

Planning and Amenity Delegated Committee Meeting

to be held remotely and
live-streamed via Council's website

Tuesday 8 June 2021
at 6:30pm



Agenda

Chair: Cr Alex del Porto

Councillors: Cr Laurence Evans OAM (Mayor)
Cr Sonia Castelli (Deputy Mayor)
Cr Hanna El Mouallem
Cr Clarke Martin
Cr Jo Samuel-King MBBS
Cr Fiona Stitfold

Planning and Amenity Delegated Committee Charter

1. To exercise Council's powers, discretions and authorities and to perform Council's functions under the *Planning and Environment Act 1987*, and to do all things necessary or convenient to be done for or in connection with the exercise of those powers, discretions and authorities.
2. To determine upon any application made under clause 36 of the Neighbourhood Amenity Local Law or any like provision of a local law made by Council.
3. To determine any issue or thing or take any action in connection with any traffic or parking matter relating to the municipal district.

Membership of the Committee

All Councillors

Important Notice

In response to the ongoing COVID-19 pandemic, **Council and Planning and Amenity Delegated Committee meetings will be held remotely via electronic media and without members of the public present**; however, meetings will continue to be live-streamed via Council's website:

[Live-stream the meeting](#)

This protocol will be reviewed in line with changing restrictions and government advice.

Alternative arrangements are in place for members of the community to **be heard** in relation to eligible items listed on the agenda via the following link:

[Requests to be heard \(Provide a Written Statement\)](#)

For further information, please speak with the Governance office on 9599 4444.

Order of Business

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Next Meetings 2021

Tuesday 13 July 2021
Tuesday 10 August 2021

1. Apologies

2. Declarations of Interest

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee held on 11 May 2021.

4. Matters of Decision

4.1 MIDDLE CRESCENT, BRIGHTON PARKING REVIEW

Environment, Recreation and Infrastructure - Sustainability & Transport
File No: PSF/21/36 – Doc No: DOC/21/148423

Executive summary

Purpose

The purpose of this report is to respond to part B of the Council resolution, from the Planning and Amenity Delegated Committee, on 13 April 2021, in relation to Item 4.2 (50 Middle Crescent, Brighton – Notice of Decision to Grant a Permit – Application: 2020/616/1 – Ward: Dendy).

B. That Council's Traffic Team undertake investigations into car parking management arrangements within Middle Crescent, Brighton to determine what alternate arrangements could be implemented to manage the increasing parking congestion and potential parking impact of the future education facility at 50 Middle Crescent, Brighton, including but not limited to:

- *time restrictions; and/or*
- *resident parking permit schemes.*

The investigations must include parking surveys and community engagement. The findings of the investigation and proposed recommendations are to be reported to the Planning and Amenity Delegated Committee by not later than September 2021.

Background

A review of on-street car parking in Middle Crescent, Brighton has been undertaken following community objections to the approval of a planning permit for the use of the land as an education centre at 50 Middle Crescent, Brighton.

The objections related to the impacts of the new development to on-street parking availability in the vicinity of the proposal.

The report considered by Council at the 13 April 2021 Planning and Amenity Delegated Committee Meeting indicates that the provision of two onsite car spaces is compliant with the requirements of Clause 52.06 (Car Parking) of the Bayside Planning Scheme.

Key issues

Planning Permit for 50 Middle Crescent, Brighton

A Planning Permit has been issued for the site at 50 Middle Crescent, Brighton. The permit allows the use of the land for an education centre. The operating hours of the site are between 9am to 3pm, Monday to Friday. The permit conditions do not specify any patron/student limitation; however, a limit applies to a maximum of two staff to operate the site.

The report indicates that two car park spaces have been provided onsite. Including one accessible car space, that does not appear to be reflected on the plans.

Given that the proposal was considered to meet the requirements of Clause 52.06-5 (Car Parking), which is to provide for 2 car parking spaces, no referral was made to Council's Traffic Department as part of the planning permit assessment process.

Investigations into car parking management arrangements within Middle Crescent, Brighton

The decision to install new or alter existing parking restrictions is governed by Councils Managing On-Street Car Parking Demand Policy. Under the Policy a minimum 80% parking occupancy threshold and a minimum 50% of support from residents is generally required to be met.

The parking occupancy surveys undertaken by Council's Traffic Engineer indicates that the on-street parking demand in the vicinity attracts 80% threshold at certain times and that access to on street parking for residents could be improved by installing 2-hour parking controls on both sides of the street in the vicinity of 50 Middle Crescent, Brighton. Currently 2-hour parking restrictions are in place on the eastern side of Middle Crescent in the vicinity of the site.

In response to the traffic investigations it is proposed to provide new 2-hour parking restrictions between 8am and 6pm, Monday to Friday on the western side of Middle Crescent between St Andrews Street and No 46. Unrestricted parking will remain unchanged on the western side of Middle Crescent to the north of the proposed 2P parking restrictions.

Council officers have consulted with affected residents on the proposal, residents were given two weeks to respond to the questionnaire.

The results of the survey are outlined below:

10 responses received from 11 properties = 90% response rate

- Support for the 2P on west side: 6 = 60%
- Do not support the 2P on west side: 4 = 40%

The survey response rate is considered satisfactory. In accordance with Council's Policy for Managing On-Street Car Parking Demands, a minimum 50% of respondents have supported implementing 2-hour parking on the west side of Middle Crescent between St Andrews Street and No 46.

Conclusion

Although the car parking demand associated with the proposal appears to be met onsite, the provision of 2-hour parking on the western side of Middle Crescent will enhance access to on-street parking for residents whilst allowing turnover catering for drop-off/pick up parking needs associated with the proposed use.

Unrestricted parking is available on the western side further to the north of the proposed 2P area in Middle Crescent.

Recommendation

That Council:

1. implements 2P (2-hour parking) controls between 8am and 6m, Monday to Friday on the western side of Middle Crescent between St Andrews Street (Brighton) and No 46
2. continues to monitor on-street parking conditions in Middle Crescent following the implementation of the parking restrictions.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

The aim of installing parking controls in Middle Crescent is to ensure the relevant car parking users and demands have been prioritised, with a view to determine the best usage of on-street parking by various members of the community. The provision of timed parking controls on both sides in the vicinity would enhance access to on-street parking for residents and also expected to provide short term parking for the nearby users including proposed education facility at 50 Middle Crescent, Brighton.

Natural Environment

There are no impacts on the Natural Environment to consider as part of this report.

Climate Emergency

There are no impacts on the Climate Emergency to consider as part of this report.

Built Environment

There are no impacts on the natural environment to consider as part of this report.

Customer Service and Community Engagement

The report outlines the need for the installation of additional parking controls in Middle Crescent in advance of the commencement of an education facility at 50 Middle Crescent, Brighton. Prior to the installation of any form of parking restrictions, consultation is required to be undertaken with residents.

Council wrote to all properties in Middle Crescent between St Andrews Street and No 46 during late April 2021 requesting resident feedback for a proposal to install 2-hour parking controls between 8am and 6pm, Monday to Friday on western side of Middle Crescent coinciding the existing 2-hour parking controls on the eastern side. Residents were given two weeks to respond to the questionnaire.

The results of the survey are outlined below:

10 responses received from 11 properties = 90% response rate

- Support for the 2P on west side: 6 = 60%
- Do not support the 2P on west side: 4 = 40%

The survey response rate is considered satisfactory. In accordance with the Council's Policy for Managing On-Street Car Parking Demands, a minimum 50% of respondents have supported to implement 2-hour parking on west side of Middle Crescent between St Andrews Street and No 46.

Human Rights

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

In accordance with the *Road Management Act*, Council is the responsible road authority for traffic and parking management in Middle Crescent.

Finance

The cost associated with implementation of parking controls is not considered significant and can readily be absorbed into the traffic management works budget.

Links to Council policy and strategy

The proposition to design, consult and install parking restrictions for Middle Crescent has been developed following a review of the key features of the Planning Application for an education facility at 50 Middle Crescent, Brighton and based on parking occupancy surveys and majority support from the abutting residents in accordance with Council's Managing On-Street Car Parking Demand Policy.

4.2 HILLCREST AVENUE, BRIGHTON PARKING REVIEW

Environment, Recreation and Infrastructure - Sustainability & Transport
File No: PSF/21/36 – Doc No: DOC/21/146664

Executive summary

Purpose

The purpose of this report is to respond to part B of the Council resolution from the Planning and Amenity Delegated Committee on 13 April 2021, in relation to Item 4.8 (415 Bay Street, Brighton – Notice of Decision to Grant a Permit – Application: 2020/546/1 – Ward: Bleazby)

B. That Council's Traffic Team undertake investigations into car parking management arrangements within Hillcrest Avenue, Brighton to determine what alternate arrangements could be implemented to manage the increasing parking congestion and potential parking impact of the future retail and office proposal at 415 Bay Street Brighton, including but not limited to:

- *time restrictions; and/or*
- *resident parking permit schemes.*

The investigations must include parking surveys and community engagement. The findings of the investigation and proposed recommendations are to be reported to the Planning and Amenity Delegated Committee by not later than September 2021.

Background

A planning permit application for 415 Bay Street, Brighton was considered at the Planning and Amenity Delegated Committee meeting on 13 April 2021. Council resolved to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme for partial demolition in a Heritage Overlay, construction of buildings and works comprising a three-storey mixed use building, and a reduction of the standard car parking requirement in accordance with the endorsed plans and subject to a number of conditions from the standard conditions.

Community objections to the approval of a planning permit for the use of the land for a mixed used development were received in response to the impacts of the new development to on-street parking availability in the vicinity.

Key issues

The approved proposal involves a mixed-use three story building comprising:

- ground floor total area 177sqm, of which 79sqm to be retail
- first floor total area 172sqm, of which 165sqm is to be office
- second floor total area 153sqm, of which 109sqm office.

Two car spaces have been provided onsite, the dimensions of the car spaces do not strictly meet the planning scheme and therefore a permit condition has been placed for the onsite car spaces to comply with relevant Australian Standards and/or Planning Scheme requirements.

Investigations into car parking management arrangements within Hillcrest Avenue, Brighton

The decision to install or alter existing parking restrictions is governed by Council's Managing On-Street Car Parking Demand Policy. Under the Policy, a minimum 80% parking occupancy threshold needs to be met prior to consulting with affected residents on any proposal to install or change any timed parking restrictions.

Recent parking occupancy surveys undertaken by Council's Traffic team indicates that the on-street parking demand in the vicinity attracts 80% threshold on most days and that access to on street parking for residents could be improved by installing 2-hour parking controls on both sides of Hillcrest Avenue. Currently 2-hour parking restrictions are in place on the eastern side of Hillcrest Avenue in the vicinity of the site.

Council consulted with affected residents on the proposal to install 2-hour parking along the western side of Hillcrest in the vicinity of the subject site. The restrictions, if implemented, would apply between 8am and 6m, Monday to Friday. Residents were given two weeks to respond to the questionnaire.

The results of the survey are outlined below:

9 responses received from 15 properties = 60% response rate

- Support for the 2P on west side: 6 = 67%
- Do not support the 2P on west side: 3 = 33%

The survey response rate is considered satisfactory. In accordance with the Council's Policy for Managing On-Street Car Parking Demand, over 50% of respondents supported the implementation 2-hour parking on the west side of Hillcrest Avenue.

Conclusion

The provision of 2-hour parking on the west side of Hillcrest Avenue can improve access to on-street parking for residents. The onsite car spaces within the proposed development at 415 Bay Street are required to meet relevant Planning Scheme and/or AS2890.1.

The resident consultation process indicates support for the proposed changes in accordance with the Council's Policy requirements for the introduction of 2-hour parking on the west side of Hillcrest Avenue.

Recommendation

That Council:

1. implements 2P (2-hour parking) controls between 8am and 6m, Monday to Friday on the western side of Hillcrest Avenue between Bay Street, Brighton and the end of the Avenue
2. continues to monitor on-street parking conditions in Hillcrest Avenue following the implementation of the parking restrictions.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

The aim of installing additional parking controls in Hillcrest Avenue is to ensure the relevant car parking users and demands have been prioritised, with a view to determine the best usage of on-street parking by various members of the community. The provision of timed parking controls on both sides in the vicinity would enhance access to on-street parking for residents and their visitors.

Natural Environment

There are no impacts on the Natural Environment to consider as part of this report.

Climate Emergency

There are no impacts on the Climate Emergency to consider as part of this report.

Built Environment

There are no impacts on the natural environment to consider as part of this report.

Customer Service and Community Engagement

Council wrote to all properties in Hillcrest Avenue during late April 2021 requesting resident feedback for a proposal to install 2-hour parking controls between 8am and 6pm, Monday to Friday on the Western side of Hillcrest Avenue coinciding with the existing 2-hour parking controls on the Eastern side. Residents were given two weeks to respond to the questionnaire.

The results of the survey are outlined below:

9 responses received from 15 properties = 60% response rate

- Support for the 2P on west side: 6 = 67%
- Do not support the 2P on west side: 3 = 33%

Human Rights

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

In accordance with the *Road Management Act*, Council is the responsible road authority for traffic and parking management in Hillcrest Avenue.

Finance

The cost associated with implementation of parking controls is not considered significant and can readily be absorbed into the traffic management works budget.

Links to Council policy and strategy

The proposition to design, consult and install parking restrictions for Hillcrest Avenue has been developed following a review of the key features of the Planning Application for a mixed use development at 415 Bay Street, Brighton and based on parking occupancy surveys in accordance with Council's Managing On-street Car Parking Demand Policy.

4.3 2A PRIMROSE CRESCENT, BRIGHTON EAST REPLACEMENT PLANTING APPEAL APPLICATION 2021/74/1

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/166589

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Date appeal received	7 May 2021
Location	2a Primrose Crescent, Brighton East
Relevant Policy	Management of Tree Protection on Private Property Policy 2015 (the Policy)
Relevant Regulation	Local Law No. 2 (Neighbourhood Amenity)
Does it meet policy criteria for tree replacement size reduction	No
Photographs	Attachment 1

2. Property Owner Reason for Appeal

A Local Law Tree Removal Permit was granted on 1 April 2021 allowing the removal of a Narrow-leaved Black Peppermint (*Eucalyptus nicholii*) from the front set-back of 2a Primrose Crescent, Brighton East. The Narrow-leaved Black Peppermint was recorded as having a height of 12m and canopy width of 11m.

The permit contained a condition requiring planting of a replacement tree capable of reaching a minimum height of 12m and minimum canopy width of 10m at maturity.

An appeal against the size requirements of the replacement tree was received on 2 April 2021. The applicant also requested the nominated replacement tree be a Crepe Myrtle Tuscarora (*Lagerstroemia indica x faurei* 'Tuscarora') and suggested it may reach height of 6m and canopy width of 4m at maturity.

The applicant's request to change the nominated replacement tree to a Crepe Myrtle Tuscarora was refused as the mature size of that tree would not meet the policy size requirements at maturity. The permit was amended to allow a reduced replacement tree size to a minimum height of 9m and minimum canopy width of 8m at maturity consistent with the allowable size reduction (25% reduction) of the Policy.

The applicant provided the following reasons for not wanting to replant a replacement tree for the mature size specified:

- The nominated tree size is 'excessive and unreasonable having regard to the size of the front yard.'

Response: The replacement tree permit condition has been reduced by 25% and Council officers considered this a suitable replacement tree size for the front set back.

- Inadequate front set back, only seven meters.

Response: Council officers consider there is adequate space in the front setback to replant the required replacement tree.

- Have an existing row of five Silver Birch, two Magnolia trees. Elsewhere have three Grevillea trees and other vegetation.

Response: Silver Birch trees on the property are not protected because of their trunk size.

- Future problems to fence, neighbour's driveway and adjoining side boundaries.

Response: Speculation of future issues.

- Unable to grow a nature strip tree for the last ten years.

Response: Council's open space arborist has reviewed the site for possible tree replanting and is of the opinion that a replacement tree of the size required by the permit, would not impact on the replanting and growth of a nature strip tree.

3. Assessment of Appeal

The applicant has appealed the 25% tree size reduction and seeks approval to plant a Crepe Myrtle Tuscarora (*Lagerstroemia indica x faurei* 'Tuscarora') as a replacement tree which is a further reduction in height by 25% and in tree canopy width by 50%.

The applicant is concerned that similar maintenance issues will resurface if the replacement tree must reach a minimum height of 9m and minimum canopy width of 8m at maturity tree. The applicant also claims the front set back of seven metres is an inadequate tree replacement space.

Council officers believe a 9m minimum height and minimum canopy width of 8m at maturity tree is suitable for replanting in the front yard and coexist with the existing underground services. The applicant can replant the replacement tree anywhere on their front yard/property. The replacement tree does not have to be replanted in the same position as the existing tree that is permitted to be removed. No verifiable evidence has been supplied by the applicant to support a further reduction in tree replanting size.

The applicant also has a row of five Silver Birch trees and two Magnolia trees in the front setback, and three Grevillia trees and other vegetation elsewhere on the property; however, these are not relevant considerations for the size of replacement tree required.

Council's Senior Open Space Arborist has inspected the site for a replacement nature strip street tree and they do not believe a reduction in height of a replacement tree within the property is required to successfully replant and grow a nature strip tree.

4. Arborist Comments

The applicant's nominated Crepe Myrtle Tuscarora (*Lagerstroemia indica x faurei* 'Tuscarora'), is a small tree that may reach height of 6m and canopy width of 4m at maturity.

Mature tree heights and widths in Bayside's sandy soils are generally less than in areas with soil conditions that provide better growing conditions.

Accordingly, having regard to this assessment, reduction of the replacement tree size is not supported.

5. Policy Criteria For Tree Replacement

In accordance with Council's 'Management of Tree Protection on Private Property Policy 2015', the overall tree canopy cover should be enhanced. Council's Policy aims to achieve this by:

- a net increase in the number of canopy trees on both private and public land
- encouraging the planting of canopy trees of sufficient scale to contribute to the diversity of the canopy.

Preferred tree planting ratios and scale

<i>Application type</i>	<i>Preferred number of canopy trees</i>	<i>Preferred scale of trees</i>
<i>Tree removal under Local Law No. 2 - Neighbourhood Amenity.</i>	<i>A minimum of one canopy tree for every canopy tree removed.</i>	<i>Replace canopy trees with new trees expected to mature to achieve the heights specified below.</i>

Tree Replacement Planting Height

- Where the existing tree is 20 metres or less, the existing tree will be replaced with a tree capable of achieving a minimum of 75% of the existing tree's size; or
- Where the existing tree is 21 metres or greater, the existing tree will be replaced with one tree capable of achieving a minimum of 75% of the existing tree's size, or with two trees, one of which is capable of reaching a minimum height of 15 metres at maturity.

Applications are assessed and consideration will be given to site constraints and available tree replacement planting zones. Alternative canopy heights may be approved in exceptional circumstances, for example where there are existing medium to large trees (greater than eight metres) on the site or there is insufficient set back to accommodate the tree root zone of a larger canopy tree.

Replacement trees that have been approved by Council may be inspected. Failure to plant, or removal, of the approved replacement tree will be considered a breach of permit.

A Canopy Tree is defined as 'a tree which has, or at maturity is likely to have, sufficient height and canopy characteristics to make a positive contribution to local amenity, sense of place, microclimate and/or biodiversity. Minimum 8 x 4 metres.'

6. Recommendation

That Council refuses to amend the permit to further reduce the replacement planting size and requires a replacement tree size to a minimum height of 9m and minimum canopy width of 8m at maturity

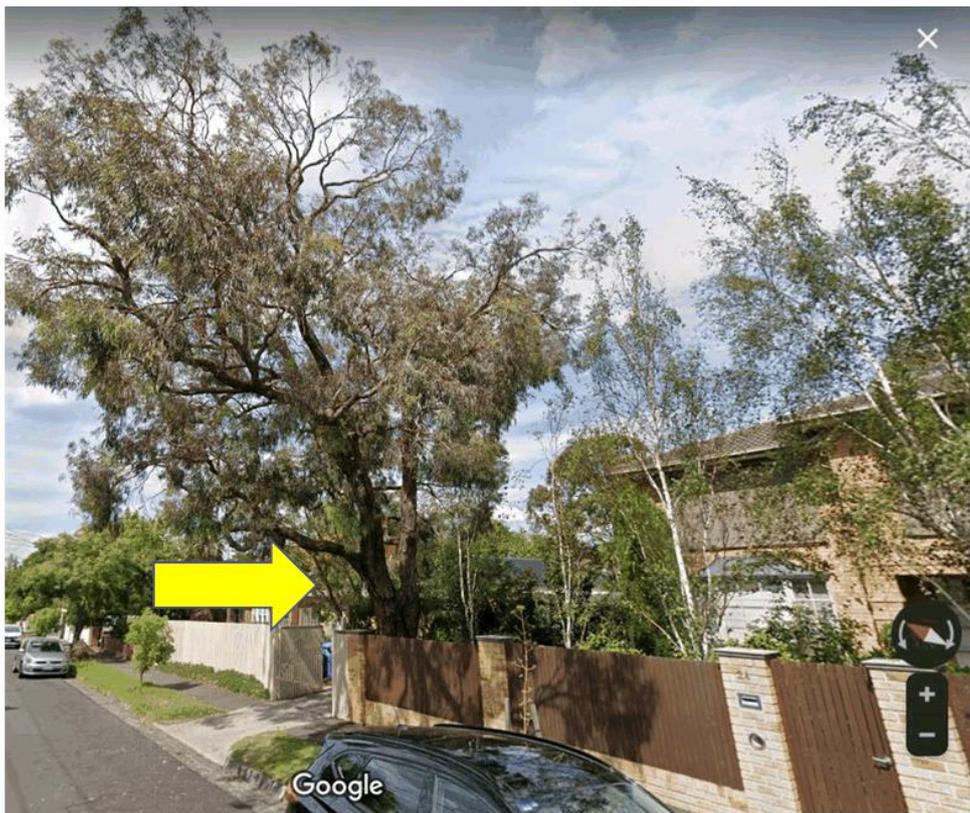
Support Attachments

1. Attachment 1 - Tree Location and Photo ↓

Attachment 1



Subject site Location – 2A Primrose Crescent, Brighton East



Subject tree allowed to be removed

Attachment 1



Aerial view of 2a Primrose Crescent, Brighton East

**4.4 U1 & U3 / 533–535 HAMPTON STREET, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/425/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/146266

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Notice of Decision to Grant a Permit
Applicant	SJB Planning
Title/Covenant/S173 Agreement	The title is not subject to any restrictive covenants.
Date application received	4 September 2020
Current statutory days	196 days
Zoning	Commercial 1 Zone (C1Z)
Overlays	Development Contribution Plan Overlay (DCPO1) Design and Development Overlay (Schedule 12)
Site area	445.45m ²
Number of outstanding objections	41
Is a Development Contribution Levy applicable?	Yes – 15A \$5,465 for additional five dwellings
Is the site located within an area of cultural heritage sensitivity?	N/A

Proposal

The application seeks the retention of the existing building façade and construction of a four storey mixed use building, a reduction of nine car parking spaces in association with the proposed food and drink premises and visitor car park on a lot with an area of approximately 431 square metres. Key details of the proposal are as follows:

- located within Hampton Street Major Activity Centre
- one two storey food and drink premises (Café) is proposed at ground floor and first floor (as of right use in Commercial 1 Zone)
- seven dwellings are proposed at first floor, second floor and third floor comprising 4 x 1 bedroom, and 3 x 2 bedroom apartments
- four storey building with a maximum building height of 15.92 metres
- vehicle access to at grade car park from laneway at rear
- provision of 12 parking spaces comprising two at grade parking spaces and 10 parking spaces provided in a mechanical car parking system (reduction of nine spaces associated with the food and drink premises and visitor car parking)
 - 9 spaces for residents (surplus of two spaces)
 - 3 spaces for staff of the food and drink premises (reduction of eight

spaces)

- Zero residential visitor spaces (reduction of one space)

The application plans are provided at **Attachment 1**.

An aerial image and photographs of the site and surrounds are provided at **Attachment 2**.

History

There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

Clause 34.01-4 (Commercial 1 Zone) – construct a building or construct or carry out works.

Clause 43.02-2 (Design and Development Overlay Schedule 12) – Construct a building or construct or carry out works.

Clause 52.06-3 (Car Parking) – Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

The application was referred to the following Council departments for comment:

Internal Referral	Response
Arborist	No objection, subject to conditions.
Drainage Assets Engineer	No objection, subject to conditions.
Open Space Arborist	No objection, subject to conditions.
Addressing	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.
Sustainability	No objection, subject to conditions.
Waste Management	No objection, subject to conditions.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* and 41 objections were received.

41 objections remain outstanding at the time of this report.

The following concerns were raised:

- non-compliance with DDO12
- neighbourhood character

- inadequate car parking spaces
- loss of privacy
- unreasonable amenity impacts including loss of privacy, odour and overflowing litter and dumping
- waste collection
- overshadowing
- demolition of heritage shopfront
- commercial impact on other business

Consultation meeting

A consultation meeting was held on 25 February 2021 attended by the permit applicant and objectors. As a result of this meeting no objections were withdrawn.

4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2020/425/1** for the land known and described as **U1 & U3 / 533–535 Hampton Street, Hampton East** for **buildings and works to existing building, construction of a four storey mixed use building and associated reduction in car park spaces** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by SJB Architects referenced Job No. 21518, date 15.10.2020 and revision number 3 but modified to show:
 - a) deletion of Level 3, the fourth storey and ensure the overall building height is not more than 11m with exception to site services to the satisfaction of the Responsible Authority
 - b) provision of security lighting to be installed within the proposed ramp to improve laneway surveillance. The lights must be designed so as not to cause any light spill into the adjoining residential dwellings as well as not interrupting the vehicle access to the proposed parking
 - c) demonstrate the proposed SPOS of Apartment 1.01 will not overlook into the private open space of the residential building at 531 Hampton Street
 - d) provision of an acoustic report to demonstrate the proposal complies with Standard D16 of Clause 58 of the Bayside Planning Scheme. Any design treatment to must be incorporated to ensure the sensitive areas are not affected by the proposed commercial kitchen and the mechanical car stackers at the ground floor
 - e) the size of SPOS of apartment 203 and 204 to be increased to comply with Standard D19 Private Open Space. Note, the minimum dimension should be measured excluding the width of proposed planter boxes

- f) revised car stacker details to include a Trendvario 6300 in combination with a Trendvario 6300+ car stacker in accordance with the traffic report submitted with the application
 - g) a letter from a qualified professional confirming the proposed at grade car park is compliant with any Disability Discrimination Act 2006 requirements. Any modifications required to the car park must be amended without any modification to the proposed setbacks
 - h) updated car parking design details including the required AHD levels, fence details to the mechanical car stacker, a corrected model of car stackers and other issues raised in this letter in accordance with the traffic response prepared by Amber on 24 May 2021
 - i) deletion of two surplus residential spaces in association with the deleted uppermost level
 - j) location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties
 - k) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - l) updated Water Sensitive Urban Design measures in accordance with Condition 10 of this permit
 - m) a Landscaping Plan in accordance with Condition 12
 - n) a Development Contribution in accordance with Condition 17
 - o) a Sustainability Report in accordance with Condition 21
 - p) a Waste Management Plan in accordance with Condition 23
 - q) a Car Park Management Plan in accordance with Condition 25
 - r) a Public Works Plan in accordance with Condition 26
- all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. The walls on the boundary of the adjoining properties shall be cleaned and

finished to the satisfaction of the Responsible Authority.

8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
9. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard D20 of Clause 58 of the Bayside Planning Scheme.

Water Sensitive Urban Design

10. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) the type of water sensitive urban design stormwater treatment measures to be used
 - b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas
 - c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

11. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

12. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Form Landscape Architect, Project No. 2115, dated Sept 2020 and be drawn to scale with dimensions. The plan must show:
 - a) a survey including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways

- f) detail of soil volume will be provided to ensure the proposed soil volume is enough to house the proposed tree.
13. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Street tree protection

15. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009.
16. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 2 metres of any street tree asset. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Development Contribution

17. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Drainage

18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
19. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

For Subterranean and Basement Drainage

Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.

20. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Sustainability

21. Prior to the endorsement of plans, an updated Sustainability Report including any amendments included in Condition 1 to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by GIW Environmental Solution dated 28/07/2020.
22. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

Waste Management Plan

23. Prior to the endorsement of plans, a revised Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, generally in accordance with the Waste Management Plan prepared by Waste Tech Services Pty Ltd on 2 October 2020 but modify to include:
 - inclusion of provision for organics waste in both the residential and commercial area
 - any amendment as per Condition 1 of this permit.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Construction Management Plan

24. Prior to the commencement of development, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to, the following as applicable:
 - a) a detailed schedule of works including a full project timing
 - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
 - c) the location for the parking of all construction vehicles and construction worker vehicles during construction
 - d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed
 - e) proposed traffic management signage indicating any inconvenience generated by construction
 - f) fully detailed plan indicating where construction hoardings would be located
 - g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing

- h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
- i) site security
- j) public safety measures
- k) construction times, noise and vibration controls
- l) restoration of any Council assets removed and/or damaged during construction
- m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
- n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
- o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience
- p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads
- q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
- r) details of crane activities, if any.

Car Park Management Plan

25. Prior to the endorsement of plans pursuant to Condition 1, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:

- a) allocation of parking for all individual tenancies
- b) any signs and/or line marking of car parking spaces within the basement

provision and maintenance of a suitable lighting/warning system within the laneway and basement car park areas to control access/egress at the curved ramp.

Public works plan

26. Prior to the endorsement of plans pursuant to Condition 1, a Public Works Plan must be prepared and developed in collaboration with Council. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:

- a) details of upgrades to the existing Council footpaths on Hampton Street
- b) details of new or upgraded vehicle crossovers and roads/laneways
- c) details of new street tree plantings
- d) details of new street furniture, including seats, rubbish bins, etc.

- e) details of new bicycle parking facilities, a double-sided rail be provided at the corner of Hampton Street and Arcadia Street
- f) details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new vehicle crossings
- g) details of the relocation of any existing street parking signs
- h) details of any public lighting
- i) undergrounding of powerlines.

When approved, such plan will form part of the endorsed plans under this permit.

27. Prior to the occupation of the site associated with the development hereby approved, all public works associated with that stage must be completed in accordance with the endorsed Public Works Plan to the satisfaction of the Responsible Authority. The cost of all works associated with the endorsed plan must be borne by the developer/owner(s) of the land.

S173 Agreement

28. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of *the Planning and Environment Act 1987*. The agreement must provide:
 - a) At any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
 - b) The agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
29. Before the development completes, an application must be made to the Register of Titles to register the section 173 agreement on the certificate of title of the land under section 181 of the Planning and Environment Act 1987 and the section 173 agreement must be registered on the certificate of title of the land.
30. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the section 173 agreement.

Permit Expiry

31. This permit will expire if one of the following circumstances applies:
 - a) the development is not started within two years of the date of this permit.
 - b) the development is not completed within four years of the date of this permit.

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.

5. Council Policy

Council Plan 2017–21

Relevant objectives of the Council plan include:

- where significant development is directed to specified and planned activity centres and strategic locations, providing a transition to surrounding residential areas and incorporating improved infrastructure and open space
- where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context
- where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- make discretionary planning controls stronger, by advocating for Council's planning and urban design objectives to state government
- ensure new development responds to preferred neighbourhood character in activity centres.

Homes for Homes Initiative

Council has identified the need to act in relation to affordable housing through the Council Plan 2017–21 and the Bayside Housing Strategy 2019 and has implemented a range of initiatives to implement the Council Plan.

One of the initiatives aimed at supporting affordable housing was considered at the Ordinary Meeting of Council on 15 September 2020 where Council resolved to require all planning permits issued for multi dwelling developments to include a condition requiring the implementation of the Homes for Homes initiative via a Section 173 agreement, under the *Planning and Environment Act 1987*.

Accordingly, pursuant to Section 62 of the *Planning and Environment Act 1987*, a condition should be included on any planning permit issued to ensure the ongoing commitment to an initiative like Homes for Homes will be delivered.

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 17 Economic Development

- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.05 Environmental Risks
- Clause 21.06 Built Environment and Heritage
- Clause 21.07 Economic Development
- Clause 21.09 Transport and Access
- Clause 34.01 Commercial 1 Zone
- Clause 43.02 Design and Development Overlay (Schedule 12)
- Clause 45.06 Development Contributions Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

The subject site is located at the west side of Hampton Street, one block north from the corner of Hampton Street and Arcadia Street and is within the Hampton Street Major Activity Centre. State Planning Policy generally calls for increased built forms and increased housing densities around activity centres. This is translated at a local level particularly through Clause 21.02 where the site is nominated as being within a 'Key Focus Residential Growth Area' which corresponds with the current Bayside Housing Strategy. Clause 21.03 (Settlement and Housing) identifies the need for Bayside to play its role in accommodating for the forecast population increase of Melbourne, specifically stating that *'Activity Centres will play an increasingly important role in providing for future housing needs, particularly as opportunities diminish elsewhere due to neighbourhood character, heritage and environmental constraints'*. This policy continues to state *"the redevelopment potential within and around selected Activity Centres provides opportunities for medium density housing, resort style accommodation and shop top housing'*.

One of the strategies listed under Objective 2 of 21.03-1 Activity Centres is to *"encourage new housing in commercial areas of activity centres to provide no net loss of commercial floorspace at the ground floor."*

Subsection 1 of Clause 21.03 relates specifically to Activity Centres, of which Hampton Street Major Activity Centre is identified as one of Major Activity Centres within Bayside. The objectives require that medium density development be directed to Major Activity Centres to deliver increased housing density and diversity. Within policy, strategies include:

- incorporate a range of suitable accommodation options, including for older people and affordable housing
- facilitate the renovation and use of shop top dwellings
- encourage the use, renovation and development of shop top dwellings

- add to or replace single storey buildings with new multi-storey buildings to provide additional housing opportunities in business precincts and zones
- encourage redevelopment of larger sites for higher density residential dwellings
- discourage the replacement and construction of single dwellings
- encourage the more efficient use of built form through the consolidation of sites and construction of basement car parks
- encourage new housing in commercial areas of activity centres to provide no net loss of commercial floorspace at the ground floor.

Thus it is considered that the concept of a multi storey mixed use building (ground and first floor commercial and shop top dwellings) typology at this location is supportive of the strategic direction. It should be noted that the proposed new commercial floor area is approximately the same area as the existing retail floor space.

The themes contained in Clause 21 are further reinforced through Clause 21.07 (Economic Development), that seeks to provide increases to commercial floorspace for redevelopment in activity centres, particularly for professional services; and Clause 21.09 (Transport and Access), that encourages high density development close to Activity Centres to then encourage more sustainable transport modes (i.e. public transport).

It is considered that the proposal meets the above policy aspirations, and the subject site clearly sits in an area suitable to a development of this general scale and form (as identified in both State and Local Planning Policy).

6.1. Commercial 1 Zone

The subject site is located in the Commercial 1 Zone which encourages mixed use commercial centres for retail, office, business and community uses. The purpose of this zone also encourages residential uses at densities complementary to the role and scale of the commercial centre. The benefits from a policy sense associated with the use of accommodation (dwellings) has been well discussed in the above section.

The proposed commercial uses for food and drink premises are as of right uses which do not trigger a planning permit.

The proposed building design is to retain the building façade including its canopy to Hampton Street which promotes active frontages to the pedestrian areas along the street and also encourages the useability and movement of pedestrians. The retention of the existing building façade also maintains the existing streetscape character of the area.

It is felt however that the scale of the building is excessive considering all relevant planning controls, and hence a condition is included to reduce the scale of build to no more than 3 storeys. This is discussed in greater detail below.

6.2. Design and Development Overlay (Schedule 12)

The subject site is covered by Schedule 12 to the Design and Development Overlay, which controls built form standards for Hampton Street Major Activity Centre.

A permit is required under this overlay for buildings and works.

The site sits within Precinct C in Map 1 at subsection 5, where the preferred building height is 11m (3 storeys) and no maximum building height is regulated. Evidence of this is detailed below:

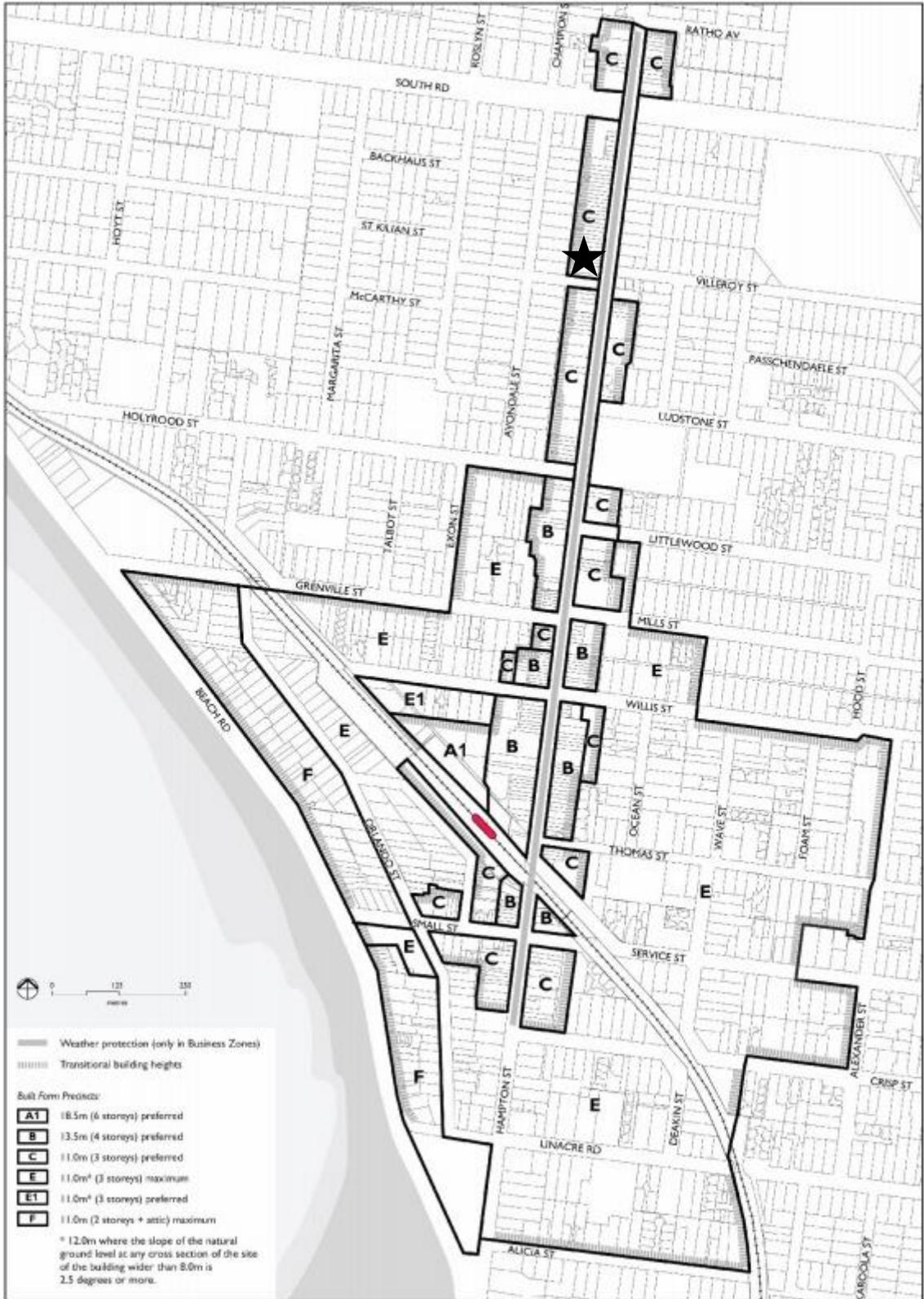
Table to built form precinct provisions

Refer to Built Form Precinct Map at the end of the schedule.

Precinct	Preferred building height	Maximum building height
A1	18.5m (6 storeys)	-
B	13.5m (4 storeys)	-
C	11.0m (3 storeys)	-
E	-	11.0m (3 storeys); or 12.0m (3 storeys) where the slope of the natural ground level at any cross section of the site of the building wider than 8m is 2.5 degrees or more
E1	11.0m (3 storeys); or 12.0m (3 storeys) where the slope of the natural ground level at any cross section of the site of the building wider than 8m is 2.5 degrees or more	-

Precinct	Preferred building height	Maximum building height
F	-	11.0m (3 storeys) The 3rd storey level must be an attic

For clarity purposes, the following map shows where the proposed development locates in relation to the 'C Built Form Precinct Map':



Legend	
Subject site	★

With a maximum height of 15.92m and four storeys, the proposed development exceeds the preferred height requirements as stipulated under the overlay (being 3 storeys / 11 metres).

The adopted DDO12 specifies that any proposal to increase the discretionary building height beyond 11 metres must address a number of criteria within the DDO schedule as follows:

Demonstrate that the proposal will achieve the following outcomes (as appropriate):

- a high standard of architectural design
- innovative environmental design
- minimal overshadowing of adjoining streets, public spaces and residential properties
- minimal impact on the amenity of adjoining residential precincts
- respect for places subject to the Heritage Overlay
- transitions in scale to lower building forms.

The following assessment will discuss if the proposed amendments have fully addressed the above-mentioned criteria:

High standard of architectural design

There is no definition in the planning scheme for 'high standard of architectural design'. The recent VCAT decision for *736-742 Hampton Street Developments Pty Ltd v Bayside CC [2019] VCAT 2033* set out some guidelines in considering whether that proposal met a threshold of a 'high standard of architectural design'. Paragraphs 31 to 32 of that decision stated:

'In making a finding as to whether the proposal meets a threshold of a 'high standard of architectural design' we take into consideration a number of factors. Firstly, this is not an assessment of architecture as might be undertaken in a purely peer reviewed context, nor is it one based on taste. This is an assessment made against various objectives and requirements in the planning scheme and how the proposal addresses them in a design response. As such, we make findings based on what is being sought in DDO2 and other local and State policies as well as the seriously entertained DDO14.

For a proposal to meet a 'high standard' it must be highly resolved (both in its architecture and amenity for future occupants and adjoining residents), contextual and responsive to the public realm. It must also respond to and address broader environmental concerns such as off-site weather and wind effects and solar access to public spaces, as well as innovative environmental design which we discuss below'.

Turning to the current design, the scale and form of the proposed building with its four storey do not assist in achieving the design objectives and design requirements specified in DDO12. The proposed development is 4.9m higher than the preferred maximum height within the Hampton Street Major Activity Centre. It will result in a disproportionate height to Hampton Street particularly as the setbacks are inadequate to appear as recessive elements. The scale and form are not compatible with the preferred future role and character. The proposed one storey higher than the preferred storey is a significant policy departure. In another words, the architectural design standard is enough to justify a three storey building (to a height of 11m) but not four storeys (to a height of 15.9m). There is nothing exceptional about the design that makes such a positive contribution to the visual amenity of the streetscape so as to warrant the proposed one storey variation from the preferred building height.

Innovative environmental design

The submitted ESD assessment confirms a total BESS score of 57%. It meets the Best Practice of the BESS assessment however it is well below the Excellence BESS score (70%) required. In particular the individual ESD element of 'Innovation' contributes 0% to overall score where the policy calls for an innovative environmental design.

The submitted ESD report has been referred to Council's ESD officer. Concerns have been raised including a lot of inconsistencies between the plans and ESD report which leads to the officer concerns over methods used to assess energy efficiency, solar access and cross ventilation, and therefore the BESS score of 57% is queried. All of these issues have been disclosed to the permit applicant however the applicant advised that it was very difficult to improve the BESS score on this site, and ultimately requested that Council include a condition to delete the upper most level so as to remove the assessment against this 'test' from the application.

Minimal overshadowing of adjoining streets, public spaces and residential properties.

It is noted the proposed development will not further cast any shadows on the adjoining residential properties to the west or the business strip along Hampton St. It is noted that south adjoining commercial property and rear laneway will be subject to further overshadowing. The proposed overshadowing on the rear laneway is not a concern as it is not a primary commercial street like Hampton Street which provides functionality for pedestrian walk and recreation, the laneway is mainly designed for vehicle access.

531 Hampton Street is a double storey building containing one café at the front section of ground floor and one residential dwelling at the rear and first floor. The proposal will cast additional overshadow over the courtyard and balcony to the residential dwelling. Given 531 Hampton Street is a residential building in a commercial zone located in a major activity centre, the overshadowing impact offered by the proposal is not considered unreasonable. In addition to that, the deletion of the top floor of the proposal at 533 Hampton Street will further reduce the amenity impact on the residential dwelling.

Respect for places subject to the Heritage Overlay

The residential properties across Hampton Street are covered by Heritage Overlay. The proposal is to keep the existing double storey building façade to retain the Hampton Street streetscape and therefore respects the buildings under Heritage Overlay.

Minimal impact on the amenity of adjoining residential precincts and transitions in scale to lower building forms.

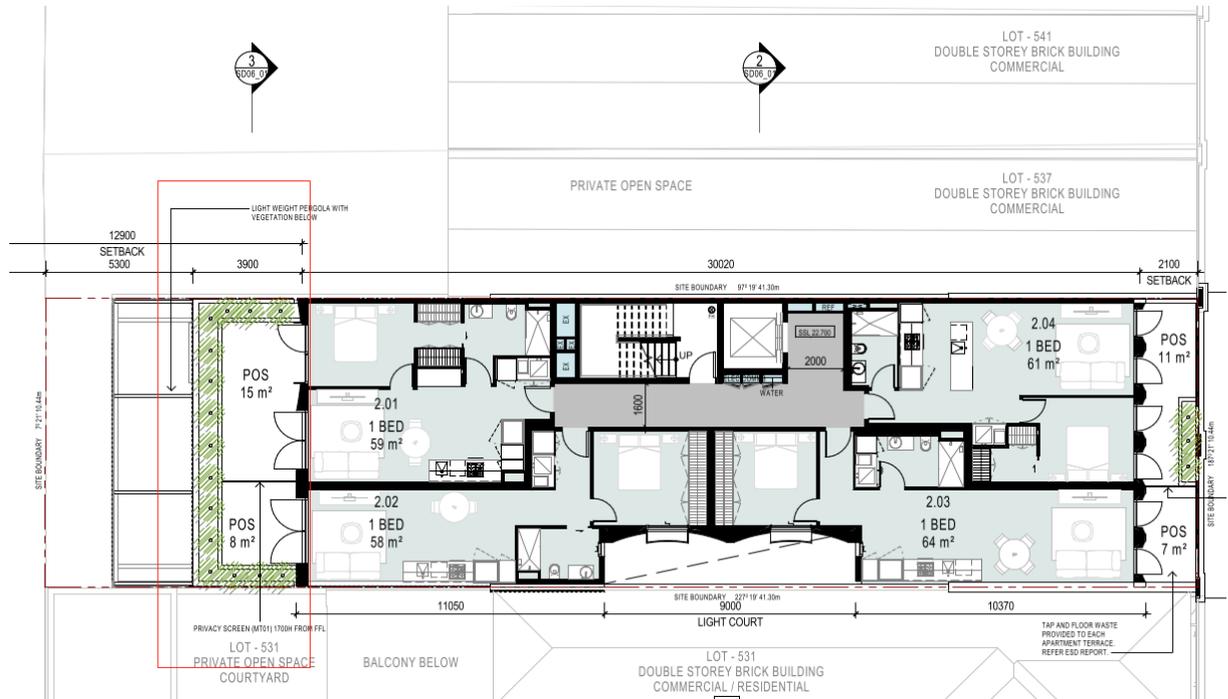
The proposed four storey does not minimise the impact on amenity particularly in terms of visual bulk and loss of outlook. The outlook from the dwellings to the west will be unreasonably impacted upon by the height and breadth of the proposed built form. A four storey building (15.92m) is very prominent, particularly in an area where the adjacent built form is lower. It is considered therefore that this building does not achieve an acceptable transition in scale to lower building forms in the residential precinct to the west.

Furthermore, the DDO12 requires where the site abuts the boundary of a property containing a dwelling and located in a Residential Zone the minimum setback from the title boundary of that property should be:

- 3m at ground floor
- 5m at first floor
- 10m at second floor
- 15m at third floor and above.

It is noted the subject site is abutting a lane way which is a natural buffer and should be included as part of the setback requirement calculation as it demands no amenity

protection in its own right, existing purely for vehicle access. Taking this into account, the ground floor and first floor have been setback 6.1m which complies with the requirement. However, the second floor has only been setback 9m from the balcony in lieu of the required 10m and the third floor has been setback 12.7m in lieu of required 15m. The non-compliance setback requirements are in relation to the balcony at the first floor and the living room and balcony at the second floor. Given the proposed uppermost floor will be deleted as a condition so the only non-compliance part is the balcony at the first floor as shown in below:



The policy at 2.0 of DDO12 states:

'Minor buildings and works such as verandahs, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified in this schedule provided they are designed and located to the satisfaction of the responsible authority'.

