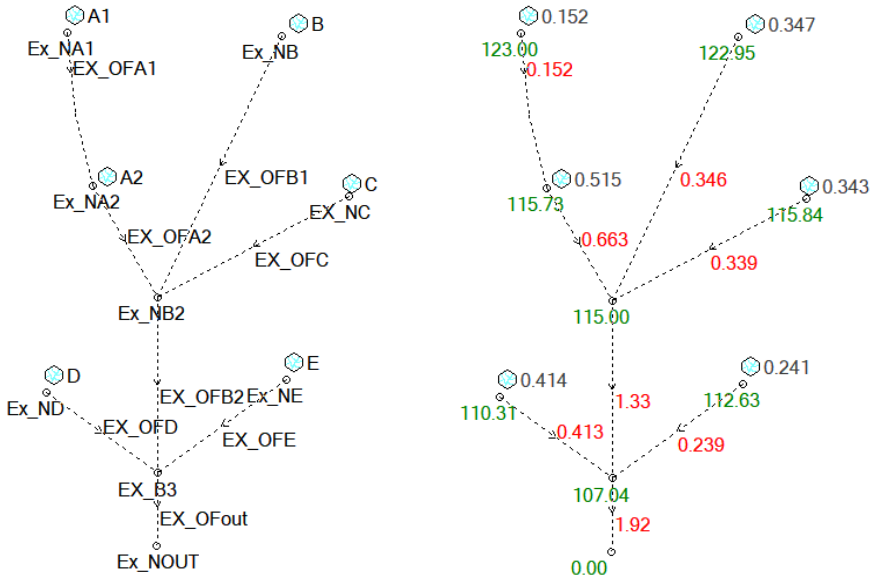

Figure 5-2 Existing Conditions Drains Model and 1% AEP Results

5.4

5.4 Developed DRAINS Model

The developed conditions DRAINS model is shown in Figure 5-3. Similarly, the naming convention is on the left and the 1% AEP results on the right.

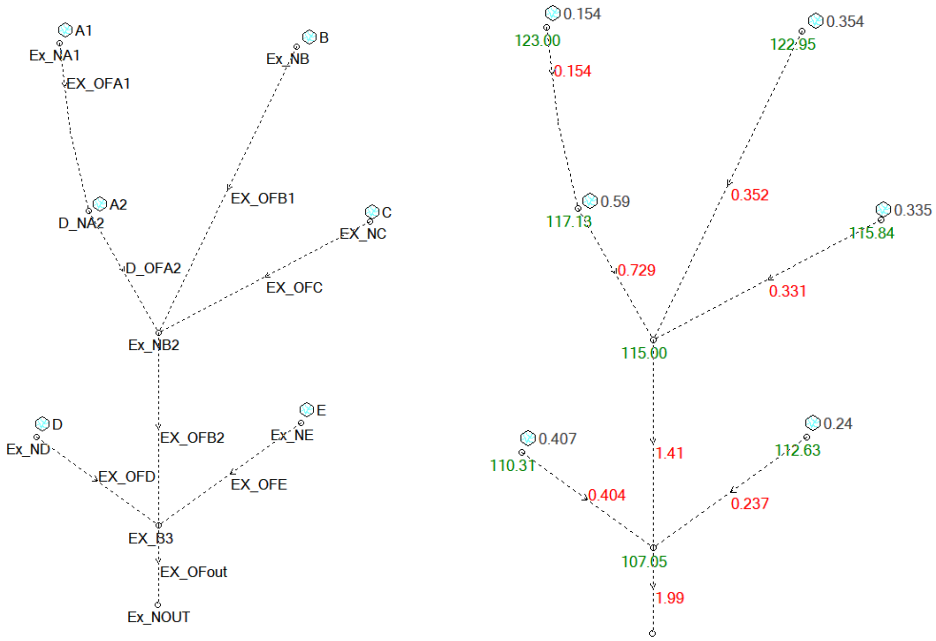

Figure 5-3 Developed Conditions DRAINS Model 1% AEP Results

5.4.1 Undetained Flow Results

Each individual catchment flow has been applied to the hydraulic model. Due to the slope of the site, the peak flow determined the critical duration over volume under the hydrograph.

The DRAINS results of the pre-development and post-development discharge at the site outfall and model outlet are shown in .

Table 5-5 Undetained 10% and 1% AEP Flows at Site and Model Outlet

Scenario	Location	10% AEP (m^3/s)	1% AEP (m^3/s)
Pre-developed	Site Outlet	0.28 (30 min, 2)	0.66 (20 min, 3)
Post-developed		0.34 (20 min, 4)	0.75 (15 min, 7)
Pre-developed	Model Outlet	0.83 (30 min, 2)	1.92 (20 min, 3)
Post-developed		0.88 (30 min, 8)	1.99 (20 min, 10)

6 Design Response

6.1 Conceptual Stormwater Layout Plan

All stormwater assets inclusive of the stormwater pipe network, are shown in a Conceptual Stormwater Layout Plan below in Figure 6-1. Proposed stormwater assets are to be sized, daylighted and incorporated into the existing surface as part of a future detailed design stage following approval of the Subdivision Application. For both the major and minor storm events, all flows will be direct to the southeast corner before being discharged to Butlers Rd. The minor events will be conveyed through the A2-A3 Dry Creek DSS pipe which has been sized for the 10% AEP event. Overland flows that exceed the 10% AEP event will be conveyed and discharged to the channel beside Butlers Road.