Given that the proposed first floor balcony acts more like a continuation of a ground floor wall and contains planter boxes to support a natural frame, the proposal is considered as an appropriate design encroachment into the required setback, particularly as the actual wall of this level would be setback well in excess of the standard. Refer below image for reference.



Further to that, the proposed balcony directly faces to an existing garage and outbuilding at 22 Avondale Street, therefore any amenity impact by this encroachment is very limited. Given the above, officers are supportive for this minor variation.

Summary

As discussed above, the application falls short in meeting the criteria to support the additional level under the DDO12. Given the otherwise strong compliance with the DDO12 and other Council policy, Council will require the removal of the uppermost floor through condition 1(a).

6.3. Compliance with Clause 58 (Apartment Developments)

An assessment against the requirements of Clause 58 is provided at **Attachment 3**. Those non-compliant standards are discussed below:

Safety (Standard D9)

Entrances to dwellings are easily identified from internal accessway and Hampton St. However, security lighting is required inside the rear at grade car parking spaces to further improve lighting, visibility and surveillance of the parking area and internal accessway. This requirement is included as a permit condition.

Building Setback (Standard D14)

There are no north facing windows at 531 Hampton Street that will be impacted by the proposed development.

The proposed development has demonstrated that there is no overlooking to the west residential properties, however the first floor SPOS of Apartment 1.01 will overlook into the private open space at residential dwelling of 531 Hampton St. A condition is included in the recommendation requiring compliance with the standard.

Noise impacts (Standard D16)

No acoustic report has been provided by the applicant for assessment. Generally speaking the site is not located in a noise sensitive area such as industry or railway. However, the proposed commercial kitchen and car stackers may cause noise impacts on the living room of apartment 1.01. A condition has been included requiring design treatment be incorporated into the apartment 1.01 to ensure the sensitive areas are not affected by the proposed commercial kitchen and the mechanical car stackers at the ground floor.

A compliance letter from the consultant acoustic engineer is required once all the recommendations are included in the plans.

Private Open Space (Standard D19)

The proposed SPOS of each apartment generally complies with the standard requirement except apartments 203 and 204. The proposed SPOS is 1m² smaller than the standard requirement. A condition to address this non-compliance is included in the recommendation.

Storage (Standard D20)

Storage areas are a little unclear on the plans, and hence a condition will be placed on the permit to demonstrate that the application complies with this standard.

6.4. Landscaping

The application plans show the removal of five trees from the site including one native tree. None of these trees are protected by local laws or statutory mechanisms and therefore supported by Council's Arborist in their referral response.

In addition to the above assessment, Council's Arborist has reviewed the submitted landscape plan and advised that it is considered acceptable. The landscape plan includes the planting of four canopy trees at ground and second floor which respects the existing landscape character in the Major Activity Centre – noting that the landscape expectations on sites in commercial areas are much lower than that in residential zones. As the recommendation is to delete the uppermost level, the planting on this level would also be lost, however the reduction in built form is considered to outweigh the provision of two additional trees.

6.5. Car parking and traffic

Car parking

Statutory parking requirements are outlined in Column A of Table to Clause 52.06-5 of the Bayside Planning Scheme. The parking requirements are shown in below table.

Statutory Car Parking Requirements

Use	Size / No.	Rate	Requirement	Proposal	Shortfall / Surplus
Café	292m ² LFA	4 spaces / 100m ² LFA	11 spaces	3 spaces	-8 spaces
Dwellings (Residents)	7 x 1 & 2- bedroom	1 space / dwelling	7 spaces	9 spaces	+2 spaces
Dwellings (Visitors)		1 space / 5 dwellings	1 space	0 spaces	-1 space

The proposal provides a surplus of 2 spaces for residential dwellings but applied for a waiver of 8 spaces for the café and 1 space for visitor car parking. The Car Parking Demand Assessment provided within the consulting traffic report asserts the follows:

- The café will generate a proportion of multi-purpose trips i.e. people already parking within the area as part of an existing trip for another purpose.
- The site has good access to public transport, with Hampton Railway Station located within 800m walk.
- Some café patrons are likely to walk or cycle from surrounding areas and there are good connections in place to facilitate this.
- The allocation of 3 spaces to café staff will meet the anticipated long-stay

demand, resulting in a shortfall of 8 spaces for café patrons (i.e. short-stay parking demand) can be easily accommodated at on-street parking spaces along Hampton Street.

- Mechanical parking (stackers) accessed from a laneway is not suitable for residential visitors or commercial patrons.

Officers note the subject site is located within walking distance to Hampton Railway Station and Hampton Street has ample on street parking on both sides for business/residents.

Whilst there is a shortfall for commercial customers, this is not unusual in commercial areas and is in fact applicable to almost all commercial properties throughout the municipality due to limited lot size and difficulty of access off rear laneways (commercial customer parking is generally only provided for larger development that include public car parking such as that associated with supermarkets). It is therefore not unreasonable this development rely on the surrounding public parking network for customers, much like the other commercial lots throughout this area.

Whilst one visitor parking space could theoretically be provided through condition, it is felt that this space would not be utilised as it would be hidden from public view and would be accessed with some difficulty via the rear laneway. This space would be better utilised by the permanent residents so as to reduce any overspill that may otherwise have occurred.

Furthermore, the deletion of the uppermost level will result in an additional surplus of two residential spaces (in total surplus of four residential spaces), it is considered unnecessary given the proposed number of dwellings. It is therefore recommended to delete two surplus residential spaces from the car park through condition.

The application was referred to Council's Traffic Engineer who expressed no concern with the proposal car parking space reduction.

Car Park Layout and Access

The application has been referred to Council's traffic engineer who accepted the development subject to the inclusion of permit conditions relating to vehicle access, driveway gradients, and internal car parking space rearrangement.

Council's traffic engineer had concerns over the vehicle access leading into the car park which is provided via a 2.4m long ramp which cannot achieve the required gradient of 1:40. The applicant has confirmed the car stacker will be lowered by 150mm to allow for a maximum ramp gradient of 1:40 to be provided in front of the car stacker, it will be included in the permit condition.

Furthermore, Council's traffic engineer raised a concern that the egress from the southernmost space requires significant vehicle clearance line overlap with the platform raised edge and support column for the stackers. The provided swept path in traffic response on 24 May 2021 has demonstrated the southernmost space can exit with an adjusted manoeuvre which is considered as acceptable.

Council's traffic engineer also raised a concern that a vehicle waiting to enter the car stacker system would block the laneway for other vehicles. The swept paths have been provided in the traffic response demonstrating two vehicles are able to pass in the laneway with the current design layout.

Lastly, a concern was raised that the plan has incorrectly referred the car stacker model, it should be a Trendvario 6300 in combination with a Trendvario 6300+ car stacker. This is a simple oversight and it will be conditioned to correct.

Further to the above, an assessment of the proposed car stacker model which confirms 60% of spaces can accommodate a vehicle height of 1.8m or above, which exceeds the minimum requirement under Clause 52.06.

Bicycle Parking

The bicycle parking requirements under Clause 52.34 of the Bayside Planning Scheme are provided in Table 2.

Statutory Bicycle Parking Requirements

Use	Size / No.	Parking Rate		Requirements	
		Residents / Staff	Visitors / Customers	Residents / Staff	Visitors / Customers
Café	292m ² LFA	1 to each 300m ²	1 to each 500m ²	1 space	1 space
Dwellings	7 x 1 & 2- bedroom	1 space / 5 dwellings	1 space / 10 dwellings	1 space	1 space
TOTAL REQUIREMENT				2 spaces	2 spaces

A total of two resident/staff spaces and two visitor/customer spaces are required. There is a total of eight bicycle parks provided within the rear part of ground floor and are allocated for resident and staff. However there are no bicycle parks provided for visitors/customer. The consulting traffic engineer suggested a double-sided rail be provided at the corner of Hampton Street and Arcadia Street. This is supported by Council's traffic engineer and this requirement will be included as part of the Public Works Plan conditions.

6.6. Cultural Heritage management plan

The site is not located within an area of cultural heritage sensitivity and therefore a cultural heritage management plan is not required.

6.7. Development contributions levy

The subject site is located within catchment area 15A.

Based on the proposed application and the below recommendation, a payment of \$5,465 is required. The payment of the development contributions levy is included as a condition of permit.

6.8. Objector issues not already addressed

Competing business

It is a well recognised planning principle that there is no right to compensation as a result of competing business.

The proposed land use is as of right under the provisions of the Commercial 1 zone. Only the development is up for consideration through this application.

The purpose of the zone encourages a range of land use activities. That there is a similar use to that proposed in proximity of the site is not adequate justification to refuse the application. The decision guidelines of the Planning Scheme and *Planning and Environment Act 1987* do not accommodate consideration of lost income arising as a result of new development and competing land uses.

Support Attachments

1. Development Plans ↓
2. Site and Surrounds ↓
3. Clause 58 Assessment ↓



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and planning.

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Version: 03
Prepared by: JM
Checked by: TW / BF

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ACN 065 207 490



Contents

1	Project Scope	4
2	Urban Context	8
3	Design Response	14
4	Documentation	23



1

Project Scope

Project Scope

1.1 Project Team



SJB

533-535 Hampton Street, Hampton

5

Project Scope

1.2 Architect Statement

This proposal seeks to create a mixed-use building that respects the sites existing character and surrounding bayside context.

The building consists of a retail ground floor fronting Hampton street, with mezzanines on Level 1 connected by a double height space, lit from above via a light court. Seven boutique apartments are located on the levels above.

The curved aggregate and scalloped concrete creates a gentle juxtaposition that compliments and celebrates the sites heritage shophouse façade. These materials have been selected for their longevity and tactile qualities and aesthetic.

Extensive vegetation and coastal plant species will be used to create an integrated design approach that softens the architectural form.

The Hampton street shopfront will be restored, celebrating the existing character of the streetfront whilst creating a contemporary boutique experience.

533-535 Hampton Street, Hampton

SuB

Project Scope



533-535 Hampton Street, Hampton

SUB

7



2

Urban Context

Urban Context

2.1 Aerial Photo



Subject Site
Transportation Routes

533-535 Hampton Street, Hampton

SuB

9

Urban Context

2.2 Neighbourhood Context



SUB

533-535 Hampton Street, Hampton

2.3 Planning Overlays



C1Z - Commercial 1 Zone

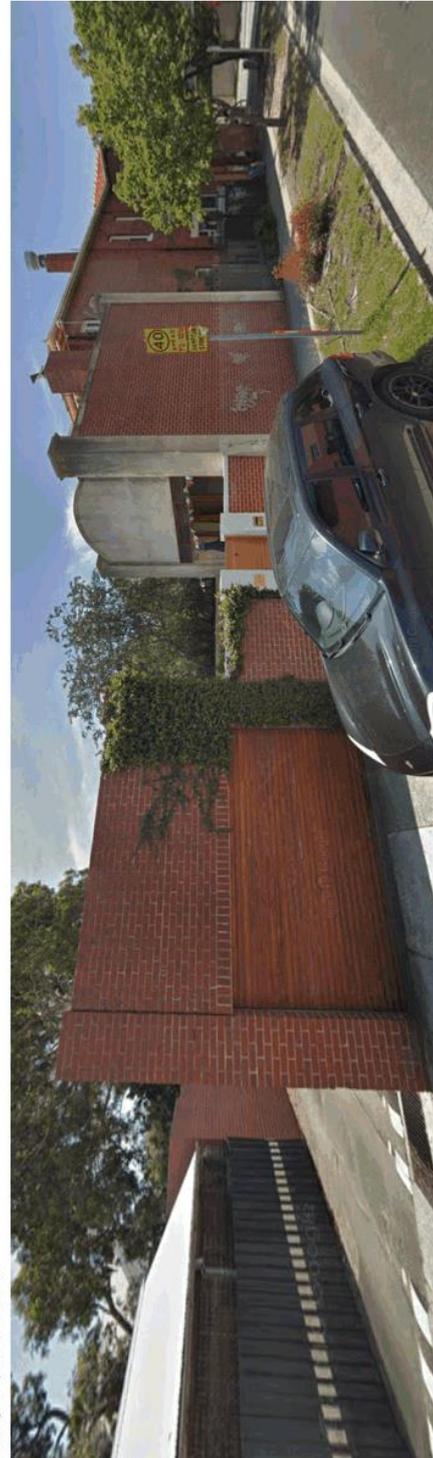


Urban Context

2.4 Site Photos



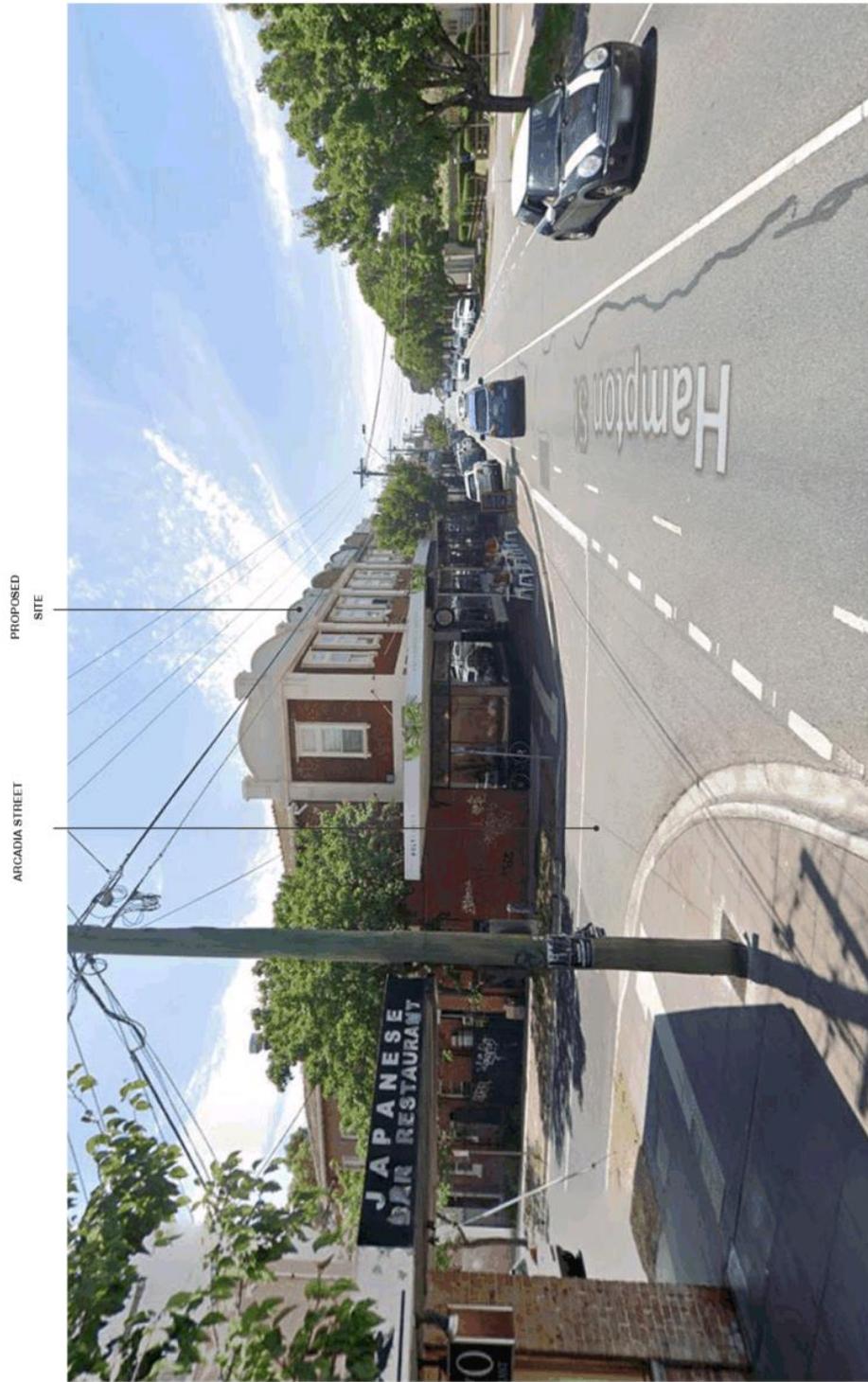
Existing Hampton Street facade



Laneway at rear of proposed site

533-535 Hampton Street, Hampton

SUB



Corner of Hampton Street and Arcadia Street

533-535 Hampton Street, Hampton

SUB

Urban Context



Existing Hampton Street Retail Facade



Existing Hampton Street Retail Facade



Hampton Street Shop Front



Shop Front Adjoining Property - Hampton Street

533-535 Hampton Street, Hampton

SUB



Arcadia Street - Adjoining Building to Proposed Site



Rear of Proposed Site - Laneway



Corner of Arcadia and Hampton Street



Laneway Entry from Arcadia Street

533-535 Hampton Street, Hampton

SUB

3

Design Response



17

533-535 Hampton Street, Hampton

SUB

Design Response

3.1 Precedents and Materiality



An authentic and robust material palette that celebrates the finer grain details through brick texture and detailing.





19



A combination of brickwork and textured concrete, softened with layered vegetation.



533-535 Hampton Street, Hampton



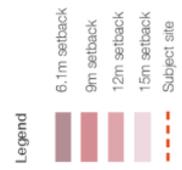
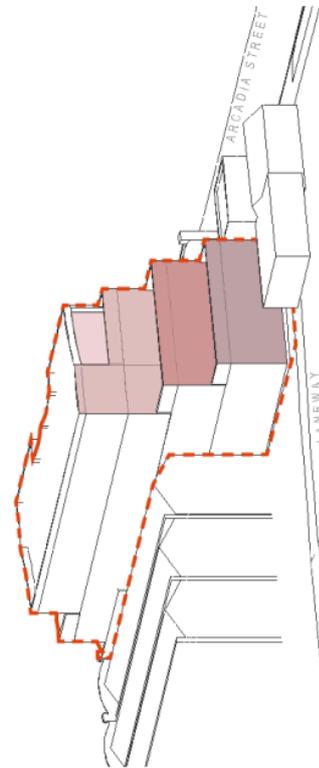
Scalloped Concrete Formliner

SUB

Design Response

3.2 Massing Diagrams

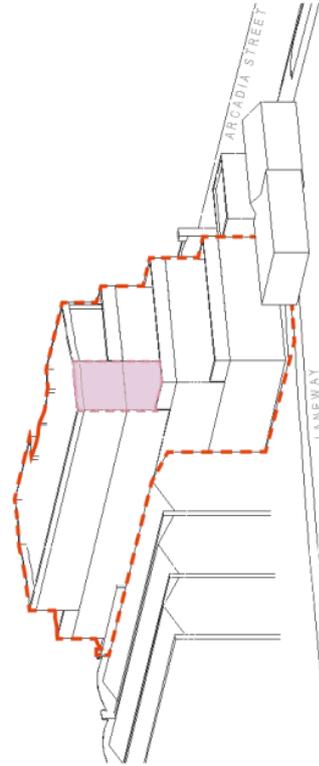
Setback - From Laneway



533-535 Hampton Street, Hampton

SuB

Setback - Facade Articulation



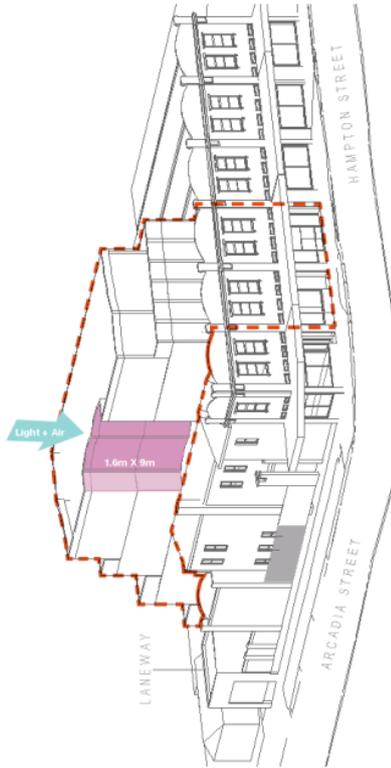
20

3.3 Missing Diagrams

Setback - Hampton Street



Light Court

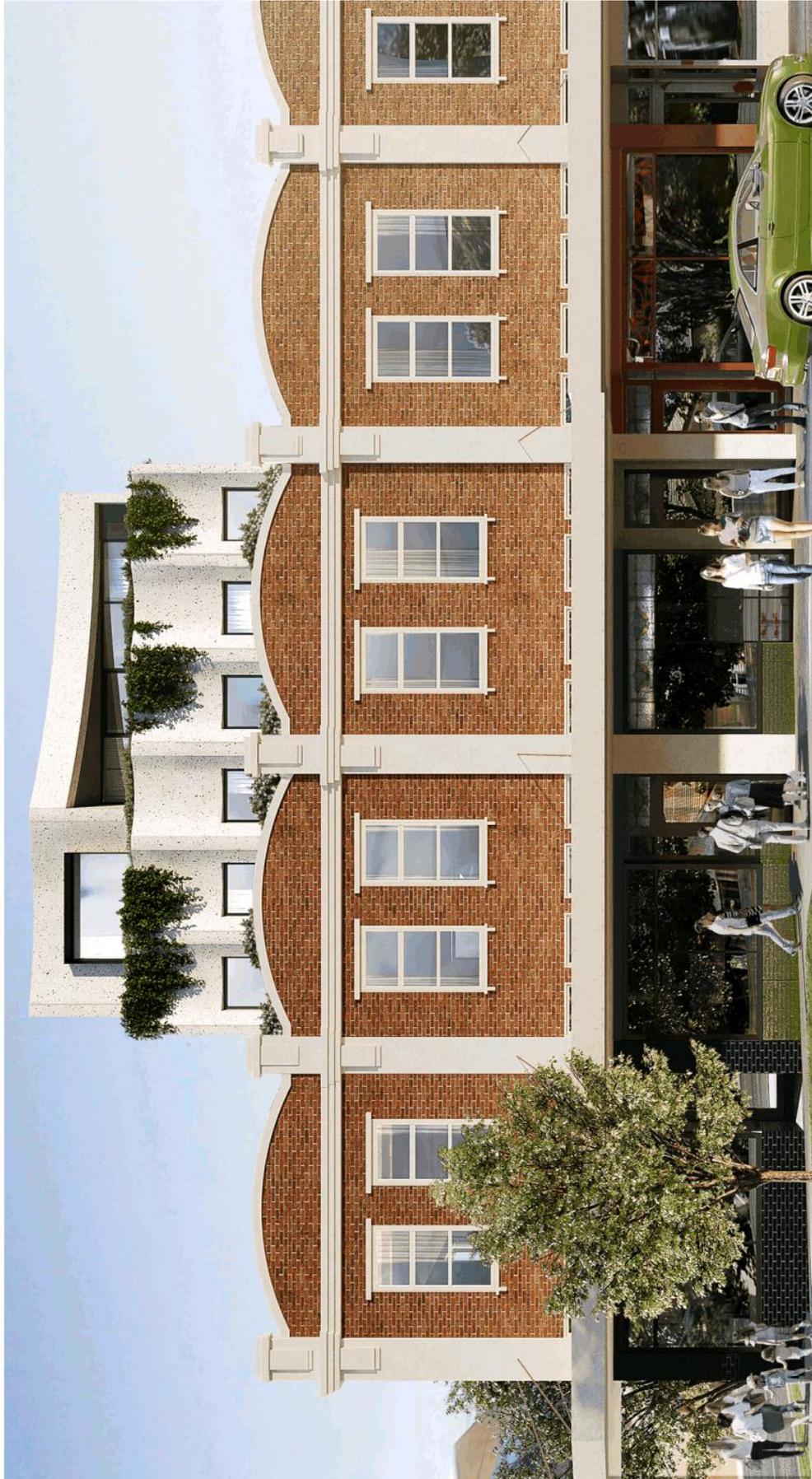


- Legend
- 6m setback
 - 4m setback
 - 2m setback
 - Subject site

SUB

533-535 Hampton Street, Hampton

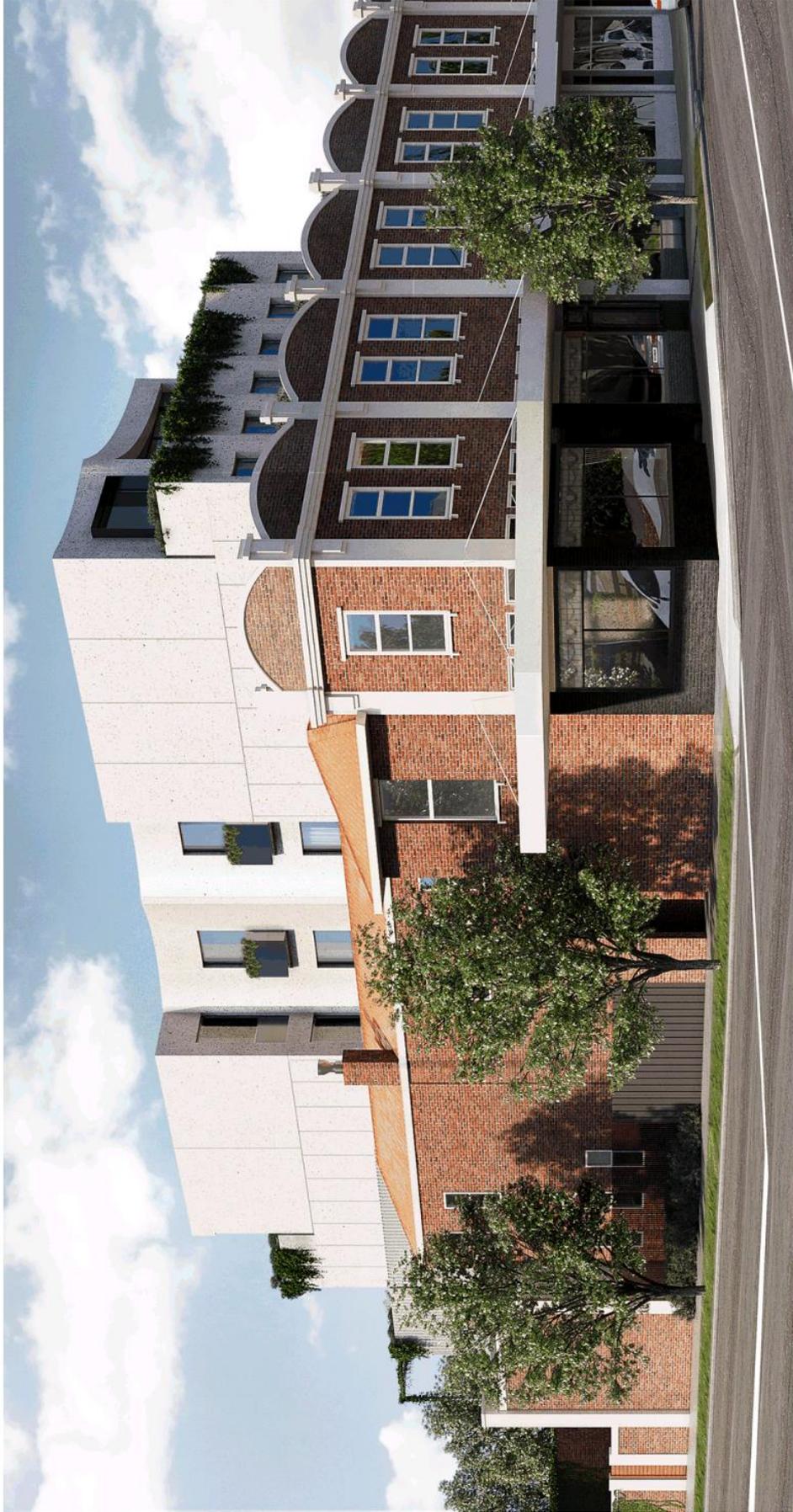
Design Response



View: Hampton Street

533-535 Hampton Street, Hampton

SUB



View: Hampton Street

SUB

533-535 Hampton Street, Hampton

Design Response



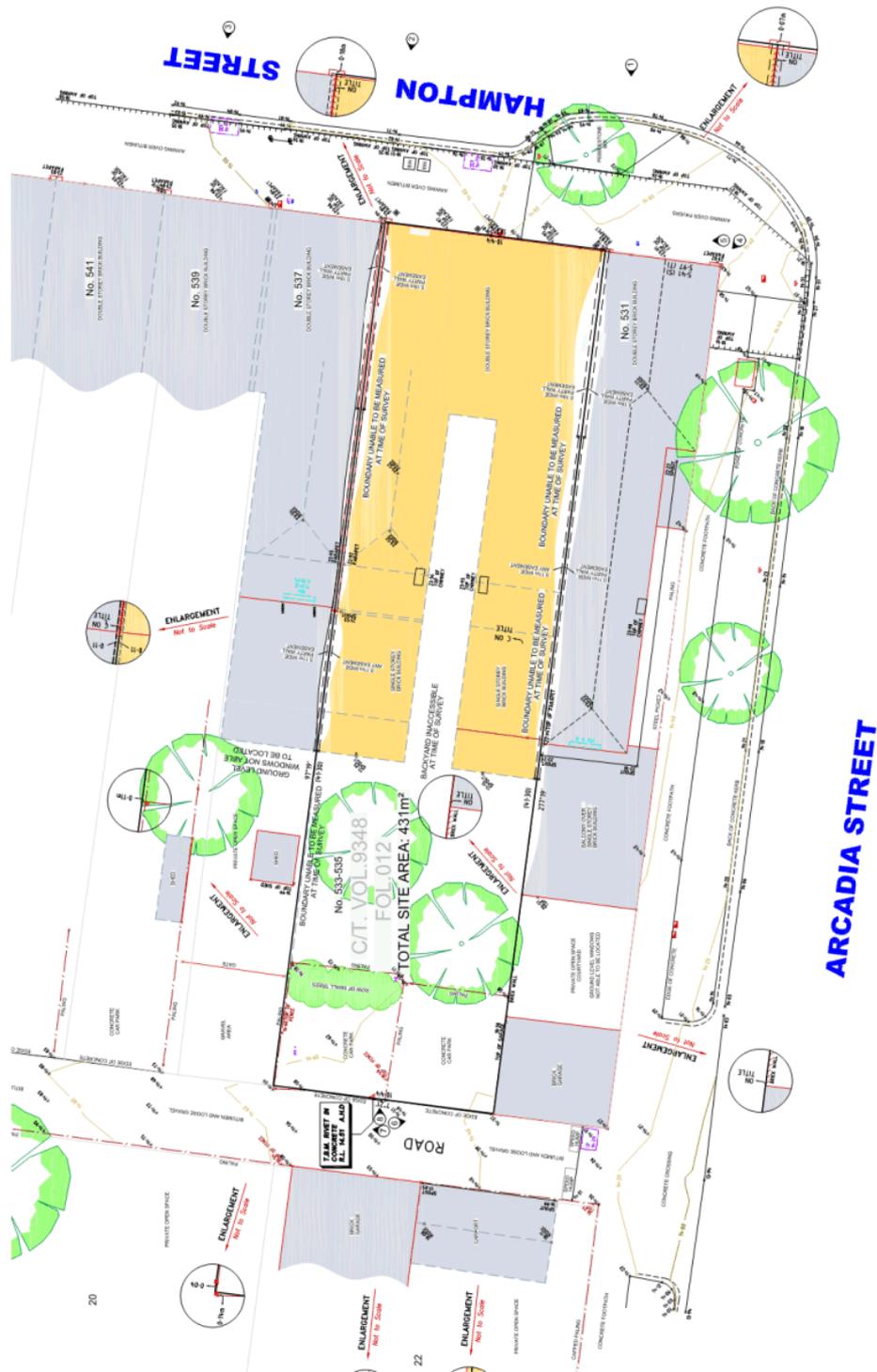
View: Laneway & Arcadia Street

533-535 Hampton Street, Hampton

SUB

4

Documentation



SB Architects
 120 Park St, 11th Floor, Melbourne VIC 3000
 T 03 9609 0505; sb.com.au
 120 Park Street, Melbourne VIC 3000
 ABN 61 625 257 469; A/CN 1295 237 460

Project address
 535-538 Hampton Street, Hampton

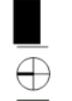
Site Survey



PLAN NO.	21518
DATE	15/10/2020
SCALE	1:200
PROJECT NO.	SDD01_01
REVISION	3

OVERALL PROPOSED
 SITE PLAN

533-535 HAMPTON
 STREET

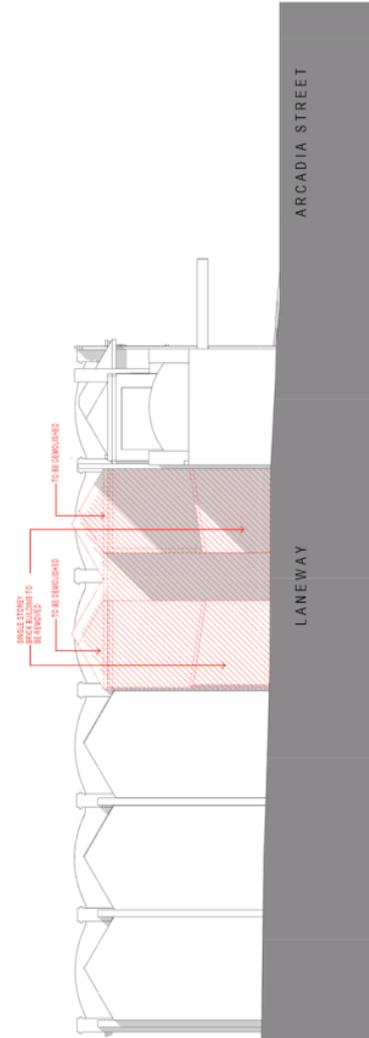


LEGEND

	SHOP FRONT GLAZING AND ENTRY DOORS RELOCATED AND RESTORED TO ORIGINAL CHARACTER
	EXISTING FRAMED GLASS WINDOWS RELOCATED AND RESTORED TO ORIGINAL CHARACTER
	EXISTING BRICKWORK TO BE RESTORED WITH ORIGINAL OR PAINT FROM BRICKWORK
	TWO STOREY FACADE TO BE RESTORED AND MADE GOOD
	REMOVAL OF EXISTING CONDITIONS



1 SD_DEMOLITION_B_ELEVATION_EAST
SCALE 1:100



2 SD_DEMOLITION_D_ELEVATION_WEST
SCALE 1:100

MR HAMPTON
533-535 HAMPTON
STREET

MR & WEST
DEMOLITION
ELEVATIONS

JOB NO
21518

DATE
15.10.2020

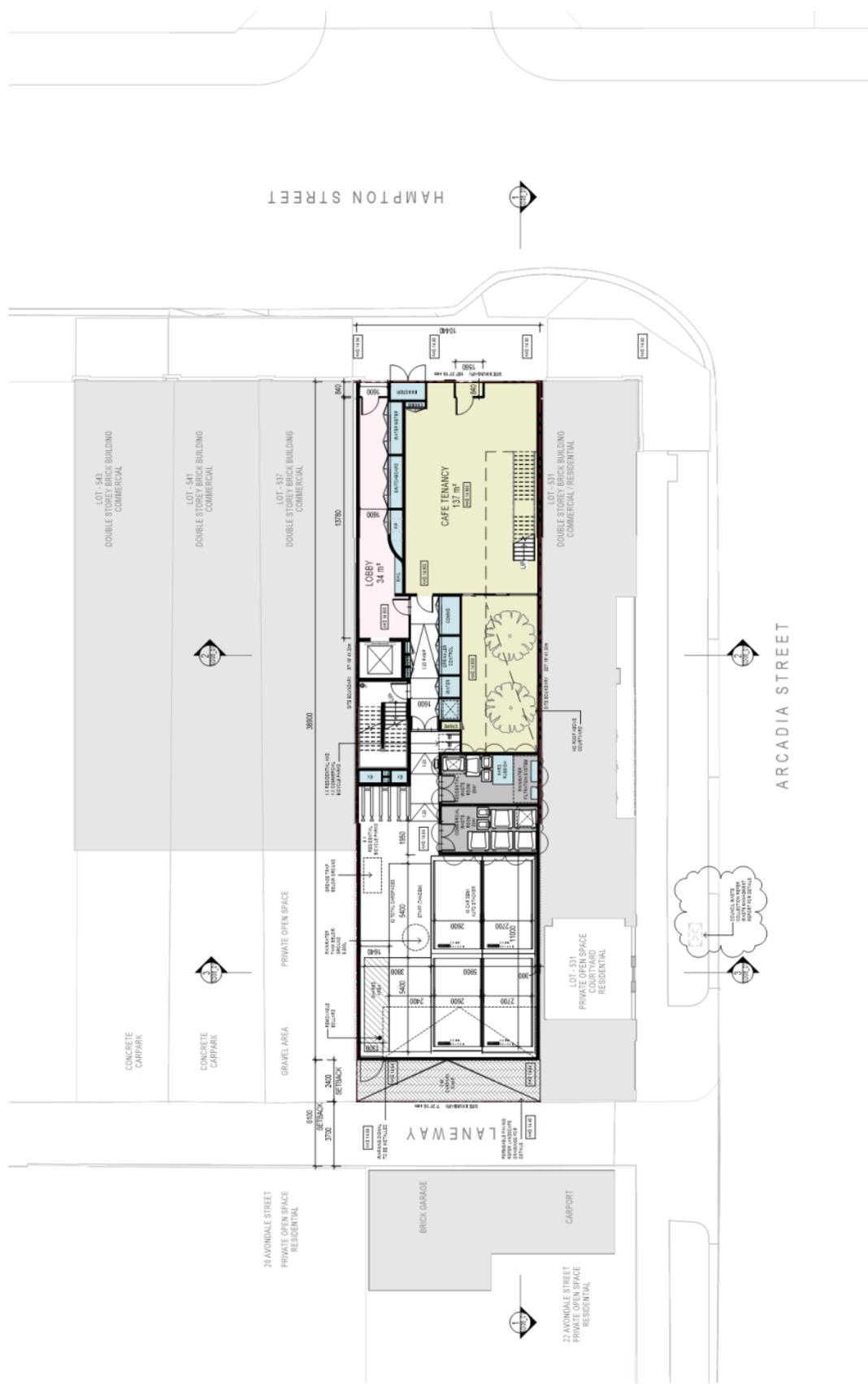
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PROJECT
SD05_04

REVISION
3

MR Archibeth
21518
MURDOCH VIC
7701 3058 0000
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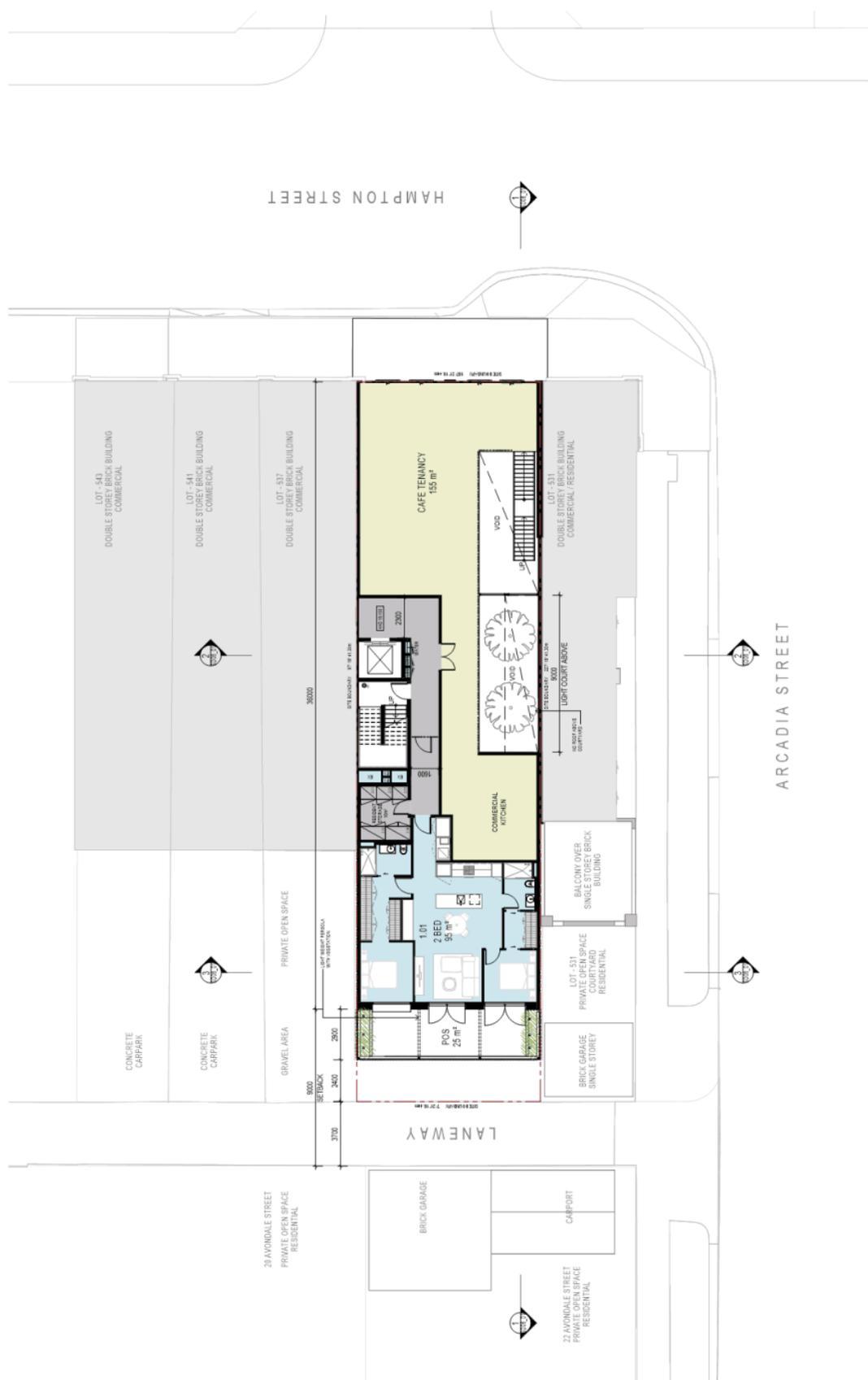
SJB Architects
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 3000
 T: 03 9397 6888
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Draw No. 21518
 Date 15/10/2020
 Scale 1:100
 Project No. SD02_02 / 3

GROUND FLOOR PLAN

33-35 HAMPTON STREET





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LEVEL 1 FLOOR PLAN

33 HAMPTON STREET
533-535 HAMPTON STREET



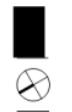


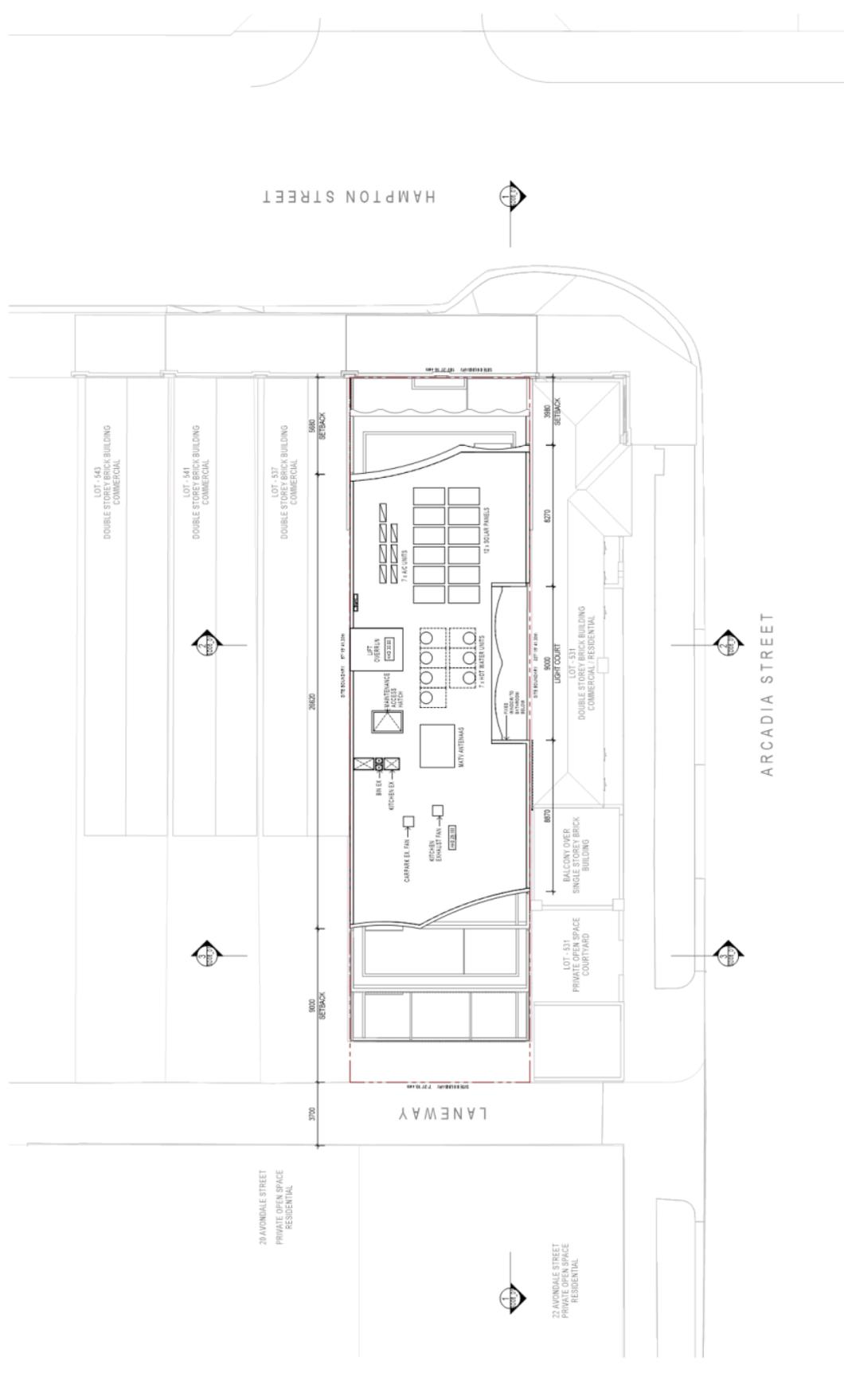
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Date 15/10/2020
Project No. SD02_04 / 3

LEVEL 2 FLOOR PLAN

33-535 HAMPTON STREET





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Page No. 3

Drawn By: SD02_06

Date: 15/10/2020

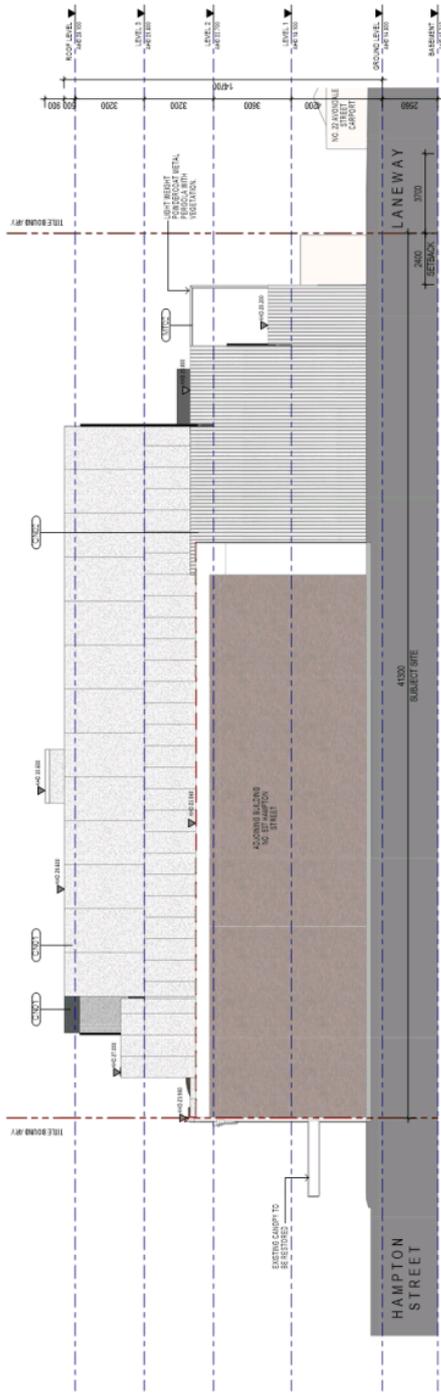
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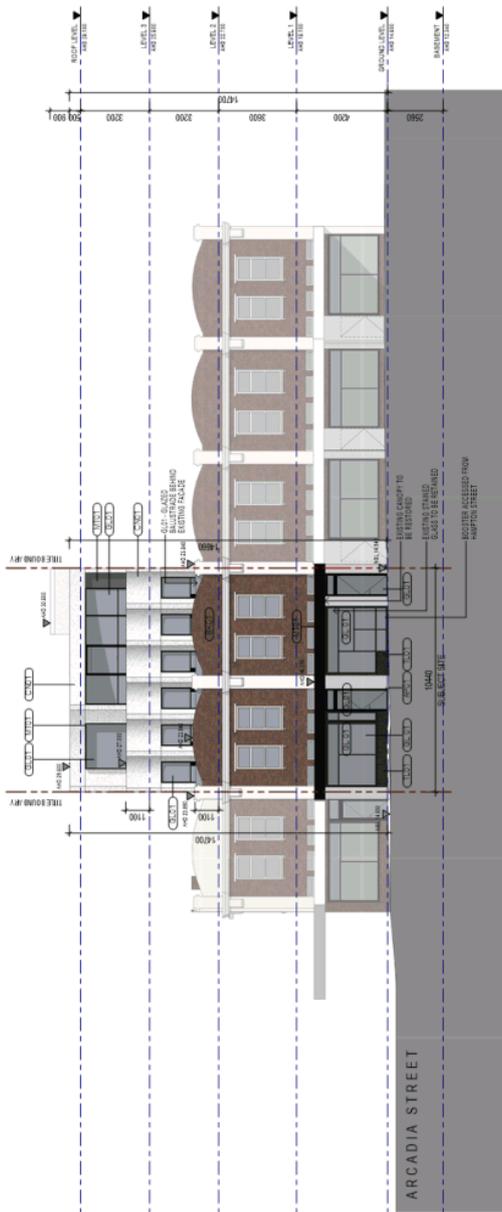
ROOF LEVEL FLOOR PLAN

15/155 STURT STREET
MELBOURNE VIC
3000





1 SD A ELEVATION_NORTH
SCALE 1:100



2 SD B ELEVATION_EAST
SCALE 1:100

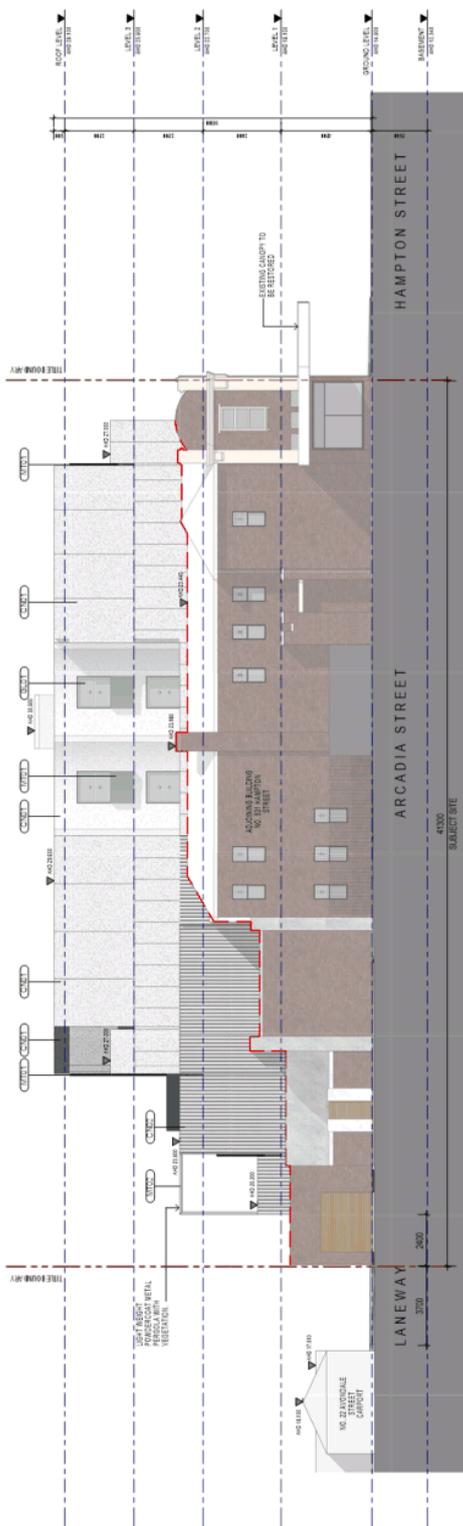


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151 Bayside Road
Marrickville NSW
2122
T: 02 9550 6888
www.s&b.com.au

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SCALE: 1:100
DATE: 15/10/2020
PROJECT: SD05_01
PAGE: 3

NORTH & EAST
ELEVATIONS

151 HAMPTON
533-535 HAMPTON
STREET



1 SD_C ELEVATION_SOUTH
SCALE 1:100



2 SD_D ELEVATION_WEST
SCALE 1:100

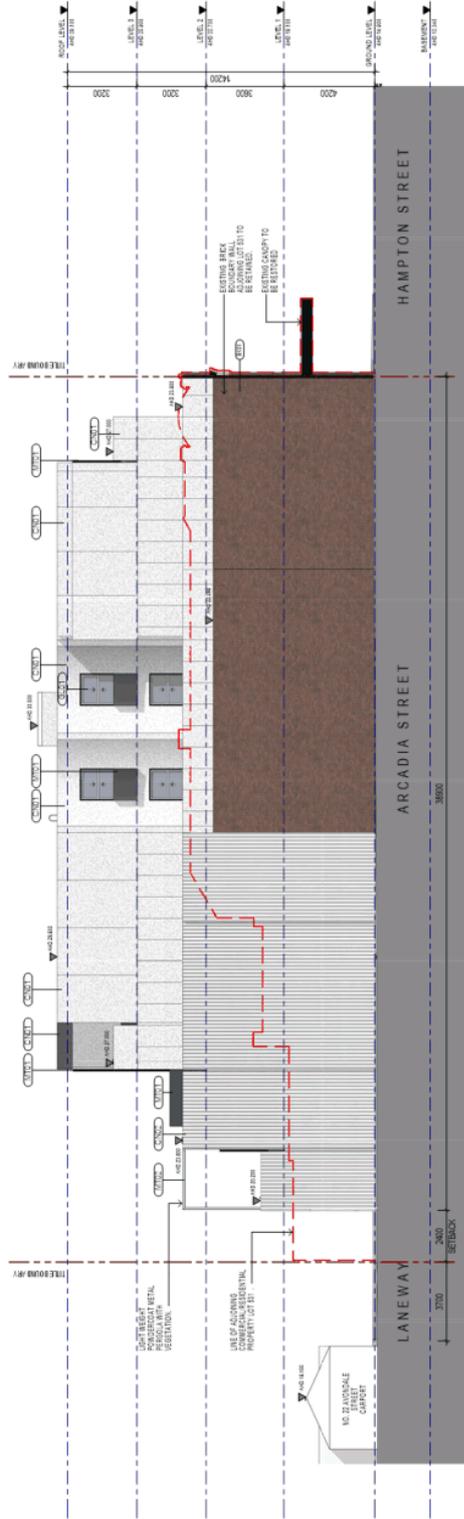
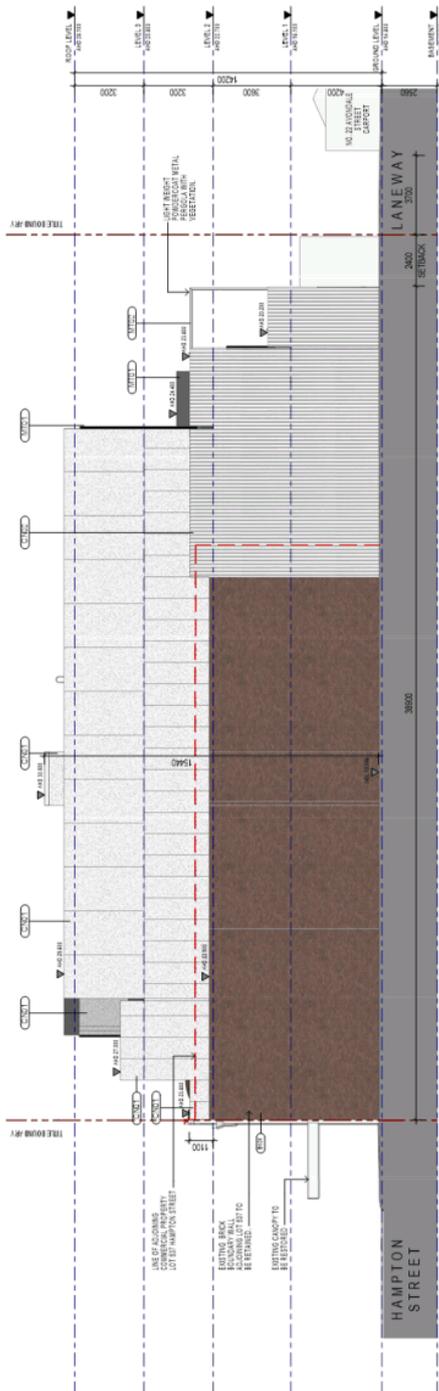


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Melbourne VIC
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Drawing No. SD05_02 / 3

SOUTH & WEST
ELEVATIONS

NO. 51 HAMPTON
533-535 HAMPTON
STREET



SJP Architects
151 Bayside Drive
Marrickville, NSW
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7552 8888
www.sja.com.au

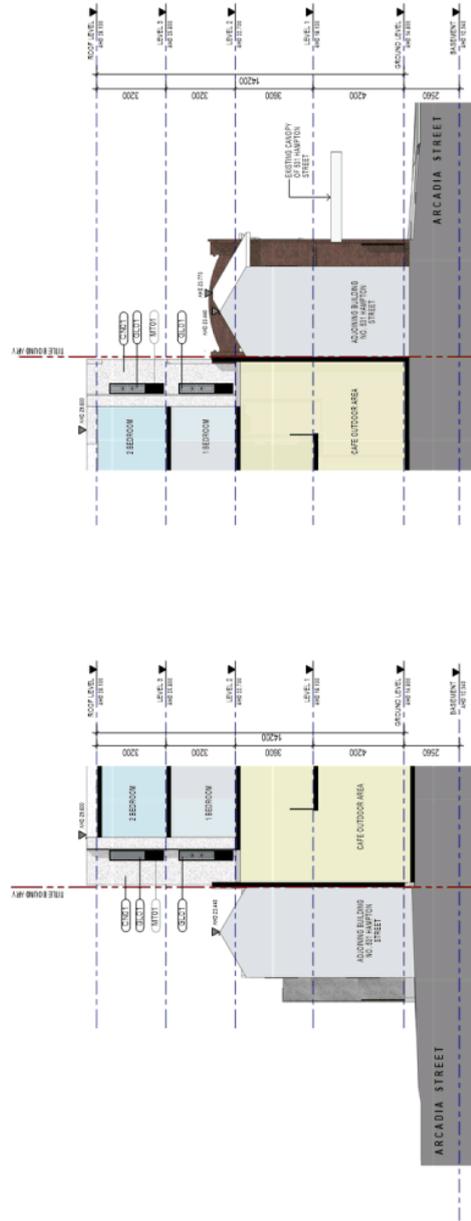
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Date 15.10.2020
Drawing No. SD05_03
Revision 2

NORTH & SOUTH
ELEVATIONS

35
MARRICKVILLE
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 Melbourne VIC
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2. SD_A_ELEVATION_LIGHT COURT_EAST
 SCALE 1:100

1. SD_A_ELEVATION_LIGHT COURT_WEST
 SCALE 1:100

Drawn by: 21518
 Date: 15.10.2020
 Drawing No: SD05_05
 Page: 2

LIGHT COURT
 ELEVATIONS

533-535 HAMPTON
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T: 03 9594 6681
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Date 15/10/2020

Scale 1:100

Job No. 21518

Section C

Scale 1:100

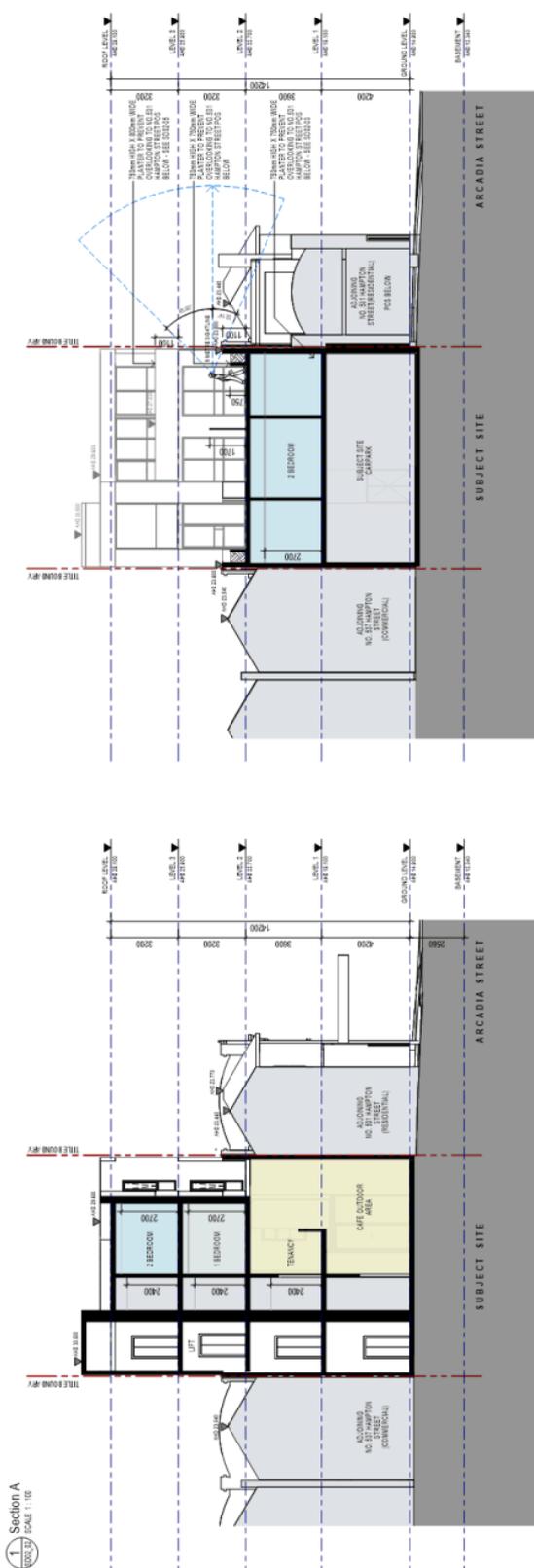
Section B

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MA HAMPTON

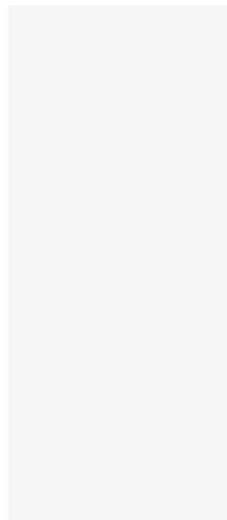
633-535 HAMPTON

STREET



Documentation

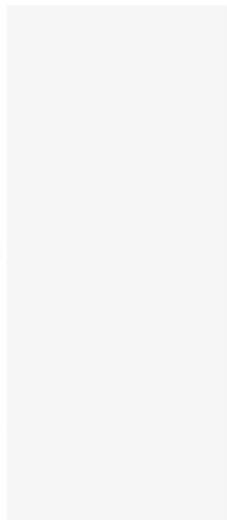
4.1 Material Palette



AP01 - Applied Finish (White)



CN02 - Scalloped Concrete Formliner Brighton Lite



MT02 - Powdercoat Metal Finish (White)



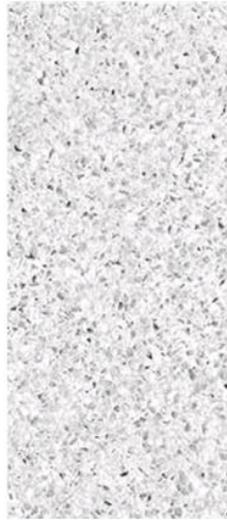
BK01 - Brick (Red)



GL01 - Glass (Clear)



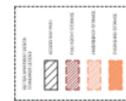
TL01 - Glazed Ceramic Tile (Green)



CN01 - Honed Terrazzo Finish

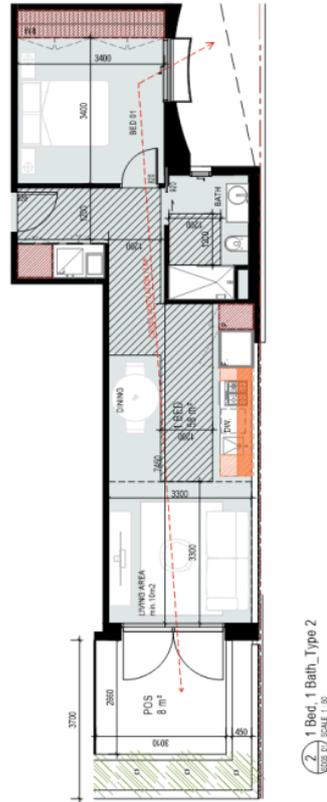


MT01 - Powdercoat Metal Finish (Charcoal)



APARTMENT TYPES

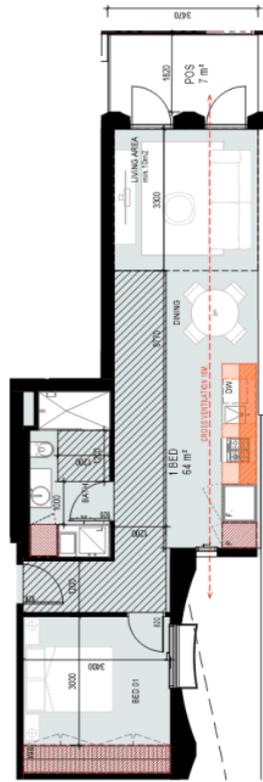
333 HAMPTON
533-535 HAMPTON
STREET



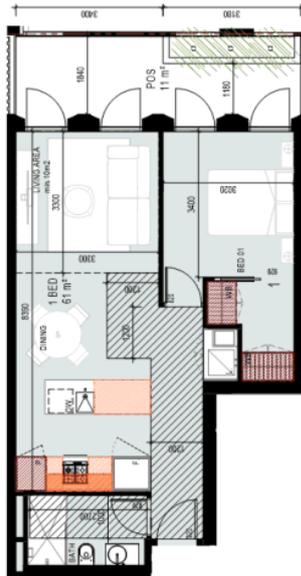
333 Architects
Level 1
100 Collins Street
Melbourne VIC
3000
T: 03 9493 8888
www.333.com.au

Job No: 21518
Date: 15/10/2020
Drawing No: SD07_01
Revision: / 3

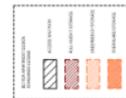




2 1 Bed, 1 Bath Type 4
SCALE 1:50



1 1 Bed, 1 Bath Type 3
SCALE 1:50



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DATE: 15/10/2020
SCALE: 1:50
JOB NO: 21518
DRAWING NO: SD07_02
REVISION: 3

APARTMENT TYPES

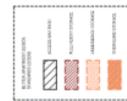
100 HAMPTON
533-535 HAMPTON
STREET



2 Bed, 2 Bath_Type 2
SCALE 1:50



2 Bed, 2 Bath_Type 1
SCALE 1:50

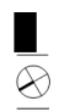


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DRAWING NO.: SD07_03
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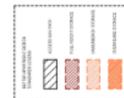
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533-535 HAMPTON
STREET





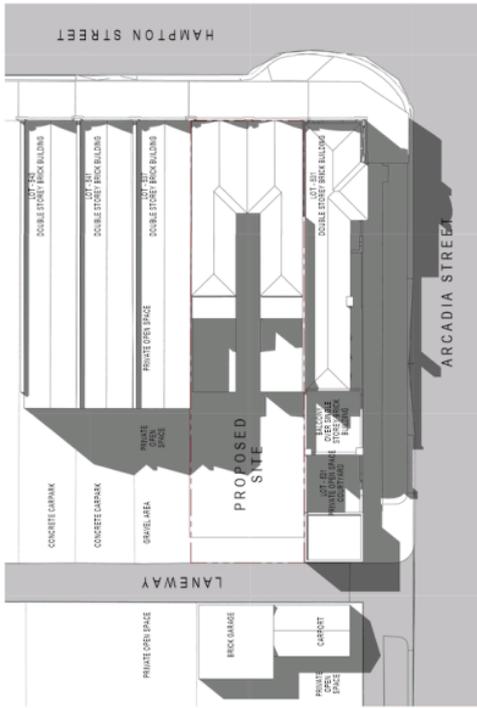
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PLAN NO: 21518
DATE: 15.10.2020
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DRAWN BY: SD07_04
REVISION: 3

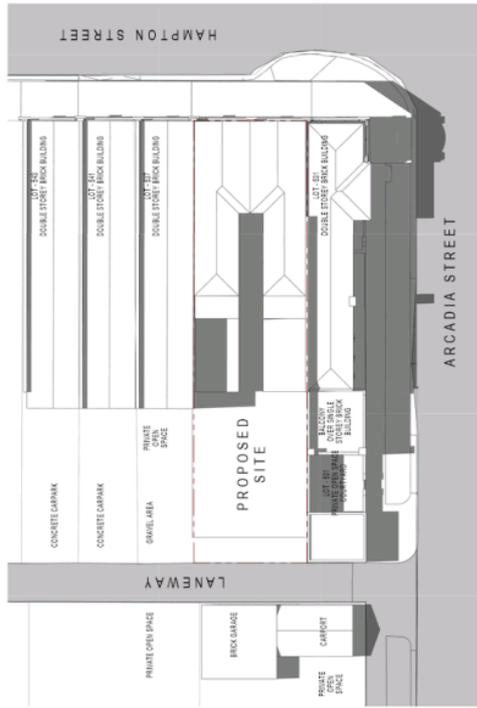


APARTMENT TYPES

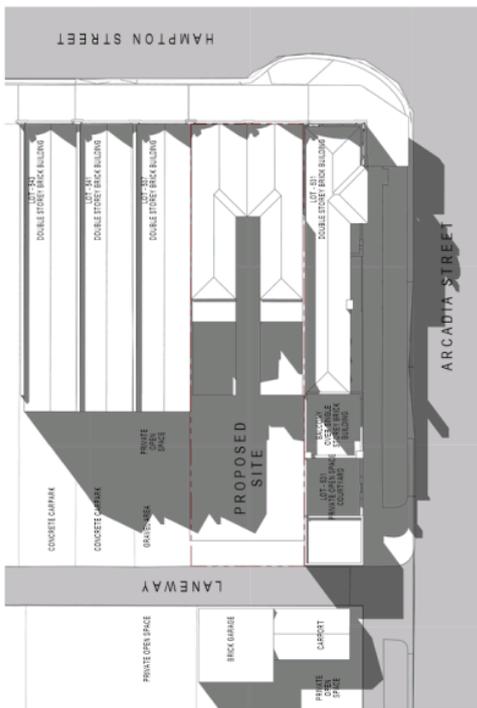
533-535 HAMPTON STREET



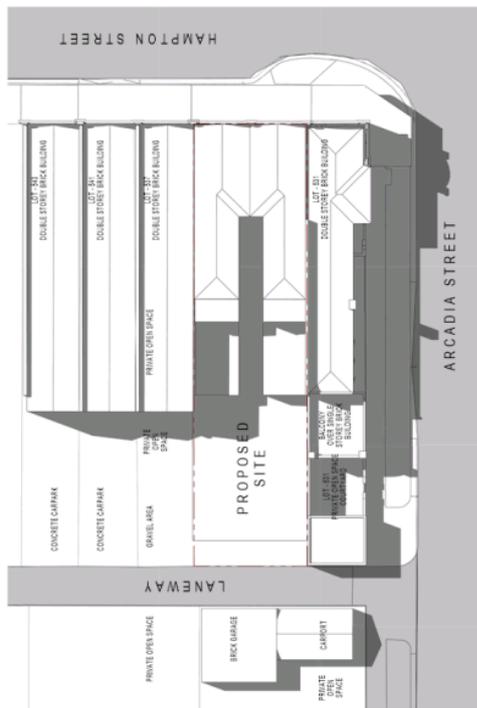
1 SD_B1 EXISTING CONDITIONS_10am
SCALE 1:200



2 SD_B1 EXISTING CONDITIONS_12pm
SCALE 1:200



3 SD_B1 EXISTING CONDITIONS_9am
SCALE 1:200



4 SD_B1 EXISTING CONDITIONS_11am
SCALE 1:200



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Plan No. SD30_01 / 3

Date 15/10/2020

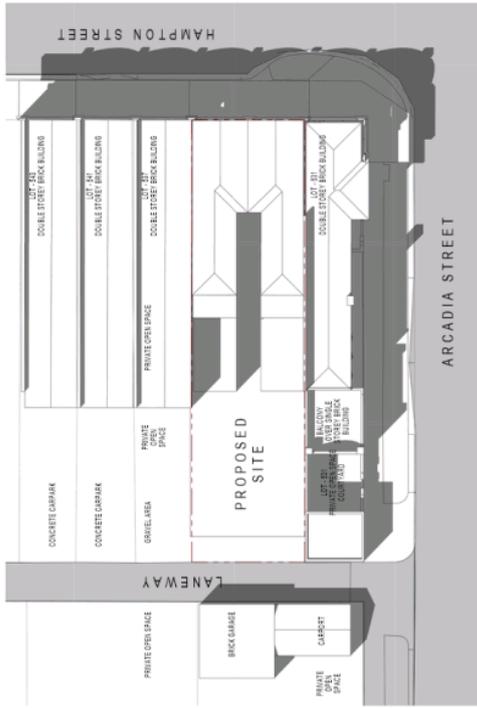
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Site No. 21518

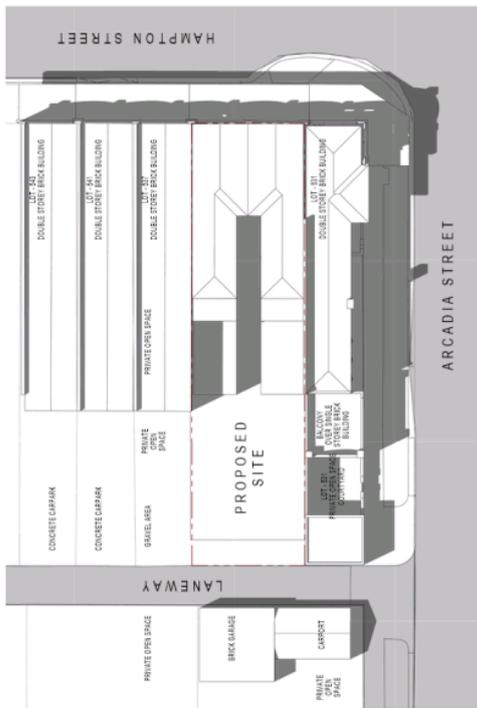
Project No. 21518

Client No. 21518

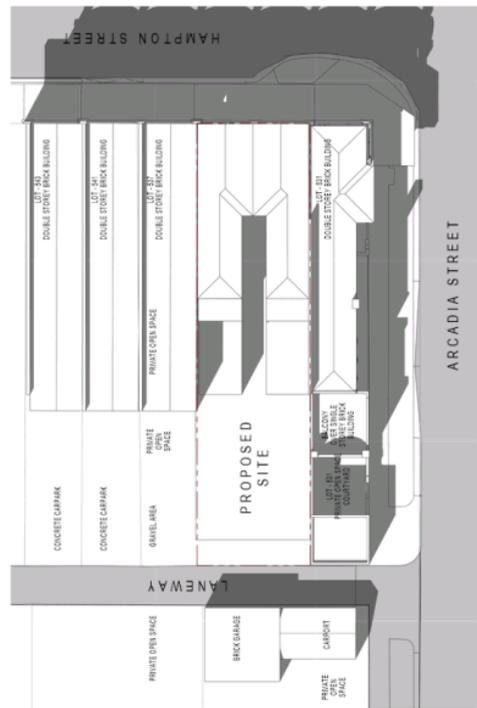
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2 SD_B1 EXISTING CONDITIONS_2pm
SCALE 1:200



1 SD_B1 EXISTING CONDITIONS_1pm
SCALE 1:200



3 SD_B1 EXISTING CONDITIONS_3pm
SCALE 1:200



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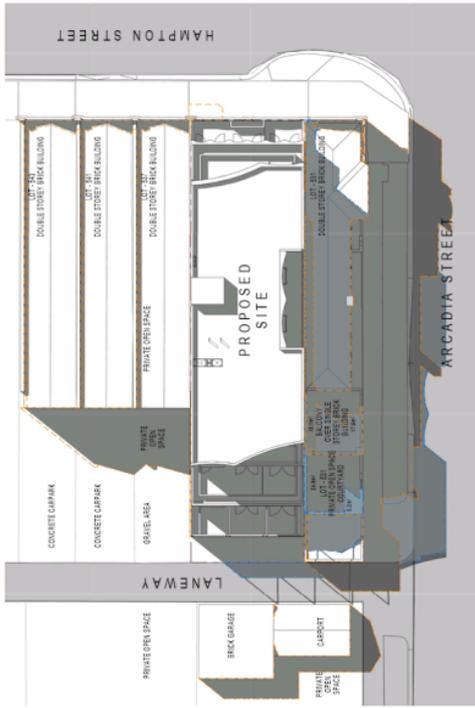
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SCALE: 1:200
DATE: 15/10/2020
PROJECT: SD30_02 / 3

LEGEND
EXISTING LOT FLOOR OUTLINE

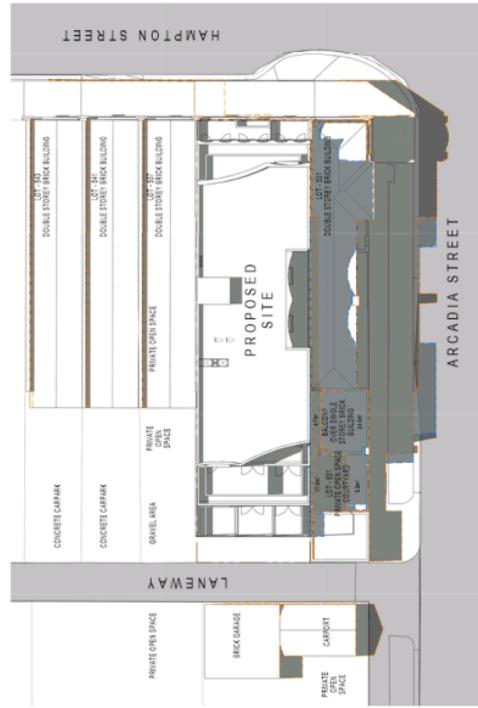
SOLAR ANALYSIS
DIAGRAM EXISTING
CONDITIONS (22SEP)

33-535 HAMPTON
STREET

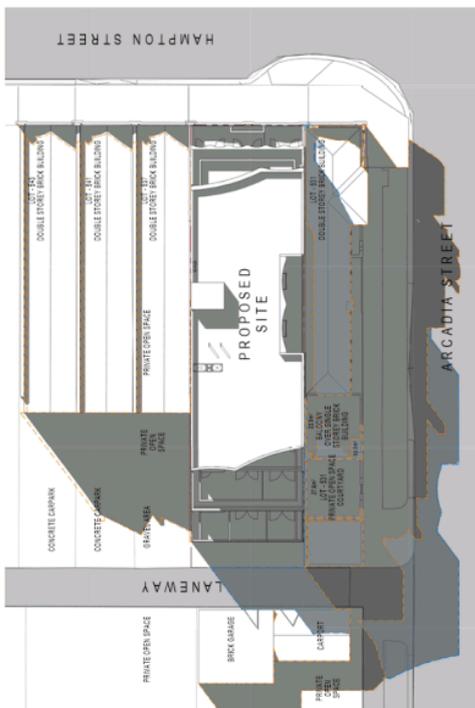




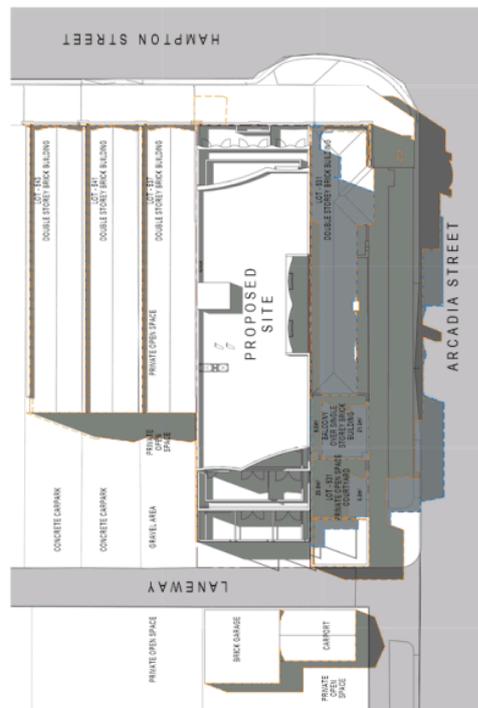
1 SD_B1_PROPOSED DEVELOPMENT_10mm
SCALE 1:100



2 SD_B1_PROPOSED DEVELOPMENT_12mm
SCALE 1:100



3 SD_B1_PROPOSED DEVELOPMENT_9mm
SCALE 1:100



4 SD_B1_PROPOSED DEVELOPMENT_11mm
SCALE 1:100



SJB Architects
100/101
Maitland Street
Sydney NSW 2000
www.sjb.com.au

Project No. SD30_03 / 3

Date 15/10/2020

Scale 1:200

Sheet No. 21518

Scale 1:200

Scale 1:200

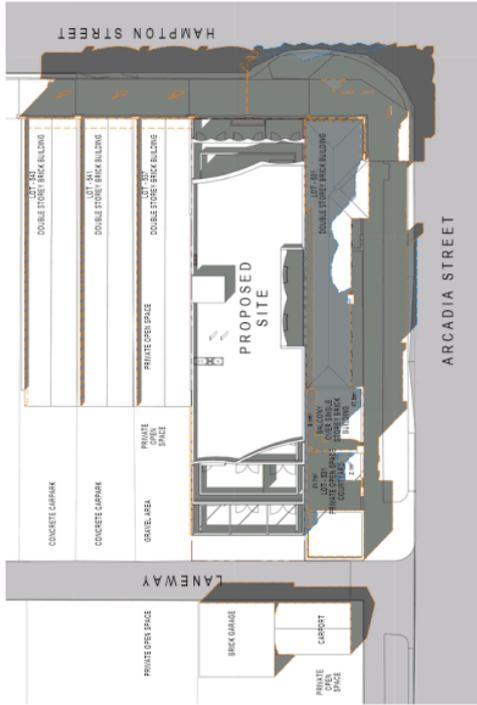
Scale 1:200

LEGEND
 ■ EXISTING LOT
 ■ PROPOSED LOT
 ■ PROPOSED LOT BY INTERIM DEVELOPMENT

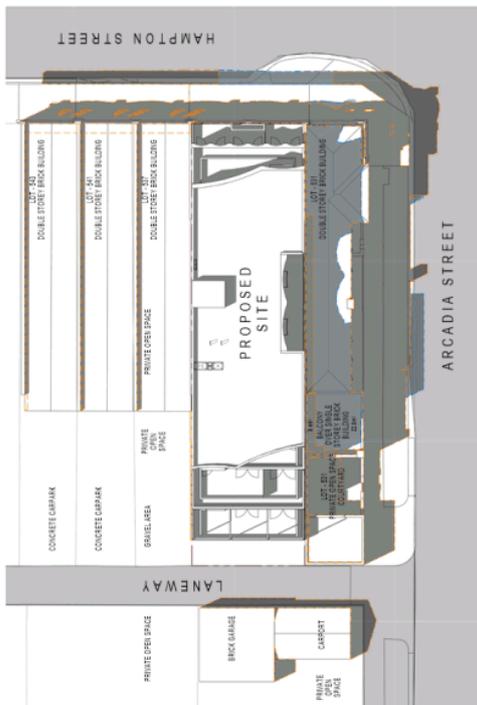
SOLAR ANALYSIS
 DIAGRAM_PROPOSED
 (22/SEP)

1/14 HAMPTON
 533-535 HAMPTON
 STREET

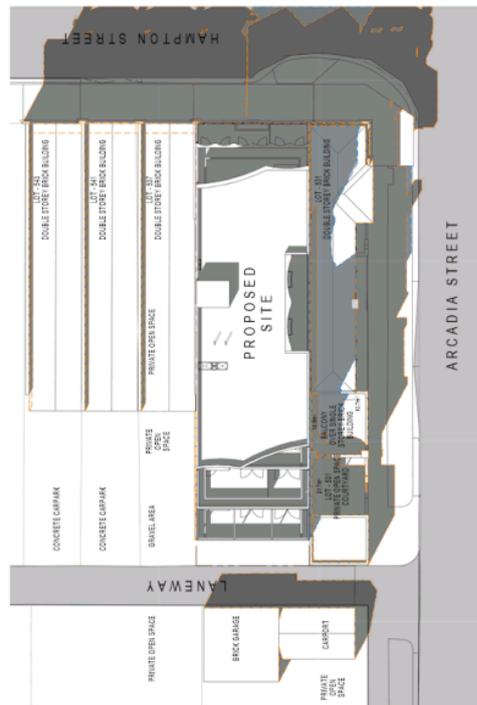




2 SD B1 PROPOSED DEVELOPMENT_2pm
SCALE 1:200



1 SD B1 PROPOSED DEVELOPMENT_1pm
SCALE 1:200



3 SD B1 PROPOSED DEVELOPMENT_3pm
SCALE 1:200



100 HAMPTON
533-535 HAMPTON
STREET

SOLAR ANALYSIS
DIAGRAM PROPOSED
(22/SEP)

LEGEND
SHADED LOT BY PROPOSED DEVELOPMENT
SHADED LOT BY SURROUNDING DEVELOPMENT

DATE: 21/11/18
SCALE: 1:200
DATE: 15/10/2020
PROJECT: SD30_04 / 3

S&B Architects
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Melbourne VIC
3000
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Documentation

4.3 Development Summary

4 Levels										
Apt No.	Type	GLAR m ²	NSA m ²	TERRACE m ²	COMMON m ² (Amenities, Circulation)	OTHER m ² (Services, Bikes, Carpark)	LANDSCAPE m ²	CARPARKS No.	*GFA m ²	
Level G										
	TENANCY SERVICES BICYCLE STORAGE CORRIDOR LOBBY STORES CAR PARK & CAR STACKER	139 m ² 34 m ²				43.08 m ² 8 m ² 12 34 m ² 149		10		
TOTAL		173 m²	0 m²	0 m²	0 m²	247 m²	0 m²	10 No.	420 m²	
Level 01										
1.01	STORES COMMERCIAL SERVICES CORRIDOR 2 BED / 2 BATH	157 m ²	94.12 m ²	29 m ² 28.65 m ²		10 m ² 25 m ²				
TOTAL		157 m²	98 m²	55 m²	0 m²	35 m²	0 m²	0 No.	290 m²	
Level 02										
2.01 2.02 2.03 2.04	SERVICES CORRIDOR 1 BED / 1 BATH 1 BED / 1 BATH 1 BED / 1 BATH		60.5 m ² 59.9 m ² 65.0 m ² 62.8 m ²	15.92 m ² 8.91 m ² 7.02 m ² 11.95 m ²	24 m ²	25 m ²				
TOTAL		0 m²	248 m²	44 m²	24 m²	25 m²	0 m²	0 No.	297 m²	
Level 03										
3.01 3.02	SERVICES CORRIDOR 2 BED / 2 BATH 2 BED / 2 BATH		111.1 m ² 94.4 m ²	15 m ² 17.92 m ²	17 m ²	25 m ²				
TOTAL		0 m²	0 m²	0 m²	0 m²	0 m²	0 m²	0 No.	0 m²	

539-535 Hampton Street, Hampton

SuB

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Documentation

4 Levels		Apt No.	Type	GLAR m ²	NSA m ²	TERRACE m ²	COMMON m ² (Amenities, Circulation)	OTHER m ² (Services, Bikes, Carpark)	LANDSCAPE m ²	CARPARKS No.	*GFA m ²
	57%	1 BED / 1 BATH		4 No.							
	43%	2 BED / 2 BATH		3 No.							
	100%	Apt	7	GLAR m² 330 m²	NSA m² 346 m²	TERRACE m² 99 m²	COMMON m² 24 m²	OTHER m² 306 m²	0 m²	CARPARKS No. 10 No.	*GFA m² 1,007 m²
	TOTAL										

Disclaimer:
Areas noted in this schedule are approximate and based on Concept Design plans and as such are preliminary only, may alter as work progresses and do not necessarily represent a true and accurate depiction of the finished as-built development.
This schedule is not intended to form part of any contract or warranty by SUB Architects.
* GFA excludes external Terraces and Vertical Circulation

533-535 Hampton Street, Hampton

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SUB



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ATTACHMENT 2
Site Surrounds and Imagery



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★



Figure 2 View toward rear laneway from Arcadia Street.



Figure 3 view towards Hampton Street from Arcadia Street



Figure 4-5 view towards Subject Site from Hampton Street



Attachment 3

Clause 58: Apartment Development

Clause 58.02 Urban context objectives		
Title and Objective	Complies with Standard?	Comments
<p>Standard D1 Urban context objectives</p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	Complies	Refer report.
<p>Standard D2 Residential policy</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services</p>	Complies	The subject site is located within the Hampton Street Major Activity Centre, where policy supports a higher density of development.
<p>Standard D3 Dwelling diversity</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	N/A
<p>Standard D4 Infrastructure</p> <p>To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the</p>	Complies	The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for upgrading this infrastructure if necessary to accommodate the development. Council's drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. It is noted that the developer will be required to pay a development

capacity of utility services and infrastructure.		contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.
Standard D5 Integration with the street To integrate the layout of development with the street.	Complies	The development will integrate appropriately with the Hampton Street and rear laneway. The proposed vehicle entrance to at grade car park and pedestrian access is designed to be connected with Arcadia Street and its existing pedestrian links which will maintain local accessibility.

Clause 58.02 Site Layout		
Title and Objective	Complies with Standard?	Comments
Standard D6 Energy efficiency To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency	Complies	The site's orientation and dimensions does not lend itself to orienting the development to north given the northern boundary is a common boundary shared with 537 Hampton Street. The development has been designed to have east and west facing where possible. A NatHERS Assessment has been provided with the application which confirms the proposal achieves a cooling load which is less than 21 MJ/M2 which complies with the standard requirement.
Standard D7 Communal open space To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.	N/A	
Standard D8 Solar access to communal outdoor open space To allow solar access into communal outdoor open space.	N/A	
Standard D9 Safety To ensure the layout of development provides for the safety and security of residents and property.	Complies with conditions	Entrances to dwellings are easily identified from internal accessway and Hampton St. Bollard lightings are required inside the rear at grade car parking spaces to further improve lighting, visibility and surveillance of car park and internal accessway, it will be included as part of permit condition.

<p>Standard D10 Landscaping</p> <p>To encourage development that respects the landscape character of the area.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p> <p>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</p>	<p>Complies with condition</p>	<p>Refer report.</p>
<p>Standard D11 Access</p> <p>To ensure the number and design of vehicle crossovers respects the urban context.</p>	<p>Complies</p>	<p>Vehicle access will be provided via the rear laneway. Refer to report for further discussion.</p>
<p>Standard D12 Parking location</p> <p>To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.</p>	<p>Complies</p>	<p>Parking is provided at grade within car stacker. Refer to report for further discussion.</p>
<p>Standard D13 Integrated water and stormwater management</p> <p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p>	<p>Complies</p>	<p>The development plan shows the provision of one 8,500L rainwater tanks located at underground of ground floor. The submitted ESD report also demonstrates the proposed integrated storm water and management which complies with the standard.</p>

Clause 58.04 Amenity Impacts

Title and Objective	Complies with Standard?	Comments
<p>Standard D14 Building setback</p> <p>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. To allow adequate daylight into new dwellings.</p> <p>To limit views into habitable room windows and private open space of new and existing dwellings.</p> <p>To provide a reasonable outlook from new dwellings.</p> <p>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</p>	Complies with conditions	Refer report
<p>Standard D15 Internal views</p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</p>	Complies	The development are designed to avoid any internal overlooking concern.
<p>Standard D16 Noise impacts</p> <p>To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.</p>	Complies with conditions	Refer report

Clause 58.05 On-Site Amenity and Facilities		
Title and Objective	Complies with Standard?	Comments
<p>Standard D17 Accessibility</p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p>	Complies	The application has demonstrated that 100% (7 of 7 apartments) meet this standard. Overall, the proposal complies with requirement which only requires 50% of the dwellings meet the standard.
<p>Standard D18 Building entry and circulation</p> <p>To provide each dwelling and building with its own sense of identity.</p>	Complies	<p>All building entry are easily identifiable from the internal corridors.</p> <p>The entrances for residential and none-residential tenancies are easily identifiable from the Hampton Street.</p>

<p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p>		<p>No natural ventilation or natural light has been designed to common corridor, in particular in level one and above. However, given the size of the development, the development is considered acceptable. Again, it is not an excellence design outcome therefore the removal of top floor is necessary.</p>														
<p>Standard D19 Private open space</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Complies with Conditions</p>	<p>Refer below table</p>														
	<p>Private Open Space Requirement (provided)</p> <table border="1"> <tr> <td data-bbox="319 824 606 880">Apartment 101 (2 beds)</td> <td data-bbox="614 824 1062 880">8m² (25m²) total, minimum dimension of 2m (2.9m)</td> </tr> <tr> <td data-bbox="319 880 606 936">Apartment 201 (1 bed)</td> <td data-bbox="614 880 1062 936">8m² (16m²) total, minimum dimension of 1.8m (3m)</td> </tr> <tr> <td data-bbox="319 936 606 992">Apartment 202 (1 bed)</td> <td data-bbox="614 936 1062 992">8m² (8m²) total, minimum dimension of 1.8m (2.8m)</td> </tr> <tr> <td data-bbox="319 992 606 1048">Apartment 203 (1 bed)</td> <td data-bbox="614 992 1062 1048">8m² (7m²) total, minimum dimension of 1.8m (1.8m)</td> </tr> <tr> <td data-bbox="319 1048 606 1104">Apartment 204 (1 bed)</td> <td data-bbox="614 1048 1062 1104">8m² (7m²) total, minimum dimension of 1.8m (1.8m)</td> </tr> <tr> <td data-bbox="319 1104 606 1160">Apartment 301 (2 beds)</td> <td data-bbox="614 1104 1062 1160">8m² (14m²) total, minimum dimension of 1.8m (2.9m)</td> </tr> <tr> <td data-bbox="319 1160 606 1216">Apartment 302 (2 beds)</td> <td data-bbox="614 1160 1062 1216">8m² (15m²) total, minimum dimension of 2m (2.7m)</td> </tr> </table>	Apartment 101 (2 beds)	8m ² (25m ²) total, minimum dimension of 2m (2.9m)	Apartment 201 (1 bed)	8m ² (16m ²) total, minimum dimension of 1.8m (3m)	Apartment 202 (1 bed)	8m ² (8m ²) total, minimum dimension of 1.8m (2.8m)	Apartment 203 (1 bed)	8m ² (7m ²) total, minimum dimension of 1.8m (1.8m)	Apartment 204 (1 bed)	8m ² (7m ²) total, minimum dimension of 1.8m (1.8m)	Apartment 301 (2 beds)	8m ² (14m ²) total, minimum dimension of 1.8m (2.9m)	Apartment 302 (2 beds)	8m ² (15m ²) total, minimum dimension of 2m (2.7m)	
Apartment 101 (2 beds)	8m ² (25m ²) total, minimum dimension of 2m (2.9m)															
Apartment 201 (1 bed)	8m ² (16m ²) total, minimum dimension of 1.8m (3m)															
Apartment 202 (1 bed)	8m ² (8m ²) total, minimum dimension of 1.8m (2.8m)															
Apartment 203 (1 bed)	8m ² (7m ²) total, minimum dimension of 1.8m (1.8m)															
Apartment 204 (1 bed)	8m ² (7m ²) total, minimum dimension of 1.8m (1.8m)															
Apartment 301 (2 beds)	8m ² (14m ²) total, minimum dimension of 1.8m (2.9m)															
Apartment 302 (2 beds)	8m ² (15m ²) total, minimum dimension of 2m (2.7m)															
<p>Standard D20 Storage</p> <p>To provide adequate storage facilities for each dwelling.</p>	<p>Does not comply</p>	<p>Refer report</p>														

Clause 58.06 Detailed Design		
Title and Objective	Complies with Standard?	Comments
<p>Standard D21 Common property</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Complies</p>	<p>All common property areas are clearly identified and can easily be managed and maintained.</p>
<p>Standard D22 Site services</p>	<p>Complies</p>	<p>Site services have not been indicated on the</p>

<p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>		<p>plans with clear accessibilities. Mailbox location is provided on the south side of residential entry which will be easily accessible.</p>
<p>Standard D23 Waste and recycling</p> <p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p>	<p>Complies with conditions</p>	<p>Waste Management Plan has been referred to Council's waste team so a condition will be included to add provisions for organics waste in both the residential and commercial areas.</p>

<p>Clause 58.07 Internal Amenity</p>		
<p>Title and Objective</p>	<p>Complies with Standard?</p>	<p>Comments</p>
<p>Standard D24 Functional layout</p> <p>To ensure dwellings provide functional areas that meet the needs of residents.</p>	<p>Yes</p>	<p>Requirement: Bedrooms should provide for a main bedroom with a minimum dimensions of 3m x 3.4m. All other bedrooms should have a minimum dimension of 3m x 3m.</p> <p>2 or more bedroom dwellings should have a minimum living area width of 3.6m with a minimum area of 12m².</p> <p>Proposed: All apartments comply with the minimum widths and area.</p>
<p>Standard D25 Room depth</p> <p>To allow adequate daylight into single aspect habitable rooms.</p>	<p>Comply with conditions</p>	<p>Requirement: Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>Proposed:</p> <p>All single aspect living room is designed with a ceiling height of 2.7m with a maximum depth of 9m. Given the proposed layout of living rooms combine the living, dining area and kitchen which is located at the furthest from window, the proposal complies with the standard requirement.</p>
<p>Standard D26 Windows</p> <p>To allow adequate daylight into new habitable room</p>	<p>Yes</p>	<p>Requirement: Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a</p>

<p>windows.</p>		<p>smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:</p> <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window. <p>Proposed: All rooms have a window in an external wall of the building.</p>
<p>Standard D27 Natural ventilation</p> <p>To encourage natural ventilation of dwellings.</p> <p>To allow occupants to effectively manage natural ventilation of dwellings.</p>	<p>Yes</p>	<p>Requirement: At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area. <p>Proposed: The application has demonstrated 4 of 7 dwellings achieves natural ventilation standard. By reducing 2 dwellings at top floor, the standard just comply with 40% requirement.</p>

**4.5 109 CROMER ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/574/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/149089

This matter has been reported to the Planning and Amenity Committee for a decision because there are 2 or more trees to be removed in the Vegetation Protection Overlay Schedule 3 (VPO3).