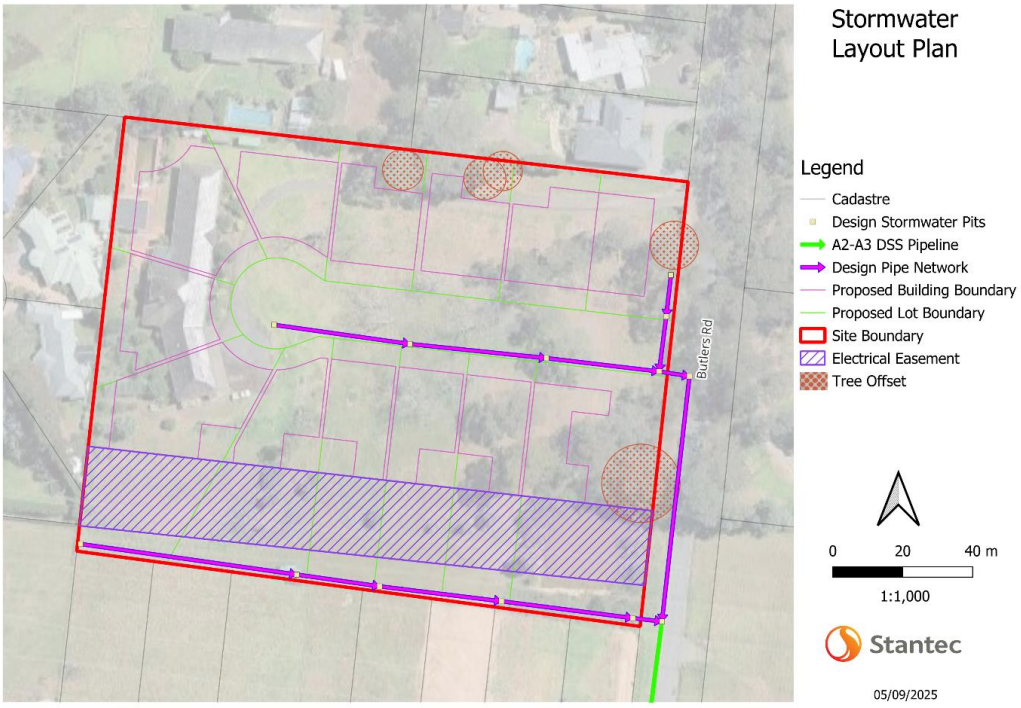

Figure 6-1 Conceptual Stormwater layout plan

It's proposed to extend the A2-A3 pipeline to capture the northern half of the site to minimise impact to the existing tree (bisects within the 10% tree offset requirement), improve maintenance access as well as minimises easement requirements within property boundaries and minimising the direction change for the horizontal alignment.

Discussions with authorities have confirmed that drainage contributions for both hydraulic and stormwater quality charges are payable. No stormwater quality or quantity assets have been designed to mitigate excess flows or water quality impacts due to the proposed development. Section 7.3 show the drainage contribution requirements to achieve approval.

6.2 Site Flows

A 16 m road reserve with a 5 m kerb to kerb road width is proposed at the centre of the site to allow for entry and exit to the development. This road will convey approximately 70% of the 1% AEP gap flows to the free draining outfall and legal point of discharge with the 10% AEP flows being conveyed in the stormwater pipe network following the same alignment. FHWA's Hydraulic Toolbox has been used to verify that at a single cross-section with the highest flow, the road has the capacity to convey the 1% AEP gap flows as well to demonstrate it meets depth, velocity and hazard requirements. The internal underground drainage fronting Butlers Road will convey approximately 70% of the catchment flow, whilst the southern drain will convey 30% of the catchment flow.

The road parameters and 1% AEP gap flow results are shown in Table 6-1 and a cross-section is shown in Figure 6-2. The road parameters adhere to the depth, velocity and hazard requirements of the Melbourne Water *'Floodway Safety Criteria'* as set out on Melbourne Water's website. Final roadway design parameters are to be confirmed at a later design stage.

Table 6-1 16 m wide Road Reserve Parameters

Parameter	Value
Road Reserve Width (m)	16
Longitudinal Slope (m/m)	0.048
Peak Gap flow (1% AEP minus 10% AEP) (m^3/s)	0.26
Average Depth (m)	0.08
Average Velocity (m/s)	1.65
Hazard Value (D*V) (m^2/s)	0.15
Freeboard to Lot FSL (m) (Water level + 0.3 m)	120.05