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Notice of Decision to Grant a Permit
Applicant	Keen Planning
Title/Covenant/S173 Agreement	The site is subject to restrictive covenant 2642944. The covenant does not restrict the proposed development.
Date application received	16 November 2020
Current statutory days	40 days as of 8 June 2021
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Design and Development Overlay (Schedule 3) Vegetation Protection Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1)
Site area	697 square metres
Number of outstanding objections	Two
Is a Development Contribution Levy applicable?	Yes – 1 additional dwelling Catchment area – 24 \$2,187
Is the site located within an area of cultural heritage sensitivity?	Yes

Proposal

The application seeks the Construction of two dwellings on a lot and construction of a front fence exceeding 1.2 metres high and removal of native vegetation to Australia. Key details of the proposal are as follows:

- construction of two double storey dwellings with a maximum building height of 7.5m
- total site coverage 50.3%
- total site permeability 40%
- Unit A (northern dwelling) has a double garage and tandem outdoor parking
- Unit B (southern dwelling) has a single garage and tandem outdoor parking

- removal of nine (9) trees protected by the Vegetation Protection Overlay Schedule 3 as follows:
 - Tree 4, Eucalyptus sp (Gum), located in the south western side of the site (rear setback)
 - Tree 6, Eucalyptus Megalocarpa (Large Fruited Yellow Gum), located in the south western side of the site (rear setback)
 - Tree 7, Melaleuca Armillarias (Bracelet Honey Myrtle), located in the south western side of the site (rear setback)
 - Tree 11, Callistemon Viminalis (Bottle Brush), located in the eastern side of the site (front setback)
 - Tree v, Dicksonia Antarctica (Tree Fern), located central to the site
 - Tree w, Dicksonia Antarctica (Tree Fern), located central to the site
 - Tree x, Dicksonia Antarctica (Tree Fern), located central to the site
 - Tree y, Dicksonia Antarctica (Tree Fern), located central to the site
 - Tree z, Dicksonia Antarctica (Tree Fern), located central to the site.

The application plans are provided at **Attachment 1**.

An aerial image and photographs of the site and surrounds are provided at **Attachment 2**.

History

There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-5 (Neighbourhood Residential Zone, Schedule 3) – Construction of two or more dwellings on a lot and construction of a front fence exceeding 1.2 metres high.
- Clause 42.02-2 (Vegetation Protection Overlay, Schedule 3) – Remove, destroy or lop any vegetation native to Australia.

Garden Area

Pursuant to Clause 32.09-4, the construction of a dwelling or residential building on a lot greater than 650 square metres, requires the provision of a minimum of 35% garden area. The development plans confirm that the development has a garden area of 271.83 square metres which equates to 39.01% and meets the minimum of 35% garden area required.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

The application was referred to the following Council departments for comment:

Internal Referral	Response
Arborist	No objection, subject to conditions.
Drainage Assets Engineer	No objection, subject to conditions.
Open Space Arborist	No objection, subject to conditions.
Street Addressing	No objection, subject to conditions.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* and four (4) objections were received.

Two objections remain outstanding at the time of this report.

The following concerns were raised:

- removal of native vegetation
- non-compliant northern ground floor side setback
- non-compliant street setback
- the impact the concrete driveway will have on vegetation.

Consultation meeting

A consultation meeting was held on 29 March 2021 attended by the permit applicant and three objectors. As a result of this meeting a Section 57A Amended Plans was submitted.

Section 57A Amended Plans

The applicant submitted amended plans on 21 April 2021 to address the concerns raised, which included the following changes:

- increased minimum ground floor northern setback from 1.2m to 1.4m
- retention of Trees 1, 3 and 5
- amendment to change canopy tree species to native/indigenous
- addition of a proposed canopy tree within the rear yard to Dwelling A
- amended planting schedule to be all native or indigenous trees (previously all exotic trees)
- amended planting schedule to include more indigenous shrubs.

Two objections were subsequently withdrawn.

The total number of objections outstanding is now two.

4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2020/574/1** for the land known and described as **109 Cromer Road, Beaumaris**, for the **construction of two dwellings on a lot and construction of a front fence exceeding 1.2 metres high and removal of native vegetation to Australia** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three

copies must be provided. The plans must be generally in accordance with the Section 57A Amended plans referenced Ground Floor Plan and First Floor Plan dated 07/04/2021 and West and South Elevations dated 20/04/2021 and East and North elevations Dated 15/01/2021 and Streetscape Elevation dated 30/10/2021 but modified to show:

- a) the first floor southern walls associated with dwelling B's master bedroom and ensuite setback a minimum of 2.82m from the southern boundary
- b) the first floor southern walls associated with dwelling B's WIR, void and rumpus room setback a minimum of 3.15m from the southern boundary
- c) the first floor northern wall associated with dwelling A's rumpus room setback a minimum of 3.15m from the northern boundary
- d) updated development summary analysis on the ground floor and first floor plans detailing the maximum site coverage as 50.2%
- e) a Landscaping Plan in accordance with Condition 10 of this permit
- f) provision of an Arboricultural Impact Assessment Report in accordance with Condition 13 of this permit
- g) provision of a Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees in accordance with Condition 14 of this permit
- h) payment of the Development Contribution levy in accordance with Condition 21 of this permit

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan revision F, dated 15/01/2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) any changes in accordance with Condition 1 of this permit
 - b) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - c) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Arboricultural Impact Assessment Report

13. Prior to the endorsement of plans pursuant to Condition 1, an arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees

14. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties

- (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
 - c) appointment of a project arborist detailing their role and responsibilities
 - d) stages of development at which the project arborist will inspect tree protection measures
 - e) monitoring and certification by the project arborist of implemented protection measures.
15. Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.
16. Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
17. The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
18. The TPP must include:
- a) be legible, accurate and drawn to scale
 - b) show the location of all tree protection measures to be utilised
 - c) include a key describing all tree protection measures to be utilised.

Street tree protection

19. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to encompass the entire nature strip and must extend 3 meters either side of the tree.
20. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 2.5 metres of the street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Development Contribution

21. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

S173 Agreement

22. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide:
 - a) At any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
 - b) The agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
23. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987 and the Section 173 agreement must be registered on the certificate of title of the land.
24. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

25. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
26. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

Permit Expiry

27. This permit will expire if one of the following circumstances applies:
 - a) the development is not started within two years of the date of this permit
 - b) the development is not completed within four years of the date of this permit.

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

5. Council Policy

Council Plan 2017–2021

Relevant objectives of the Council plan include:

- where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place
- where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design and responds to the streetscape and neighbourhood context
- where a range of housing types are provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- make discretionary planning controls stronger, by advocating for Council's planning and urban design objectives to state government.

Homes for Homes Initiative

Council has identified the need to act in relation to affordable housing through the Council Plan 2017–21 and the Bayside Housing Strategy 2019 and has implemented a range of initiatives to implement the Council Plan.

One of the initiatives aimed at supporting affordable housing was considered at the Ordinary Meeting of Council on 15 September 2020 where Council resolved to require all planning permits issued for multi dwelling developments to include a condition requiring the implementation of the Homes for Homes initiative via a Section 173 agreement, under the *Planning and Environment Act 1987*.

Accordingly, pursuant to Section 62 of the *Planning and Environment Act 1987*, a condition should be included on any planning permit issued to ensure the ongoing commitment to an initiative like Homes for Homes will be delivered.

Bayside Planning Scheme

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.04 Environmental and Landscape Values

- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy (Precinct H3)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct H3. The proposal is considered to demonstrate an acceptable level of compliance with the preferred future character statement and precinct guidelines as contained in **Attachment 3**.

The site is located on the western side of Cromer Road, south of Balcombe Road. The surrounding properties include a mix of single and double storey dwellings, a mix of flat and pitched roof forms, a variety of front fencing materials, heights and styles and substantial landscaping within the front setback.

The proposal includes the construction of two side by side double storey dwellings, with a flat roof form and a 1.35m high front fence.

The development includes adequate ground floor side setbacks allowing for visual separation between buildings and maintaining the rhythm of the street. The proposal features two driveways, one on the south and one on the northern side of the site. The southern driveway services the garage of Unit B. The northern driveway services the double garage for Unit A. Both garages are setback behind the first floor which overhangs the ground floor walls, eliminating dominance of the car parking structures.

The proposal includes recessed portions and projecting elements, articulating the front façade. A mix of render, stone block, metal cladding and timber screens also provides for an interesting and contemporary design outcome within the streetscape context while complementing the natural setting of the surrounding dwellings.

The development includes a 1.35m high solid front fence servicing the letterboxes. The front fence, although solid, is low in height and is very minimal, that being approximately 3.3m long, enhancing the openness and informality of the streetscape, maintaining views into the front garden landscaping.

The proposed development will provide for a suitable level of landscaping, by a way of retaining four trees as well as including additional canopy trees. Additional planting of vegetation on the site will further enhance the vegetation character of the area. Overall, the proposal is acceptable having regards to the existing streetscape character and the emerging contemporary style built form within the area.

6.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at **Attachment 4**.

Those non-compliant standards are discussed below:

Street setback (Standard B6)

	Required	Proposed	Variation
Cromer Road	9m	Ground floor: 8.93m, 8.67m First floor: 10.3m, 9.01m, 7.88m, 7.93m	70mm, 330mm 1.12m, 1.07m

The objective of the street setback is to ensure the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of a site.

The proposal is required to be setback 9m from the front boundary, however the ground floor is setback from the street 8.67m – 8.93m, a variation of 70mm – 330mm. This minor variation to the numerical requirement is supported as the proposed setback adequately allows for sufficient space for planting of vegetation, enhancing the garden settings of the area.

The northern first floor street setback associated with Unit A is non-compliant as shown highlighted in Figure 1 below. This is due to the design detail of the decorative wrap around screen which is considered to provide a reasonable level of articulation to the façade of the dwelling. The proposed design is consistent with the preferred character of the area and adopts a design which is site responsive. As such, the minor variation is supported.

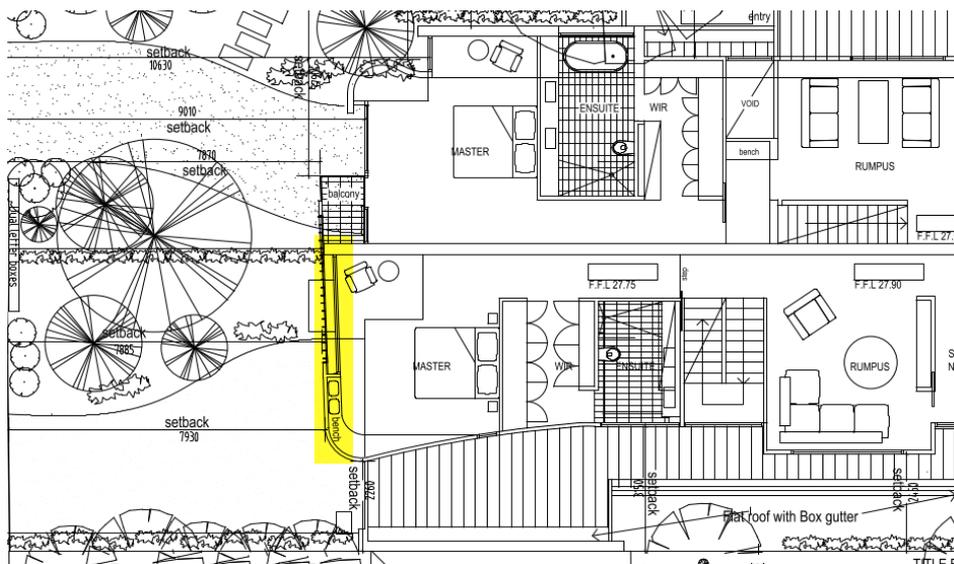


Figure 1: Highlighted first floor street setback non-compliance associated with Unit A.

The non-compliant areas are 7.88m – 7.93m from the street, a variation of 1.07m - 1.12m. This variation is acceptable as the non-compliant areas provide for an articulated and interesting façade to the streetscape. As noted above, the ground floor allows for adequate planting of vegetation. The existing street setback character of the area is varied with properties ranging from 6.1m – 9.2m. The adjoining northern property (111 Cromer Road) has a street setback of 7.6m, therefore the proposed first floor setback is acceptable as it provides for a transition to the adjoining property, see figure 2 below.

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (side)	0m or 2m	0m, 1.41m , 2.07m	4.78m, 3.65m	2.26m, 3.15m, 2.45m, 3.15m
South (side)	0m or 2m	2m, 280mm , 2m	4.23m, 3.26m, 3.68m	2.82m, 2m, 2.76m, 3.15m
West (rear)	0m or 3m	9.76m	4.44m	9.80m

The objective of the standard is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Using the table above, the ground floor and first-floor side setbacks include areas of non-compliances.

The ground floor northern side setback associated with Unit A's laundry, powder room, formal living and kitchen, was originally proposed to be setback 1.2m from the boundary, however Section 57A amended plans have increased the proposed setback to be 1.41m, where the standard requires 2m. A variation of 590mm is acceptable as the portion of non-compliance is adjacent to a side service yard associated with 111 Cromer Road. This area is a non-sensitive use area as the private open space is located to the rear of the dwelling. The ground floor walls are setback approximately 3.6m from the adjoining northern property, allowing for sufficient separation of built form from adjoining windows. This variation does not create any unreasonable off-site amenity impacts largely by way of overshadowing and overlooking, as these standards are both compliant. The development will also include a compliant amount of landscaping in the open space areas.

The ground floor southern side setback associated with Unit B's formal living and kitchen is perceived as a wall on boundary, however as this wall is proposed to be setback 280mm, rather 200mm, it is assessed as a side setback and not a wall on boundary. A variation of 1.72m is acceptable as the portion of non-compliance is adjacent to a covered roof area associated with 107 Cromer Road. This variation does not create any unreasonable off-site amenity impacts largely by way of overshadowing and overlooking, as these standards are both compliant.

A small portion of approximately 1m of the first-floor northern side setback associated with the screen details of the master bedroom to Unit A is proposed to be 2.26m, where the standard requires 4.78m. A variation of 2.52m is supported as the area of non-compliance is minor (see figure 3 below) and is opposite the adjoining garage roof and driveway, therefore there are no unreasonable amenity impacts to the neighbouring property. The non-compliance also serves an interesting facade detail, articulating the front façade.

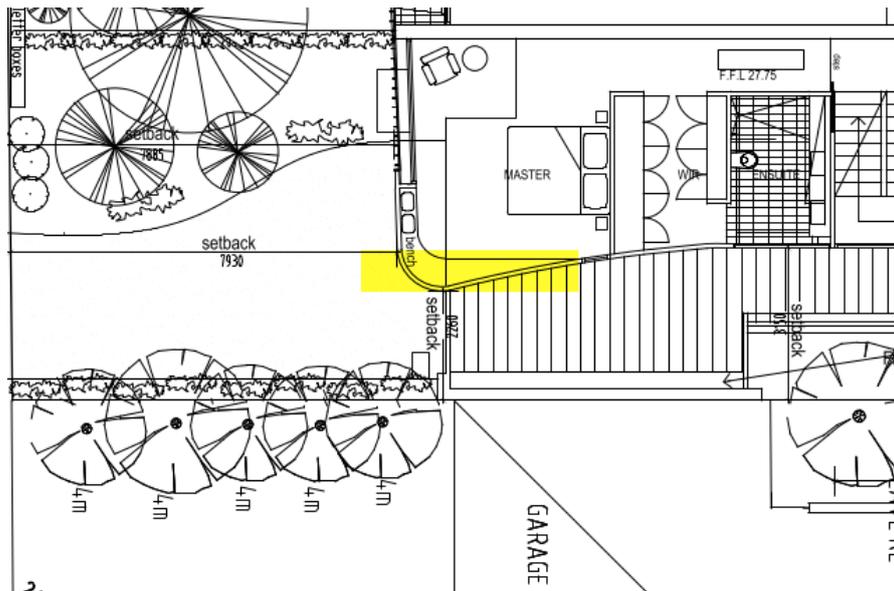


Figure 3: Area of non-compliant northern first floor setback highlighted.

The first-floor northern side setback associated with Unit A’s en-suite, stairwell, study nook, bathroom, bed 2 and bed 3 is proposed to be 3.15m, where the standard requires 3.65m. A variation of 500mm is acceptable as the portion of non-compliance is adjacent to a side service yard associated with 111 Cromer Road, see figure 4 below. This area is a non-sensitive use area as the private open space is located to the rear of the dwelling and habitable room windows are located approximately 2.2m from the side boundary, resulting in the first floor walls of the proposal being setback 5.35m from the adjoining non - habitable room windows. This variation does not create any unreasonable off-site amenity impacts largely by way of overshadowing and overlooking, as these standards are both compliant.

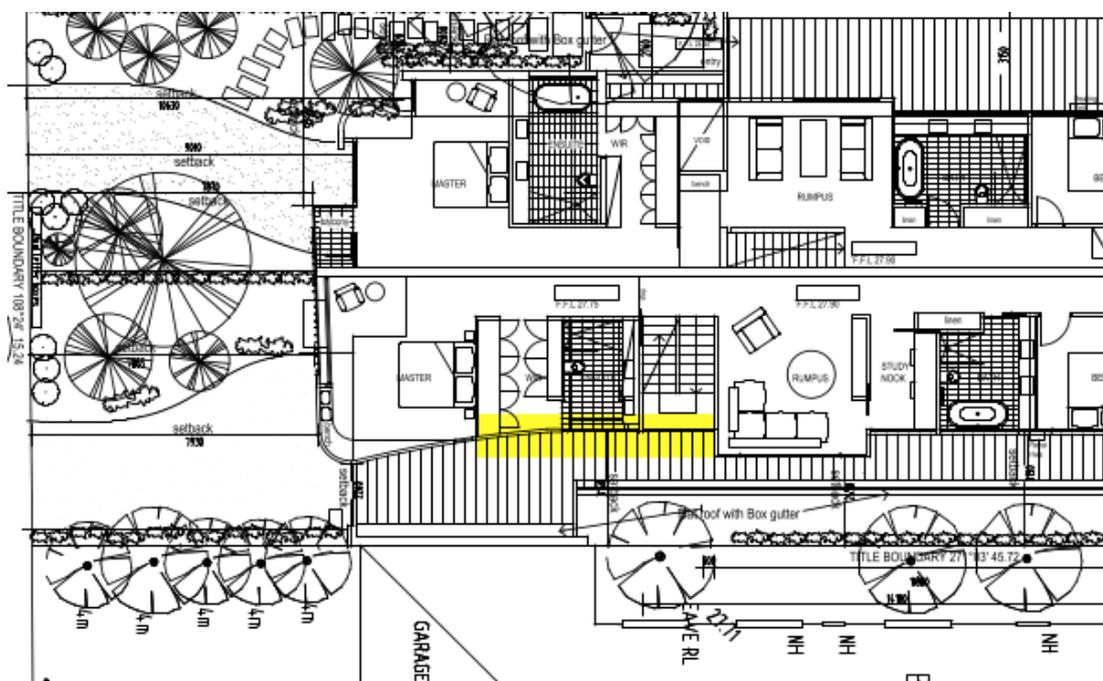


Figure 4: Area of non-compliant northern first floor setback highlighted.

The first-floor northern side setback associated with the rumpus room to Unit A is proposed to be 2.45m, where the standard requires 3.65m, see figure 5 below. A condition has been included in the recommendation to setback the rumpus room to Unit A by 3.15m, to be in line with the remaining setbacks. This will work to minimise visual impacts to the adjoining property while maintaining a reasonable level of internal amenity

for future occupants.

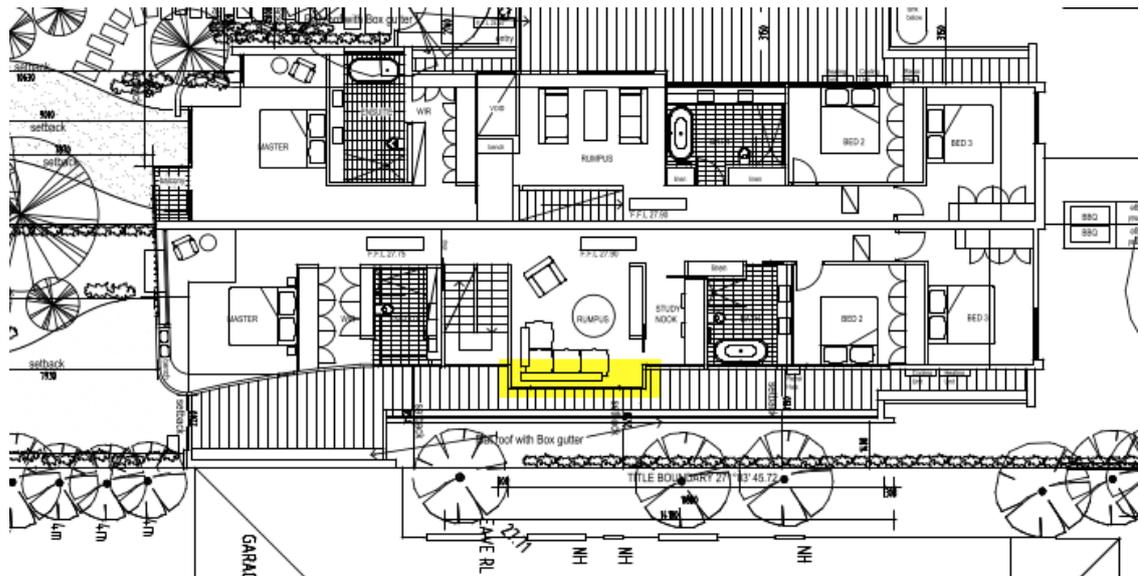


Figure 5: Area of non-compliant northern first floor setback highlighted.

A portion of the first-floor southern side setback associated with the master bedroom to Unit B is proposed to be 2.82m, where the standard requires 4.23m. A variation of 1.41m is supported as the area of non-compliance is minor in size, see figure 6 below. The non-compliance also serves as an interesting facade detail, articulating the front façade. There are no unreasonable amenity impacts to the neighbouring property by a way of overshadowing or overlooking, as these standards are compliant. A fully compliant side setback of this portion may create an imbalance of the development and will result in a bulkier front façade by losing the timber screening detail, see imagine 6a below.

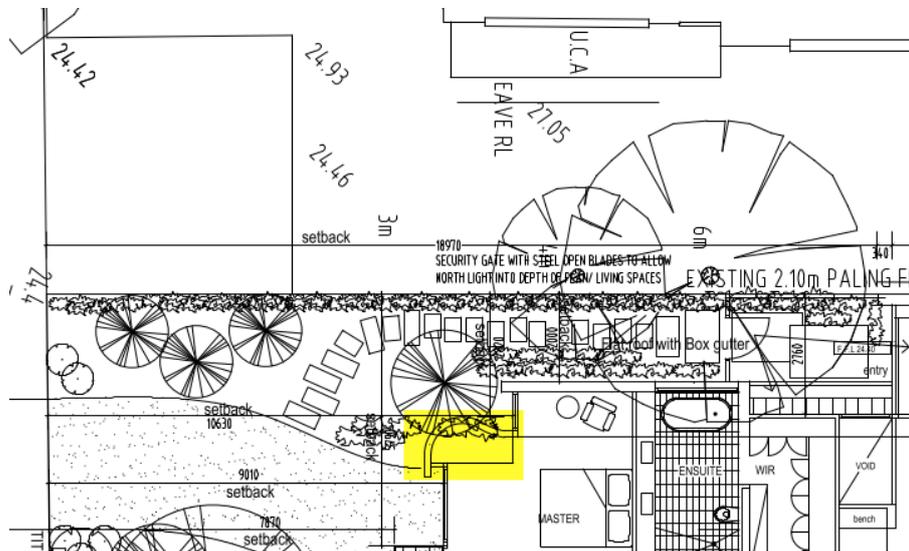


Figure 6: Area of non-compliant southern first floor setback highlighted

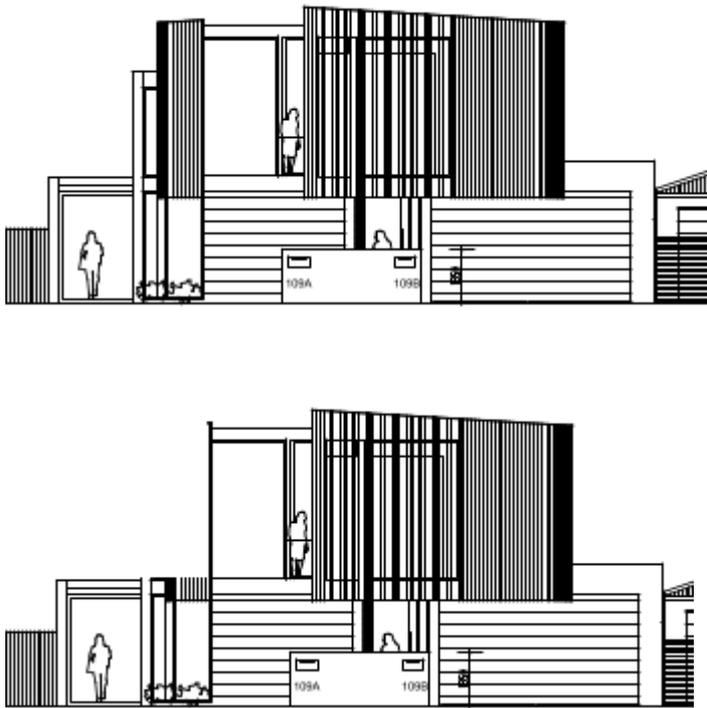


Figure 6a: The impacts full compliance will have to the southern first floor (left side)

The first floor southern side setback associated with Unit B’s master bedroom and ensuite is setback 2m where the standard requires a setback of 3.26m. This wall has been lowered to reduce amenity impacts to the adjoining property however the wall is sheer from ground floor and is opposite the front garden/private open space area to the adjoining property (107 Cromer Road), see figure 7 below. A condition has been included to setback this portion of the wall a minimum of 2.82m from the southern boundary. A 2.82m side setback will align with the portion of the front facade that protrudes out to provide an articulated front façade, see figure 6. A fully compliant side setback at this area will not be seen from the street and would impact on the internal amenity of the dwelling.

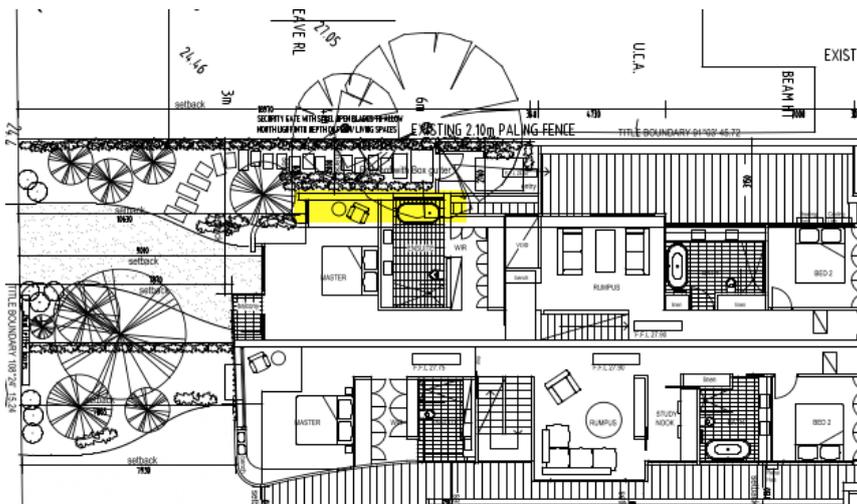


Figure 7: Area of non-compliant southern first floor setback highlighted

The first-floor southern side setback associated with Unit B’s WIR, void, rumpus, bathroom, bed 2 and bed 3 is proposed to be 2.76m-3.15m, where the standard requires 3.68m. A variation of 530mm is acceptable to the bathroom, bed 2 and bed 3 portion of

non-compliance, as this is adjacent to a covered roof area associated with 107 Cromer Road, see figure 8 below. This variation does not create any unreasonable off-site amenity impacts largely by way of overshadowing and overlooking, as these standards are both compliant.

A condition has been included requiring the non-compliant setback associated with the WIR, void and rumpus room to be setback 3.15m to be in line with the bathroom, bed 2 and bed 3 setbacks. This will reduce the visual bulk to the adjoining property.

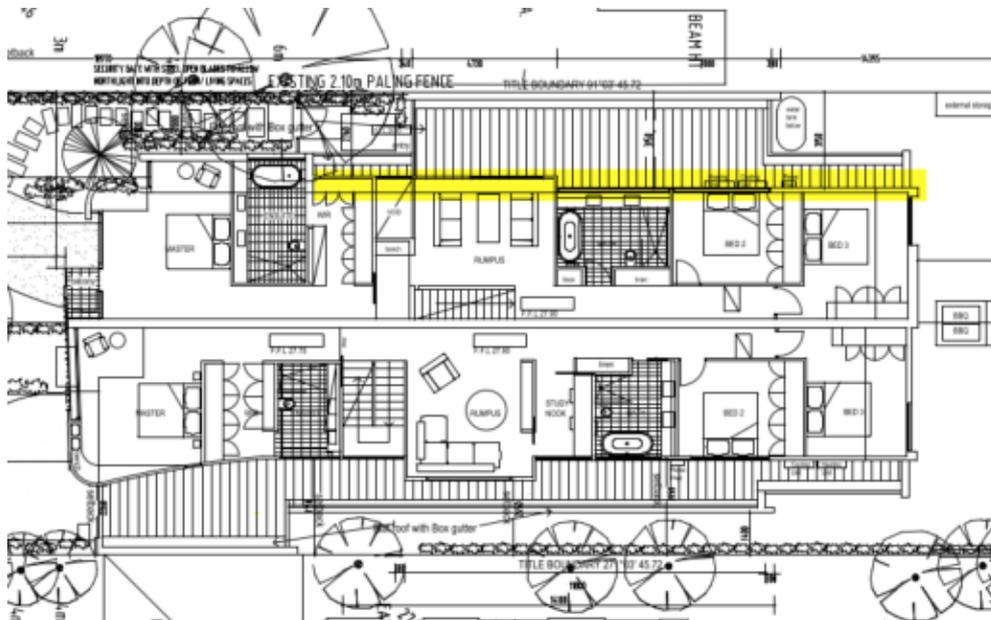


Figure 8: Area of non-compliant southern first floor setback highlighted

An objection has raised the fact that the proposal includes a non-compliant side setback. As noted above, the non-compliance is acceptable.

Walls on boundaries (Standard B18)

The objective of the standard is to ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.

The northern garage associated with Unit A includes a wall on the boundary. The length of the wall is 6.64m and the maximum height of wall is 3.6m. The standard allows an average height of 3.2m with no part higher than 3.6m. The 400mm variation to the wall height is considered to be acceptable as the garage wall on boundary is directly adjacent to the neighbouring property’s (111 Cromer Road) garage wall on boundary, therefore there are no additional amenity impacts as there are no adjoining windows or private open space.

Front Fences (Standard B32)

	Required	Proposed	Variation
Cromer Road	1.2m	<u>1.35m</u>	150mm

The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

The development includes a 1.35m high solid front fence servicing the letterboxes. The front fence, although solid, is low in height and is very minimal, that being approximately 3.3m long, enhancing the openness and informality of the streetscape, maintaining views into the front garden landscaping.

6.3. Landscaping

The objectives of the VPO3 are to retain the amenity, aesthetic character and habitat value of native vegetation by preventing the loss of native (particularly indigenous) vegetation and promoting the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

The application plans show the removal of nine pieces of vegetation protected by the VPO3. The table below identifies those trees protected by the VPO3, those protected by the Local Law and those which are not protected by any statutory mechanism. Indigenous trees are marked with a '*’.

VPO3 protected trees		Local Law protected trees		Trees not protected	
Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention
Trees 4, 6, 7, 11, v, w, x, y, z	Tree 1	Trees 10 and 12	Tree 2	Trees 8 and 9	Trees 3 and 5

From an arboriculture perspective, Council’s arborist has reviewed the application and advises that all of the proposed vegetation to be removed is supported for the following reasons:

Having regard to the VPO3 protected trees, it is noted that Council’s Arborist has confirmed that Tree 4 is a Eucalyptus sp (Gum) and is dead, therefore has no retention value and a low habitat value. Tree 6 is a Eucalyptus Megalocarpa (large fruited yellow gum) with poor health, a 0-3 year life expectancy and a low amenity value. Tree 7 is a Melaleuca Armillarias (Bracelet Honey Myrtle) and has poor health and structure and low amenity and habitat value. Tree 11 is a Callistemon Viminalis (Bottle Brush) with good health and moderate habitat value. Tree 11 is located in the centre of the front setback, precluding development on the site, therefore removal is supported with replacement planting of indigenous species to regenerate the level of vegetation.

Trees v, w, x, y and z were not included in the arborist report, however these trees are native tree ferns all with a maximum height of 3m. The removal of the 5 tree ferns is supported as they have low amenity value, given their height and can be easily replaced with better suited indigenous vegetation.

The location of Trees 10 and 12 preclude development on the site, therefore the support has been given for their removal. Replacement planting with indigenous species will regenerate the habitat values of the site.

Trees 8 and 9 can be removed as of right as there is no municipal or statutory mechanisms for protection.

Further detail of each tree is provided in **Attachment 5**.

An assessment against the decision guidelines of the VPO3 is provided at **Attachment 6**. The proposed extent of vegetation removal is considered to be acceptable when assessed against the decision guidelines of the VPO3. The character of the area, including the extent of indigenous vegetation present, will be maintained once replacement plantings are undertaken. The proposed vegetation removal will also not impact on the overall quality of habitat within the broader area and the extent of removal is justified when considered against the level of development proposed. Therefore, the proposed vegetation removal is considered to comply with the objectives of the VPO3.

Trees 15-34 are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site. As such consideration must be given to the impact of the development upon these trees. Council's Arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

In addition to the above assessment, Council's Arborist has reviewed the submitted landscape plan and advised that it is considered unsatisfactory. The landscape plan does not provide for at least 80% native vegetation. Conditions have been included within the recommendation requiring landscaping to be 80% indigenous in species and in count. In accordance with conditions once endorsed, the landscape plan will therefore include the planting of 4 canopy trees within the subject site.

Objections have raised concerns regarding the tree removal proposed and the impact to existing trees. However as noted above, the trees proposed to be removed have been supported as these particular trees are not in good health and structure. A condition requiring landscaping to be 80% indigenous will regenerate the site with better suited vegetation. Conditions for arboricultural impact assessment and tree management and protection have been included to ensure there are no impacts to existing trees.

6.4. Street tree(s)

One street tree is located within the nature strip and is proposed for retention. Open Space Arborist advises that the tree is not affected by the design however they will need protection during demolition and construction. A condition requiring protection fencing has been included in the submitted recommendation.

6.5. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, a dwelling requires car parking to be provided at a rate of 1 car space per one or two bedroom dwellings and 2 car spaces per three or more bedroom dwellings.

Unit A (northern dwelling) comprises of 3 bedrooms and has a double garage and tandem outdoor parking. Unit B (southern dwelling) comprises of 3 bedrooms and is afforded 2 car parking spaces in the form of a single garage and tandem outdoor parking. The proposed on site car parking meets the requirements of Clause 52.06-5.

The application was assessed against the relevant traffic standards and requirements outlined in Clause 52.06 (Car Parking) of the Bayside Planning Scheme. The application provides adequate sightlines and safe access in and out of the site.

6.6. Cultural Heritage management plan

The site is located within an area of cultural heritage sensitivity, therefore an assessment as to whether the proposal is considered a high impact activity has been undertaken. Based on the Aboriginal heritage planning tool questionnaire, a cultural heritage management is not required.

6.7. Development contributions levy

The subject site is located within catchment area 24.

Based on the proposed application and the below recommendation, a payment of \$2,187 is required. The payment of the development contributions levy is included as a condition of permit.

Support Attachments

1. Application Plans and Arborist Report ↓
2. Site and Surrounds Imagery ↓
3. Neighbourhood Character Assessment ↓
4. ResCode - Clause 55 Assessment ↓
5. Tree Profile ↓
6. VPO3 Assessment ↓

Major thoroughfares around Cromer Rd Beaumont include Belconnine Road, Reserve Road, Beach Road, Myrtle Road and Chillum Road.

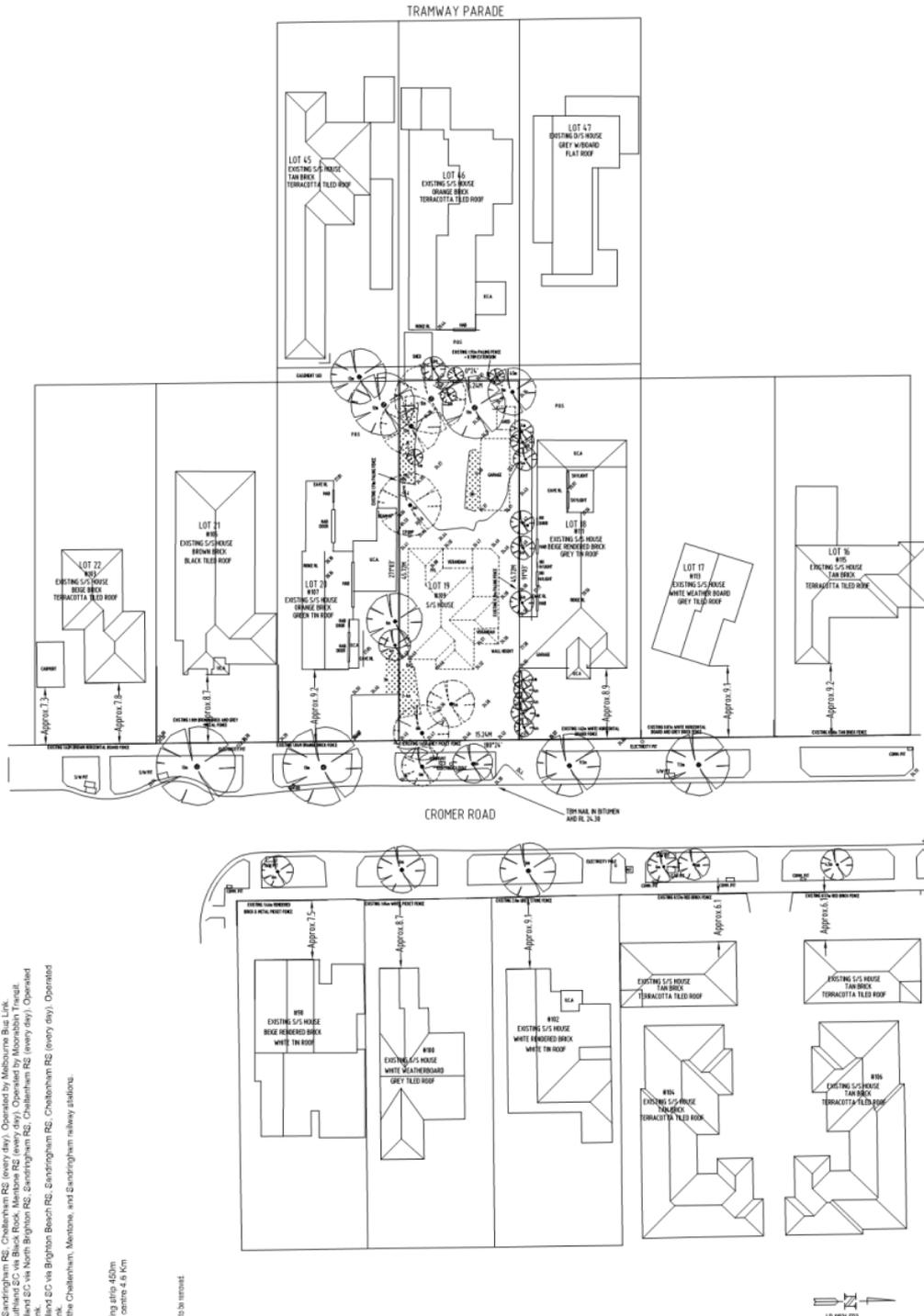
Nearby transport:

- Cromer Rd Beaumont is serviced regularly by the following bus routes 600 St Kilda - Southland SC via Brighton Beach Rd, Sandringham Rd, Cheltenham Rd (every day). Operated by Melbourne Bus Link.
 - Brighton Beach Rd, Sandringham Rd, Cheltenham Rd (every day). Operated by Melbourne Bus Link.
 - 922 St Kilda - Southland SC via Brighton Rd, Sandringham Rd, Cheltenham Rd (every day). Operated by Melbourne Bus Link.
 - 923 St Kilda - Southland SC via Brighton Beach Rd, Sandringham Rd, Cheltenham Rd (every day). Operated by Melbourne Bus Link.
- These routes connect with the Cheltenham, Mentone, and Sandringham railway stations.

Nearby shopping:

- Belconnine Rd shopping strip - 450m
- Southland Shopping centre 4.6 Km

Dashes like indicate building or tree to be removed.



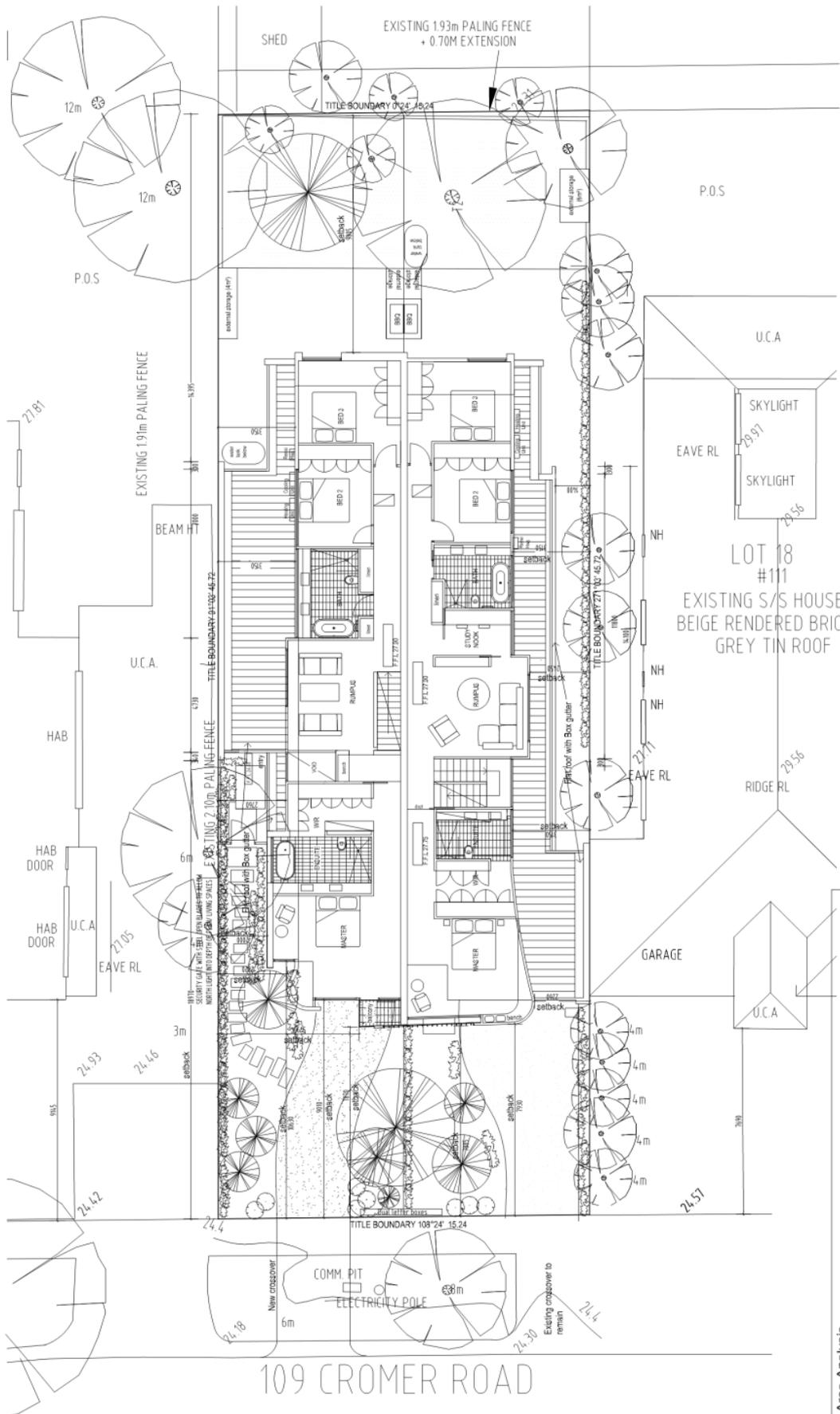
Neighborhood and site description plan

SCALE
1:500 @ A3
DWG
Site Plan

PROJECT
Proposed Dual Occupancy
1081 Cromer St Beaumont, 3103

DATE
02/10/20





Area Analysis

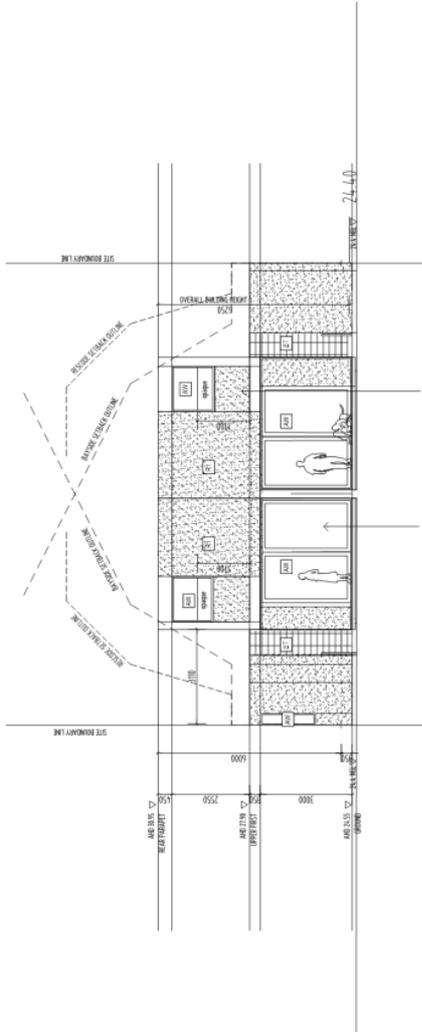
	Ground	Feret	Total	POS	SPOS	Garage	Maximum size
Unit 100A	197.92 sqm	130.04 sqm	327.96 sqm	98.16 sqm	85.16 sqm	33 sqm	349.62 sqm
Unit 100B	169.96 sqm	131.25 sqm	301.21 sqm	33.66 sqm	79.90 sqm	21 sqm	343.40 sqm
Site Area	606.77 sqm						
Building Site Coverage	353.18 sqm						50.3%
Permeability	285.02 sqm						40%
Caravan Area	271.82 sqm						39.01%

Proposed First Floor Plan/Site Plan Scale 1:100

REV/G DATE 07/04/21
 SCALE 1:100 @ A2
 DWG. First Floor Plan
 PROJECT Proposed Dual Occupancy
 109 Cromer St Beaumont 3 103

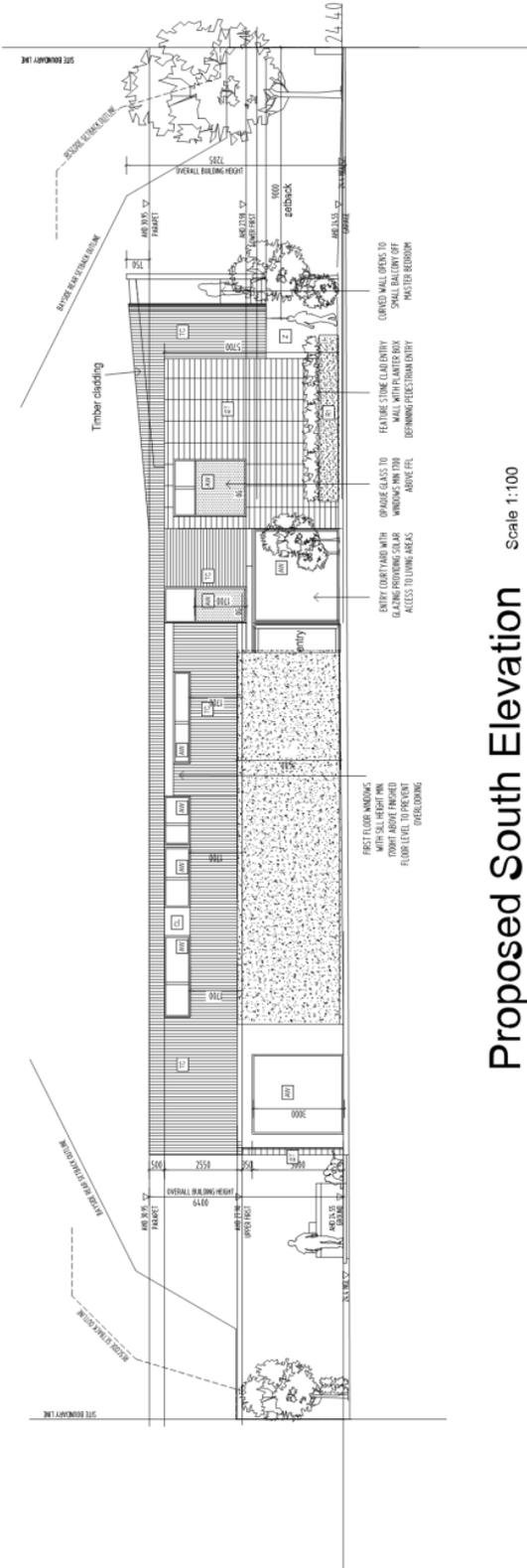
FINISHES LEGEND

01	STONE BLOCK, BUDESTONE OR SIMILAR
02	PC FEATURE SHEET CLADDING - (CHIROCAL)
03	RENDER - PAINT FINISH 1
04	RENDER - PAINT FINISH 2
05	METAL CLADDING FINISH - ANTI-RUSTING OR SIMILAR
06	PAINT FINISH - 1
07	20% TRANSPARENT PRIVACY SCREEN
08	CHARGE DOOR
09	SHIP LAP CLADDING (SELECT STAIN & SEAL)
10	FEATURE TIMBER SLATTED GREEN
11	ALUMINIUM FRAMED WOOD
12	EXTERNAL OAK PROTECTION LOUVER
13	BOUNDARY WALL
14	TIMBER SLATTED CLADDING



Proposed West Elevation

Scale 1:100



Proposed South Elevation

Scale 1:100

PROJECT	Proposed Dual Occupancy 100 Cromer St Beaumont 3103
SCALE	1:100 @ A2
REV/G	DWG
DATE	20/04/21
	North & West Elevation

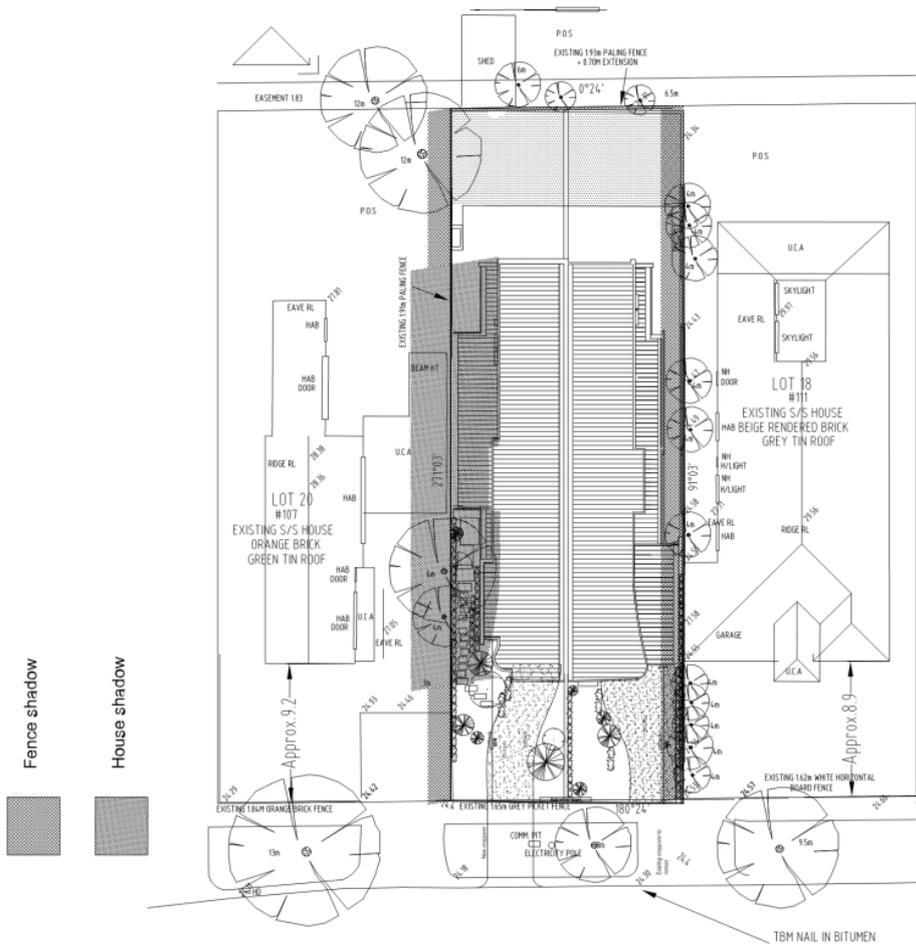


Proposed Streetscape Elevation Scale 1:100

PROJECT
Proposed Dual Occupancy
100 Cromer St Beaumont 3103

SCALE
1:100 @ A2
DWG
Streetscape Elevation

DATE
30/10/20



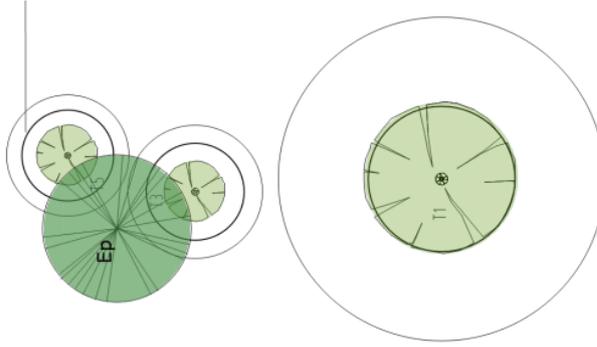
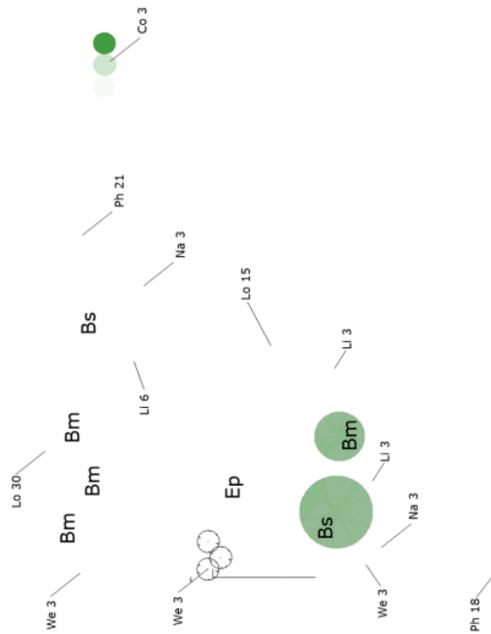
Proposed shadow Plan at 12 noon on 22 September

PROJECT
Proposed Dual Occupancy
100 Cromer St Beaumont 3103

SCALE
1:200 @ A2
DWG
Shadow diagram 2

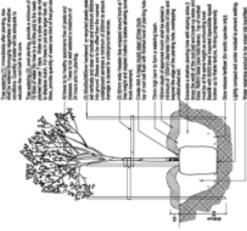
DATE
30/10/20

- EXISTING TREE SCHEDULE (Trees on site)
1. *Parthenocissus Loniceryoides*
 2. *Araucaria Sp.*
 3. *Archontophoenix Cunninghamiana*
 4. *Eucalyptus Sp.*
 5. *Archontophoenix Cunninghamiana*
 6. *Archontophoenix Cunninghamiana*
 7. *Melaleuca Artilaris*
 8. *Cordyline Australis*
 9. *Melaleuca Artilaris*
 10. *Phormium Tenax*
 11. *Callistemon Viminalis*
 12. *Pholisma Serrulata*
 13. *Callistemon Viminalis* (street tree)
 14. *Lagunaria Patersonii* (street tree)



Rain Garden Diagram
(from Melbourne Water)

Tree Planting Diagram
(from Landscape Design Manual, City of Ballarat)



Planting Schedule Code	Botanical name	Common name	Mature size (HxW)	Pot size	Quantity
Trees					
Ep	<i>Eucalyptus Pauciflora</i>	Snow Gum	10 x 6-10m	50cm	2
Bs	<i>Bursaria Spinosa</i>	Sweet Bursaria	6 x 4m	40cm	2
Bm	<i>Banksia Marginata</i>	Silver Banksia	5 x 4m	40cm	6
Shrubs/Groundcovers					
Li	<i>Liriope Muscari</i>	Lily Turf	0.7 x 0.5m	14cm	20
Lo	<i>Lomandra Longifolia</i>	Mat Rush	0.5 x 0.6m	14cm	45
Ph	<i>Phormium</i>	Sweet Mist	0.4 x 0.4m	14cm	39
Na	<i>Nandina Domestica</i>	Nandina 'Flir'	0.4 x 0.4m	14cm	10
We	<i>Westringia Fruticosa</i>	Grey Box	0.4 x 0.4m	14cm	6
Co	<i>Correa Alba</i>	White Correa	0.5 x 1.0m	14cm	3
Grass to be instant turf "Buffalo Lush"					



Trees and Associates Pty. Ltd.

Consultant Arboricultural Assessment and Report



Site Address:

109 Cromer Road,
Beumaris,
Vic. 3193

Council:

City of Bayside
Council Property Number: 307677

Prepared By:

John Wallace (B.App Sci. Hort (Hons), Adv. Cert. Arboriculture)
Consultant Arboriculturalist

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109 Cromer Road

Arboricultural Report

For
109 Cromer Road, Beaumaris

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: 5/2020/574/1
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1 Report Summary

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The subject site is a residential property located at 109 Cromer Road, Beaumaris, within the City of Bayside. This property is undergoing consideration for a subdivision development which includes the demolition of specific structures and landscape components, and the construction of a two, double storey dwellings and associated infrastructure. Further, vegetation management is proposed and a new landscape is to be installed. The assessment was undertaken in accordance with AS 4970, Protection of trees on development sites, Standards Australia Limited, 2009. Specific trees on the property are subject to a Vegetation Protection Order (VPO3).

Thirty-four trees were inspected, comprising twelve site trees, two Council owned street trees and twenty trees located on four adjoining properties. Characteristics including tree health, structure and overall condition were incorporated as part of the assessment process. The main purpose of the assessment and report was to identify management protocols for individual trees with consideration to the proposed development. Eleven site trees have been proposed to be removed within the current development proposal due to their condition, landscape value, health and safety concerns, and/or location within the landscape.

The tree protection zones of numerous trees on adjoining properties will be directly impacted on by the proposed construction, with several others potentially affected by landscape reinstatement. The Council owned street trees will both be impacted on by the proposed second crossover. One tree is located within the crossover footprint and will require removal. Root management will likely be required for the remaining tree.

Many of the site trees located within and adjacent to the current construction footprints were assessed as being in generally poor or just fair condition. The development will allow for the removal of this lower quality vegetation and support a landscape response incorporating higher quality specimens. For retained trees, it is recommended that specific construction management processes be incorporated into the development. Proposed construction techniques to be considered include, but not limited to excavation overseen by an arborist, hand root pruning and consideration of on grade construction and porous / permeable surfacing for paths proposed within affected tree protection zones. With particular management, it is expected that higher value trees identified for retention will be able to be successfully managed.

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2 Introduction

The assessment and preparation of the report were undertaken [REDACTED]
This document forms part of a planning application regarding [REDACTED]

The report provides an analysis of the condition and retention suitability of thirty four trees in regard to a proposed multiple townhouse development at 109 Cromer Road, Beaumaris, within the City of Bayside. The report contents are confidential and should only be made available to appropriate governing Council bodies and other involved parties.

3 Report Objectives

- To survey and assess designated trees located immediately within and adjacent to the proposed development area.
- To comment on each of the trees in regard to their structure, condition and safety including identification of any potential hazards.
- To investigate the suitability for retention / preservation of the trees in regard to the proposed development and to outline guidelines for tree protection where applicable.

4 Limits of the Report

The assessment of the designated trees was of a preliminary nature, incorporating a visual inspection conducted from the ground only. Tree defects not apparent from this ground-based visual inspection are expressly excluded from the scope of this report. None of the subject trees were assessed aerially and no samples (soil, vegetation or fungal) were collected for analysis. This report is based upon the condition of the trees at the time of assessment only.

This report provides an assessment of designated trees adjacent to and within the site. The vegetation survey provided in this report was derived from an 'Existing Conditions Plan' provided by Castro – Cruz Developments Pty. Ltd. (2020). Development drawings (2020) were also provided and then overlaid onto the vegetation survey plan. Specific trees not located on the original survey were identified and positioned on the vegetation survey plan (trees numbered 5, 7, 9, 16 and 19). Although the locations of these trees are considered relatively accurate, a professional survey indicating more precise locations may be necessary for specific planning and construction processes. Tree locations and calculated protection distances should be confirmed on site prior to the commencement of works. Drainage and other service locations were not available for review and are therefore not considered in tree protection offset distances.

5 Proposed Development

This site is undergoing consideration for a development which includes the demolition of the driveway, building structures and landscape components, and the construction of two, double storey dwellings and associated infrastructure. Further, vegetation management is proposed and a new landscape is to be installed. More specific information is available within the town planning application.

All assessed trees identified on the Vegetation Survey Plan will either be directly or indirectly affected by the scope of the proposed development. A tree protection overlay plan indicating protection zones for assessed trees has been provided in **Appendix 14.6**.

109 Cromer Road

6 Site Overview

The subject site is located at 109 Cromer Road, Beaumaris. The allotment of land fronts Cromer Road to the east and is bordered by residential properties on three sides. The site is currently occupied and major infrastructure includes a single storey dwelling and garage. The land is predominantly flat.

The landscape comprises a mix of established trees, shrubs and grassed areas in both the front and rear of the property. A number of trees on adjacent properties overhang the development site.

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6.1 Planning Zone and Planning Overlays

The property is located within the City of Bayside and is classified under the planning scheme as Neighbourhood Residential Zone – Schedule 3 (NRZ3). Specific trees on the property are subject to a Vegetation Protection Overlay – Schedule 3 (VPO3), and City of Bayside, Local Laws. The adjacent properties containing assessed trees fall within the same planning scheme and overlay classifications.

Within the VPO3, *“a permit is required to remove, destroy or lop any vegetation native to Australia. This does not apply to: The removal, destruction or lopping of vegetation which is less than 2 metres high or has a single trunk circumference of less than 0.5 metre at a height of 1 metre above ground level. The pruning of vegetation to remove that part of any branch which overhangs an existing dwelling or is within 2 metres of an existing dwelling.”*

The assessed trees subject to VPO3 include:

- Site trees numbered **1, 3, 4, 6, and 11**
- Street trees numbered **13 and 14**
- Adjacent property trees **15, 18, 19, 33 and 34**

It is noted that tree number **2** has been added to the City of Bayside, Significant Tree Register.

7 Survey and Vegetation Assessment

7.1 Tree Assessment Process

The collection of data was undertaken by John Wallace on behalf of Trees and Associates Pty Ltd on July 14th, 2020. The data is recorded in this report on detailed survey sheets, located in **Appendix 14.1**. Notes taken during the assessment process and other observations regarding individual trees are provided in **Appendix 14.2**. Assessment of the thirty four trees involved identification of numerous characteristics including health, structure and overall condition. In addition, the site significance and current hazard potential of each tree was ascertained. Retention value of vegetation was determined based upon site suitability, health and sustainable life expectancy. Retention value of all trees is provided as part of the data set on the survey sheets. An explanation of terms is provided in **Appendix 14.4**.

Assessed trees were numbered on a survey sheet and located on an accompanying Vegetation Survey Plan which is reproduced in **Appendix 14.5**. The numbering system of the trees on the survey sheets reflects their position on the included site plan. Vegetation survey and development plans adapted for this report are not to scale unless specified. Tree protection distances and areas have been calculated for designated trees and are based upon requirements under the Australian Standards, AS 4970, Protection of trees on development sites. A summary of tree protection information and calculations for tree protection distances and associated areas have been provided in **Appendix 14.3**.

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7.2 Assessment of Retention Value

When determining the suitability of trees for retention, it is essential to consider factors including tree maturity, health, structure, hazard potential, sustainable life expectancy, significance and habitat value. In consideration of any development of the site, the high value trees identified for retention should be protected where possible. High value trees are generally intrinsic to the redevelopment of a healthy and sustainable ecology and aesthetic of a site and its surrounding environs. All trees identified as appropriate for retention require the implementation of adequate tree protection measures. Trees designated for retention may require varying levels of protection, incorporating removal of deadwood, management of epicormic shoots, pest and disease management, formative pruning and hazard abatement.

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Moderate value trees should generally only be retained if there is a sufficient area around them to allow for adequate isolation from general access, and if remedial works are incorporated to restrict pedestrian, vehicular and infrastructure targets. Retention of moderate value trees is generally only considered for the short to medium term; The trees may present low value to the landscape, or exhibit a combination of suspect branching attachments, wounding and decay, inferior form and varying levels of pest and / or disease infestation. While it is accepted that these trees could be managed, albeit for a limited time, selective removal would not necessarily be disadvantageous to the extent that it could provide an opportunity to re-establish the benefits that were once provided by actively growing and healthy specimens. Consideration of the retention value of these trees should reflect the proposed configuration of the development and the potential for ongoing remedial management. It is noted however that following the provision of specific primary maintenance and the implementation of an ongoing works and monitoring program, tree retention value and sustainable life expectancy, particularly of 'moderate' value trees, may be reassessed as having increased value.

Trees assessed as having low retention value should not generally be retained when it is determined that they cannot be safely integrated into the general landscape without posing significant risk to people and / or property. The removal of low value trees allows for replanting with specimens that are more suitable to existing site conditions and that will be more sustainable within the landscape in the longer term.

7.3 Tree Protection

Consideration of tree protection requirements is usually only relevant to trees considered to be of high and moderate arboricultural and/or environmental value, however, there is a general responsibility to protect all trees owned by others that may be affected by a development. A discussion of tree issues and the construction impact on specific trees is provided in **Section 8.1**. A plan indicating the assessed trees and calculated tree protection areas is provided in **Appendix 14.6**.

Tree protection distances are calculated from a measurement of trunk diameter taken at 1400 mm high (where possible). Numerous other methods (outlined in AS 4970) are employed when diameter measurement at 1400 mm is not possible. Tree protection distances are measured in a radius from the centre of the trunk. Information in regard to the management of tree protection zones is further outlined in **Section 10**.

The Tree Protection Zone (TPZ) is the principal means of protecting trees in response to a site development and is the area within which the application of protective measures is required in order to protect the tree, whilst maintaining current levels of health and vigour. Root and/or canopy damage within this zone can detrimentally impact on tree health. The TPZ determination for an individual tree relates to both root and canopy protection.

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The Root Protection Zone (RPZ) is calculated using the trunk diameter measured at 1.4 m above the ground. The distance is located in a radius measured from the centre of the trunk. The RPZ and the TPZ (where the canopy falls within the calculated root protection area). Where the canopy extends past the designated RPZ, the TPZ is increased to encompass the canopy. Where crown protection is required, the Canopy Protection Zone (CPZ) will generally be located a minimum of one metre past the canopy perimeter – the combined CRZ and RPZ form the amended TPZ.

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The Structural Root Zone (SRZ) calculation designates the minimum distance around the tree in which the structural stability of the tree is able to be maintained. Root damage within this zone can affect a significant proportion of the root system as well as potentially impacting the stability of the tree. The SRZ is also calculated using the trunk diameter methodology. Examples of basic Tree Protection Zones are presented in **Figure 1** below.

Figure 1: Indicative diagram indicating tree protection zones (from AS 4970, 2009)

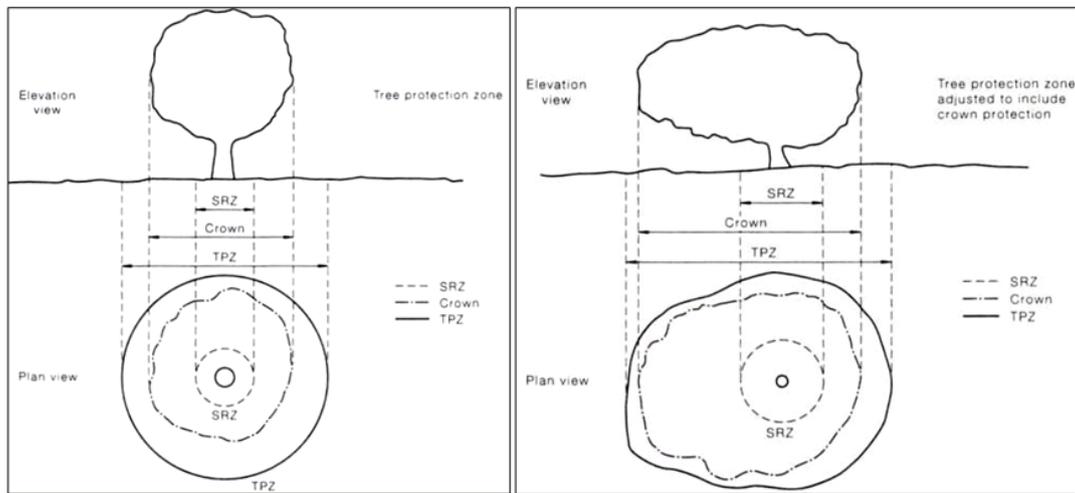


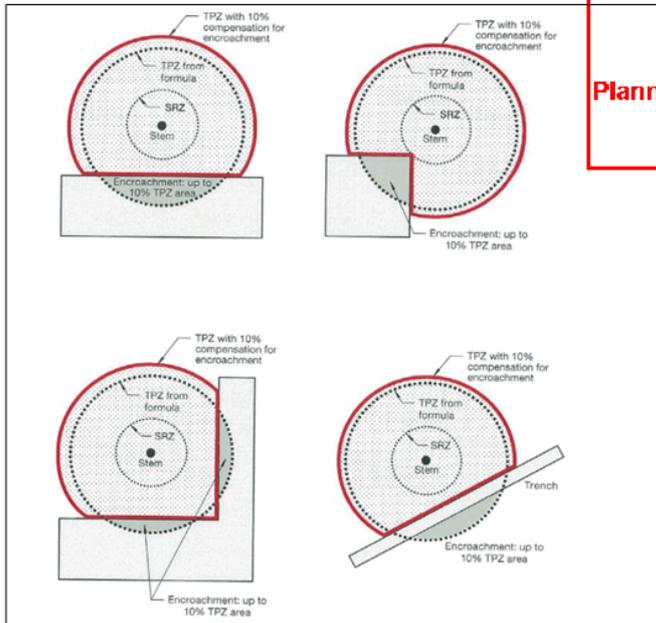
Diagram 1: indicates a tree with a canopy within the calculated Root Protection Zone –
 The Tree Protection Zone is equal to the Root Protection Zone

Diagram 2: indicates a tree with a canopy extending past the calculated Root Protection Zone –
 The Tree Protection Zone is positioned to encompass the Canopy Protection Zone and the Root Protection Zone.

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7.4 Works adjacent to and within designated Tree Protection Zones

Figure 2: Encroachment into Tree Protection Zones (from AS 4970, 2009)



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Generally, the designated TPZ should be maintained although encroachment may be permitted for a minor encroachment i.e. up to 10 % of the total area of the TPZ, detailed investigation of the extent of the root zone is not necessarily required. If a major encroachment is required, i.e. greater than 10 % of the total area of the TPZ, assessment of the root system and/or viability of the tree during and post encroachment should generally be established. In both cases of encroachment types, the area lost to incursion is to be compensated for and be contiguous to the TPZ. Figure 2 indicates examples of specific areas of encroachment and modifications consequent to the incursions.

8 Discussion

8.1 Specific Tree Issues and Impact of Construction

1. Tree number 1 (Yellow gum) is a medium sized, native tree located in the rear corner of the property. The tree has been heavily lopped from the boundary and presents a distorted and lopsided form. This tree is considered to be in decline in regard to condition and structure, although does provide habitat value. Multiple failures were observed. The tree is considered sustainable within the limitations of the development, however presents limited long-term landscape potential
2. Tree number 2 (Alder) is a large and wide spreading exotic tree located in the rear landscape. The tree presents a prominent feature within the site. Numerous issues were identified including dieback to 50 mm diameter, several hangers, large deadwood to 200 mm diameter, and failures up to 100 mm diameter. The presence of epicormic growth throughout the canopy was observed. The tree is in a raised garden bed with exposed roots observed extending 2 metres from the tree. The tree requires remedial pruning management and hazard mitigation by removing dead and dying limbs. The impact of construction is potentially high, with both townhouses encroaching into the calculated TPZ. It is noted that the rear decking has been amended to timber, pier and beam to reduce the encroachment into the root zone, such that the tree is potentially sustainable. The proposed dividing fence potentially impacts the SRZ, such that standard post locations may need to be amended. Further information in regard to construction methodology and specific engineering may be required. The tree is of high value to the site and local environs and should be retained.
3. Tree number 3 (Bangalow palm) is a small, native palm located in the rear landscape. The palm is in good condition. The dividing fence is in close proximity, however the tree is considered sustainable within the limitations of the construction. Retention of the palm may limit the landscape response, and consideration may be given to its removal and replacement with a more suitable species

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4. Tree number 4 (Eucalypt species) is a large and overmature specimen in advanced decline, exhibiting extensive dieback and large deadwood. The tree is considered to present a high hazard and likelihood of failure. Although providing some habitat value, the retention of such a large, almost dead tree within a residential landscape is not reasonable. The tree is not considered sustainable within the limitations of the construction.
 5. Tree number 5 (Bangalow palm) is a small, native palm located in the rear landscape. The palm is in good condition. The TPZ is outside the construction footprint, however it may be impacted by landscape reinstatement. Retention of the palm may limit the landscape response, and consideration may be given to its removal and replacement with a more suitable species.
 6. Tree number 6 (Large fruited yellow gum,) is a medium sized native tree located in the rear landscape. This tree has been extensively lopped and presents multiple stems and a predominantly epicormic canopy. The tree exhibits extensive dieback and decay at numerous wound points. Multiple failures were observed and the tree presents a high hazard potential. The tree is located in close proximity to the construction footprint, such that the tree is not considered sustainable.
 7. Tree number 7 (Bracelet honey myrtle) is small sized native tree located in the rear landscape, in close proximity to the boundary fence. This tree, is in poor condition, presenting tight, swollen and included unions, co-dominant stems to the ground and a poorly formed, open and overextended canopy. The location of the tree indicates that it may be self-sown. The tree falls within the construction footprint and is not therefore sustainable within the limitations of the current development proposal
 8. Tree number 8 (Cabbage tree,) is a small sized native tree located in the rear landscape. This tree is in good condition with no significant issues. The tree falls within the construction footprint and is not therefore sustainable within the limitations of the current development proposal.
 9. Tree number 9 (Bracelet honey myrtle) is small sized native tree located in the rear landscape, in close proximity to the boundary fence. This tree presents an upright and etiolated form as a result of its proximity to adjacent vegetation. Small limb dieback was observed throughout the tree. The tree presents limited long-term landscape potential. The location of the tree indicates that it may be self-sown. The tree falls within the construction footprint and is not therefore sustainable within the limitations of the current development proposal
 10. Tree number 10 (Irish strawberry tree) is a large and wide spreading exotic tree located in the rear landscape. The tree presents a prominent feature within the site. Numerous issues were identified including extensive cambial dieback as a result of extensive lopping. The canopy is wholly regrowth and exhibits numerous suspect and decayed attachments. The tree is multi-trunked with dieback extending into the ground at the base. The tree presents a high potential for failure and a high hazard potential, and as a consequence, is not considered retainable in the landscape. The tree falls within the construction footprint and is not therefore sustainable within the limitations of the current development proposal
 11. Tree number 11 (Weeping bottlebrush) is a small, and wide spreading native tree located in the front landscape. The tree presents an open canopy as a result of extensive lopping, particularly clearance pruning from service wires. The tree is in fair condition with no significant issues. Several attachments exhibit tight angles and included unions, however this form is not unusual for the species. The tree is located at the edge of the proposed driveway footprint and is not sustainable within the limitations of the current development proposal.
 12. Tree number 12 (Chinese photinia) is a medium sized, exotic and multiple stemmed (not unusual for this species) tree located within the front south eastern corner of the property. The tree has been extensively

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lopped for clearance from the footpath and presents a distorted and lopsided canopy. The tree is located within the footprint for the proposed driveway and is not sustainable within the limitations of the current development proposal.

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13. Tree number 13 (Weeping bottlebrush) is a tall, and poorly formed native tree located in the nature strip. The tree presents an upright form as a result of extensive lopping. Several attachments exhibit tight angles and included unions, however this form is not unusual for the species. The tree is located within the footprint of the proposed second crossover and is not sustainable within the limitations of the current development proposal.
14. Tree number 14 (Norfolk Island hibiscus) is a well-established 'native' tree located in the nature strip. The tree is in fair condition, with good flower set. The structure is multi-stemmed with numerous tight attachment angles and included unions (not unusual for the species). The townhouse dividing fence, letterbox location and new driveway alignment impact the TPZ of the tree. Root management will likely be required, however the tree is considered sustainable within the limitations of current development proposal.
15. Tree number 15 (Red Ironbark) is a large, wide spreading native tree on the adjoining property to the south. Numerous failures to 100 mm in diameter were observed, with several co-dominant unions present. Minor deadwood was also observed. The canopy overhangs the development site by approximately 3 metres and some clearance pruning may be required. The TPZ is within the construction footprint, however no deleterious impact on tree health is expected. Root management will be required. The tree is considered sustainable within the limitations of current development proposal.
16. Tree number 16 (Bracelet honey myrtle) is small sized native tree located on the adjoining property to the south. This tree presents a horizontal, distorted and etiolated form as a result of adjacent vegetation. Small limb dieback was observed throughout the canopy. The construction footprint impacts the TPZ of the tree, however the tree is considered sustainable within the limitations of current development proposal. Some root management may be required.
17. Tree number 17 (Chinese photinia) is a medium sized, exotic and multiple stemmed (not unusual for this species) tree located within the adjoining property to the south. The tree presents in good condition with a dense and overcrowded canopy that overhangs the development site by approximately 2 metres. Some clearance pruning will be required to facilitate construction processes. The construction footprint significantly impacts the TPZ and SRZ of the tree and specific methodologies will need to be employed given the current proposal. On grade paver installation with no excavation and pier and beam and timber steps may be considered to reduce the potential disturbance. Footing type for the dwelling may include bored piers or screw piles with a raised edge beam and/or cantilevered slab. Hand digging of post holes is also recommended to minimize potential root damage. It is noted that generally no excavation should be undertaken within a dedicated SRZ. Management of this tree and construction specific protocols may require further discussion and engineering input.
18. Tree number 18 (Hakea) is a dead, medium sized, native tree located within the adjoining property to the south. The canopy is contained within the adjacent property and while no root management is necessarily required, care not to undermine larger roots is recommended. If larger roots are damaged, it is recommended that the neighbour be informed as the stability of the tree may be further compromised.
19. Tree number 19 (Tea-tree) is small sized native tree located on the adjoining property to the south. This tree presents an open form with a canopy overhang of approximately 1.0 metres. The construction footprint impacts the TPZ of the tree, however the tree is considered sustainable within the limitations of current development proposal. Some root management may be required.

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Trees number 20 – 30 (Ornamental pear) are upright plantings along the fence line within the adjoining property to the north. Several canopies overhang the development site and some minor clearing and pruning may be required. The close proximity of the trees to the boundary indicates TPZs and SRZs extending well into the property. Amendment to the decking footprint has negated the effect of any construction on trees numbered 20, 21 and 22, however landscape reinstatement may affect the protection zones. Following an amendment to the building setback, trees numbered 23 and 24 are within the TPZ for landscape, as per construction (see Section 10.1) are to be adhered to.

Trees numbered 26, 27, 28, 29 and 30 are located in the front of the property. As with the previous trees, the TPZs and SRZs encroach into the development site. The extent of the existing concrete driveway to the boundary will likely have limited root development into the site. Maintaining existing finished driveway levels and minimizing sub-base disturbance should allow for the retention of these trees. Root management will however likely be required. The extent of excavation for the garage is in close proximity to tree number 26 and an excavation and localized hand digging may be required to assess root presence and ultimately reduce root loss potential.

20. Tree number 31 (Sweet Gum) is a large and wide spreading exotic tree on the property to the south west. Construction is outside the TPZ and no deleterious impact on tree health is expected. The TPZ does encroach into the site and landscaping processes may affect the root zone. Restrictions within the TPZ for landscape, as per construction (see Section 10) are to be adhered to.
21. Tree number 32 (Alder) is a tall and upright tree on the property to the west. Construction is outside the TPZ and no deleterious impact on tree health is expected. The TPZ does encroach into the site and landscaping processes may affect the root zone. Restrictions within the TPZ for landscape, as per construction (see Section 10) are to be adhered to.
22. Trees number 33 and 34 (Bangalow palm) are large and well-established native palms on the property to the west. Construction is outside the TPZ and no deleterious impact on tree health is expected. The TPZ does encroach into the site and landscaping process may affect the root zones. Restrictions within the TPZ for landscape, as per construction (see Section 10) are to be adhered to.

8.2 Fencing and Landscape within a TPZ

Identified tree protection zones must be considered in regard to the use of land within property boundaries. Designated TPZs falling within open areas should be mulched and isolated where possible. No infrastructure or plantings, including lawns, should generally be permitted in these areas without first identifying extent and impact of root systems. In regard to any boundary fencing within designated TPZs, care should be taken to ensure that no damage is caused to roots. If a major root (greater than 30 mm in diameter) is found, the posthole will generally need to be relocated. An arborist should be retained to assess and address any issue or damage to roots resulting from posthole construction - all damaged roots should be pruned to limit dieback and pest and disease potential. No post hole should be located within the SRZ of a tree (noted in Appendix 14.3, and indicated by magenta circles on the Tree Protection Overlay Plan provided in Appendix 14.6), without prior inspection of localised root zone development. The leaching of chemicals from cement / concrete can have a detrimental impact on tree roots. It is proposed that all postholes within designated protection zones be lined with heavy duty black 'builders' plastic to restrict potential leaching into the root zone.

8.3 Hazard Assessment

A hazard is comprised of two components: the potential failure of a tree or part and the presence of an adjacent target. Hazard abatement refers to the reduction of the likelihood that failure of a tree or a part, will result in injury to people and/or damage to property. A comprehensive hazard analysis provides the basis for the prioritization of

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abatement works. Primary management of all retained trees should include the removal of all dead, dying or dangerous limbs. More specific management of individual trees will include the removal of root zones, epicormic management and developmental pruning. Ongoing maintenance works will generally include basic remedial management incorporating removal of deadwood, maintenance of mulch levels and developmental pruning.

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Given the position of the trees on the site and the current low volume of vehicular and pedestrian traffic, it is considered that the majority of the trees have limited hazard potential. Consequent to any development and subsequent increase in target area, specific trees may be reassessed as presenting a heightened hazard potential. Any development within the vicinity of those trees exhibiting poor condition and inferior structure may exacerbate their decline and likelihood of failure. Suspect trees should generally have their under canopy areas restricted from general access by incorporating techniques including fencing and/or specific plantings.

8.4 Root Protection

Disturbance to root systems can detrimentally influence plant health. The severing of a root system affects a tree’s ability to uptake water and nutrients, such that the severing of root systems is not generally advised. Improper pruning and damage to roots can provide entry points for pathogens, resulting in disease and possible root death. It is likely that that any surface soil disturbance within the vicinity of the designated tree protection areas will have a deleterious effect on the existing condition of many of the trees. Mechanical excavation within or adjacent (within one metre) to tree protection areas can often cause extreme root damage and hand pruning of damaged roots is necessary following this type of work. Damaged roots should be identified and pruned back beyond affected wood. Further, exposed roots must be prevented from drying out. Final pruning cuts should be made inside a trench wall and covered with moistened spoil. For temporary protection, moistened hessian may be used to cover exposed root surfaces. All pruning works should be undertaken by an arborist and carried out with clean and sharp hand tools.

Any proposed works within or immediately adjacent to tree protection areas should be discussed with an arborist and be assessed on an individual tree and works basis. Criteria including tree condition, likely tree response, aspect, length and position of root pruning must be ascertained on site prior to works within these regions. Further, an arborist should determine the presence and concentration of roots within a proposed construction area. Alternative construction techniques such as boring of services may need to be employed to reduce potential damage to root systems.

8.5 Pruning Management

Specialist pruning of retained trees incorporating the removal of dead, dying and diseased limbs can significantly reduce hazard potential in regard to canopy failure. In addition, the removal of breeding areas consequent to such pruning can reduce existing pest populations and thereby limit the likelihood of disease. The development of more structurally integral canopies can be achieved by the regular formative pruning. Ongoing management of epicormic growth is often necessary and involves the selected removal or development of specific shoots over an extended period of time. Pruning management is to comply with Australian Standards AS 4373, Pruning of amenity trees.

8.6 Water Stress

Trees develop in response to their immediate environment and growth is limited by many factors including aspect, position in the landscape, exposure, topography, soil type and natural water availability. Topography in regard to water movement across a site is critical to tree development particularly when considering larger and more mature vegetation. Modification to the existing topography can affect the hydrology of a site, consequently limiting or increasing natural levels of moisture for trees. Any deleterious effect on existing vegetation by changes in the hydrology can generally be ameliorated with supplementary irrigation or increased drainage infrastructure.

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8.7 Redevelopment of Vegetation

Planting out of proposed landscape areas with appropriate species will enhance the health of site vegetation and the local environment. Diversity across vegetation types and strata is integral to the redevelopment and sustainability of a healthy ecology within a proposed landscape.

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8.8 Conclusion

With particular management, it is expected that all trees identified for retention to be successfully managed. Trees numbered 17 and 26 may require further root zone inspection as the construction impact may potentially be high. In regard to the generally lower quality site vegetation, the development will allow for its removal and potentially support a landscape response incorporating higher quality specimens.

It is proposed that specific construction processes and techniques be incorporated into the development in order to manage and protect the retained trees within and adjacent to the property. Proposed construction techniques to be considered include, but not limited to excavation overseen by an arborist, hand root pruning and consideration of on grade construction and porous / permeable surfacing where solid paving is proposed within impacted tree protection zones.

Remedial pruning to remove large deadwood will be required for tree number 2 prior to construction. Protective fencing around this tree is to be located at the extent of the dwelling footprint. The protective fencing is to incorporate the decking section and be amended only when deck construction is commenced. Strapped rumble boards or other protection over mulch should be utilized within the decking area if early access is required.

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9 Recommendations

Based upon the assessment of the affected vegetation, the following recommendations are proposed.

1. Retention of the higher value trees as tabled in **Appendix 14.1**, incorporating recommended tree protection and management guidelines, as outlined in **Section 10**.
 - Site – Tree number **2** to be retained.
 - Street – Tree number **15** to be retained
 - Adjacent properties – All trees retained with possible exceptions:
 - Tree number **14** – Council tree, low value (consideration to remove)
 - Tree number **18** is dead and may present a potential hazard
2. Removal / retention of the moderate value trees as tabled in **Appendix 14.1**, incorporating recommended tree protection and management guidelines as required, as outlined in **Section 10**.
 - Removal relating to construction – Trees numbered **11** and **12**.
 - Trees numbered **3** and **5** are small palms – consideration to remove
 - Tree number **1** has limited landscape potential – consideration to remove
3. Retention / removal of lower value site trees as tabled in **Appendix 14.1**.
 - Removal / retention of all assessed low value site trees
4. Boundary clearance pruning as required – to AS 4373
5. Remedial pruning and aerial assessment of tree number **2**.
6. Protective fencing around tree number **2** is to be located at the extent of the dwelling footprint. The protective fencing is to incorporate the decking section and amended only when deck construction is commenced, or construction access is required. Strapped rumble boards or other (see **Section 10.4.1**) over mulch could be utilized in the decking area if early access is required.
7. Protective fencing to be installed around TPZs for all trees. Where access is required and/or entire TPZ fencing is not possible, strapped rumble boards (see **Section 10.4.1**) over mulch are to be installed.
8. Discussion with an arborist in regard to all matters pertaining to proposed works within and directly adjacent to designated tree protection zones.
9. Existing grades to be maintained within designated tree protection zones. No excavation, contouring or fill works to be undertaken within the vicinity of designated tree protection zones without prior consultation with an arborist.
10. Mechanical / hand root pruning to be undertaken for excavation works adjacent to the TPZ for all trees designated for retention. Exposed roots to be prevented from drying out. Final pruning cuts to be made inside a trench wall and covered with moistened spoil. For temporary protection, moistened hessian may be used to cover exposed root surfaces. This process to be overseen by an arborist.
11. Care during posthole construction for boundary fencing to restrict impact on roots.
 - No post hole construction within SRZs without prior root zone investigation.
12. Lining of all footings and post holes within and adjacent to TPZs with heavy duty builder's plastic to restrict potential leaching of chemicals.
13. An observer should be present when working with machinery under or near tree canopies to reduce risk of accidental damage to trees.

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14. Directional boring of services if required is to be located outside identified SRZs and be implemented at a minimum depth of 600 mm
15. Reinstatement of the landscape maintaining existing levels within TPZs, and incorporating a variety of trees and complementary lower strata plantings
- No plantings including lawns to be undertaken within a TPZ without prior investigation of the root zone by a suitably qualified arborist. Any plantings within a TPZ should generally be limited to 140 mm containers. Existing tree roots are to be avoided and not damaged
16. Monitoring and reporting of construction processes and impacts upon individual trees to be undertaken by a suitably qualified arborist. See **Section 11** for further information.

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10 Tree Protection Guidelines during Construction

10.1 General activities restricted within a TPZ

The following list provides an overview of restricted activities within a TPZ as outlined in AS 4970

- Machine excavation including trenching
- Excavation for silt fencing
- Cultivation
- Storage
- Preparation of chemicals, including preparing cement products
- Parking of vehicles and plant
- Refuelling
- Dumping of waste
- Wash down and cleaning of equipment
- Placement of fill
- Lighting of fires
- Soil level changes
- Temporary or permanent installation of utilities and signs and
- Physical damage to the tree

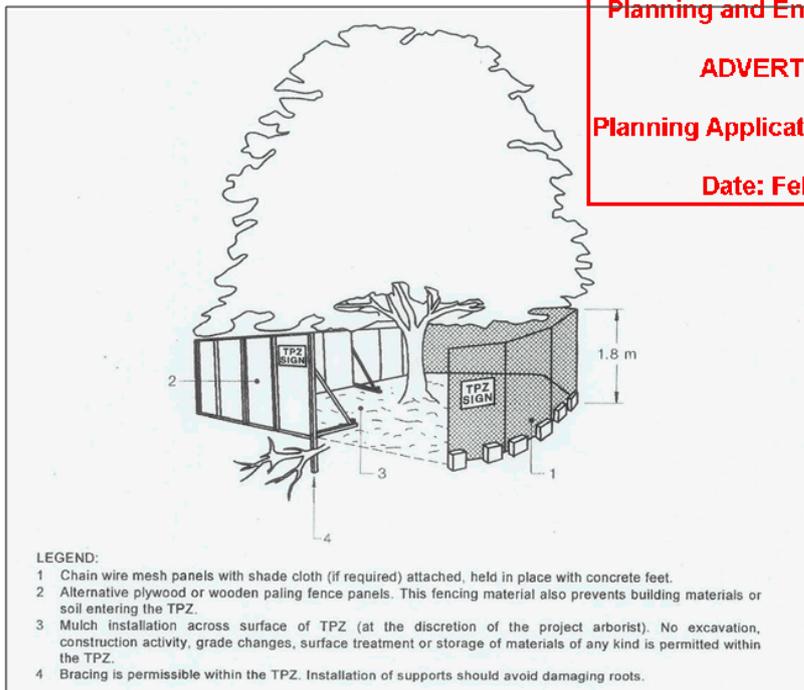
10.2 Protective fencing

Fencing should be erected prior to site establishment which includes delivery of machinery or materials to the site and before the commencement of works including demolition. Protective fencing is to remain intact and in position until the completion of works or as so advised by the governing body (Council). Temporary modification to the fencing location may be required to facilitate construction works and/or landscape installation in proximity to the tree. Council should be advised and the project arborist may be required to initially manage encroachment. An image of approved tree protection fencing is provided below in **Figure 3**.

- Fencing to be compliant to AS 4687
- Constructed of 1.8 metre high chain mesh (or approved similar)
- Posts to be a minimum of 20 mm in diameter and located clear of roots
- Posts are to be held in place with concrete feet – no sinking of posts into the ground is permitted
- Existing boundary fencing to the east will form part of the protective fencing
- Shade cloth over fence if required

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Figure 3: Indicative diagram indicating appropriate protective fencing (from AS 4970, 2009)



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10.3 Signage

Signs identifying the TPZ should be placed on the fence and be visible from the construction area, site access points and from the road.

- Relevant standard for the lettering is AS 1319
- A sample sign has been provided below in **Figure 4**.

Figure 4: Example of a Tree Protection Sign (from AS 4970, 2009)



10.4 Trunk, branch and ground protection

For temporary access within the TPZ, particularly when utilizing machinery, specific protocols should be employed. Access will be required during the vegetation removal stage and the landscape reinstatement. It is important to maintain the current soil environment and to limit compaction potential and root damage from compression

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10.4.1 Trunk and branch protection

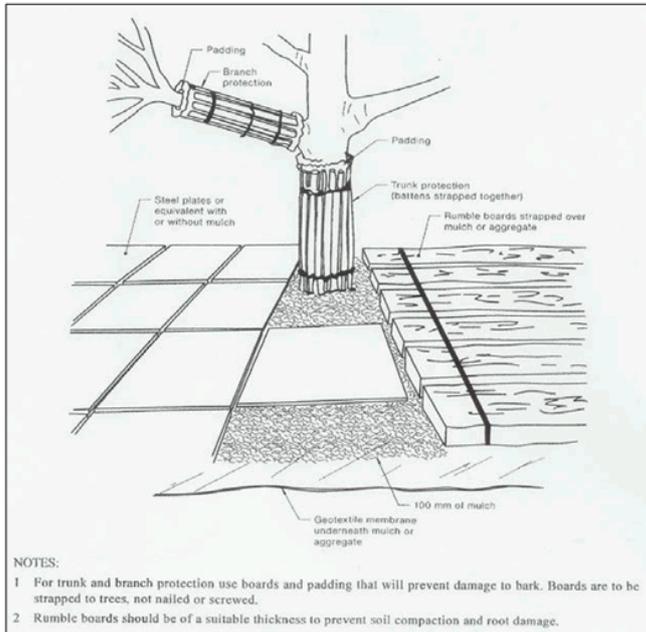
Machinery may be required inside the TPZ for works including... The following protective measures may be considered.