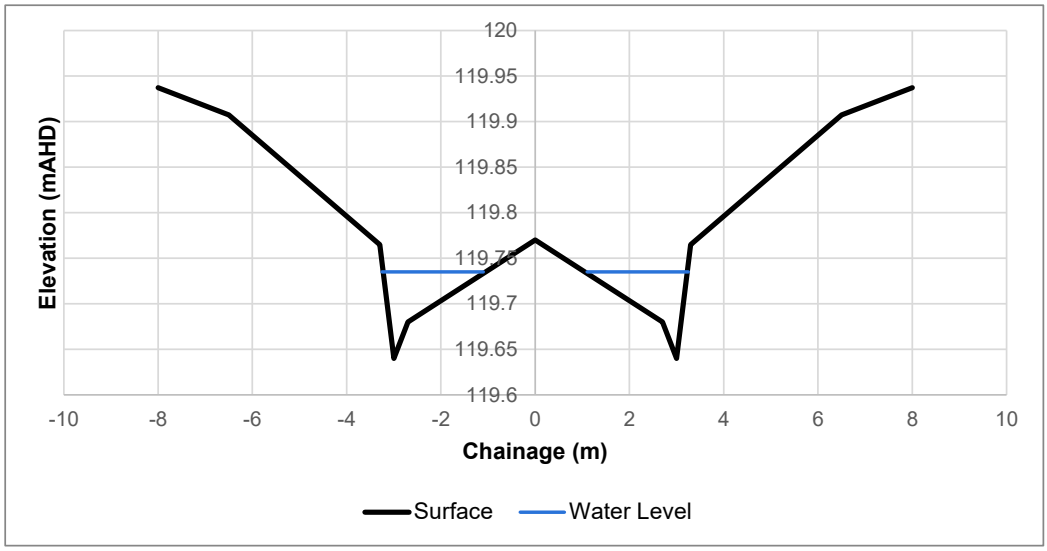

Figure 6-2 16 m Wide Road Reserve

The southern section (30% of the total flow – approximately 0.23 m^3/s) will be conveyed directly into the stormwater network. Since the peak combined 10% AEP flow (0.34 m^3/s) of the site does not exceed the existing downstream 10% AEP flows (1.34 m^3/s), there should not be any adverse impacts to the downstream flow conditions.

7 Other Considerations

7.1 Rainwater Tanks

The design will incorporate rainwater tanks for each of the 13 lots, which are required to satisfy bushfire related water tank requirements of the Nillumbik Planning Scheme. It's expected that no additional capacity will be provided beyond the bushfire related water tank storage requirements, hence, as discussed with authorities, the water quality charges will be applied to the development in association with the Dry Creek DSS.

7.2 Freeboard Requirements

To ensure adequate protection from flooding all new lots will incorporate an appropriate freeboard level of 300 mm above the 1% AEP flood extent as previously stated in Section 7.3. The finished surface levels for each property as well as the Flood overlay map is shown in Figure 7-1. These values will be assessed and refined if necessary, during a future design phase of the project.

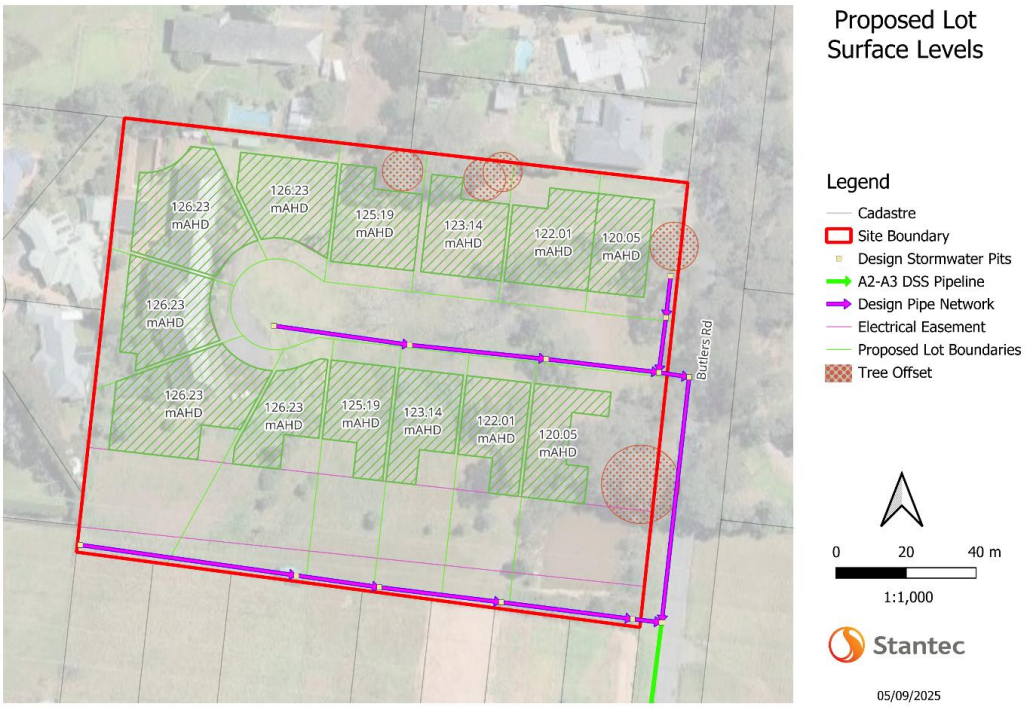

Figure 7-1 Proposed Lot Finished Surface Levels

7.3 Drainage Outfall Arrangements

The northern external catchment will be safely conveyed via the proposed internal drainage network. The low point of the land is between the Butlers Road reserve and the site. It would be preferable to convey the external catchments via a swale within the road reserve instead of through the site. This would result in improved conveyance along Butlers Rd as well improving and mitigating further erosion within the existing gullies. Any temporary or permanent works required to achieve outfall for the development will form part of a drainage agreement with the drainage authority/ies of Nillumbik Shire Council and Melbourne Water.

The site achieves a free draining outfall. According to the 4621 Dry Creek DSS, a 120 m length of underground pipe will convey the 10% AEP storm flows and connect into the Mackelroy Road stormwater network. As per the DRAINs assessment, pipes will be sized to convey 1.33 m^3/s. The 1% AEP gap flows are to be conveyed within the Butlers Road reserve. In its existing form, it's a shoulderless gravel/asphalt road that has gullies either side of it. Closer to Mackelroy Road, there are some concrete swales, however they span only 50m along the alignment of Butlers Road or 80m south of the site's outlet. It's proposed to extend these swales (either grassed or concrete) to improve flow conveyance and minimise pooling over the road.

It's also proposed to construct an additional 70 m of pipeline north of the A2-A3 pipeline as constructing this leg of stormwater pipes within the site would mean a non-linear horizontal alignment, an easement within the centre of a lot, harder to access for maintenance and increased impact to the existing tree. The pipeline will be designed to the same requirements as the A2-A3 pipeline.

7.4 Drainage Contributions

As advised by Melbourne Water in their letter of 9th January 2025, the following drainage contributions rates are applicable for development within the Dry Creek DSS:

- Hydraulic charge of $197,264/Ha; and
- Stormwater Quality charge of $16,669/Ha.

Refer to Appendix A for details of the Melbourne Water correspondence.

8 Conclusions

The SWMS demonstrates the design response safely conveys post-development flows for both the 10% and 1% AEP events and meets the requirements of Melbourne Water and Nillumbik Shire Council.

The stormwater pipe network will convey 10% AEP flows to the free draining outfall with the subdivisional layout including the internal road network safely conveying the 1% AEP gap flows to the site outfall.

Flows will discharge to the proposed council pipe network in accordance with Melbourne Water 4621 Dry Creek DSS. The A2-A3 10% AEP drainage pipe will be constructed in association with this development. The Butlers Road reserve will cater for flows exceeding the 10% AEP event. The alignment and design details of this pipeline will be confirmed as part of the detailed design stage and works will be refundable via the Dry Creek Drainage Services Scheme.

Roadway calculations meet authority requirements including the *'Floodway Safety Criteria'* as specified on Melbourne Water's website.

The internal and external stormwater network, proposed roadway, FSL's, are subject to further refinement at functional and detailed design stages.

An extension to the A2-A3 pipeline is recommended to improve flow conveyance for the 10% AEP storm event proposed stormwater network. Using this alignment will also improve maintenance access, minimise easement requirements within proposed lots as well as minimise impact to the existing tree.

Consent from the electrical authority AusNet has been obtained for the proposed works in association with the works being undertaken within the existing electrical easement. Finally, the works proposed meet the requirements stipulated by Melbourne Water in its letter of 30 October 2025 and comments on the SWMS covered in its correspondence on the 23rd May 2025 and address all the requirements of Nillumbik Shire Council set out in its correspondence received on 25th August 2025.

9 References

Australian Rainfall and Runoff 2019 (ARR2019) Data Hub

Australian Rainfall and Runoff 2019 (ARR2019) Guidelines

CSIRO, Best Practice Environmental Management Guidelines (2000)

Melbourne Water's AM STA 6200 guidelines

Melbourne Water Drainage Schemes, Find your drainage scheme | Melbourne Water accessed 3rd February 2025.

Melbourne Water *'Floodway Safety Criteria'* *Floodway safety criteria | Melbourne Water* accessed 3rd February 2025.

Appendix A Authority correspondence

30 October 2023

Craig Smith
Nillumbik Shire Council
PO Box 476
Greensborough VIC 3088

Dear Craig,

Proposal: Planning permit for subdivision
Site location: Lot No 12, 17-29 BUTLERS ROAD PLENTY 3090

Melbourne Water reference: MWA-1306228
Council reference: 714/2023/14P
Date referred: 25/09/2023

Plan number: PS915982F **Version:**

Our Decision

Melbourne Water, pursuant to Section 55(2) of the Planning and Environment Act 1987, requires further information to enable it to consider the application. The additional information required is as follows:

Our Assessment

A Stormwater Management Strategy (SWMS), prepared by a suitably qualified engineer, must be submitted. The strategy must demonstrate the following:

1. That the subdivisional layout is in accordance with the approved development services scheme;
2. Details of the outlet connections and ultimate outfall/s for the development including all relevant calculations;
3. The proposed alignment for any 20%/10% AEP drainage infrastructure and any associated overland flow paths directions for the 1% AEP flood event;
4. That the lot layout adequately accommodates the overland flows;
5. A Flood Extent Plan and Overland Flow-path Plan for the ultimate floodplain, including 1% AEP flood levels;
6. How stormwater runoff from the subdivision achieves the objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO)';

   Details of the ultimate and any interim drainage arrangements and how these

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works are proposed to align with the development of the subdivision;

8. Details of management of any temporary flows and strategies to minimise any adverse impact from various rainfall frequency events (up to 1% AEP) as well as volumetric impact;
9. In the event that the proposal does not restrict flows downstream to predevelopment levels; the application must incorporate all reasonable integrated water management measures, and demonstrate how the increased flows will not result in detrimental downstream impacts;
10. Demonstrate how any offsite drainage works would be tied to the subject site and planning permit, including how rights/interests to undertake these works would be secured and how ownership, management and transfer of land/creation of easements would be managed;
11. Consideration of Dry Creek Development Services Scheme assets that are to be constructed.