- Strapped rumble boards may be required over mulch to spread machinery weight
• 100 mm of pine bark mulch over a geo-textile fabric
• Protection of the trunk and lower branches may be required - wrapping of foam or similar padding around trunk and covered in a solid surface (may include such protection)

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A diagram has been provided below (See Figure 5) to indicate trunk and branch protection concepts.

Figure 5: Indicative diagram indicating tree and ground protection (from AS 4970, 2009)



10.4.2 Root protection

- Hand excavation of areas within a TPZ and close management of machinery when working adjacent to a TPZ; a suitably qualified arborist should undertake these works. It is considered beneficial to employ an observer when utilizing excavators or other machinery under or near tree canopies. This action can reduce the risk of accidental damage to tree trunks and canopies.
• Hand root pruning to be undertaken for all affected roots impacted on by excavation works within a TPZ. Exposed roots should be inspected by suitably trained personnel, and all damaged roots cut cleanly with sharp secateurs or a hand saw. Roots (particularly pruned roots) should not be left exposed to the air and allowed to dry out. Damaged roots should be pruned back into trench walls as soon as possible and covered with moistened soil. If uncovered or pruned roots are not able to be promptly located into the trench wall, moistened hessian (doubled) should be placed over them. Hessian should be fixed in place with pegs and rewetted as required.

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10.4.3 Landscape installation

While planting within a TPZ is possible, small plants should be planted in plastic tubes (75 mm) will reduce the potential for damage to existing tree feeder roots. Competition from understorey plants can detrimentally affect the health of the tree in time and as such, planting numbers should generally be kept to a minimum. It is recommended that plantings within the SRZ be limited and not be located within 100 mm of roots greater than 30 mm in diameter. Generally, plantings should be excluded from a designated SRZ.

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10.4.4 Underground services within the TPZ

Services should be routed outside the designated TPZ where possible. If rerouting is not possible, services should be installed by directional boring or by careful manual excavation of trenches (overseen by the project arborist). Directional drilling is to be a minimum of 800 mm deep and bore pits are to be located outside the dedicated TPZ. Boring should not be undertaken within an SRZ unless no other alternative is available.

10.4.5 Grade changes

The soil grade within the TPZ should be maintained at the existing levels. Lowering of the existing levels will cause significant damage to surface and feeder roots

- If the grade is to be raised, the material used should be coarser or more porous than the existing soil.
- A geo-fabric material should be laid between the coarser material and the original.
- Depth should not exceed generally 50 mm and compaction should be minimized
- The project arborist and/or Council should inspect any material and approve proposed depths before raising of grades within the TPZ

10.4.6 Mulching

Mulching reduces the risk for runoff and soil moisture loss

- Use a material that complies with AS 4454 – Recommended is 12 mm -20 mm graded Pine Bark
- Maintained at 75 mm -100 mm deep
- Mulch is not to be placed in direct contact with the trunk

10.4.7 Watering

Supplementary irrigation may be required to reduce the impact from any potential change to the existing water availability to the tree

- Monitoring of soil moisture levels should be undertaken by the project arborist as required
- Implementation of a temporary above ground irrigation is recommended. The system may be placed in the mulch layer. No excavation or other disturbance to soil levels is permitted
- Irrigation system to be installed by a competent individual

10.4.8 Scaffolding within or adjacent to a TPZ

Scaffolding may be required within or adjacent to the TPZ.

- Scaffolding to be on planks and sole plates to spread load - No excavation for sole plates within a TPZ
- Planks to be placed over 100 mm of mulch
- Flexible branches impacting scaffold may be tied back (to be undertaken by a suitably qualified arborist)
- Clearance pruning should not be undertaken without approval from Council. All pruning to be undertaken by a suitably qualified arborist to AS 4373
- Protective fencing is required between any scaffolding and the tree – Shade cloth or boarding is to be attached to the fencing to protect tree from contaminants
- Boards or plywood are to be installed over mulch if a component of the TPZ is exposed due to the location of the scaffolding and/or access into the TPZ is required

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11 Monitoring and Certification

11.1 General

Monitoring of tree health and tree protection processes prior to, during and post development is recommended. These actions will contribute to the protection of the tree and ongoing inspections allow for early detection of problems.

11.2 Pre-construction

Trees for removal should be marked onsite and confirmed prior to the commencement of works. A tree protection plan outlining tree management, works and removals may be developed from this report if required. Monitoring and reporting procedures and schedules could be included in this plan.

11.3 Construction Stage

Due to the necessity to encroach into a number of TPZs, monitoring of the impact of construction works is important. Monitoring and reporting by an arborist should be undertaken at regular intervals or in consultation with the site manager, particularly during works within a TPZ. Monitoring is to be recorded for inclusion in certification at practical completion

11.4 Practical Completion

This assumes all construction works are finished. All remaining tree protection measures are to be removed. Tree condition should be assessed and certification provided to the controlling body establishing that the completed works have been performed in compliance with the approved plans and tree protection specifications.

11.5 Post Construction

Ongoing monitoring by an arborist may be required for a pre-determined period to assess longer term impacts from construction processes and enable timely and appropriate management of individual trees if necessary.

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13 Terms and Conditions

The following assumptions and conditions underpin the basis of this report.

1. This report and any values or opinions expressed herein are representative of the author's unbiased knowledge and experience unless supplementary researched information is cited in the body of the report.
2. Contractual arrangements, fees or charges are in no way conditional upon a specified outcome, event or decision.
3. The consultant has taken care to obtain information from reliable sources. All plans, permits, information or data supplied to Trees and Associates Pty Ltd is assumed as being true and correct. Trees and Associates Pty Ltd accepts no responsibility for information supplied which is outside of the consultant's control.
4. Any diagrams, figures, graphs, sketches, photographs or drawings contained in this report are used as supplementary aids to the information supplied in the report and are not to scale unless otherwise specified. These items are not to be considered as professional architectural or engineering drawings or reports.
5. Trees and Associates Pty Ltd has undertaken the vegetation consultation with the assumption that any part of the proposed project or works do not violate any local, state or federal laws and regulations, statutes, ordinances, covenants, or codes of practice. It is assumed that all legal titles and property ownerships are correct. Trees and Associates Pty Ltd does not accept any responsibility for matters outside of the consultant's control.
6. This document alone does not warrant the provision of testimony or expert witness. Separate contractual arrangements and payment of additional fees will be required to provide further advice.
7. Trees and Associates Pty Ltd. retains the copyright in the report. The report is intended for the explicit use of the client only, and no part of this report may be copied or used for publication without the prior consent of Trees and Associates Pty Ltd. Alteration or loss of any part of this report shall deem the report invalid.
8. The information provided in this report covers only what has been requested by the client through the client brief.
9. The information provided in this report covers only those items which were examined and reflects the condition of those items at the time of the inspection.
10. Site and vegetation assessments are limited to visual examination of all accessible features. Assessments or inspections do not include any excavation, dissection, probing or drilling unless such actions are explicitly mentioned within this report. There is no warranty or guarantee, express or implied, that even if they were not present during our inspection, problems or defects in plants or property examined may not arise in the future.

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14 Appendices

14.1 Tree Data

Tree #	Genus / species	Common Name	DBH cm	Diameter at m	Height m	Width m NS EW	Age Class	Health	Structure	Condition	SLE	Hazard	Priority	Site Significance	Retention value
1	<i>Eucalyptus leucoxylon</i>	Yellow gum	44.5	0.8	9	4x6	Mature	Fair	Poor	Poor	1-5	Low	Low	Medium	Moderate
2	<i>Alnus sp.*</i>	Alder species	67.6	1.1	14	12x16	Mature	Fair	Fair	Fair	11-20	High	High	High	High
3	<i>Archontophoenix cunninghamiana</i>	Bangalow palm	18.3	1.4	7	4x4	Semi-mature	Good	Good	Good	11-20	Low	Low	Low	Moderate
4	<i>Eucalyptus sp.*</i>	Eucalyptus species	51.2	1.4	14	8x7	Over-mature	Poor	Poor	Poor	<1	High	High	High	Low
5	<i>Archontophoenix cunninghamiana</i>	Bangalow palm	10.2	1.4	4	1x1	Young	Good	Good	Good	11-20	Low	Low	Low	Moderate
6	<i>Eucalyptus megalocarpa</i>	Large fruited yellow gum	29.2	1.2	7	10x10	Over-mature	Poor	Poor	Poor	<1	Medium	Medium	Medium	Low
7	<i>Melaleuca armillaris</i>	Bracelet honey myrtle	11.8	1.4	6	5x4	Semi-mature	Poor	Poor	Poor	1-5	Low	Low	Low	Low
8	<i>Cordyline australis</i>	Cabbage tree	9.8	1.4	6	1x1	Semi-mature	Good	Good	Good	11-20	Low	Low	Low	Low
9	<i>Melaleuca armillaris</i>	Bracelet honey myrtle	11.1	0.9	6	4x3	Semi-mature	Fair	Poor	Poor	1-5	Low	Low	Low	Low
10	<i>Arbutus uneda</i>	Irish strawberry tree	80.9	1.4	7	12x11	Over-mature	Fair	Poor	Poor	<1	High	High	High	Low
11	<i>Callistemon viminalis</i>	Weeping bottlebrush	39.3	0.2	5	6x7	Mature	Fair	Poor	Fair	6-10	Low	Low	Medium	Moderate
12	<i>Photinia serrulata</i>	Chinese photinia	54.8	0.1	6	10x7	Mature	Good	Fair	Fair	6-10	Low	Low	Medium	Moderate
13	<i>Callistemon viminalis</i>	Weeping bottlebrush	46.9	0.1	7	5x3	Mature	Poor	Poor	Poor	1-5	Low	Low	Low	Low
14	<i>Lagunaria patersonii</i>	Norfolk Island hibiscus	42.0	0.3	9	7x7	Mature	Fair	Poor	Fair	6-10	Low	Low	High	High
15	<i>Eucalyptus sideroxylon</i>	Red ironbark	58.8	1.4	13	13x9	Mature	Good	Fair	Fair	11-20	Low	Low	High	High
16	<i>Melaleuca armillaris</i>	Bracelet honey myrtle	14.6	1.0	3	3x3	Semi-mature	Good	Fair	Fair	6-10	Low	Low	Low	High
17	<i>Photinia serrulata</i>	Chinese photinia	41.7	0.2	6	6x8	Mature	Good	Good	Good	11-20	Low	Low	Medium	High
18	<i>Hakea sp.*</i>	Hakea species	28.7	0.1	5	2x2	Dead	Poor	Poor	Poor	0	Medium	High	Low	Low
19	<i>Leptospermum species</i>	Tea-tree species	24.9	0.1	3.5	5x4	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Low	High
20	<i>Pyrus calleryana</i>	Ornamental pear - Selection	12.8	1.2	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High

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Tree #	Genus / species	Common Name	DBH cm	Diameter at m	Height m	Width m NS EW	Age Class	Health	Structure	Condition	SLE (pts)	Hazard	Priority	Site Significance	Retention value
21	<i>Pyrus calleryana</i>	Ornamental pear - Selection	10.7	1.4	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
22	<i>Pyrus calleryana</i>	Ornamental pear - Selection	15.3	1.4	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
23	<i>Pyrus calleryana</i>	Ornamental pear - Selection	16.6	1.2	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
24	<i>Pyrus calleryana</i>	Ornamental pear - Selection	15.0	1.4	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
25	<i>Pyrus calleryana</i>	Ornamental pear - Selection	14.8	1.4	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
26	<i>Pyrus calleryana</i>	Ornamental pear - Selection	15.0	1.2	3.5	5x4	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
27	<i>Pyrus calleryana</i>	Ornamental pear - Selection	11.3	1.1	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
28	<i>Pyrus calleryana</i>	Ornamental pear - Selection	7.9	1.2	5	1x1	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
29	<i>Pyrus calleryana</i>	Ornamental pear - Selection	11.6	1.2	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
30	<i>Pyrus calleryana</i>	Ornamental pear - Selection	12.5	1.0	6	2x2	Semi-mature	Good	Fair	Fair	11-20	Low	Low	Medium	High
31	<i>Liquidambar styraciflua</i>	Sweet gum	59.6	1.4	15	13x12	Mature	Good	Good	Good	11-20	Low	Low	High	High
32	<i>Alnus sp. *</i>	Alder species	28.0 Est	1.4	10	5x5	Mature	Fair	Fair	Fair	6-10	Low	Low	Medium	High
33	<i>Archontophoenix cunninghamiana</i>	Bangalow palm	26.0 Est	1.4	10	3x3	Mature	Good	Good	Good	11-20	Low	Low	Medium	High
34	<i>Archontophoenix cunninghamiana</i>	Bangalow palm	26.0 Est	1.4	10	3x3	Mature	Good	Good	Good	11-20	Low	Low	Medium	High

*Limited identifying features

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14.2 Tree Assessment Notes		109 Cromer Road	ADVERTISED PLAN
Tree #	Genus / species	Common Name	Planning Application No.: 5/2020/074/1 Date: February 2021
1	<i>Eucalyptus leucoxylon</i>	Heavily lopped to boundary, co-dominant stems, multiple failures, poor impacting fencing, limited potential	Planned to be removed. Tree, buttressing
2	<i>Alnus sp. *</i>	Large mature tree, raised garden bed, large deadwood to 200 mm diameter, dieback to 50 mm diameter, minor dieback throughout, failures to 100 mm diameter, extensive epicormic development, exposed and damaged roots.	Ficus climber
3	<i>Archontophoenix cunninghamiana</i>	Small palm, good condition, no significant issues	
4	<i>Eucalyptus sp. *</i>	Predominantly dead, large diameter deadwood, failures on ground, co-dominant at approximately 3 metres, high likelihood of failure, dangerous tree	
5	<i>Archontophoenix cunninghamiana</i>	Small palm, good condition, not significant issues	
6	<i>Eucalyptus megalocarpa</i>	Extensively lopped, decay and dieback at union, predominantly epicormic due to lopping, distorted development, over-extended limbs, numerous failures, extensive deadwood and dieback, high likelihood of failure.	
7	<i>Metaleuca armillaris</i>	Co-dominant to ground, open etiolated form, included unions, suspect attachments, swelling, close to fence, likely self-sown	
8	<i>Cordyline australis</i>	Small tree, good condition, no significant issues	
9	<i>Metaleuca armillaris</i>	Dieback at top, upright form due to adjacent vegetation, limited potential, likely self-sown	
10	<i>Arbutus uneda</i>	Large spreading canopy, heavily lopped, extensive cambial dieback along stems, dead timber supporting canopy, widespread epicormic development, highly suspect attachments, dieback into the ground, high likelihood of failure	
11	<i>Callistemon viminalis</i>	Under service wires, impacting wires, multiple stems to ground, extensive epicormics, long extended branching, distorted development due to adjacent trees, tight unions, included bark – not unusual for the species, lopped, stubs, limited potential	
12	<i>Photinia serrulata</i>	Multiple stems, tight unions – not unusual for species, lopped from front boundary, poor form, over-crowded development, lopped from service wires, some deadwood and smaller dieback throughout.	
13	<i>Callistemon viminalis</i>	Council street tree, heavily lopped and damaged, large limbs removed, poor form due to lopping, limited potential, high remaining canopy, small dieback throughout	
14	<i>Lagunaria patersonii</i>	Council street tree, co-dominant stems, multiple stems at approximately 300 mm, tight included unions – not unusual for the species, good leaf and fruit set, no significant health issues	
15	<i>Eucalyptus sideroxylon</i>	Adjacent property, failure to 100 mm diameter, tight unions, overhangs site by approximately 3 metres, lopsided development, possum damage, minor deadwood, trunk distortion, insect damage, high habitat value	
16	<i>Metaleuca armillaris</i>	Adjacent property, small tree, co-dominant stems, lopsided development due to adjacent vegetation	
17	<i>Photinia serrulata</i>	Adjacent property, multiple stems, overhanging site by approximately 2 metres, form not unusual, in good health, no significant issues	
18	<i>Hakea sp. *</i>	Adjacent property, dead, failure potential	
19	<i>Leptospermum sp.</i>	Adjacent property, overhanging site approximately 1 m, lopped, open form, fair health, no significant issues	
20	<i>Pyrus calleryana</i>	Adjacent property, overhanging approximately 1 m, no significant issues	
21	<i>Pyrus calleryana</i>	Adjacent property, overhanging approximately 1 m, no significant issues	
22	<i>Pyrus calleryana</i>	Adjacent property, overhanging approximately 4 m, no significant issues	

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Tree #	Genus / species	Common Name	109 Cromer Road
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23	<i>Pyrus calleryana</i>	Adjacent property, overhanging approximately 1m, no significant issues	
24	<i>Pyrus calleryana</i>	Adjacent property, overhanging approximately 1.5 m, no significant issues	
25	<i>Pyrus calleryana</i>	Adjacent property, lopped, dieback main stem	
26	<i>Pyrus calleryana</i>	Adjacent property, overhanging approximately 0.5 m, no significant issues	
27	<i>Pyrus calleryana</i>	Adjacent property, overhanging approximately 0.5 m, no significant issues	
28	<i>Pyrus calleryana</i>	Adjacent property, lopped, no significant issues	
29	<i>Pyrus calleryana</i>	Adjacent property, no significant issues	
30	<i>Pyrus calleryana</i>	Adjacent property, no significant issues	
31	<i>Liquidambar styraciflua</i>	Adjacent property, professionally managed, no significant issues	
32	<i>Alnus sp.*</i>	Adjacent property, close proximity to shed, no significant issues	
33	<i>Archontophoenix cunninghamiana</i>	Large multi-stemmed palm, good condition, not significant issues	
34	<i>Archontophoenix cunninghamiana</i>	Large multi-stemmed palm, good condition, not significant issues	

*Limited identifying features

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14.3 Construction and Tree Protection Information Summary

Tree #	Genus / species	DBH cm	TPZ Radius m	SRZ Radius m	RPZ Radius m	CPZ Radius m	TPZ Area m ²	10% Distance m	Distance to Construction m	% Loss	ADVERTISED PLAN
1	<i>Eucalyptus leucocylon</i>	44.5	5.34	2.4	5.34	4.00	88.2	3.6	5.08	0.5	TPZ within construction footprint, low impact. Tree considered sustainable.
2	<i>Alnus sp.</i>	67.6	9.00	2.8	8.11	9.00	206.1	5.6	3.05	20.0	Date: February 2021 construction offset, potentially high impact, engineering and construction type to mitigate.
3	<i>Archontophoenix cunninghamiana</i>	18.3	2.20	1.6	2.20	2.00	15.2	1.5	1.12	19.1	TPZ within construction footprint for fencing, limited impact expected, low value tree. Possible landscape impact.
4	<i>Eucalyptus sp.</i>	51.2	6.14	2.5	6.14	5.00	116.9	4.2	3.29	17.4	TPZ within construction footprint, high impact, low value tree. Tree not considered sustainable.
5	<i>Archontophoenix cunninghamiana</i>	10.2	2.00	1.5	2.00	1.00	12.6	1.4	5.30	0.0	TPZ outside construction footprint, no impact, low value tree. Possible landscape impact.
6	<i>Eucalyptus megalocarpa</i>	29.2	6.00	2.0	3.50	6.00	38.5	2.4	0.70	37.4	TPZ within construction footprint, high impact, low value tree. Tree not considered sustainable.
7	<i>Melaleuca armillaris</i>	11.8	2.00	1.5	2.00	2.00	12.6	1.4	0.00	100	Tree within construction footprint, high impact, low value tree. Tree not considered sustainable.
8	<i>Cordyline australis</i>	9.8	2.00	1.5	2.00	1.00	12.6	1.4	0.00	100	Tree within construction footprint, high impact, low value tree. Tree not considered sustainable.
9	<i>Melaleuca armillaris</i>	11.1	2.00	1.5	2.00	2.00	12.6	1.4	1.42	9.0	TPZ within construction footprint, moderate impact, low value tree. Consider removal.
10	<i>Arbutus unedo</i>	80.9	9.70	3.0	9.71	7.00	295.6	6.7	0.00	100	Tree within construction footprint, high impact, numerous structural issues. Tree not considered sustainable.
11	<i>Callistemon viminalis</i>	39.3	4.72	2.2	4.72	4.00	69.4	3.2	0.75	39.9	TPZ within construction footprint, high impact, low value tree. Tree not considered sustainable.
12	<i>Photinia serrulata</i>	54.8	6.58	2.6	6.58	6.00	136.8	4.5	0.00	100	Tree within construction footprint, high impact, low value tree. Tree not considered sustainable.
13	<i>Callistemon viminalis</i>	46.9	5.63	2.4	5.63	2.50	98.5	3.9	0.00	100	Street tree, TPZ within crossover footprint, high impact, numerous tree issues. Tree not considered sustainable.
14	<i>Lagunaria patersonii</i>	42.0	5.04	2.3	5.04	3.50	78.5	3.4	3.99	5.3	Street tree, construction within TPZ, minor impact from crossover, root management, tree considered sustainable
15	<i>Eucalyptus sideroxylon</i>	58.8	7.06	2.6	7.06	Boundary	158.4	4.9	3.93	6.2	Adjacent property, TPZ within calculated construction offset, low impact, root management required, tree considered sustainable
16	<i>Melaleuca armillaris</i>	14.6	2.00	1.5	2.00	Boundary	12.6	1.4	1.45	8.3	Adjacent property, TPZ within calculated construction offset, moderate impact, root management required, tree considered sustainable
17	<i>Photinia serrulata</i>	41.7	5.00	2.3	5.00	Boundary	78.5	3.4	2.35 / 0.77	21.1	Adjacent property, TPZ within calculated construction offset, potentially high impact, engineering and construction type to mitigate.
18	<i>Hakea sp.</i>	28.7	3.44	2.0	3.44	Boundary	36.3	2.3	2.35 / 0.70	9.8	Dead tree, propose to remove – structural integrity may be impacted
19	<i>Leptospermum species</i>	24.9	2.99	1.8	2.99	Boundary	28.3	2.1	2.48 / 1.10	4.1	Adjacent property, TPZ within calculated construction offset, low impact, root management required, tree considered sustainable

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Tree #	Genus / species	DBH cm	TPZ Radius m	SRZ Radius m	RPZ Radius m	CPZ Radius m	TPZ Area m ²	10% Distance m	Distance to Construction (m)	Estimated % Loss	Notes
20	<i>Pyrus calleryana</i>	12.8	2.00	1.5	2.00	Boundary	12.6	1.4	2.33	0.0	Adjacent property, TPZ outside construction footprint, no impact, high value tree. Possible landscape impact.
21	<i>Pyrus calleryana</i>	10.7	2.00	1.5	2.00	Boundary	12.6	1.4	2.42	0.0	Adjacent property, TPZ outside construction footprint, no impact, high value tree. Possible landscape impact.
22	<i>Pyrus calleryana</i>	15.3	2.00	1.5	2.00	Boundary	12.6	1.4	2.73	0.0	Adjacent property, TPZ outside construction footprint, no impact, high value tree. Possible landscape impact.
23	<i>Pyrus calleryana</i>	16.6	2.00	1.6	2.00	Boundary	12.6	1.4	1.59	5.4	Adjacent property, TPZ within calculated construction offset, moderate impact (SRZ), tree considered sustainable – root management. Possible landscape impact.
24	<i>Pyrus calleryana</i>	15.0	2.00	1.5	2.00	Boundary	12.6	1.4	1.66	4.1	Adjacent property, TPZ within calculated construction offset, low impact, tree considered sustainable – root management. Possible landscape impact.
25	<i>Pyrus calleryana</i>	14.8	2.00	1.5	2.00	Boundary	12.6	1.4	1.46	8.0	Adjacent property, TPZ within calculated construction offset, moderate impact (SRZ), tree considered sustainable. Possible landscape impact.
26	<i>Pyrus calleryana</i>	15.0	2.00	1.5	2.00	Boundary	12.6	1.4	0.79	25.5	Adjacent property, TPZ within calculated construction offset, potentially high impact, replacement driveway to be retained at existing levels. Further assessment may be required.
27	<i>Pyrus calleryana</i>	11.3	2.00	1.5	2.00	Boundary	12.6	1.4	1.04	18.5	Adjacent property, TPZ within calculated construction offset, potentially high impact, replacement driveway to be retained at existing levels. Further assessment may be required.
28	<i>Pyrus calleryana</i>	7.9	2.00	1.5	2.00	Boundary	12.6	1.4	0.67	29.1	Adjacent property, TPZ within calculated construction offset, potentially high impact, replacement driveway to be retained at existing levels. Further assessment may be required.
29	<i>Pyrus calleryana</i>	11.6	2.00	1.5	2.00	Boundary	12.6	1.4	1.00	19.6	Adjacent property, TPZ within calculated construction offset, potentially high impact, replacement driveway to be retained at existing levels. Further assessment may be required.
30	<i>Pyrus calleryana</i>	12.5	2.00	1.5	2.00	Boundary	12.6	1.4	1.11	16.6	Adjacent property, TPZ within calculated construction offset, potentially high impact, replacement driveway to be retained at existing levels. Further assessment may be required.
31	<i>Liquidambar styraciflua</i>	59.6	7.15	2.7	7.15	Boundary	162.9	5.0	8.57	0.0	TPZ outside construction footprint, high value tree. Possible landscape impact.
32	<i>Alnus sp.</i>	28.0	3.36	1.9	3.36	Boundary	36.3	2.3	7.99	0.0	TPZ outside construction footprint, high value tree. Possible landscape impact.
33	<i>Archontophoenix cunninghamiana</i>	26.0	3.12	1.9	3.12	Boundary	30.2	2.1	8.44	0.0	TPZ within construction footprint for fencing, limited impact expected, high value tree. Possible landscape impact.
34	<i>Archontophoenix cunninghamiana</i>	26.0	3.12	1.9	3.12	Boundary	30.2	2.1	4.74	0.0	TPZ outside construction footprint, high value tree. Possible landscape impact.

* Limited identifying features

It is noted that the percentage losses are calculated at the construction footprint. Alternate building methodologies such as pier and beam construction and on grade installation will potentially reduce the impact on the root zone, such that the percentage loss will be reduced. Engineering and amended footprint information would be required to more accurately determine degree of root loss potential.

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14.4 Definition of Terms

The following is a definition of terms used regularly in arboricultural assessments.

14.4.1 General

Epicormic

Vegetative tissue developed either from dormant buds or from new buds formed within the cambial zone – usually as a response to stressors and often resulting from tree wounding. Generally short lived and poorly attached.

Crown

Area of a tree above the trunk including branches and foliage.

Decay

Degradation of woody tissue by fungi and bacteria through the decomposition of cellulose and lignin.

14.4.2 Diameter at Breast Height (DBH)

DBH is measured at 1400 mm above ground level. In cases where the tree has multiple stems, individual stems can be measured and a total surface area is calculated. A single figure (diameter) is determined from the total surface area calculation.

14.4.3 Age Class

The age class is given as a guide to the current live stage of the tree. Ultimately, the level of maturity that a tree may reach is dependent on the growing environment.

Age Class is rated according to the following categories

Category	Description
New Planting	Planted within approximately 2 years
Juvenile	Generally less than 5 years old
Young	Estimated as less than 15 years old
Semi-mature	Estimated at between 15 – 25 years old, however, this may be species dependant
Mature	Estimated at over 25 years old or in a life stage that is considered at the peak of growth for the species.
Over-mature	In the declining phase of the trees lifespan
Dead	Tree is dead

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14.4.4 Health

Health pertains to the tree vigour, performance & ability to withstand pathogenic entry.
 Health is rated according to the following categories:

Category	Description
Good	Crown full, with good foliage density Foliage entire with average colour, minimal or no pathogen damage Good growth indicators such as extension growth and leaf size Little or no canopy dieback Good wound wood development The tree exhibits above average health/vigour and no works are required
Fair	Tree may have more than 30% dead wood, or may have minor canopy dieback Foliage colour may be slightly lower than average and some discolouration may be present, some pathogenic damage may be observed Typical growth indicators, e.g. extension growth, leaf size, canopy density for species in location The tree exhibits average health/vigour and remedial works may be employed to improve vigour
Poor	Tree has more than 30% dead wood and canopy die back present Leaves discoloured and/or distorted, often small, and/or excessive epicormic growth Pathogens and or stress agents are present that could lead, or are leading to, the decline of tree The tree exhibits low health/vigour and remedial works or removal may be required

14.4.5 Structure

Pertains to the physical structure of the tree, including the main scaffold branches and roots. Structure includes those attributes that may influence the potential for major trunk, root or limb failure.

Structure is rated according to the following categories:

Category	Description
Good	The tree has a well-defined and balanced crown Major limbs are well defined and spaced, branch unions appear to be strong with no defects evident in the trunk or the branches The tree is unlikely to suffer trunk or branch failure under normal conditions The tree is considered a good example of the species with a well-developed form
Fair	The tree has some minor problems in the structure of the crown Some branch unions or branches may exhibit minor structural defects The tree may be on a slight lean The tree may have suffered minor root damage or basal damage These defects are not likely to result in catastrophic trunk or branch failure although some branch failure may occur under normal conditions
Poor	The tree may have a poorly structured crown Branch unions or branches may exhibit significant structural defects The tree may have a substantial lean The tree may have suffered major root damage or basal damage These defects may predispose the tree to major trunk or branch failure

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14.4.6 Condition

Condition is an amalgamation of health and structure and provides an overall rating for each tree.
 Condition is rated according to the following categories:

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Category	Description
Good	Both health and structure are good The tree is an outstanding specimen requiring little or no work to improve health or structure
Fair	Either health or structure, or both, may be average for this species The tree is an average specimen and work may be required to improve health and structure
Poor	Either health or structure, or both, may be significantly less than average for this species The tree is of below average condition and remedial work or removal may be required

14.4.7 Sustainable Life Expectancy (SLE)

Sustainable Life Expectancy provides an indication of the expected future life span of the tree where it will still provide a degree of amenity and an acceptable level of safety to people or property at an acceptable cost. The sustainable life expectancy considers potential conflict with built infrastructure as the tree matures (i.e. power lines, boundary walls etc.) as well as the effect on tree health given the change to the natural growing environment. The sustainable life expectancy is not related to the natural life expectancy of the species. Depending on the situation, available financial resources and other factors, two identical trees may have different longevity ratings.

SLE is rated according to the following categories:

Category	Description
0	The tree is dead or almost dead The tree should generally be removed
<1	The tree is unlikely to provide useful amenity for longer than 1 year The tree is in serious decline, poses an unacceptable hazard and/or requires disproportionate maintenance The tree should generally be removed unless other factors require its retention
1-5	The tree is unlikely to provide useful amenity for longer than 5 years The tree is in serious decline, poses an unacceptable hazard and/or requires disproportionate maintenance The tree should generally be removed unless other factors require its retention
6-10	The tree is unlikely to provide useful amenity for longer than 10 years The tree may be in moderate to serious decline, be a short lived species, present an elevated hazard and/or require high maintenance The tree could be retained or removed depending on the situation
11-20	The tree is likely to provide useful amenity for between 11-20 years The tree may be in fair condition, have a moderate life-span, present a low to moderate level of hazard and/or require moderate levels of maintenance The tree should generally be retained unless other factors dictate its removal
21-50	The tree is likely to provide useful amenity for between 21-50 years The tree may be in fair to good condition, have a moderate life-span, present a low to moderate level of hazard and/or require moderate levels of maintenance The tree should generally be retained unless other factors dictate its removal

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14.4.8 Hazard

Hazard refers to the potential of the tree in its current condition to cause injury or damage to people, vehicles, built structures or other objects of value. For a hazard to exist the part of the tree most likely to fail must be of sufficient mass and a target (i.e. people or property) must be present. Hazard in some respects may be attributed to leaf or fruit drop, however, this may only be the case if the tree was an inappropriate species for the location. Hazard may also be attributed to the frequency of target presence. This may be constant (as in the case of a building), frequent use (such as a camp ground), intermittent (such as seating beneath the canopy of the tree) or occasional use such as a path beneath the canopy of a tree.

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Hazard is rated according to the following categories:

Category	Description
Low	The tree may be too small to cause injury or damage. Tree is free from defects or structural attributes that are likely to result in the collapse of branches or trunk. The tree is of a species that does not readily shed branches or suffer trunk collapse. A target may not exist, may only be present for a very short duration or may be of very low value. The tree is unlikely to cause damage or injury and remedial works are not required.
Medium	The tree may be of sufficient size to cause injury or damage. The tree may have defects or structural attributes that could result in the failure of branches or limbs. The tree is of a species that is known for shedding small branches or very occasionally larger limbs. Target presence may be of moderate duration and/or the target may be of moderate value. The tree may cause damage or injury and remedial works should be performed
High	The tree may be of sufficient size to cause injury or damage. The tree may have defects or structural attributes that are likely to result in branch, limb or trunk failure. The tree may be of a species that is known for shedding branches or limbs. Target presence may be of long duration and/or high value. The tree is likely to cause injury or damage and remedial works are required.
Extreme	The tree may be of sufficient size to cause injury or damage. The tree has defects or structural attributes that will result in branch, limb or trunk failure. The tree is may be of a species that is known for shedding limbs or branches Target presence may be permanent and/or very high value. The tree is very likely to cause serious injury or damage and remedial works are urgently required.

14.4.9 Priority

Priority pertains to the period within which remedial works should be undertaken.

Priority is rated according to the following categories

Category	Description
N/A	Remedial works are not required
Low	Remedial works should be carried out within 12 months
Medium	Remedial works should be carried out within four months
High	Remedial works should be carried out within one month
Urgent	Remedial works should be carried out as soon as possible

14.4.10 Site Significance

Site significance pertains to the significance of the individual tree to its surroundings. It is noted that tree significance applies only to the tree as it stands and does not allow for future development or decline. While a newly planted tree may be accorded a low rating it may well be essential to the future aesthetic qualities of its surroundings. Conversely, a large and mature tree that may be beginning to decline.

Site significance is rated according to the following categories:

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Category	Description
High	The tree may be of large size The tree may be of unusual and attractive form The tree may be listed as a "Significant Tree" on one of the maps of special registers The tree may flower abundantly or attractively The tree may screen unattractive structures or landscape features The tree may be part of a design that compliments the landscape The tree will generally display good vigour structure and condition The tree contributes extensively to the landscape and is worthy of extensive efforts of preservation
Medium	The tree may be of medium or small size The tree may be of somewhat unusual or attractive form The tree may flower moderately The tree may be isolated or part of a loosely defined planting The tree may be part of a partially unsuccessful design or contribute moderately to the design The tree may exhibit fair to good vigour, structure and condition The tree contributes moderately to the landscape and is worthy of moderate efforts of preservation
Low	The tree may be of small size The tree may be of nondescript form The tree may have a poor floral display The tree may be part of an unsuccessful design The tree may exhibit poor or very poor vigour, structure and condition The tree contributes little to the landscape and is worthy of little attention or care

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14.4.11 Retention Value

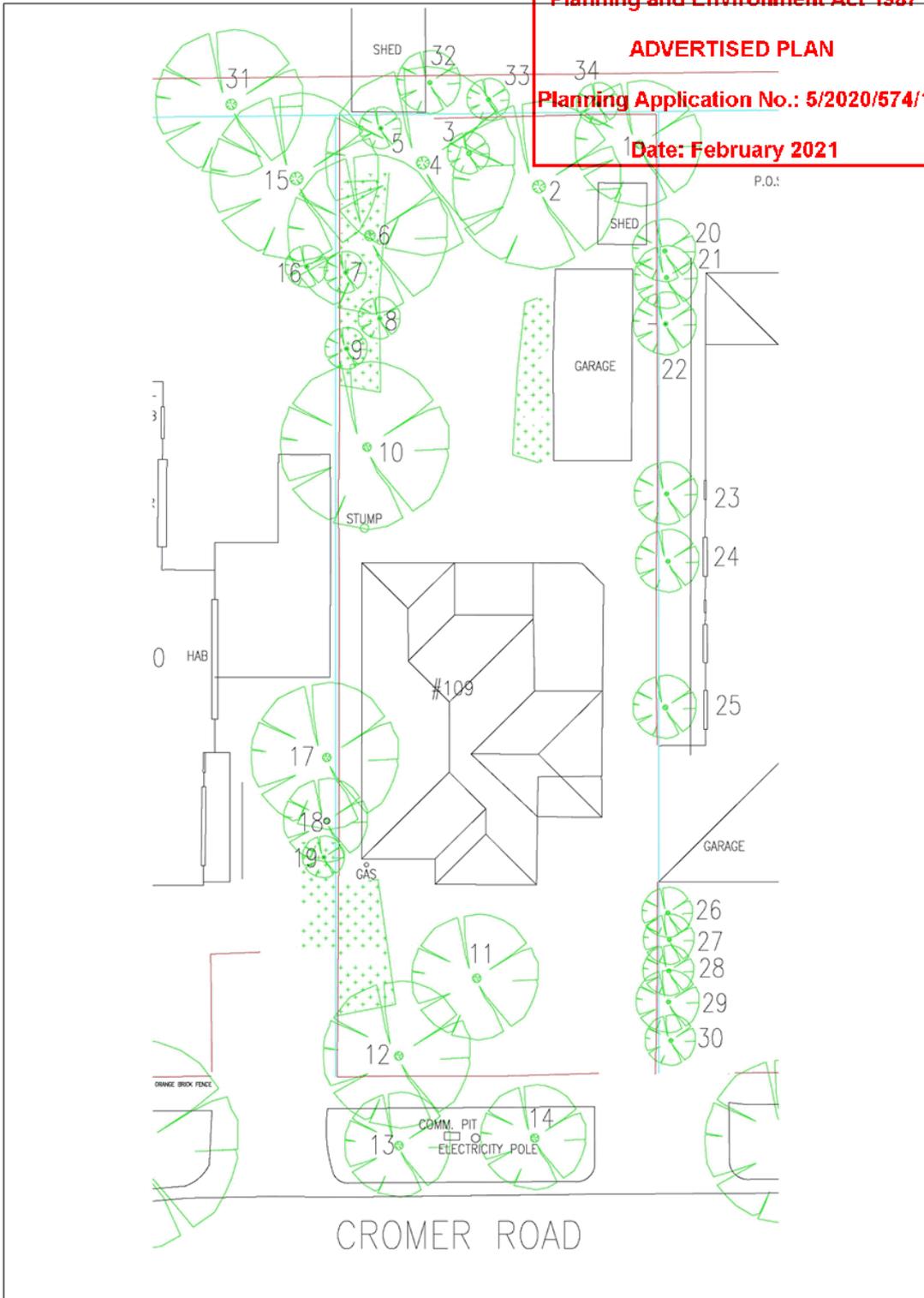
The retention value of vegetation is based upon site significance, health, condition and useful life expectancy and was categorized according to a scale of "High", "Moderate" or "Low"

Category	Description
High	The specimen was assessed as being in fair to good health, and having good structure and condition. Remedial works may be required to improve tree structure and condition. The tree may be of special significance at a site, local, state or national level.
Moderate	The specimen was assessed as being in generally fair health, condition and structure. Remedial works are required to improve tree structure and condition. These trees are generally considered short term prospects and consideration may be given to removal and replanting with suitable species in a more appropriate location.
Low	The specimen was assessed as being in poor health and condition. Remedial works are not considered viable.

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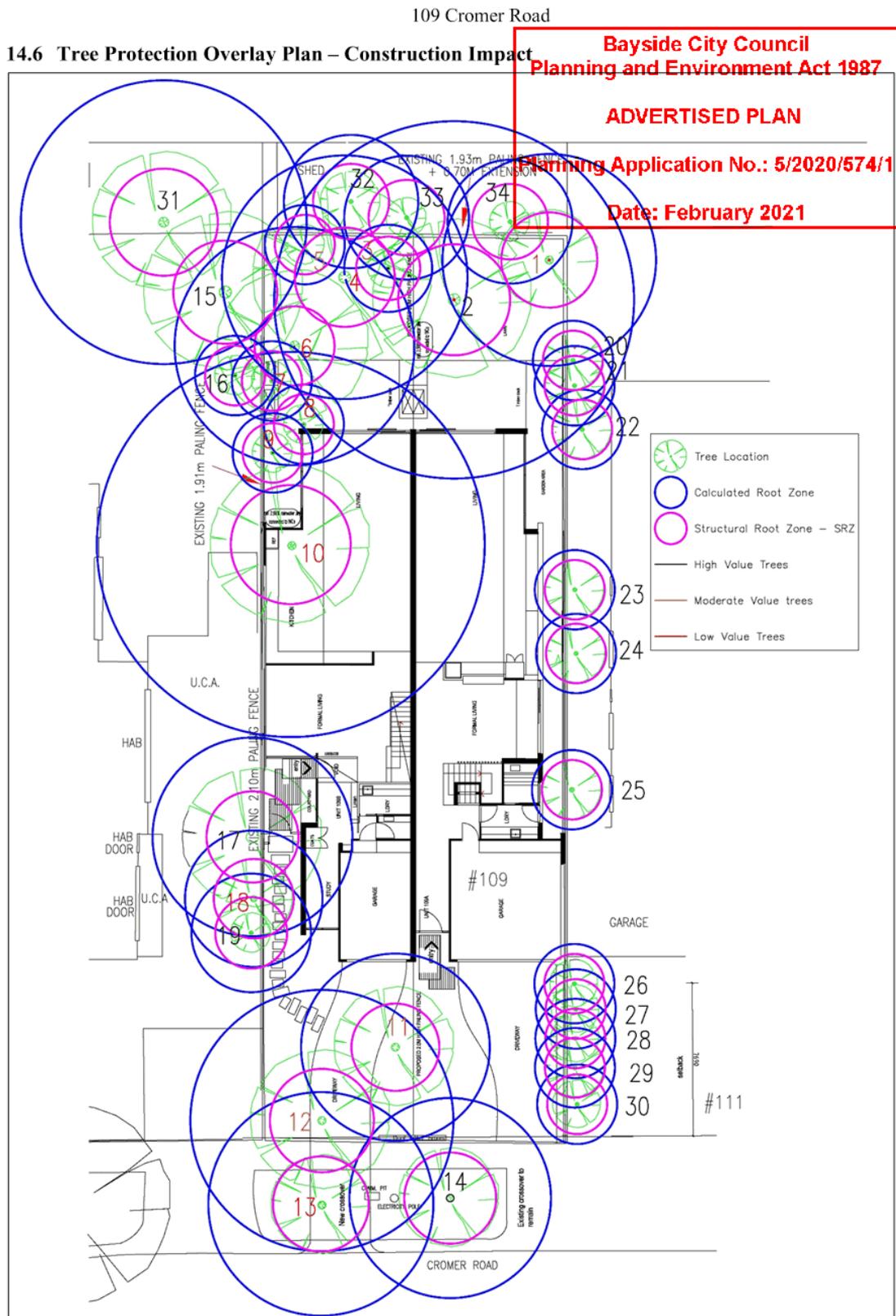
14.5 Vegetation Survey Plan

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Report prepared by:



John Wallace (B.App Sci. Hort (Hons), Adv. Cert. Arboriculture)
Consultant Arboriculturalist,

05/11/20

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Site and Surrounds Imagery



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★

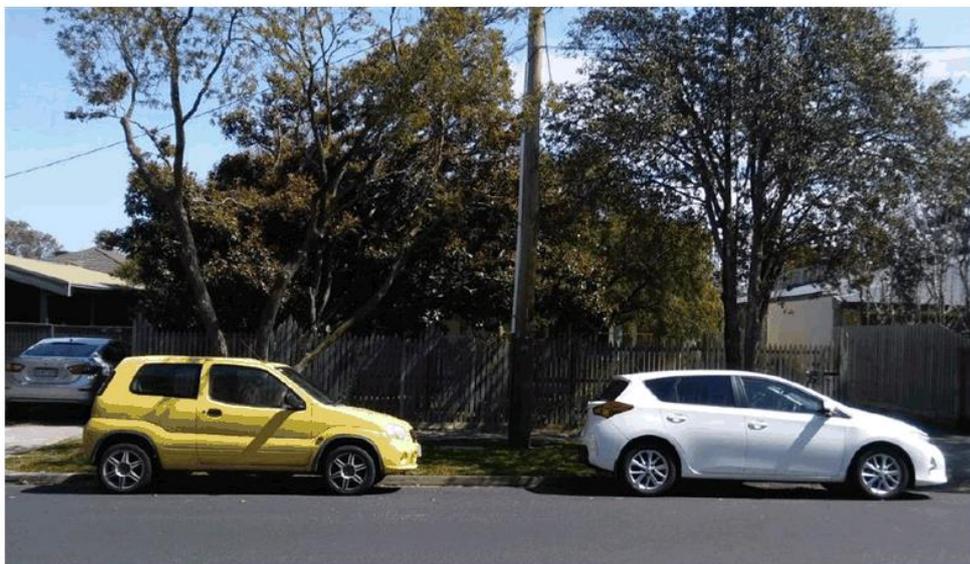


Figure 2 View towards the site from Cromer Road



Figure 3 View towards the adjoining property, 111 Cromer Road



Figure 4 View towards the adjoining property, 107 Cromer Road

Neighbourhood Character Assessment

Neighbourhood Character Precinct H3

Preferred Future Character Statement

The bushy gardens surrounding the dwellings dominate the streetscapes. Where the topography is hilly, the buildings are set within the landscape, and are sometimes sited to take advantage of water views without dominating the streetscape. Adequate space is provided around dwellings for the retention and planting of vegetation, and indigenous canopy trees are common. Low or open style front fences are usually provided, in order to retain the openness of the front garden to the street.

Precinct Guidelines

Objectives	Design Responses	Avoid	Planning Officer Assessment
<i>To strengthen the bushy garden character of the area through the planting of appropriate species.</i>	<ul style="list-style-type: none"> Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone). Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate native, preferably indigenous, vegetation. Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings. 	<p>Lack of landscaping and substantial vegetation.</p> <p>Removal of large established trees.</p> <p>Planting of environmental weeds</p>	<p>Responds</p> <p>A landscape plan has been provided including the planting of additional canopy trees.</p>
<i>To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation.</i>	<ul style="list-style-type: none"> Buildings should be sited to allow space for a garden, including trees and shrubs. Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. 	<p>Loss of front garden space.</p>	<p>Responds</p> <p>Adequate setbacks have been provided to maintain visual separation and will allow for substantial planting.</p>
<i>To minimise the loss of front garden spaces and the dominance of car parking structures.</i>	<ul style="list-style-type: none"> Locate garages and carports behind the line of the dwelling. Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not 	<p>Car parking structures that dominate the façade or view of the dwelling.</p>	<p>Responds</p> <p>Garage car parking has been provided behind the first floor of the development.</p>

Objectives	Design Responses	Avoid	Planning Officer Assessment
	<i>dominate the façade and the front setback area is retained as predominantly garden space.</i>		
<i>To minimise site disturbance and impact of the building on the landscape.</i>	<ul style="list-style-type: none"> • <i>Buildings should be designed to follow the contours of the site on sloping sites.</i> • <i>Minimise the use of retaining walls and battering of slopes.</i> • <i>Design new buildings and extensions so as not to exceed the predominant tree canopy height.</i> 	<p><i>Major excavation works and site levelling.</i></p> <p><i>Buildings that protrude above the tree canopy height.</i></p>	<p>Responds</p> <p><i>The building design works with the contours of the site, minimising site cut.</i></p>
<i>To ensure that new buildings provide an articulated and interesting façade to the street.</i>	<ul style="list-style-type: none"> • <i>Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation.</i> • <i>Recess upper levels from the front façade.</i> 	<p><i>Large, bulky buildings</i></p> <p><i>Poorly articulated front and side wall surfaces.</i></p>	<p>Responds</p> <p><i>The proposal includes recessed and projecting elements articulating the ground and first floor. The mix of materials will also create an interesting façade to the streetscape.</i></p>
<i>To use building materials and finishes that complement the natural setting.</i>	<ul style="list-style-type: none"> • <i>Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</i> 	<i>Period reproduction styles and detailing.</i>	<p>Responds</p> <p><i>The development includes render, stone block, sheet cladding and timber slatted screens.</i></p>
<i>To maintain the openness of the front garden to the street.</i>	<ul style="list-style-type: none"> • <i>Provide open style front fences, other than along heavily trafficked roads.</i> • <i>Use vegetation as an alternative where possible.</i> 	<i>High or solid front fences.</i>	<p>Responds</p> <p><i>The proposal includes a 3.3m long 1.35m solid front fence.</i></p>

ResCode Clause 55 (Two or More Dwellings on a Lot)

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Complies	Refer to Attachment 3.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Complies	The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Complies	The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for upgrading this infrastructure if necessary to accommodate the development. Council's drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.
<p>B5 Integration with the Street</p> <p>Integrate the layout of development with the street</p>	Complies	The development will integrate appropriately with the street and features a staggered front setback at ground floor level, providing an appropriate transition to the setbacks of the adjoining properties.

CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING		
Title and Objective	Complies with Standard?	Comments
<p>B6 Street Setback</p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Does not Comply	<p>Refer to Section 6.2.</p> <p>Requirement: 9m.</p> <p>Proposed: Ground floor - 8.93m, 8.67m</p> <p>First floor - 10.63m, 9.01m, 7.88m, 7.93m</p>
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	Complies	<p>Maximum: 9m</p> <p>Proposed: 7.5m</p>
<p>B8 Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Does not Comply	<p>Refer to Section 6.2.</p> <p>Maximum: 50%</p> <p>Proposed: 50.2%</p>
<p>B9 Permeability</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Complies	<p>Minimum: >20%</p> <p>Proposed: 40%</p>
<p>B10 Energy Efficiency</p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Complies	All habitable areas, including habitable rooms and secluded private open space areas have been located to maximise solar access and no habitable rooms rely on secondary light sources.
<p>B11 Open Space</p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	
<p>B12 Safety</p> <p>Layout to provide safety and security for residents and property.</p>	Complies	The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.
<p>B13 Landscaping</p> <p>To provide appropriate landscaping.</p> <p>To encourage:</p> <ul style="list-style-type: none"> Development that respects the landscape character of the neighbourhood. 	Complies	The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.

<ul style="list-style-type: none"> Development that maintains and enhances habitat for plants and animals in locations of habitat importance. The retention of mature vegetation on the site. 		
<p>B14 Access</p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Complies	An appropriate access off Cromer Road to onsite parking has been provided.
<p>B15 Parking Location</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	Complies	On site car parking is provided in the form of garages.

CLAUSE 55.04 AMENITY IMPACTS				
Title and Objective	Complies with Standard?		Comments	
<p>B17 Side and Rear Setbacks</p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Does not Comply		Refer to Section 6.2 of the Report.	
	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (side)	0m or 2m	0m, 1.41m , 2.07m	4.78m, 3.65m	2.26m, 3.15m , 2.45m, 3.15m
South (side)	0m or 2m	2m, 280mm , 2m	4.23m, 3.26m, 3.68m	2.82m, 2m , 2.76m, 3.15m
West (rear)	0m or 3m	9.76m	4.44m	9.80m

B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Does not Comply	Refer to section 6.2. Allowable length: 18.93m Maximum height: 3.6m Average height: 3.2m Unit A – Garage Proposed length: 6.64m Proposed height: 3.6m
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Complies	The development has been sufficiently setback from all habitable room windows to abutting properties.
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	N/A	
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Complies	Additional overshadowing will occur over the adjoining side courtyard to the south. Adequate private open space remains unshadowed for 5 hours of the day.
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	Complies	The first floor habitable room windows have all been either screened to 1.7m or have raised sill heights to 1.7m complying with the standard.
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. At ground floor level internal fencing to a height of 2m limits views between adjoining areas of secluded private open space within the development.
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Complies	It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.

CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES

Title and Objective	Complies with Standard?	Comments
B25 Accessibility Consider people with limited mobility in the design of developments.	Complies	Entries are accessible for people with limited mobility. The development could be further retrofitted to accommodate people with limited mobility in the future if required.

<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Complies	The development fronts Cromer Road and includes a clearly identifiable entry with dedicated pedestrian pathway. The entry provides shelter, a sense of personal address and a transitional space around the building entry.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Complies	All habitable windows will open out onto a space clear to the sky.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	Complies	<p>Minimum: 25m² secluded, 40m² overall with a minimum dimension of 3 m; A balcony of 8m² with a minimum width of 1.6m.</p> <p>Proposed: Unit A – 85.16 Unit B – 79.70</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Complies	
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Complies	Unit A and B both include 6 cubic metre of externally accessible storage.

CLAUSE 55.06 DESIGN DETAIL		
Title and Objective	Complies with Standard?	Comments
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Complies	Refer to Section 6.1 of the report for further discussion.
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	Does not Comply	Refer to Section 6.2 Maximum: 1.2m Proposed: 1.35m

<p>B33 Common Property</p> <p>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>N/A</p>	<p>No common property areas.</p>
<p>B34 Site Services</p> <p>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>Complies</p>	<p>All appropriate site services can be easily catered for on-site. Mails boxes are shown within the front fence and waste provisions being provided within the secluded private open space.</p>

Tree Profile

Address	109 Cromer Rd			
Tree No.	1			
Botanical Name:	<i>Eucalyptus leucoxydon</i>			
Common Name:	Yellow gum			
Height / Canopy:	8 x 8			
Trunk Circ.@1m:	90cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	N0			
Location 2	E0			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	109 Cromer Rd			
Tree No.	4			
Botanical Name:	<i>Eucalyptus sp.</i>			
Common Name:	Gum			
Height / Canopy:	11 x 6			
Trunk Circ.@1m:	165cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	W0			
Location 2	N3			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	109 Cromer Rd			
Tree No.	6			
Botanical Name:	<i>Eucalyptus megalocarpa</i>			
Common Name:	Large fruited yellow gum			
Height / Canopy:	8 x 8			
Trunk Circ.@1m:	90cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	W1			
Location 2	N4			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	109 Cromer Rd			
Tree No.	11			
Botanical Name:	<i>Callistemon viminalis</i>			
Common Name:	Bottle brush			
Height / Canopy:	6 x 6			
Trunk Circ.@1m:	60cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	S4			
Location 2	W4			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	<i>Australian</i>	Exotic
Age:	Young	Semi-mature	<i>Mature</i>	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	109 Cromer Rd			
Tree No.	V			
Botanical Name:	<i>Dicksonia antarctica</i>			
Common Name:	Tree fern			
Height / Canopy:	3 x 1			
Trunk Circ.@1m:	80cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	N3			
Location 2	E5			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	109 Cromer Rd			
Tree No.	w			
Botanical Name:	<i>Dicksonia antarctica</i>			
Common Name:	Tree fern			
Height / Canopy:	3 x 1			
Trunk Circ.@1m:	90cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	N10			
Location 2	E5			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	109 Cromer Rd			
Tree No.	x			
Botanical Name:	<i>Dicksonia antarctica</i>			
Common Name:	Tree fern			
Height / Canopy:	3 x 1			
Trunk Circ.@1m:	90cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	N0			
Location 2	E5			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	109 Cromer Rd			
Tree No.	y			
Botanical Name:	<i>Dicksonia antarctica</i>			
Common Name:	Tree fern			
Height / Canopy:	3 x 1			
Trunk Circ.@1m:	90cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	N13			
Location 2	E0			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	109 Cromer Rd			
Tree No.	z			
Botanical Name:	<i>Dicksonia antarctica</i>			
Common Name:	Tree fern			
Height / Canopy:	3 x 1			
Trunk Circ.@1m:				
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	N14			
Location 2	E0			
Date of assessment	17/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Vegetation Protection Overlay Assessment

Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

Decision Guideline	Response
<i>The impact the vegetation removal would have on the character of the area</i>	The proposed trees to be removed do not enhance the landscape character of the area, as they have poor health, and low amenity values.
<i>The impact the vegetation removal would have on the presence of indigenous species in the locality</i>	Tree 1 and 6 are indigenous, however they have very poor health and low retention values. A condition has been included to submit an updated Landscape plan to have min 80% indigenous species type and count.
<i>The impact the vegetation removal would have on the appearance of development.</i>	The subject site will not lose any large canopy trees which contribute to the wider neighbourhood character.
<i>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</i>	No fauna is evident in the trees proposed for removal.
<i>Any proposal to regenerate or plant indigenous vegetation on the site.</i>	Additional indigenous canopy trees will regenerate the indigenous vegetation on the site.

4.6 20 ARKARINGA CRESCENT, BLACK ROCK NOTICE OF DECISION TO GRANT A PERMIT APPLICATION 2020/282/1 WARD: EBDEN

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/131475

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Notice of Decision to Grant a Permit
Applicant	The North Planning
Title/Covenant/S173 Agreement	The title is not subject to any restrictive covenants.
Date application received	26/06/2020
Current statutory days	30 days
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Design and Development Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1) Vegetation Protection Overlay (Schedule 3)
Site area	818.00m ²
Number of outstanding objections	3
Is a Development Contribution Levy applicable?	Yes, catchment area 20 \$2,187
Is the site located within an area of cultural heritage sensitivity?	No

Proposal

The application seeks construction of two dwellings on a lot and the removal of native vegetation. Key details of the proposal are as follows:

- Two (2) dwellings
- Building height 8.29 metres and 2 storeys
- Site coverage 50.75%
- Permeability 34.39%
- Four (4) car spaces (no reduction sought)
- Removal of seven trees, no trees are protected by the VPO3.

The application plans are provided at **Attachment 1**.

An aerial image and photographs of the site and surrounds are provided at **Attachment 2**.

History

Planning permit 2015/552/1 was issued on 16 March 2017 for the construction of two

dwellings on the lot and the removal of native vegetation in the VPO3.

The permit was not acted upon and has subsequently expired.

Planning application 2018/36/1 was submitted in June 2018; however, the application lapsed.

Planning permit 2019/242/1 sought the construction of two dwellings on the lot and the removal of native vegetation in the VPO3.

The application was withdrawn on 4 February 2020.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

The application was referred to the following Council departments for comment:

Internal Referral	Response
Arborist	No objection, subject to conditions.
Drainage Assets Engineer	No objection, subject to conditions.
Open Space Arborist	No objection, subject to conditions.
Street Numbering	Western Dwelling – 20A Arkaringa Crescent BLACK ROCK 3193 Eastern Dwelling – 20B Arkaringa Crescent BLACK ROCK 3193

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* and 4 objections were received.

3 objections remain outstanding at the time of this report.

The following concerns were raised:

- overlooking
- setback of pool/ shed
- property boundaries
- neighbourhood character
- building height/bulk

Consultation meeting

The applicant engaged the objectors privately to inform amended plans submitted (11/05/2021). The amendment plans show additional screening to rear windows, the pools offset the rear boundary by 1 metre and relocation of the storage shed to the western façade.

One objection was withdrawn as a result of the amended plans.

4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2020/658/1** for the land known and described as **20 Arkaringa Crescent, Black Rock**, for the **construction of two dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans amended prepared by Roke Design Studios date 21/03/2021 but modified to show:
 - a) the rear facing first floor bedroom windows of both dwellings to be screened to a height of 1700mm from finished floor level
 - b) relocation of storage to within the garages
 - c) accessways where intersects with the footpath and crossovers to be at least 3m wide with 1m offset from the side property boundary. This includes the existing crossover that must be removed and reinstated with these dimensions and location
 - d) adequate sight lines must be provided where each driveway intersects with the front footpath as per the diagram shown in the AS2890.1
 - e) all windows (including rear first floor windows) to be screened in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme)
 - f) location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties
 - g) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - h) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - i) a Landscaping Plan in accordance with Condition 11 of this permit
 - j) a tree management report in accordance with Condition 14
 - k) provision of the development contributions fee in accordance with Condition 22all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason

(unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

9. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) the type of water sensitive urban design stormwater treatment measures to be used
 - b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas
 - c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

10. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts, dated November 2020 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) a survey including botanical names of all existing trees to be retained on the site, including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways.
12. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

14. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

 - a) the Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site
 - b) the location of tree protection measures to be utilised.
15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
16. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
17. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Street tree protection

18. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
19. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Development Contribution

22. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

S173 Agreement

23. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide:
 - a) At any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
 - b) The agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
24. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987

and the Section 173 agreement must be registered on the certificate of title of the land.

25. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

26. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
27. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Presentation Department.

Permit Expiry

28. This permit will expire if one of the following circumstances applies:
 - a) the development is not started within two years of the date of this permit
 - b) the development is not completed within four years of the date of this permit.

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Before the development starts the applicant must pay \$2050.85 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place
- where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context
- where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- make discretionary planning controls stronger, by advocating for Council's planning and urban design objectives to state government.

Bayside Planning Scheme

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 22.06 Neighbourhood Character Policy (Precinct E4)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines.

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct E4. The proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in **Attachment 3**.

The precinct is characterised by its coastal vegetation and the prevalence of bushy front gardens and varied dwellings:

'The diverse dwelling styles sit within informal coastal gardens with large trees. There is a lightness to the structures and streetscapes due to the use of lighter building materials, colours and design detailing. The informal coastal feel is enhanced by street treatments including informal coastal street trees and the retention of the wide nature strips. Buildings fronting the foreshore reflect their setting and provide a visually attractive built form interface with the reserve.'

The precinct emphasises the importance of retaining this coastal bushy setting and enhancing the garden character. The proposed removal of vegetation on site is supported by Council's arborist, with all vegetation having low retention value. The submitted landscape plan shows the planting of highly appropriate large indigenous

canopy trees which will assist in enhancing the garden setting consistent with Bayside's Landscape Guidelines and the VPO3.

The front setback is very generous and will allow the planting of substantial vegetation which will assist in reinforcing the valued garden characteristics at the site. The development proposes to be offset from the western boundary which is consistent with the character of streetscape.

At ground floor, the proposal has been designed with porches to both dwellings with a varied façade that incorporates a variety of materials and protrudes forward of the main building line. The garages to both dwellings are set behind the first-floor balconies and are proposed in neutral timber finishes. This materiality is featured across the entire ground floor façade, concealing the car parking facilities and detracting from any perceived prominence.

The proposal seeks a flat roof form presenting to the street that has a more contemporary appearance whilst also adopting a pitched form set behind the front façade, consistent with the neighbourhood character objectives of this precinct. The first floor is adequately recessed at all facades. With the first floor recessed over 2 metres from the peripheral roof lines below. At first floor there are framed first floor windows with protruding shrouds which wrap the corner to Dwelling 2 and a balcony that frames dwelling 1. These will provide some weather protection to the north facing windows and create a well-articulated façade with recesses and changes in materials to add depth and visual interest to the front elevation.

The proposal is well articulated, is consistent with the emerging built form of the area and the extensive canopy tree plantings would ensure the dwellings do not dominate the streetscape.

Timber cladding, stone, brick, powder coated aluminium fenestration and cement render all in dark greys, is complemented by the timber clad doors and dark timber panels to the garage doors. The modern materials are well considered and are complemented by the selected finishes to the proposed landscape architecture and finishes reflecting the muted shades of the vegetation. The proposal is contemporary in design and introduces a well composed, site responsive built form to the area which responds to coastal setting and sits comfortably with adjoining properties.

6.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at **Attachment 4**. Those non-compliant standards are discussed below:

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
East (side)	0m or 2m	0, 2m	3.8-3.92m	<u>3.2</u> -4.4m
West (side)	0m or 2m	2-2.5m	3.74-3.86m	3.9-4.1m
South (rear)	0m or 3m	5.68m	4.74m	7.2-7.4m

Bedroom two and the leisure room of dwelling two do not comply with the side setback standard in relation to the eastern boundary. The objective of the standard is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The non-compliances are very minor in this instance and would see negligible impact on the amenity of adjoining properties. The neighbouring dwelling to the east is significantly

set back from this adjoining property boundary allowing sufficient relief. No private open space or habitable room windows will be compromised in terms of overshadowing or overlooking. Additionally, the buildings have been designed with visual interest and articulation to ensure that they will not result in an unacceptable level of building bulk or massing to the street or abutting properties. The proposal seeks a reasonable setback to allow for visual separation and meaningful peripheral landscaping.

Site coverage (Standard B8)

Required	Proposed	Variation
50%	<u>50.75%</u>	0.75%

The proposed development has generous front and rear setbacks with large dimensions which will allow for meaningful planting to be undertaken on the site consistent with the established character of the area.

The variance sought to this standard is very minor and there would be no foreseeable impacts to the neighbourhood character.

Front Fences (Standard B32)

	Required	Proposed	Variation
Arkaringa Crescent	1.2m	<u>1.8m</u>	600 mm

A front fence of 1.8 metres in height is proposed to the front boundary of the site on Arkaringa Crescent. Pursuant to Standard B32 a front fence to a maximum of 1.2 metres in height is provided preferred. The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

The proposed front fence is to be open and allow for views to the front setback. The front fence height is consistent with adjoining properties and is appropriate in the context of the site.

Overlooking (Standard B22)

The rear first floor bedroom windows to dwellings 1 and 2 will show some minor overlooking within 9 horizontal metres of the rear Private Open Space of number 15 and 17 Seaview Crescent. Although amended plans show additional screening on the windows, the screening is not in accordance with B22 and a condition is recommended the screening is to at least 1700mm sill heights.

Site Services (Standard B34)/ Storage (Standard B30)

The objective seeks to ensure that site facilities are accessible, adequate and attractive. Mailboxes, bins, and other site facilities have been indicated on the plans however the storage units will be too prominent to the streetscape. There is sufficient space around the two dwellings to accommodate all services; an objection was received concerned with the placement of the shed, the subsequent repositioning in the formally amended plans is inappropriate and would be visible from the streetscape. Subsequently, a condition is included in the recommendation to conceal the storage for both dwellings from the streetscape within the proposed garages.

6.3. Landscaping

The objectives of the VPO3 are to retain the amenity, aesthetic character and habitat value of native vegetation by preventing the loss of native (particularly indigenous) vegetation and promoting the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

The application plans show the removal of 7 trees from the site, none of which trigger protection under the VPO3. The arborist has included two dead tree ferns (9X & Y), that are not protected and that were not assessed in the arborist report by Arbor Survey. The

table below identifies those trees protected by the VPO3, those protected by the Local Law and those which are not protected by any statutory mechanism. Indigenous trees are marked with a '*'.

VPO3 protected trees		Local Law protected trees		Trees not protected	
Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention
				2,3,4(x3), 5, Lemon	

From an arboriculture perspective Council’s Arborist has reviewed the application and advises that no trees on site are protected by the VPO3, further, the Arborist assessment has viewed the trees and deemed them to be of low amenity value. The proposed vegetation to be removed is supported as they can be removed as of right given there is no municipal or statutory mechanisms for protection.

In addition to the above assessment, Council’s Arborist has reviewed the submitted landscape plan and advised that it is considered acceptable. The landscape plan includes the planting of 3 large canopy trees (trees with mature heights of 10m or greater) in the front and rear setbacks and the species selection consists of at least 80% native vegetation. Once endorsed the landscape plan will include the planting of 4 canopy trees (trees with mature heights of 8m or greater) in the front and rear setbacks.

6.4. Street tree(s)

Trees ‘G1s are two banksia trees located within the nature strip, one is to be retained and one is proposed for removal. Council’s Street Tree Arborist has advised that the tree to be removed is below valuation thresholds and meets the guideline criteria for removal in accordance with the Street and Park Tree Management Policy. Removal and replacement costs are applicable. These costs are included as a note on the planning permit. The eastern street tree will not be affected by the design and will require protection, conditions ensuring this trees protection are also recommended by way of conditions of permit.

6.5. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, a dwelling requires car parking to be provided at a rate of 1 car space per one or two bedroom dwellings and 2 car spaces per three or more bedroom dwellings.

Dwelling 1 and 2 comprise three bedrooms and are afforded two car parking spaces in the form of a double garage. The proposed on site car parking meets the requirements of Clause 52.06-5.

Council has no concern with the proposed development subject to conditions in relation to sightlines, vehicular access and offset from property boundaries.

6.6. Cultural Heritage management plan

The site is not located within an area of cultural heritage sensitivity and therefore a cultural heritage management plan is not required.

6.7. Development contributions levy

The subject site is located within catchment area 20.

Based on the proposed application and the below recommendation, a payment of \$2,187 is required. The payment of the development contributions levy is included as a condition of permit.

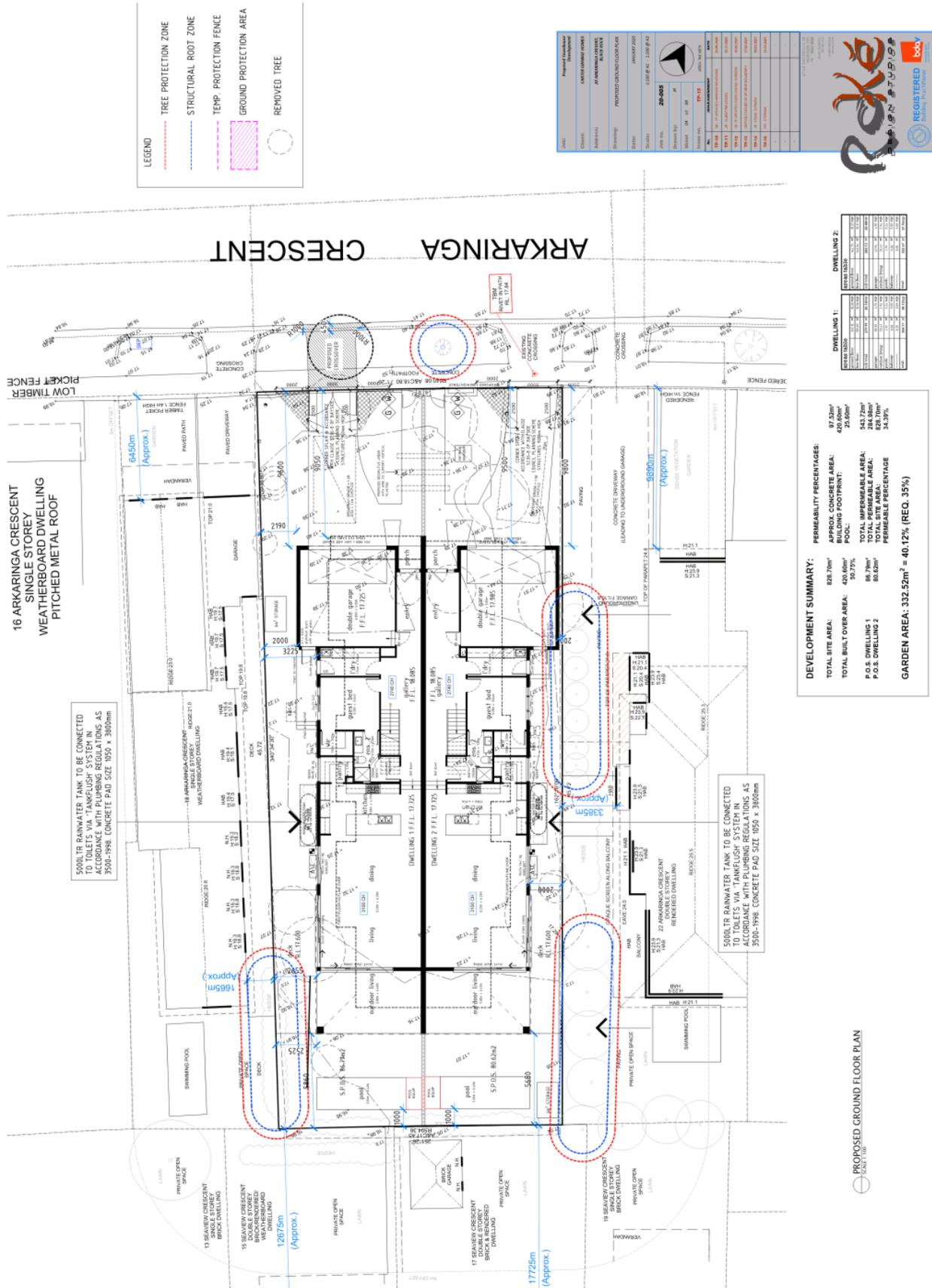
6.8. Objector issues not already addressed**Property Boundaries**

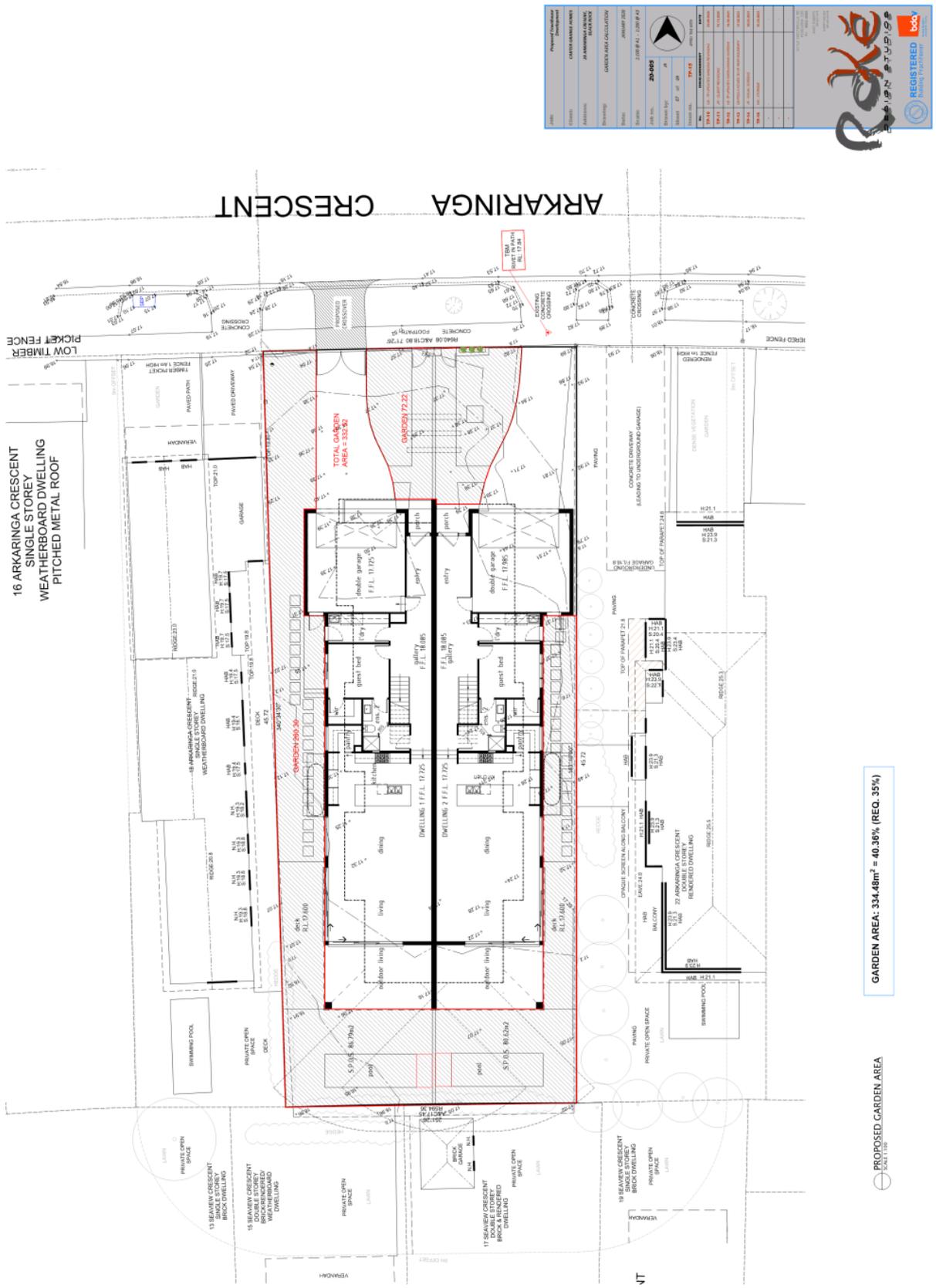
An objector has raised concerns surrounding the title boundaries. The plans are drawn to the current legal title boundaries and as no formal adverse possession claim has been applied for, the title boundary has not been updated.

An adverse possession claim goes through separate proceedings, outside of the planning permit application process as it is a civil matter and cannot be taken into consideration. Should the legal titles change as a result of any proceedings relating to adverse possession, the applicant will be required to lodge an amendment to the plans and/or permit to reflect any changes.

Support Attachments

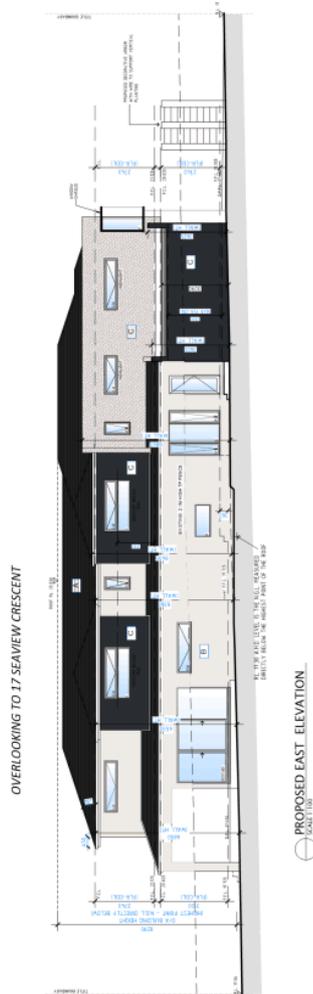
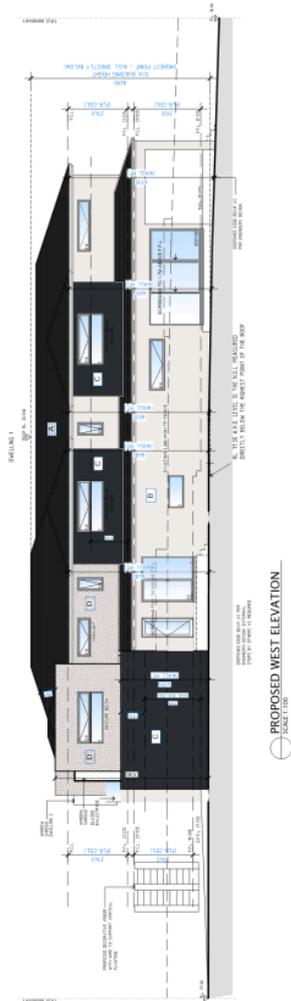
1. Development Plans ↓
2. Subject Site and Surrounds ↓
3. Neighbourhood Character Assessment ↓
4. Rescode Assessment ↓
5. Arborist Report ↓





Project Name	16 ARKARINGA CRESCENT
Client	DAVIDE ARKARINGA
Address	16 ARKARINGA CRESCENT, BAYSWAY
Surveying	GARDEN AREA CALCULATION
Date	20/06/2020
Drawn By	20/06/2020
Checked By	20/06/2020
Scale	1:100
Notes	SEE PLAN FOR DETAILS
Author	20/06/2020
Project No.	20/06/2020
Revision	1
Drawn	20/06/2020
Checked	20/06/2020
Scale	1:100
Notes	SEE PLAN FOR DETAILS
Author	20/06/2020
Project No.	20/06/2020
Revision	1
Drawn	20/06/2020
Checked	20/06/2020
Scale	1:100
Notes	SEE PLAN FOR DETAILS





EXTERNAL COLOURS & FINISHES SCHEDULE

A	ROOF TILES - HONER - HORIZON SAMBACA
B	MAIN RENDER/NATURAL WHITE
C	FEATURE RENDER/DULUX BLACK FINISH - WHITE
D	INTERIOR FINISHES/CONCRETE ALUMINUM WINDOWS COLOR - BLACK
	FASCIA & GUTTER - COLORBOND - NIGHT SKY
	DOWNPIPES TO BEACH RENDER - COLORBOND
	UPPER DECK FLOOR FINISHES/ DOWNPIPE LOOPS TO BE CLADDING WITH EDGWAY STAIN
	DOWNPIPES TO NATURAL WHITE RENDER - COLORBOND SUBMIT

Registered Professional Architect
 CREDIT CONSULT PARTNER
 20 ANNINGTON DRIVE
 BAYSBIDE VIC 3185
 PHONE: 03 9497 1234
 FAX: 03 9497 1235
 EMAIL: info@roxe.com.au
 WEBSITE: www.roxe.com.au

ROXE
 REGISTERED PROFESSIONAL ARCHITECT

20-2005
 PROJECT NO. 20-2005
 PROJECT NAME: 17 SEAVIEW CRESCENT
 PROJECT ADDRESS: 17 SEAVIEW CRESCENT, BAYSBIDE VIC 3185
 PROJECT DATE: 2021
 PROJECT TYPE: ARCHITECTURAL
 PROJECT STATUS: PRELIMINARY

DATE: 2021
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

ATTACHMENT 2
Site Surrounds and Imagery

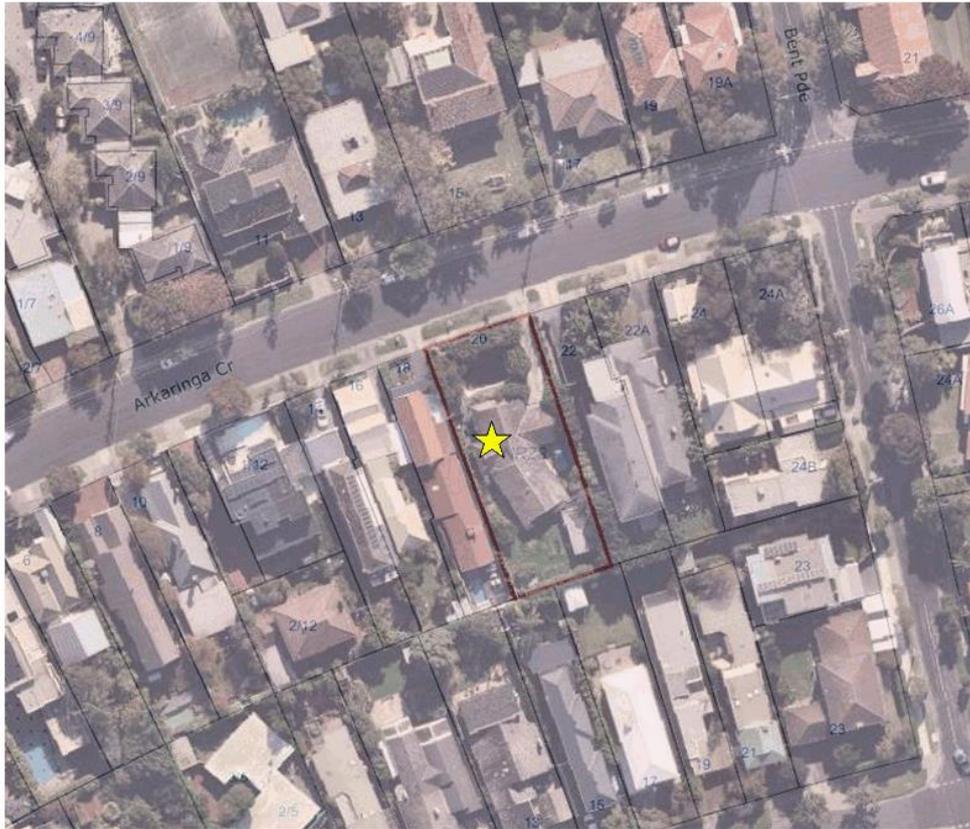


Figure 1. Aerial overview of the site and surrounds

Legend	
Subject site	★



Figure 2. View looking south towards subject site with 22 Arkaringa Crescent in the background.



Figure 3. View looking south towards the subject site with 18 Arkaringa Crescent in the background.

ATTACHMENT 3
Neighbourhood Character Policy (Precinct E4)

Preferred Future Character Statement

The diverse dwelling styles sit within informal coastal gardens with large trees. There is a lightness to the structures and streetscapes due to the use of lighter building materials, colours and design detailing. The informal coastal feel is enhanced by street treatments including informal coastal street trees and the retention of the wide nature strips. Buildings fronting the foreshore reflect their setting and provide a visually attractive built form interface with the reserve.

Precinct Guidelines

Objectives	Design Responses	Avoid	Planning Officer Assessment
<p>To maintain and enhance the garden settings of the dwellings.</p>	<ul style="list-style-type: none"> Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. 	<p>Lack of landscaping and substantial vegetation.</p>	<p>The proposed development allows space for sufficient planting. It is noted that the proposed landscaping plan includes sufficient landscaping to offset that which has already been removed. A condition of permit however requires changes to the species selection and location of trees to accommodate an informal garden setting indicative of this coastal location.</p>
<p>To enhance the bayside vegetation character of the area through the retention and planting of appropriate coastal species.</p>	<ul style="list-style-type: none"> Retain established native and traditional coastal vegetation and provide for the planting of new indigenous coastal trees. Minimise paving in front garden areas including driveways and crossovers. 	<p>Removal of large, native trees. Front setbacks dominated by impervious surfaces. Planting of environmental weeds.</p>	<p>The subject site does not contain any trees protected by the Vegetation Protection Overlay, all vegetation is not worthy of retention and does not contribute to the amenity of the area. The proposal has been designed with sufficient setback so as to allow adequate space for planting in both the front and rear setback.</p>

Objectives	Design Responses	Avoid	Planning Officer Assessment
<p>To ensure that building setbacks from boundaries contribute to the informality and spaciousness of the area and visual separation of the buildings.</p>	<ul style="list-style-type: none"> • Buildings should be sited to allow space for the planting of trees and shrubs. • Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. 	<p>Loss of front garden space.</p>	<p>The Landscape Plan, subject to conditions, will provide a suitable level of replacement planting of species which are appropriate to the coastal setting. It is acknowledged this vegetation will take time to establish but once grown to maturity will enhance the vegetative character of the streetscape and result in a high level of amenity to Arkaringa Crescent.</p>
			<p>The garage to Dwelling 1 is proposed to be constructed to the north-eastern title boundary, adjacent to the pedestrian entry to 22 Arkaringa Crescent, beyond this lies the basement access ramp. Construction to the boundary is considered acceptable as it is sufficiently recessed so as to allow for landscaping within the 1m wide landscaping buffer which is required as a condition of permit (see condition 1(b)) Further to this the curved profile of the driveway will facilitate screening oblique views of construction to the boundary and retain the presentation of separation with the neighbouring built forms.</p> <p>The side setback to Dwelling 2 is offset over 2 metres from the western title boundary which provides opportunities to incorporate meaningful landscaping.</p>

Objectives	Design Responses	Avoid	Planning Officer Assessment
<p>To minimise the dominance of car parking facilities.</p>	<ul style="list-style-type: none"> Locate garages and car ports behind the line of the dwelling. Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space. 	<p>Car parking facilities that dominate the façade or view of the dwelling.</p>	<p>The proposal has been designed with porches to both dwellings with a varied façade that incorporates a variety of materials and protrude forward of the main building line. The garages to both dwellings are set behind the first-floor balconies and are proposed in neutral timber finishes that is featured across the entire ground floor façade to detract from any perceived prominence.</p>
<p>To encourage innovative architecture that reflects the coastal setting.</p>	<ul style="list-style-type: none"> New buildings should be individually designed to respond to the characteristics of the coastal location and the site. Incorporate building elements and details that contribute to a lightness of structure. 	<p>Large bulky buildings Flat, poorly articulated front wall surfaces. High pitched roof forms with dormer windows.</p>	<p>The proposal is well articulated and introduces a site responsive design. The front façade incorporates elements which are consistent with the coastal setting</p>
<p>To respect the identified heritage qualities of adjoining buildings.</p>	<ul style="list-style-type: none"> Where adjoining an identified heritage building, respect the height, building forms, siting and materials, in the new building design. 	<p>Period reproduction detailing.</p>	<p>No heritage buildings adjoin the site.</p>
<p>To use lighter looking building materials and finishes that complement the vegetation and coastal setting.</p>	<ul style="list-style-type: none"> Incorporate timber or other no masonry wall materials where possible. Use lighter coloured building materials and finishes. 	<p>Heavy materials and design detailing (eg. Large masonry columns and piers) Excessive use of render on external wall surfaces.</p>	<p>The proposal has a limited palette of materials and finishes and includes varying colour samples.</p>
<p>To create a visually interesting and attractive built form interface with the foreshore reserve.</p>	<ul style="list-style-type: none"> Articulate the form buildings and elements, particularly front facades, and include elements that lighten the building form such as balconies, verandahs, non-reflective glazing and light transparent balustrading. 	<p>Buildings that have no relationship to the foreshore setting. Poorly articulated roof and building forms.</p>	<p>The proposal seeks a sleek dark timber at ground floor, that would contrast nicely with the dense vegetation proposed.</p>

Objectives	Design Responses	Avoid	Planning Officer Assessment
	<ul style="list-style-type: none"> • <i>Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, non-masonry sheeting, glazing, stone and brick.</i> • <i>Provide articulated roof forms to create an interesting skyline when viewed from the beach.</i> 	<p><i>Highly reflective materials or glazing.</i></p>	<p>At first floor level the roof profile incorporates a pitched roof profile set behind the front façade. There are framed first floor windows with protruding shrouds which wrap the corner to Dwelling 2 and a balcony that frames dwelling 1. These will provide some weather protection to the north facing windows and create a well-articulated façade with recesses and changes in materials to add depth and visual interest to the front elevation.</p> <p>The proposal is contemporary in design and introduces a well composed, site responsive built form to the area which responds to coastal setting and sits comfortably with adjoining properties.</p>

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Complies	Refer to Attachment 2.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Complies	The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Complies	The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for upgrading this infrastructure if necessary to accommodate the development. Council's drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.

<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Complies	<p>The development will integrate appropriately with Arkaringa Crescent. The proposed vehicle entrance and pedestrian access is designed to address the street and create a sense of identity to both dwellings.</p> <p>The proposed open style front fence would ensure the development is consistent with the garden setting and built form character in the street.</p>
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CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING		
Title and Objective	Complies with Standard?	Comments
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Does not Comply	<p>Requirement: 9m Proposed: 9.5m ground floor 9.05 first floor</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Complies	<p>Maximum: 9m. Proposed 8.29 metres</p>
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Does not Comply	<p>Maximum: 50% Proposed: 50.75%</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Complies	<p>Minimum: >20% Proposed: 34.39%</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Complies	<p>All habitable areas, including habitable rooms and secluded private open space areas have been located to maximise solar access.</p>
<p>B11 Open Space Integrate layout of development with any public and communal open</p>	N/A	<p>There is no communal open space in or adjacent to the development.</p>

space provided in or adjacent to the development.		
B12 Safety Layout to provide safety and security for residents and property.	Complies	The pedestrian entry points are clearly recognisable.
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> Development that respects the landscape character of the neighbourhood. Development that maintains and enhances habitat for plants and animals in locations of habitat importance. The retention of mature vegetation on the site. 	Complies	The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.
B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Complies	An appropriate access off Arkaringa Crescent has been provided.
B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.	Complies	On site car parking is provided in the form of two double garages.

CLAUSE 55.04 AMENITY IMPACTS					
Title and Objective		Complies with Standard?		Comments	
B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.		No		Refer to Section 5.2 of the Report.	
		Ground floor dwellings 1 + 2		First Floor dwellings 1 + 2	
		Requirement	Proposed	Requirement	Proposed
North (side)	East	0m or 2m	0, 2m	3.8-3.92	3.2-4.4

South (side)	West	0m or 2m	2-2.5m	3.74-3.86	3.9-4.1
South (rear)	east	0m or 3m	5.68m	4.74m	7.2-7.4
B18 Walls on Boundaries		Complies		Maximum Height: 3.6m Average Height: 3.1m Maximum Length: 6.4	
Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.					
B19 Daylight to Existing Windows		Complies		The development has been sufficiently setback from all habitable room windows to abutting properties.	
Allow adequate daylight into existing habitable room windows.					
B20 North Facing Windows		N/A		There are no north facing windows within 3m of the shared boundary.	
Allow adequate solar access to existing north-facing habitable room windows.					
B21 Overshadowing Open Space		complies		buildings do not significantly overshadow existing secluded private open space in accordance with this standard	
Ensure buildings do not significantly overshadow existing secluded private open space.					
B22 Overlooking		Does Not Comply		Refer report.	
Limit views into existing secluded private open space and habitable room windows.					
B23 Internal Views		Complies		A condition is recommended to show a ground floor level internal fencing to a height of 1.8m to limit views between adjoining areas within the development.	
Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.					
B24 Noise Impacts		Complies		It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.	
Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.					

CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES		
Title and Objective	Complies with Standard?	Comments
B25 Accessibility Consider people with limited mobility in the design of developments.	Complies	The development could be further retrofitted to accommodate people with limited mobility in the future if required.

B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	complies	Each dwelling has an independent entrance and sense of identity.
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Complies	All habitable windows will open out onto a space clear to the sky.
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Complies	Minimum: 25m ² secluded, 40m ² overall with a minimum dimension of 3 m; Proposed: Dwelling 1 – SPOS: 86.79m ² Dwelling 2 – SPOS: 80.72m ²
B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	Complies	Each dwelling has private open space proposed to the front and rear of the dwellings that will receive adequate solar access in accordance with this standard.
B30 Storage Provide adequate storage facilities for each dwelling.	Complies	Minimum 6m ³ provided per dwelling, however refer report for comment.

CLAUSE 55.06 DESIGN DETAIL		
Title and Objective	Complies with Standard?	Comments
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Complies	Refer to Section 5.1 of the report for further discussion.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	Does not comply	Standard: 1.2m An open style 1.8m front fence is proposed.
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	N/A	No areas of common property are proposed.

<p>B34 Site Services</p> <p>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>Does not comply</p>	<p>Refer report.</p>
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Tree Impact Assessment

20 Arkaringa Crescent
Black Rock
Victoria 3193

Prepared for:
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20 June 2020

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1. Introduction

Treespace Solutions Pty Ltd has been engaged by Atlas Property Studio to provide an updated Tree Impact Assessment with respect to the proposed development of 20 Arkaringa Cres, Black Rock in accordance with the City of request for further information for the planning application 2/2019/242/1.

A total of five groups and three individual trees located within the subject site and the adjacent properties, 18 and 22 Arkaringa Cres, Black Rock including two Juvenile street trees.

This assessment has been prepared with the Proposed Ground Floor Plan drawing prepared by ROKE June 2020.

2. Scope of works

- A tree location plan.
- Assess the vegetation off-site and within the site boundaries which are proximal to the proposed works.
- Clarification of the vegetation to be removed pursuant to the VPO3.
- Recommendations to amend plans and minimise adverse impacts on protected or retained trees.
- A site plan that clearly shows the location and numbering of each tree.
- A survey of all trees removed and indication of location of replacement planting pursuant to;
 - a. Planning Permit 2015/139/1 issued on 29 June 2015 for the removal of three native trees and a tree stump and the replacement planting. The replacement planting to include;
 - i. 1x Leptospermum laevigatum
 - ii. 1 x Eucalyptus viminalis subsp. Pryoriana
 - b. The following trees that have been removed;
 - i. 1x Eucalyptus leucoxydon (Yellow Gum);
 - ii. 1x Leptospermum laevigatum (Coastal Tea Tree); and
 - iii. 1x Agonis flexuosa (Willow Myrtle), all located in the front setback.
 - c. Planning Permit PP 5/2015/552/1 approved 1x Callistemon viminalis (Weeping Bottle Brush) for removal and replacement planting it is to include;
 - i. 1x Banksia integrifolia (Coast Banksia) and;
 - ii. 1x Eucalyptus pauciflora (Snow Gum)

3. Zoning & Planning

Local Government Authority	Bayside City Council
Planning Zone	NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 3 (NRZ3)
Vegetation & Landscape Overlays	VEGETATION PROTECTION OVERLAY - SCHEDULE 3

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VPO3

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

- The removal, destruction or lopping of vegetation which is less than 2 metres high or has a single trunk circumference of less than 0.5 metre at a height of 1 metre above ground level.
- The pruning of vegetation to remove that part of any branch which overhangs an existing dwelling or is within 2 metres of an existing dwelling

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4. Assessment Methodology

On the 1 November 2019 and 21 March 2020, Matthew Nees carried out a site inspection at the above-mentioned site. The trees were inspected from the ground only and no diagnostic tests have been carried out. Observations were recorded, and photographs were taken during the inspection.

5. Site Description

The site is a residential allotment located on the southern side Arkaringa Crescent with an existing single storey brick dwelling located within the central front portion of the site. The site appears to be flat with no significant rise or fall across the site.

An attached car port is located on the east boundary serviced by the current driveway and crossover adjacent to the east boundary. A garden shed is positioned near the south eastern rear boundary.

A disused in ground swimming pool occupies the front set back surrounded by paving and unkept and overgrown raised garden beds which enclose this entire area.

18 Arkaringa Cres to the north is a single storey dwelling which occupies most of the site with a paved area and swimming pool to the south. A semi-mature *Syzygium* hedge lines the rear boundary line between the two sites.

To the east a multi-unit development occupies the entire site with a shared pathway and private open spaces adjacent to the common east boundary including two grouped plantings of *Magnolia* screen planting to the north and south of the fence line.

6. Tree Assessments

The two street trees are small juvenile Coastal Banksia planted within the narrow nature strip, both displaying a form typical for their species.