Should you require further information on the Melbourne Water Drainage Scheme assets, please submit a Pre-development advice application via the Melbourne Water online portal. For any clarifications, please email Amanda.Gunawardena@melbournewater.com.au

Advice

To find out more information in regards to building in flood prone areas please visit our website for more information.

For general development enquiries contact our Customer Service Centre on 131 722.

Regards,

Amanda Gunawardena
Development Engineering and Planning Services

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Melbourne Water
Enhancing Life and Liveability

12 August 2025

Craig Smith
Nillumbik
PO Box 476
Greensborough VIC 3088

Dear Craig,

Proposal: Planning permit for subdivision (13 lots)
Site location: Lot No 12, 17-29 BUTLERS ROAD PLENTY 3090
Melbourne Water reference:MWA-1366948
Council reference: 714/2023/14P
Date Received: 09/04/2025
Plan number: PS915982F

Our Decision

Planning permit application
Melbourne Water, in accordance with Section 56 (1)(b) of the *Planning and Environment Act 1987*, does not object to the proposal, subject to the following conditions:

Conditions

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the Plan of Subdivision must be referred to Melbourne Water in accordance with Section 8 of the Subdivision Act 1988.

2. Before the plan of subdivision is certified under the *Subdivision Act 1988*, functional design plans of the DSS assets AD2 to AD3 as detailed in the approved Stormwater Management Plan must be submitted to and approved by Melbourne Water.

3. Before the plan of subdivision is certified under the *Subdivision Act 1988*, evidence of Council approval of a Stormwater Management Strategy by Stantec and dated 24 June 2025, Revision 2, must be submitted to Melbourne Water.

4. Before the plan of subdivision is certified under *the Subdivision Act 1988*, evidence of a Council approved Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.

5. Before the commencement of any stormwater connection works to a Melbourne Water drain, a separate application direct to Melbourne Water must be made for the approval

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of any new or modified stormwater connection to Melbourne Water's drains or watercourses.

6. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the required Dry Creek DSS assets and works including Outfall Pipe AD2# to AD3# as detailed within the approved Stormwater Management Plan must be completed to the satisfaction of Melbourne Water.

7. Before the Statement of Compliance is issued under the *Subdivision Act 1988* engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event.

8. Before the Statement of Compliance is issued under the *Subdivision Act 1988* for the first stage of the subdivision, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

9. Before a Statement of Compliance for the plan of subdivision is issued under the *Subdivision Act 1988*, Melbourne Water requires evidence demonstrating that appropriate drainage solutions have been implemented to mitigate the risk to downstream landowners. Council acceptance of any drainage infrastructure must be forwarded to Melbourne Water.

10. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.

11. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in section 8 of the *Guidelines for Development in Flood Affected Areas* (DELWP 2019), or where appropriate to Council's requirements and standards.

12. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.

13. Local drainage must be to the satisfaction of Council.

14. The approved Stormwater Management Strategy must be implemented (including the construction of relevant works) to the satisfaction of Melbourne Water and the responsible authority.

15. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.

16. The developer must own and maintain any on site storm water quantity and storm water quality assets. Melbourne Water will not accept responsibility for these drainage assets.

Advice
For further enquiries relating to this response, please email devconnect@melbournewater.com.au, quoting the Melbourne Water reference number in the subject line. In accordance with Section 66 of the *Planning and Environment Act 1987*, please ensure an electronic copy of the decision and any endorsed plans (whenever available) are provided to Melbourne Water for our records. To stay up to date with current information relating to online application types, referral and development application requirements, or other services provided by Melbourne Water, please visit the new *'Planning and Development Sector Hub'*.

For further enquiries, please contact our Customer Service Centre on 131 722.

Yours Sincerely,

David Portelli
Statutory Referral Permit Services
(Development Services Scheme)

From: Sav Koletas
Sent: Sun, 24 Aug 2025 23:24:58 +0000
To: Jason Sumner
Cc: Greg Zuccala;Sheehan, Andy;Kamal Hasanoff
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Good morning Jason,

Please see comments prepared by Council's Infrastructure Officer following our discussions last Friday:

Infrastructure no issue with the piped drainage within Butlers Road or the swale to carry the larger flows. The swales exist currently on Butler's Road for this purpose.

The concern is Melbourne Water have conditionally approved a Stormwater Management Plan which requires "someone" to manage and maintain an open detention system. This was not discussed with Council prior to Melbourne Water being engaged to review and 'approve' the Stormwater Management Plan.

There was no consideration of the management and maintenance of this system. Council had already provided conditions regarding drainage. Melbourne Water have consented to the development based on works that are not acceptable to Council.

Options Council have considered with Council maintaining the works proposed in the Stormwater Management Plan:

1. *No swale/open detention to be maintained by Council on private property. This has occurred previously and has not functioned as people struggle to mow it and Council assets have been filled in.*
2. *The location is not suitable for a reserve and would be thoroughly encumbered both by drainage and an electrical easements. Open Space team are not supportive of this option in this location from a use and function perspective.*

Options have considered

3. *If maintained by the owners, the site would become an owners corporation, with either all the works on a common property reserve and a 173 agreement for maintenance. This could then be enforced with planning enforcement if required.*
4. *If across several private properties, how does fencing work? People have dogs etc in their yard, and how does maintenance work?*

If detention is required, Infrastructure would prefer tanks to be installed on each property with this being achieved perhaps through a 173 agreement when the dwellings are constructed.

Melbourne Water should be consulted as to whether this solution is suitable to meet their requirements.

If required Infrastructure is happy to meet with Melbourne Water with the applicant and their engineer.

Jason – Kamal is back on board today and I will advise him of the discussions that have taken place.
I will be in touch with further comments following our discussion. This is likely to occur sometime tomorrow.

Warm regards,

Sav Koletas
Senior Statutory Planner
Statutory Planning
Sav.Koletas@nillumbik.vic.gov.au
Phone: 03 9433 3287
We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.

From: Jason Sumner <jason@abds.com.au>
Sent: Monday, 25 August 2025 8:31 AM
To: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Cc: Greg Zuccala <greg@zuccalahomes.com.au>; Sheehan, Andy <andy.sheehan@stantec.com>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Thanks for organising the meeting on Friday Sav. I believe that it was very useful.

Are you able to send the engineers comments to us to review? We will be meeting to discussing the matter this morning and then we will be in contact with MW, so the council's comments will be important.

Kind regards,

Jason Sumner | *Principal Town Planner*

PO Box 148
MOOROOLBARK VIC 3138
(03) 9841 0699

Apex Town planning

From: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Sent: Thursday, 21 August 2025 10:02 AM
To: Jason Sumner <jason@abds.com.au>
Cc: Greg Zuccala <greg@zuccalahomes.com.au>; Sheehan, Andy <andy.sheehan@stantec.com>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Hi Jason,

I can push it to 3:30pm.

Warm regards,

Sav Koletas
Senior Statutory Planner
Statutory Planning
Sav.Koletas@nillumbik.vic.gov.au
Phone: 03 9433 3287
We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.

From: Jason Sumner <jason@abds.com.au>
Sent: Thursday, 21 August 2025 9:53 AM
To: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Cc: Greg Zuccala <greg@zuccalahomes.com.au>; Sheehan, Andy <andy.sheehan@stantec.com>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Hi Sav, I just spoke with Greg and he advised that 3.00 is going to be a little difficult. Any chance we could make it 4.00? If not, please keep at 3.00 and Greg will try to make it.

Kind regards,

Jason Sumner | *Principal Town Planner*

PO Box 148
MOOROOLBARK VIC 3138
(03) 9841 0699

Apex Town planning

From: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Sent: Thursday, 21 August 2025 9:47 AM
To: Jason Sumner <jason@abds.com.au>
Cc: Greg Zuccala <greg@zuccalahomes.com.au>; Sheehan, Andy <andy.sheehan@stantec.com>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Hi Jason,

You would have received a calendar invite a few minutes ago.
Please forward the meeting details to any people on your end.

Warm regards,

Sav Koletas
Senior Statutory Planner
Statutory Planning
Sav.Koletas@nillumbik.vic.gov.au
Phone: 03 9433 3287
We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.

From: Jason Sumner <jason@abds.com.au>
Sent: Thursday, 21 August 2025 9:45 AM
To: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Cc: Greg Zuccala <greg@zuccalahomes.com.au>; Sheehan, Andy <andy.sheehan@stantec.com>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Hi Sav, please book it in as this may be the best situation for us given reg's timeframes.

Andy, it would be great if you could attend.

Kind regards,

Jason Sumner | *Principal Town Planner*

PO Box 148
MOOROOLBARK VIC 3138
(03) 9841 0699

Apex Town planning

From: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Sent: Thursday, 21 August 2025 9:40 AM
To: Jason Sumner <jason@abds.com.au>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Hi Jason,

I have tentatively booked an online meeting for 3pm tomorrow.
Our lead drainage officer and one of my coordinators are both available at this time.

I am not sure what capacity they both will have into next week.
Please advise if you are happy to meet online tomorrow.

Warm regards,

Sav Koletas
Senior Statutory Planner
Statutory Planning
Sav.Koletas@nillumbik.vic.gov.au
Phone: 03 9433 3287
We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.

From: Jason Sumner <jason@abds.com.au>
Sent: Thursday, 21 August 2025 9:09 AM
To: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>; Brittany Wolstenholme <brittany@abds.com.au>

Cc: Kamal Hasanoff <Kamal.Hasanoff@nillumbik.vic.gov.au>; Greg Zuccala <greg@zuccalahomes.com.au>; Sheehan, Andy <andy.sheehan@stantec.com>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Thanks Sav.

It will need to be tomorrow.

Greg, when do you leave?

Kind regards,

Jason Sumner | *Principal Town Planner*

PO Box 148
MOOROOLBARK VIC 3138
(03) 9841 0699

From: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Sent: Thursday, 21 August 2025 9:08 AM
To: Jason Sumner <jason@abds.com.au>; Brittany Wolstenholme <brittany@abds.com.au>
Cc: Kamal Hasanoff <Kamal.Hasanoff@nillumbik.vic.gov.au>; Greg Zuccala <greg@zuccalahomes.com.au>; Sheehan, Andy <andy.sheehan@stantec.com>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Good morning Jason,

Kamal is not due back until next week and I believe it necessary that a coordinator be present to part of these discussions. I will see if there is anyone else available either today or tomorrow.

Warm regards,

Sav Koletas
Senior Statutory Planner
Statutory Planning
Sav.Koletas@nillumbik.vic.gov.au
Phone: 03 9433 3287
We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.

From: Jason Sumner <jason@abds.com.au>
Sent: Wednesday, 20 August 2025 11:04 AM
To: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>; Brittany Wolstenholme <brittany@abds.com.au>
Cc: Kamal Hasanoff <Kamal.Hasanoff@nillumbik.vic.gov.au>; Greg Zuccala <greg@zuccalahomes.com.au>; Sheehan, Andy <andy.sheehan@stantec.com>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Good morning Sav,

Further to our discussion on Monday afternoon have you got any movement on a meeting?

Also, as per our discussion can you confirm/respond to the following:

- You advised that the drainage and retarding basin were the only outstanding issue. Please confirm.
- Advise on what the amenity concerns are. I do not believe that snakes and mosquitos would be an amenity issue that would hold weight at VCAT.
- Advise what the potential issues may be that the council have to deal with (you mentioned that there are other examples where these sorts of outcomes are causing a problem).

My discussions with numerous other experts in the field all indicate that they have not come across this kind of situation before, and most are perplexed by the council's position. The use of owners corps are considered industry wide as a practical and normal means of dealing with drainage and retarding basins.

I again wish to emphasis that all council's need to assist in addressing the housing crisis, and this includes assisting with the provision of land available for new housing. As a part of ongoing development, it is fair and reasonable that part of the servicing burden falls to the council. This is their role as the responsible authority.

The matter of maintenance costs mentioned has not been clearly explained. Regardless, these 13 lots would all pay a significant amount of rates (I assume well in excess of $3000 each per year). That would equate to $39,000 (or more) per annum.

I would have thought that the primary maintenance of this area would be mowing it a few times per year and perhaps ensuring that the drains are free of debris. I would think that the rates would assist greatly in part of that funding.

Can you please get back to me as I wish to keep moving this forward and my client is heading overseas next week.

Kind regards,

Jason Sumner | *Principal Town Planner*

PO Box 148
MOOROOLBARK VIC 3138
(03) 9841 0699

Apex Town planning

From: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Sent: Friday, 15 August 2025 4:53 PM
To: Brittany Wolstenholme <brittany@abds.com.au>
Cc: Kamal Hasanoff <Kamal.Hasanoff@nillumbik.vic.gov.au>; Jason Sumner <jason@abds.com.au>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Hi Brittany,

I apologise for the delay in responding to you on this matter, as we have deliberated internally on a number of occasions.

The latest S57a Amendment & submitted SWMS was formally referred to Council's Drainage Officer, Open Space Department and Environmental Works Department.

The SWMS recommends:

1. That the retarding basin & large portion of land to the south be transferred to Council ownership and maintained by Council; or
2. That the same portion of land be proposed as an easement and maintained by an owners corporation or otherwise privately managed.

After further consideration, it is Council's position that the proposal does not accord with the relevant policy contained with the State and Local Planning Policy Framework, the Neighbourhood Residential Zone, the Design and Development Overlay, Clause 56.05-1, 56.05-2 and 56.07-4, and raises significant issues to the natural and proposed urban environment that Council is required to consider under Section 60(1)(e) of the P&E Act. Referral comments received by Council's infrastructure works, open space and environmental works departments have also unanimously disagreed with both proposed arrangements for on-site stormwater management.

Council does not have the resources to maintain an on-site stormwater arrangement and if privately managed, Council cannot ensure that the proposed wetland will be managed to a satisfactory extent. The presence of such a large wetland to the rear of the proposed lots is also considered to create amenity issues through the presence of mosquitoes, snakes and other dangerous wildlife – creating an unacceptable outcome.

Council acknowledges that Melbourne Water has provided support of either arrangement, however, this alone is not reason to consider approving either proposition when the likely outcome is unacceptable. The proposed SWMS in its current form is not satisfactory, as it results in land being created that cannot be reasonably managed. Conversely, subdivision outcomes should be orderly, efficient, coordinated, cost-effective and low-maintenance. To proceed, a suitable alternative to on-site stormwater management must be found, with any future SWMS to demonstrate a better outcome for the site.

Having said this, Council cannot continue to entertain further amendments and the time exhausted on the consideration of this application to date has expired. As such, it is recommended the application be withdrawn, and further consultation be undertaken to determine a suitable alternative to stormwater management. If this is not agreeable, the application will be recommended for refusal.

Warm regards,

Sav Koletas
Senior Statutory Planner
Statutory Planning
Sav.Koletas@nillumbik.vic.gov.au
Phone: 03 9433 3287
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From: Brittany Wolstenholme <brittany@abds.com.au>
Sent: Wednesday, 13 August 2025 11:29 AM
To: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Subject: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Hi Sav

Sorry again just hoping for an update on Butlers?
The client is eager to keep this moving along

Brittany Wolstenholme | *Executive Assistant*

(03) 9841 0699

From: Brittany Wolstenholme <brittany@abds.com.au>
Sent: Monday, August 11, 2025 2:27 PM
To: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Cc: Greg Zuccala <greg@zuccalahomes.com.au>; Jason Sumner <jason@abds.com.au>
Subject: Re: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Hi Sav

Hope you're well
Just a follow up on Butlers?

Thanks !

Brittany Wolstenholme | *Executive Assistant*

(03) 9841 0699

From: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Sent: Thursday, August 7, 2025 9:44 AM
To: Brittany Wolstenholme <brittany@abds.com.au>
Subject: RE: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Good morning Brittany,

Will come back to you before COB tomorrow on this.

Warm regards,

Sav Koletas
Senior Statutory Planner
Statutory Planning
Sav.Koletas@nillumbik.vic.gov.au
Phone: 03 9433 3287
We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge that sovereignty was never ceded.

From: Brittany Wolstenholme <brittany@abds.com.au>
Sent: Thursday, 7 August 2025 9:41 AM
To: Sav Koletas <Sav.Koletas@nillumbik.vic.gov.au>
Cc: Jason Sumner <jason@abds.com.au>; Greg Zuccala <greg@zuccalahomes.com.au>
Subject: Re: S50/S50A/S57A Amendment acknowledgment 714/2023/14P at 17-29 Butlers Road, Plenty

Good morning Sav

Hope you're well

Just following up on Butlers and where we are at?

Thanks

Brittany Wolstenholme | *Executive Assistant*

From: Petar Brekalo <petar.brekalo@ausnetservices.com.au>
Sent: Tuesday, June 17, 2025 1:47 PM
To: Brittany Wolstenholme <brittany@abds.com.au>
Cc: Jason Sumner <jason@abds.com.au>; 'Greg Zuccala' <greg@zuccalahomes.com.au>
Subject: RE: 714/2023/14P - Ausnet ref: 42982: 17-29 BUTLERS RD, PLENTY, VIC, 3090

Hi Brittany,

Thank you for your email and for providing the details of the proposed swale and retarding basin.

AusNet has no objection in principle to the proposed swale and retarding basin as shown in the concept plans attached in the SWMS **17-29_Butlers_Rd_Plenty_SWMS_R01**, subject to any relevant conditions outlined in our referral response.

Before formal consent can be provided, we will require a detailed plan showing the proposed finished surface levels (on AHD) for both the basin and the swale drains.
Regards,

Petar Brekalo
Senior Survey Mapping Officer – Easement

AusNet

Wurundjeri Country
Level 31, 2 Southbank Boulevard
Southbank VIC 3006 Australia

E petar.brekalo@ausnetservices.com.au
W www.ausnet.com.au

From: Brittany Wolstenholme <brittany@abds.com.au>
Sent: Thursday, 12 June 2025 10:28 AM
To: Petar Brekalo <petar.brekalo@ausnetservices.com.au>
Cc: Jason Sumner <jason@abds.com.au>; Greg Zuccala <greg@zuccalahomes.com.au>
Subject: 714/2023/14P - Ausnet ref: 42982: 17-29 BUTLERS RD, PLENTY, VIC, 3090
Importance: High

Good morning Petar

in relation to the above mentioned application, please see below a response to your referral.

It is noted that condition 3 of the Ausnet referral states:

Before the approval of Detailed Engineering plans, for any stage containing the AusNet Transmission easement, written consent must be obtained from AusNet as to the location of infrastructure within the AusNet easement including but not limited to wetlands, services, landscaping and fencing as shown on the Detailed Engineering plans submitted for approval."

The referral also states that:

"It should be noted that there are restrictions on development of the AusNet easement, including buildings, structures, earthworks, roads, services and trees, and that vehicle access is required by AusNet at all times."

In order to satisfy Melbourne Water with the stormwater management, it is proposed to provide a swale and a retarding basin (generally in the location of the existing dam) within the easement. Attached is a copy of the SWMS prepared by Stantec Australia and we are requesting that Ausnet review and support this proposal.

Please be advised that the proposed basin is to have a maximum depth of 800mm.#

Thank you

Brittany Wolstenholme | *Executive Assistant*

Apex Town planning

(03) 9841 0699

Stantec

Stantec is a global leader in sustainable engineering, architecture, and environmental consulting. The diverse perspectives of our partners and interested parties drive us to think beyond what's previously been done on critical issues like climate change, digital transformation, and future-proofing our cities and infrastructure. We innovate at the intersection of community, creativity, and client relationships to advance communities everywhere, so that together we can redefine what's possible.

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