Within the front setback, a multi-stemmed Willow Myrtle (Tree 2) is growing on the front boundary in the raised garden bed between front boundary and swimming pool. This is a low retention specimen with a poor form.

Tree 3 is located on the west boundary numerous semi-mature stems are emerging from a coppiced Eucalyptus specimen (possibly *E. leucoxylo*n).

Group 4 consists of numerous self-seeded Sweet Pittosporums that are positioned throughout the front set back. These are poor specimens that have been continually pruned back to form dense thickets.

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Tree 5 is small contorted Loquat tree growing within a very narrow and shaded area on the east boundary beside the car port. This tree has low retention value and does not warrant protection.

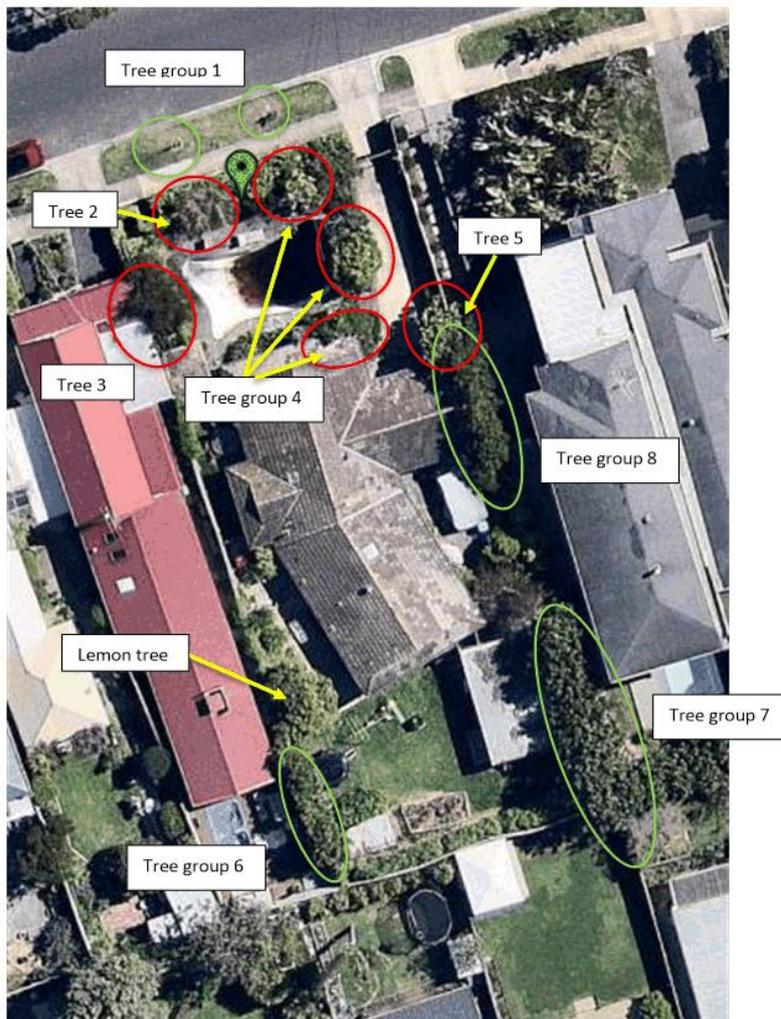
Group 6 consists of five small semi-mature Syzygium floribunda planted as a screening hedge approximately 300mm from the west boundary within 22 Arkaringa Cres. These trees are in a good general condition.

Group 7 and 8 are both screen plantings of Magnolia grandiflora positioned in proximity to the east boundary fence within 18 Arkaringa Cres. Group 7 to the rear are significantly larger than Group 8 most likely due to the greater ground area within their respective courtyards available for their growth and development. The growing space of Group 8 is limited by the impervious pathway and basement car parking ramp immediately to the east.

Several medium to large shrubs are also located throughout the gardens but are below the assessment size threshold and do not require assessment. These include a Lemon tree within the front yard and a poorly formed Callistemon in a state of decline positioned on the front boundary. A small dead Acacia is also located on the east boundary.

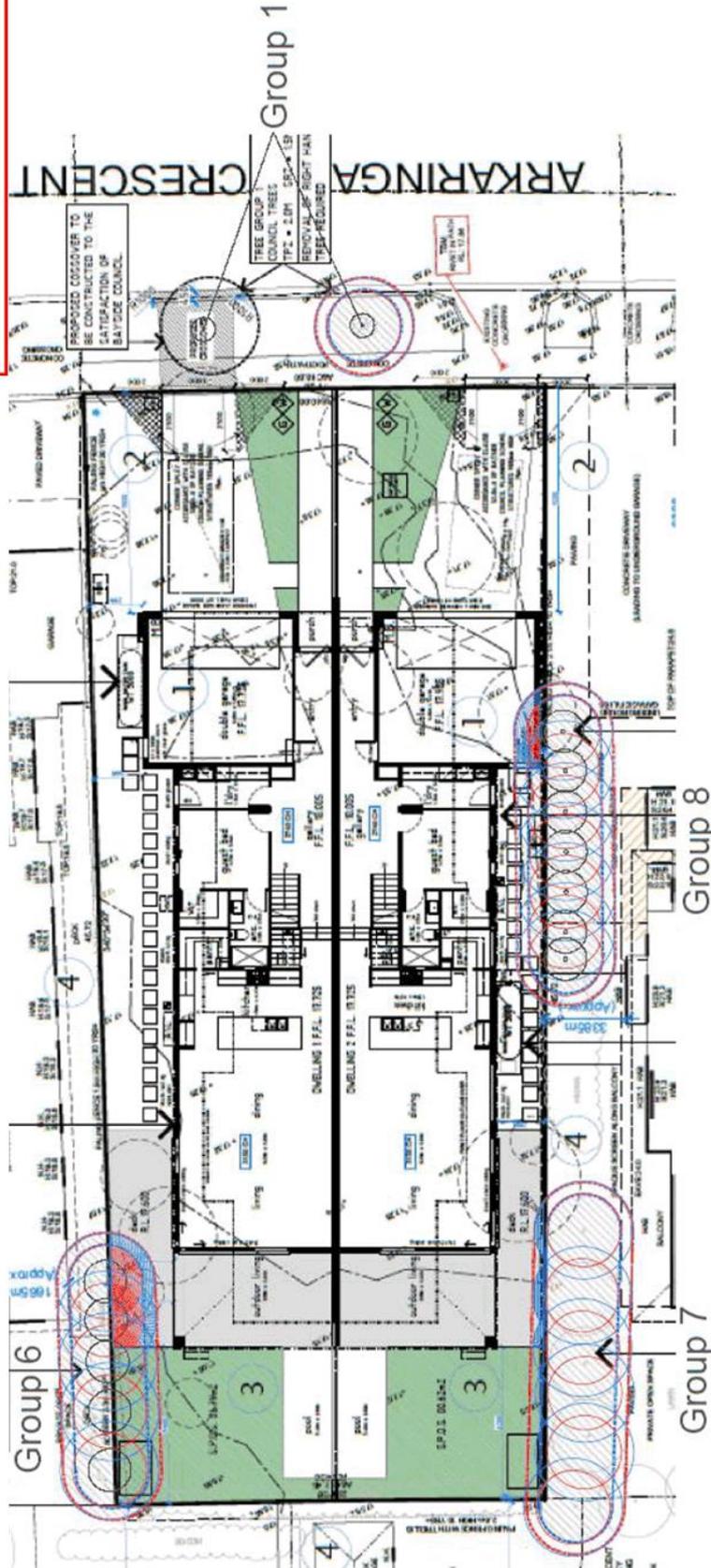
7. Aerial Photograph

Nearmaps: October 24th, 2019



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8. Development Plan



Red shading illustrates the SRZ encroachment by the proposed garage and decking

Red circles illustrate the SRZ's

Blue shading illustrates the TPZ encroachment by the proposed garage and decking

Blue circles illustrate the TPZ's

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9. Development Proposal

The proposed development involves demolishing the existing dwelling, driveway followed by the construction of two double storey dwellings with separate front entry, driveway and crossovers. A new crossover is proposed adjacent to the west boundary to service the west dwelling. The existing crossover will be retained for to service the east dwelling.

The garages will be constructed upon screw piles at ground level with not site cut required within the TPZ of Group 8.

The decking structures will be constructed above grade with minimal post holes positioned within the TPZ's of Group 6 and 7.

A setback off the eastern, western and southern boundaries will be provided except for the proposed decking and garages constructed to the boundary lines. Two inground swimming pools are proposed for both dwellings.

All assessed vegetation within the site boundaries is proposed for removal. These specimens have been rated with a low arboricultural rating and should not be considered a material constraint to the development.

10. Tree Impact Assessment

1. The proposed development requires the removal of one of the two street trees. Given the juvenile size of this tree, transplantedation within the remaining nature strip will be possible provided the responsible authority provides consent. Upon approval, all costs will need to be carried by the developer.
2. The proposal requires the removal of Tree 2, 3, 5 and Group 4 within the site boundaries.
 - a. In accordance with the VPO3, a permit will be required for the removal of Tree 3 as the collective DBH of the multiples stem structure exceeds 50cm circumference at 1.0m above ground level.
 - b. A permit will not be required for the removal of Tree 2, 5 and Group 4 as each of these trees has a stem circumference less than 50cm when measured at 1.0m above ground level.
 - c. Given the amount of private open space and the area within the front setback, there is ample space for the specified tree planting that will compensate the proposed loss of vegetation.
3. The proposed eastern garage will make an encroachment of up to 2.6m² upon the TPZ of 2 specimens within Group 8. However, because of the existing garage and concrete pavement footprint, the proposed new garage is unlikely to impact upon the health and viability of these trees given that the root systems have adapted to the existing conditions. Furthermore, the lack of site cut to accommodate the garage combined with the use of screw piles will minimise the extent of ground disturbance within the TPZ's. Provided the recommendations are enforced, it is anticipated that Group 8 will not be adversely impacted by the proposal.

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4. The proposed decking area will encroach the TPZ of Group 6 and 7 in the event of the permeable nature of decking and the extent of excavation required being reduced to 300 x 300mm post hole footings, it is anticipated that Group 6 and 7 will not be affected by the proposal provided the recommendations are enforced.
5. The canopy of Group 6, 7, 8 and the remaining Group 1 street tree will not require pruning to accommodate the proposed development.

11. Recommendations

1. In accordance with the VPO3, apply for a permit to remove Tree 3.
2. Seek approval for the proposed removal of the Group 1 street tree.
3. Prior to the commencement of the site's demolition, temporary protection fencing is to be installed around the TPZ of the retained Group 1 street tree within the confines of the nature strip and Group 6 and 7 in accordance with AS4970 (2009) *Protection of Trees on Development Sites*.
4. Once the demolition is complete, the TPZ fencing surrounding Group 6 and 7 can be changed to a ground protection system to allow for the practical completion of the dwellings.
 - a. Activities generally excluded from the TPZ, but not limited to it, include:
 - Machine excavation including trenching
 - Excavation for silt fencing
 - Cultivation
 - Storage
 - Preparation of chemicals, including preparation of cement products
 - Parking of vehicles and plant
 - Refuelling
 - Dumping of waste
 - Wash down and cleaning of equipment
 - Placement of fill
 - Lighting of fires
 - Soil level changes
 - Temporary or permanent installation of utilities and signs, and
 - Physical damage to the tree
5. Excavation for the decking within the TPZ of Group 6 and 7 must be utilise a non-destructive technique to minimise the destruction of roots within the TPZ's.
6. In accordance with Planning Permit 2015/139/1 issued on 29 June 2015 , ensure that the proposed landscape plan for the development includes the following trees:
 - a. 1x *Leptospermum laevigatum*
 - b. 1 x *Eucalyptus viminalis subsp. Pryoriana*
7. In accordance with Planning Permit PP 5/2015/552/1, ensure that the proposed landscape plan for the development includes the following trees:
 - a. 1x *Banksia integrifolia*
 - b. 1x *Eucalyptus pauciflora*

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Appendix 1: References

AS4970 (2009) *Protection of Trees on Development Sites*

Lonsdale, D, 1999, *Principles of Tree Hazard Management and Assessment*, TSO Publishing

Matheck, C. and Breloer, H., 1994. *The Body Language of Trees*, TSO Publishing

Draper, D.B., and Richards, P.A, 2009, *Dictionary for Managing Trees in Urban Environments*, CSIRO Publishing

Appendix 2: Assessment Methodology

On the 11th November 2019, Treespace Solutions carried out a site inspection at the above-mentioned site. The trees were inspected from the ground only and no diagnostic tests have been carried out. Observations were recorded, and photographs were taken during the inspection.

The inspection consisted of Visual Tree Assessments (VTA) taken from ground level to determine; health, structure and Useful Life Expectancy (ULE) of each tree

- Measurements were taken to ascertain canopy spread and trunk diameters
- DBH (Diameter at Breast Height) measured at 1.0m above ground level in accordance with the *VPO3* assessment criteria.
- Where access to a property was not possible, trunk diameters were estimated to the nearest 5cm. A *TruPulse* Laser device was used to measure heights for accuracy.
- Photographs were taken of the trees and other relevant aspects of the site
- In accordance with *AS4970-2009, Protection of Trees on Development Sites*, calculations were made to determine Tree Protection Zones (TPZ) and Structural Root Zones (SRZ)
- In accordance with *AS4970-2009*, calculations were made to determine the level of encroachment (minor or major encroachment). The level of encroachment was used as a benchmark to determine if trees would remain viable.
 - Minor encroachment (development disturbance infringes less than 10% of the total TPZ area and is outside the SRZ). TPZ area infringed must be compensated for elsewhere contiguous with the likely root spread.
 - Major encroachment (development disturbance infringes by more than 10% of the total TPZ area, and/or is inside the SRZ). The project arborist must demonstrate the tree will remain viable.

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Appendix 3 – Tree Data

Tree	Botanical name	Common name	Origin	DBH (cm)	TPZ (m)	SRZ (m)	Height (m)	Width(m)	Age	ULE Years	Health	Structure	Arboricultural Value	Notes
G1	<i>Banksia integrifolia</i> x 2	Coast Banksia	Indigenous	1	2	1.5	1	0.5	Juvenile	20+years	Good	Good	Low	Two small street tree trees planted recently
2	<i>Agonis flexuosa</i>	Willow Myrtle	Australian Native	15	2	1.5	4	4	Semi-mature	10-20 years	Fair-good	Fair-poor	Low	Multi stemmed tree located in garden bed between front boundary and swimming pool.
3	<i>Eucalyptus sp.</i>	Eucalypt	Australian Native	20*	2.4	1.7	5	5	Semi-mature	20+ years	Fair-good	Fair	Low	Multiple stems emerging from coppiced tree stump. Located in narrow garden bed between west boundary and swimming pool.
G4	<i>Pittosporum undulatum</i> x 3	Sweet Pittosporum	Victorian Native weed	16	2	1.7	3	3	Semi-mature	6-10 years	Fair-good	Poor	None	Self-seeded small trees located in gardens beds surrounding swimming pool. All have a poor form within multiple stems.
5	<i>Eriobotrya japonica</i>	Loquat	Exotic	14, 11	2.2	1.7	3	3	Semi-mature	6-10 years	Fair-good	Fair-poor	Low	Poorly formed and constructed tree growing in raised narrow garden bed between driveway and east boundary.
G6	<i>Syzygium floribundum</i> x 5	Weeping Lilly Pilly	Australian Native	10	2	1.5	4	2	Semi-mature	20+years	Good	Fair-good	Low	Screening hedge located 300mm from west boundary fence within adjacent property. Informally pruned to fence line.
G7	<i>Magnolia grandiflora</i> x 6	Bull Bay Magnolia	Exotic	15	2	1.5	7	4	Semi-mature	20+years	Good	Fair-good	Medium	Stand of screen trees located approximately 0.5m from east boundary within adjacent property.
G8	<i>Magnolia grandiflora</i> x 7	Bull Bay Magnolia	Exotic	10	2	1.5	4	2	Semi-mature	20+years	Fair-good	Fair-good	Low	Stand of screening trees located 300mm from east boundary fence within adjacent property adjacent to concrete driveway and carport within subject site.

*Estimated DBH to the nearest 5cm.

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Appendix 4 - Tree Assessment Terms

Age

Young:	Juvenile tree recently planted.
Semi-mature:	Tree still growing
Mature:	Specimen has reached expected size in current situation
Senescent	Tree is over mature and in decline

Form

Good:	Canopy full and symmetrical
Fair:	Minor asymmetry or suppression. Considered typical for species in situation.
Poor:	Canopy suppressed, major asymmetry. Stump re-growth.

Health

Good:	Crown full with good density, foliage entire, with good colour, minimal or no pathogen damage. Good growth indicators, e.g. extension growth. No or minimal canopy dieback. Good wound-wood and callus formation.
Fair:	Tree is exhibiting one or more of the following symptoms: Tree has <30% deadwood. Or can have minor canopy dieback. Foliage generally with good colour, some discolouration may be present, minor pathogen damage present. Typical growth indicators, e.g. extension growth, leaf size, canopy density for species in location may be slightly abnormal.
Poor:	Tree has >30% deadwood. Canopy dieback present. Discoloured or distorted leaves and/or excessive epicormic re-growth. Pathogen is present and/or stress symptoms that could lead to or are contributing to the decline of tree.
Dead:	Tree is dead.

Structure

Good:	Good Branch attachment and/or no minor structural defects. Trunk and scaffold branches sound or only minor damage. Good trunk and scaffold branch taper. No branch or over extension. No damage to structural roots and/or good buttressing present. No obvious root pests or diseases.
Fair:	Some minor structural defects and/or minimal damage to trunk. Bark missing. Cavities could be present. Minimal or no damage to structural roots. Typical structure for species.
Poor:	Major structural defects and/or trunk damaged and/or missing bark. Large cavities and/or girdling or damaged roots that are problematic.
Hazardous:	Tree poses immediate hazard potential that should be rectified as soon as possible.

Vigour

Good, Fair or Poor. This describes the ability of a tree to promote extension growth and wound-callus effectively; this is directly related to the annual progress of tree growth, including root systems, which are dependent on in-situ and environmental conditions.

General Condition

Describes a tree or a group of trees in a broad term of convenient précis that considers all of these Tree Descriptors as mentioned in Documents and Tree Data Tables.

Useful Life Expectancy

Useful Life Expectancy (ULE) means that in a planning context the length of time a tree can be maintained as a useful amenity and not a liability is by far the most important long-term consideration. ULE is contingent on a number of obvious management assumptions and the fundamental principles of public safety and usefulness in the landscape.

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Retention Value

The Retention Value is determined as a result of the collation of the data set (species, size, age, health, structure, form and site conditions etc) in relation to the following retention descriptors:

None – Tree with severe health and/or structural defects that cannot be rectified through reasonably practicable Arboricultural works; Tree may be inter dependent with surrounding trees and will be unable to be retained once adjacent shelter trees are removed; The tree is classed as a noxious or environmental weed species and is detrimental to the environment; Trees that have no retention value are likely to require immediate removal prior to any development works.

Low – A tree that offers little in terms of contributing to the of the future landscape for reasons of poor health, structural condition, or species suitability in relation to unacceptable growth habit, or combinations of these characteristics; A tree that is not significant due to its size and/or age and can be easily replaced; Tree is likely to have a ULE of under 10 years; Trees classed as having a low retention value may be able to be retained in the mid to short term if they do not require a disproportionate expenditure of resources (i.e. design modification).

Moderate – A tree with some attributes that may benefit the site in relation to botanical, horticultural, historical or local significance but may be limited to some degree by their current health condition or future growth in relation to existing or future site conditions and/or immediate/future maintenance requirements. The tree is likely to tolerate changes in its environment and will respond to Arboricultural treatments. Trees classed as having a moderate retention value should be considered for retention if reasonably practicable. Arboricultural works may be required but should remain within reasonable limits. Tree may have a ULE of over 10 years if managed appropriately.

High - A tree in good overall condition that has the potential to positively contribute to the landscape in the mid to long-term if appropriately managed. Species is suited to its existing site conditions and is capable of tolerating certain changes in its environment. Ideally, trees with a high retention value should be retained and incorporated into any development plans. The tree is considered to be worthy of material constraint.

**Bayside City Council
Planning and Environment Act 1987**

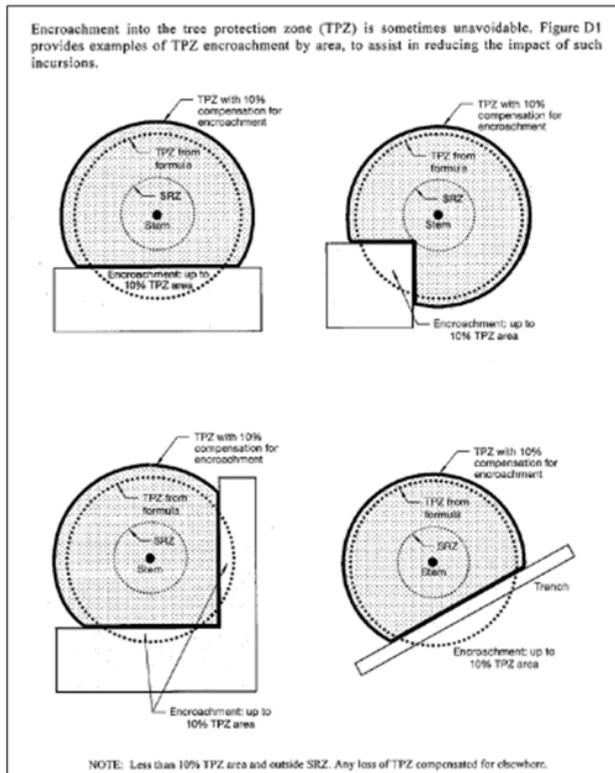
ADVERTISED PLAN

Planning Application No.: 5/2020/282/1

Date: 26/11/2020

Appendix 5: Tree Protection Zone (TPZ) Information

The Tree Protection Zone is a designated area to limit or exclude any activities during development that could be detrimental to tree health. The TPZ is designed to protect the tree crown, trunk and the rooting area that is considered essential to tree health.



Examples of minor (10% or less) TPZ encroachment

Exert from Appendix D, AS 4970 – Protection of Trees on Development Sites

Major encroachment (>10% of TPZ area) may require tree sensitive construction techniques to minimise the impact on retained trees and/or a non-destructive root investigation to conclusively prove to the Responsible Authority that the encroachment will not be detrimental to tree health as per the recommendations in AS4970.

No works within the TPZ should be undertaken unless stipulated by the relevant Consulting Arborist.

Activities generally excluded from the TPZ, but not limited to it, include:

- Storage of materials and/or chemicals
- Parking of vehicles and machinery
- Excavation or compaction of existing soil levels, trenching or soil level changes
- Wash down and cleaning of equipment
- Dumping of waste/chemicals

Tree Impact Assessment – 20 Arkaringa Cres Black Rock 20 June 2020

Appendix 6: Constraints

Tree Assessment is based on external visual examination from ground level only. No internal decay diagnostic equipment was used, no excavation of the root plate undertaken, and no samples removed for further analysis unless otherwise stated.

Risk Assessment is provided only as an estimation of the potential of the tree(s) listed in this report as to their probability to cause damage to people and / or property and cannot be considered to constitute a prediction of future events.

Recommendations contained in this report are based on the measurements and observations prevalent at the time of inspection. Future changes or site development may render this report and recommendation invalid.

Care has been taken to obtain all information from reliable sources. All data has been verified in so far as possible, however, *Treespace Solutions Pty Ltd* can neither guarantee nor be responsible for the accuracy of the information provided by third parties.

Any legal description, titles and ownership of any property provided to the *Consulting Arborist* are assumed to be correct. No responsibility is assumed for matters legal in character.

Maps, diagrams and photographs in this report are included as visual aids. They cannot be considered to be to scale and are not intended to be used to locate trees or in the place of structural and / or architectural plans.

Loss or alteration of any part of this report invalidates the entire report.

Possession of this report or a copy thereof does not imply right of publication or use for any purpose by anyone but the person to whom it was commissioned by, without the prior written consent of *Treespace Solutions Pty Ltd*.

Neither all nor any part of the contents of this report, nor any copy thereof, shall be used for any purpose by anyone but the person to whom it is addressed, without the written consent of *Treespace Solutions Pty Ltd*. Nor shall it be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the written consent of the consultant (*Treespace Solutions*) shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

Bayside City Council
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Tree Impact Assessment – 20 Arkaringa Cres Black Rock 20 June 2020

Appendix 7: Photographs

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: 5/2020/282/1
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Tree Impact Assessment – 20 Arkaringa Cres Black Rock 20 June 2020

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
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Tree Impact Assessment – 20 Arkaringa Cres Black Rock 20 June 2020

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: **5/2020/282/1**
Date: **26/11/2020**



**4.7 13 CRAWFORD STREET, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/597/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/18 – Doc No: DOC/21/145509

This matter has been reported to the Planning and Amenity Committee for a decision because there are 2 or more trees to be removed in the Vegetation Protection Overlay Schedule 3 (VPO3).

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Notice of Decision to Grant a Permit
Applicant	Mr D J Staunton
Title/Covenant/S173 Agreement	The site is subject to restrictive covenant 1369041. The covenant does not restrict the proposed development.
Date application received	27/11/2020
Current statutory days	77 days as of 8 June 2021
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Design and Development Overlay (Schedule 3) Vegetation Protection Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1)
Site area	732 square metres
Number of outstanding objections	One
Is a Development Contribution Levy applicable?	Yes – 1 additional dwelling Catchment area – 30 \$2,187
Is the site located within an area of cultural heritage sensitivity?	Yes

Proposal

The application seeks the Construction of two dwellings on a lot, construction of a front fence exceeding 1.2 metres and the removal of native vegetation within a Vegetation Protection Overlay Schedule 3. Key details of the proposal are as follows:

- construction of two double storey dwellings with a maximum building height of 7.88m
- construction of a front fence with a maximum height of 1.8m
- total site coverage 50%
- total site permeability 41.78%

- both dwellings include 2 car spaces in the form of single garages and tandem outdoor car parking
- removal of two native trees (Tree 7 and Tree 9) protected by the Vegetation Protection Overlay.

The application plans are provided at **Attachment 1**.

An aerial image and photographs of the site and surrounds are provided at **Attachment 2**.

History

There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-6 (Neighbourhood Residential Zone, Schedule 3) – Construction of two or more dwellings on a lot and construction of a front fence exceeding 1.2m high.
- Clause 42.02-2 (Vegetation Protection Overlay, Schedule 3) - A permit is required to remove, destroy or lop vegetation native to Australia.

Garden Area

Pursuant to Clause 32.09-4, the construction of a dwelling or residential building on a lot greater than 650 square metres, requires the provision of a minimum of 35% garden area. The development plans confirm that the development has a garden area of 306.38 square metres which equates to 41.74% and meets the minimum of 35% garden area required.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

The application was referred to the following Council departments for comment:

Internal Referral	Response
Arborist	No objection, subject to conditions.
Drainage Assets Engineer	No objection, subject to conditions.
Open Space Arborist	No objection, subject to conditions.
Street Addressing	No objection, subject to conditions.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* and one objection was received.

One objection remains outstanding at the time of this report.

The following concerns were raised:

- Suitability of the site for two dwellings
- Overdevelopment
- Neighbourhood character
- Non-compliance with the Design and Development Overlay Schedule 3
- Inadequate parking
- Minimal open space
- Poor internal amenity

Consultation meeting

The applicant declined a consultation meeting, however a written response addressing the objection was submitted to Council's planning officer for consideration.

4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2020/597/1** for the land known and described as **13 Crawford Street, Cheltenham**, for the **construction of two dwellings on a lot, construction of a front fence exceeding 1.2 metres and the removal of native vegetation within a Vegetation Protection Overlay Schedule 3** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Dual Occ Advisors referenced Proposed Ground Floor Plan, Proposed First Floor Plan, Elevations, dated 26/02/2021 and revision number I but modified to show:
 - a) the location of the bins in accordance with Standard B34 (Site Services) of the Bayside Planning Scheme to be detailed on the plans
 - b) the elevations to detail the proposed locations of the proposed materials
 - c) the front fence within the sightlines to comply with Clause 52.06 (Car Parking) of the Bayside Planning Scheme
 - d) the single garage doors to be annotated to be at least 3m
 - e) a Landscaping Plan in accordance with Condition 10 of this permit
 - f) provision of a Tree Management and Protection Plan in accordance with Condition 13
 - g) payment of the Development Contribution levy in accordance with Condition 21 of this permitall to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must

- be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Zenith Concepts, revision A, dated March 2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey, including botanical names, of all existing trees to be retained and removed on the site
 - b) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - c) details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Report (TMR), prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the

Responsible Authority. This report must be made available to all relevant parties involved with the site.

The Tree Management Report must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

Both the TMR & TPP must be part of one document that must be named as the Tree Management Report (TMR):

The TMR must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
 - b) protection measures to be utilised and at what stage of the development they will be implemented
 - c) appointment of a project arborist detailing their role and responsibilities
 - d) stages of development at which the project arborist will inspect tree protection measures
 - e) monitoring and certification by the project arborist of implemented protection measures.
14. The TPP must:
- a) be legible, accurate and drawn to scale
 - b) show the location of all tree protection measures to be utilised
 - c) include a key describing all tree protection measures to be utilised.
15. Any modification to the report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
16. All actions and measures identified in the Tree Management Report must be implemented.
17. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

Street tree protection

18. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to encompass the entire nature strip and must extend 2.5 meters either side of the tree.
19. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 2.5 metres of the street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Development Contribution

20. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount

specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

S173 Agreement

21. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide:
 - a) At any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
 - b) The agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
22. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987 and the Section 173 agreement must be registered on the certificate of title of the land.
23. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
25. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

Permit Expiry

26. This permit will expire if one of the following circumstances applies:
 - a) the development is not started within two years of the date of this permit.
 - b) the development is not completed within four years of the date of this permit.

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

Permit Notes:

- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the street address allocations prior to the completion of construction.

Southern Dwelling – 13A Crawford Street CHELTENHAM 3192

Northern Dwelling – 13B Crawford Street CHELTENHAM 3192

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the West property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

5. Council Policy

Council Plan 2017–21

Relevant objectives of the Council plan include:

- where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place
- where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design and responds to the streetscape and neighbourhood context
- where a range of housing types are provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- make discretionary planning controls stronger, by advocating for Council's planning and urban design objectives to state government.

Homes for Homes Initiative

Council has identified the need to act in relation to affordable housing through the Council Plan 2017–21 and the Bayside Housing Strategy 2019 and has implemented a range of initiatives to implement the Council Plan.

One of the initiatives aimed at supporting affordable housing was considered at the Ordinary Meeting of Council on 15 September 2020 where Council resolved to require all planning permits issued for multi dwelling developments to include a condition requiring the implementation of the Homes for Homes initiative via a Section 173 agreement, under the *Planning and Environment Act 1987*.

Accordingly, pursuant to Section 62 of the *Planning and Environment Act 1987*, a condition should be included on any planning permit issued to ensure the ongoing commitment to an initiative like Homes for Homes will be delivered.

Bayside Planning Scheme

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.04 Environmental and Landscape Values
- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy (Precinct H2)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct H2. The proposal is considered to demonstrate an acceptable level of compliance with the preferred future character statement and precinct guidelines as contained in **Attachment 3**.

The site is located on the western side of Crawford Street, north of Weatherall Road and south of Cheltenham Golf Course. The surrounding properties include a mix of single and double storey dwellings, all with pitched roof forms, a variety of front fencing materials, heights and styles and substantial landscaping within the front setback.

The proposal includes the construction of two side by side double storey dwellings, with a pitched roof form and a 1.8m high front fence.

The development includes compliant ground floor side setbacks allowing for visual

separation between buildings and maintaining the rhythm of the street. The proposal features two driveways, one on the south and one on the northern side of the site. The southern driveway services the single garage of Unit 1, which is setback from the porch. The northern driveway services the single garage for Unit 2, which is also setback from the porch. The inclusion of two single garages, rather than double garages eliminates the dominance of car parking structures.

The proposal includes recessed portions and projecting elements, articulating the front façade. A mix of light and dark grey render, brick and timber cladding also provides for an interesting facade to the street while complementing the natural setting of the dwellings. A condition requiring the elevations to detail the proposed locations of materials has been included in the recommendation.

The development includes the construction of a 1.8m high front fence with cypress pine posts. Whilst the height exceeds the preferred height of 1.2 metres, the design includes a reasonable level of permeability, enhancing the openness and informality of the streetscape, maintaining views into the front garden landscaping.

The proposed development will provide for a suitable level of landscaping, by a way of providing four canopy trees. Subject to conditions outlined in the recommendation, additional planting of vegetation on the site will further enhance the vegetation character of the area. Overall, the proposal is acceptable having regards to the existing streetscape character and the emerging contemporary style of built form within the area.

6.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at **Attachment 4**. Those non-compliant standards are discussed below:

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (side)	0m or 2m	2m	3.5m, 3.51m, 3.5m, 3.46m, 3.41m	3.50m, 3.05m , 3.50m, 3.05m , 4.15m
South (side)	0m or 2m	2m	3.59m, 3.56m, 3.53m, 3.46m	3.60m, 3.15m , 3.60m, 3.15m , 4.15m
West (rear)	0m or 3m	7.24m+	4.29m	10.44m

The objective of the standard is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Using the table above, the first-floor northern and southern side setbacks include areas of non-compliances.

The first floor northern side wall associated with the bathroom, bed 2, ensuite and WIR to Unit 2 will be setback 3.05m, where the standard requires a setback of 3.46m-3.51m. A variation of 410mm - 460mm is considered acceptable as the portion of non-compliance is adjacent to a garage roof and side service yard associated with 15 Crawford Street. This area is a non-sensitive area as the private open space is located to the rear of the dwelling. Ground floor habitable room windows are located approximately 2.15m from the side boundary, resulting in the first floor walls of the proposal being setback 5.2m from the adjoining ground floor habitable room windows. This variation does not create any unreasonable off-site amenity impacts largely by way of overshadowing and overlooking, as these standards are both compliant.

The first floor southern side setback associated with the bathroom, bed 2, ensuite and WIR to Unit 1 are proposed to be 3.15m, where the standard requires a setback of 3.56m. A variation of 410mm is considered acceptable as the portion of non-compliance is adjacent to a side courtyard associated with 11 Crawford Street. This area is a non-sensitive use area as the main area of private open space is located to the rear of the dwelling. Ground floor habitable room windows are located approximately 3.6m from the side boundary, resulting in the first floor walls of the proposal being setback 6.75 m from the adjoining ground floor habitable room windows. This variation does not create any unreasonable off-site amenity impacts largely by way of overshadowing and overlooking, as these standards are both compliant.

The front of the development facing the street includes compliant side setbacks, allowing adequate built form spacing and visual separation to the streetscape. All areas of non-compliance associated with both dwellings will provide for adequate articulation to the side of the dwelling, reducing bulk to the adjoining properties. Compliance with the side setback standard will result in one continuous line of built form, increasing the visual bulk of the development. See figure 1 below which highlights the areas of non-compliance.

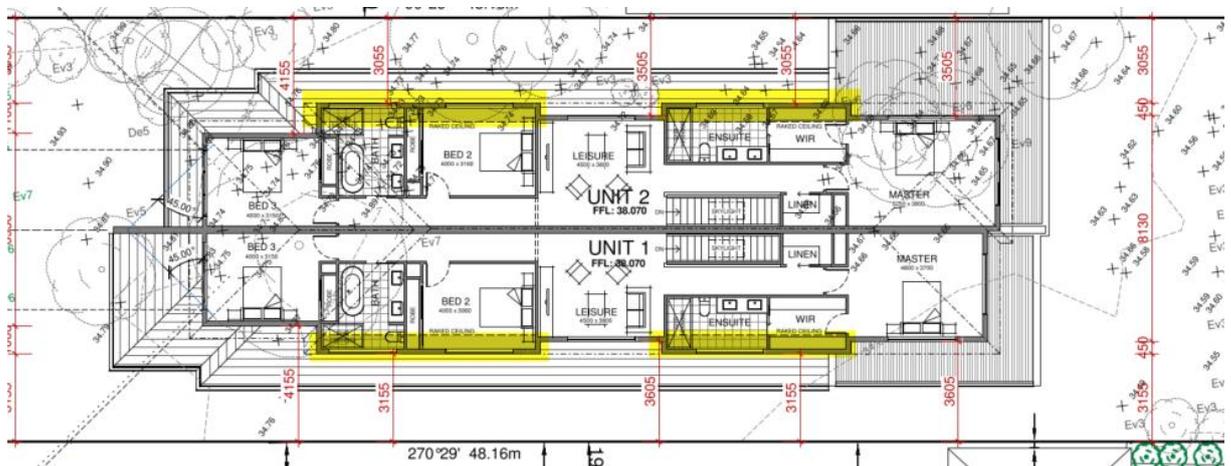


Figure 1: First floor plan detailing highlighted areas of non-compliance

Front Fences (Standard B32)

	Required	Proposed	Variation
Crawford Street	1.2m	<u>1.8m</u>	600 mm

The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

The development includes a 1.8m high front fence with cypress pine posts. The front fence, although high includes permeable sections, enhancing the openness and informality of the streetscape, maintaining views into the front garden landscaping.

Site Services (Standard B34)

The objective of the standard is to ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.

All appropriate site services can be easily catered for on-site. Mail boxes are shown within the front fences. A condition has been included requiring the location of the bins to be detailed on the plans.

6.3. Landscaping

The objectives of the VPO3 are to retain the amenity, aesthetic character and habitat value of native vegetation by preventing the loss of native (particularly indigenous) vegetation and promoting the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

The application plans show the removal of eight trees from the site including two trees protected by the VPO3. The table below identifies those trees protected by the VPO3, those protected by the Local Law and those which are not protected by any statutory mechanism.

VPO3 protected trees		Local Law protected trees		Trees not protected	
Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention
Tree 7, Tree 9				Trees 2 (x14), 3, 5, 6, 8, 12	Tree 1, Tree 4

From an arboriculture perspective, Council's arborist has reviewed the application and advises that Trees 2, 3, 5, 6, 8 and 12 are supported for removal as they can be removed as of right given there is no municipal or statutory mechanisms for their protection.

Trees 7 and 9 are protected by the VPO3. They are located in the rear setback of the site and are proposed for removal. Council's Arborist has confirmed that the removal of Tree 7 is supported due to a low useful life expectancy, low retention value and no amenity value, as this tree is a tree trunk with no foliage. Tree 9 has fair health and good structure with a life expectancy of 10-19 years, but a moderate retention and habitat value. Further detail of each tree is provided in **Attachment 5**.

An assessment against the decision guidelines of the VPO3 is provided at **Attachment 6**. The proposed extent of vegetation removal is considered to be acceptable when assessed against the decision guidelines of the VPO3. The character of the area, including the extent of indigenous vegetation present, will be maintained once replacement plantings are undertaken. The proposed vegetation removal will also not impact on the overall quality of habitat within the broader area and the extent of removal is justified when considered against the level of development proposed. Whilst Council's Arborists has advised that Tree 9 is in fair health and good structure with a medium life expectancy, the application also proposes substantial indigenous replanting.

In light of this, the resulting landscape outcome of the site would be more than adequate to ensure compliance with neighbourhood character, and it is not unreasonable that the removal of one tree is supported to allow for a more functional layout of this development. Therefore, the proposed vegetation removal is considered to comply with the objectives of the VPO3.

Additionally, a Tree Management Plan and Tree Protection Plan will also be required to ensure the protection of all trees retained on the subject site and adjoining sites during construction. These are included as recommended conditions.

In addition to the above assessment, Council's Arborist has reviewed the submitted landscape plan and advised that it is considered unsatisfactory. The landscape plan does not provide for at least 80% native vegetation. Conditions have been included within the recommendation requiring landscaping to be 80% native in species and in count. In accordance with conditions once endorsed, the landscape plan will therefore include the planting of 4 canopy trees within the subject site.

6.4. Street tree(s)

One street tree is located within the nature strip and is proposed for retention. Open Space Arborist advises that the tree is not affected by the design however they will need protection during demolition and construction. A condition requiring protection fencing has been included in the submitted recommendation.

6.5. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, a dwelling requires car parking to be provided at a rate of 1 car space per one or two bedroom dwellings and 2 car spaces per three or more bedroom dwellings.

Unit 1 and 2 both comprise of 4 bedrooms and are afforded 2 car parking spaces in the form of single garages and tandem outdoor car parking. The proposed on site car parking meets the requirements of Clause 52.06-5.

The application was assessed against the relevant traffic standards and requirements outlined in Clause 52.06 (Car Parking) of the Bayside Planning Scheme. The application provides adequate safe access in and out of the site. Conditions requiring an annotation that the fence within the sightline complies with Clause 52.06 and a condition requiring the single garage doors to be annotated to be at least 3m have been included to the recommendation.

Concerns have been raised in relation to the car parking arrangements, having a single garage and one tandem outdoor car parking, however as noted above, providing 2 car spaces on site complies with Clause 52.06.

6.6. Objector issues not already discussed

An objection has raised concerns that the development does not comply with the Design and Development Overlay Schedule 3 (DDO3). A permit is not required to construct a building or to construct or carry out works for a residential building of dwelling.

An objection has raised concerns that the site is not suitable for a side by side development. As noted within this report, the proposed dwellings comply with the objectives of ResCode and is therefore an acceptable addition to the street.

6.7. Cultural Heritage management plan

The site is located within an area of cultural heritage sensitivity, therefore an assessment as to whether the proposal is considered a high impact activity has been undertaken. Based on the Aboriginal heritage planning tool questionnaire, a cultural heritage management is not required.

6.8. Development contributions levy

The subject site is located within catchment area 30.

Based on the proposed application and the below recommendation, a payment of \$2,187 is required. The payment of the development contributions levy is included as a condition of permit.

Support Attachments

1. Application Plans and Arborist Report ↴
2. Site and Surrounds Imagery ↴
3. Neighbourhood Character Assessment ↴
4. ResCode - Clause 55 Assessment ↴
5. Tree Profile ↴
6. VPO3 Assessment ↴

PROPOSED DEVELOPMENT
13 CRAWFORD STREET
CHELTENHAM 3192

Bayside City Council
Planning and Amenity Committee
ADVERTISED PLAN
Planning Application No: 6/2020/1971
Date: April 2021



SHEET LIST

1	COVER PAGE
2	DESIGN RESPONSE PLAN
3	PROPOSED GROUND FLOOR PLAN
4	PROPOSED FIRST FLOOR PLAN
5	PROPOSED ELEVATIONS & STREETSCAPE
6	SHADOW PLAN 22-SEPT
7	GARDEN AREA PLAN

REVISIONS TABLE

REV	DATE	AMENDMENT
A	21/02/2020	PRELIMINARY CONCEPT
B	18/03/2020	AMEND DESIGN
C	18/03/2020	AMEND DESIGN
D	08/10/2020	AMEND DESIGN
E	11/11/2020	PLANNING REVIEW
F	21/12/2020	RFT CHANGES
G	17/02/2021	PLANNING REVIEW
H	17/02/2021	WALK AMENDMENT
I	26/02/2021	COLOURS AMENDMENT

COVER PAGE

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JOB#: 20036 ISSUE: PLANNING

DRAWN: CV CHECKED:

DATE: 28/02/2021 SHEET: 1 of 7

13 CRAWFORD STREET
CHELTENHAM 3192



SOUTH ELEVATION
Scale: 1:100

NORTH ELEVATION
Scale: 1:100

EAST ELEVATION
Scale: 1:100

WEST ELEVATION
Scale: 1:100

17 CRAWFORD STREET

15 CRAWFORD STREET
(UNDER CONSTRUCTION)

PROPOSED DEVELOPMENT
13 CRAWFORD STREET

11 CRAWFORD STREET

9 CRAWFORD STREET
STREETSCAPE ELEVATION
Scale: 1:100

PROPOSED ELEVATIONS & STREETSCAPE

COMPONENTS THESE ELEVATIONS ARE NOT TO BE INTERPRETED AS PART OF WHOLE WITHOUT EXPRESS PERMISSION OF DUAL OCC ADVISORS

SCALE: 1:100 REVISION: 1

JOB#: 20035 ISSUE: PLANNING

DRAWN: CV CHECKED: PLANNING

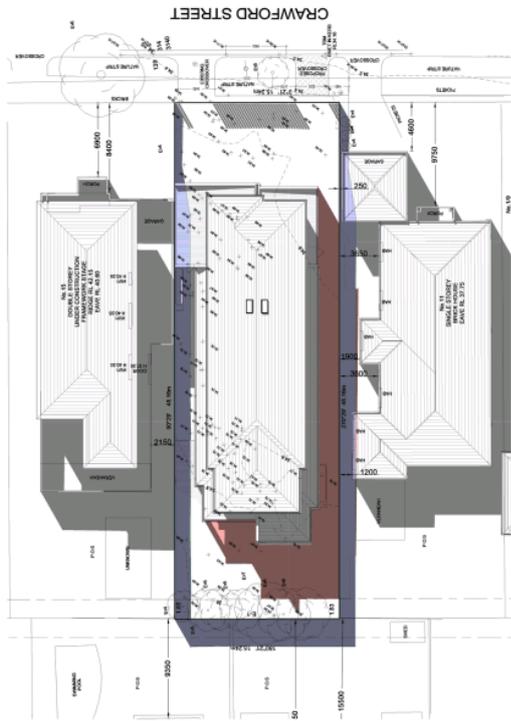
DATE: 28/02/2021 SHEET: 5 of 7

ADDRESS: [REDACTED]

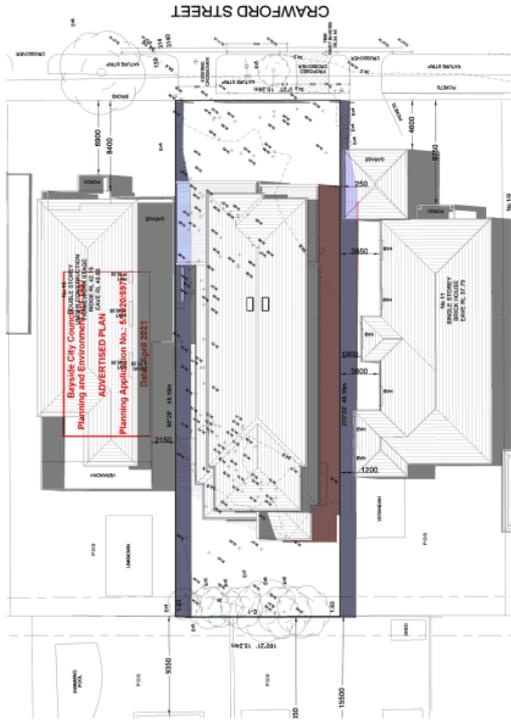
13 CRAWFORD STREET
CHELTENHAM 3192

MATERIALS & FINISHES SCHEDULE

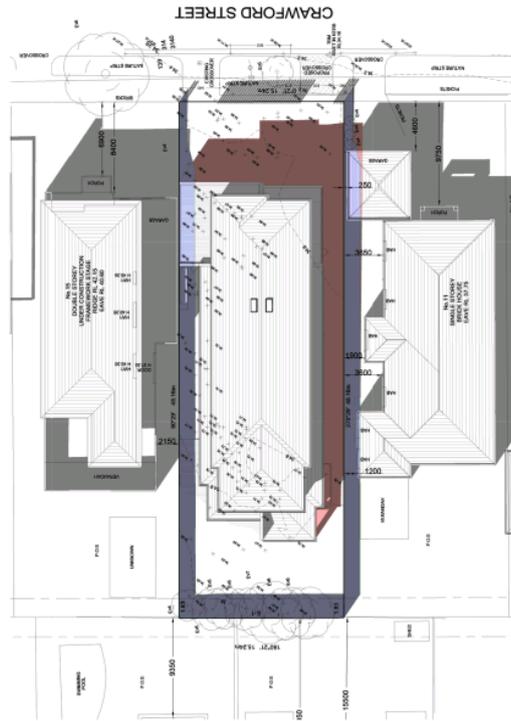
	Red tiles Ekena profile concrete Barramundi		Rendered cladding 1 Haymes Greyology 1		Window frames Aluminium Woodland Grey
	Face brick Rural Bricks Rusby		Rendered cladding 2 Haymes Rockslide		FRONT FENCE Aluminium Spallart
	Garage floor Western red cedar Oil coat natural		Driveway Aluminium COLOURED CONCRETE SEASIDE 1 (1:100) 2019/06		
	Feature cladding Western red cedar Oil coat natural				



9am SHADOW DIAGRAM



12pm SHADOW DIAGRAM



3pm SHADOW DIAGRAM

DENOTES
EXISTING
FENCE
SHADOW

DENOTES
PROPOSED
BUILDING
SHADOW

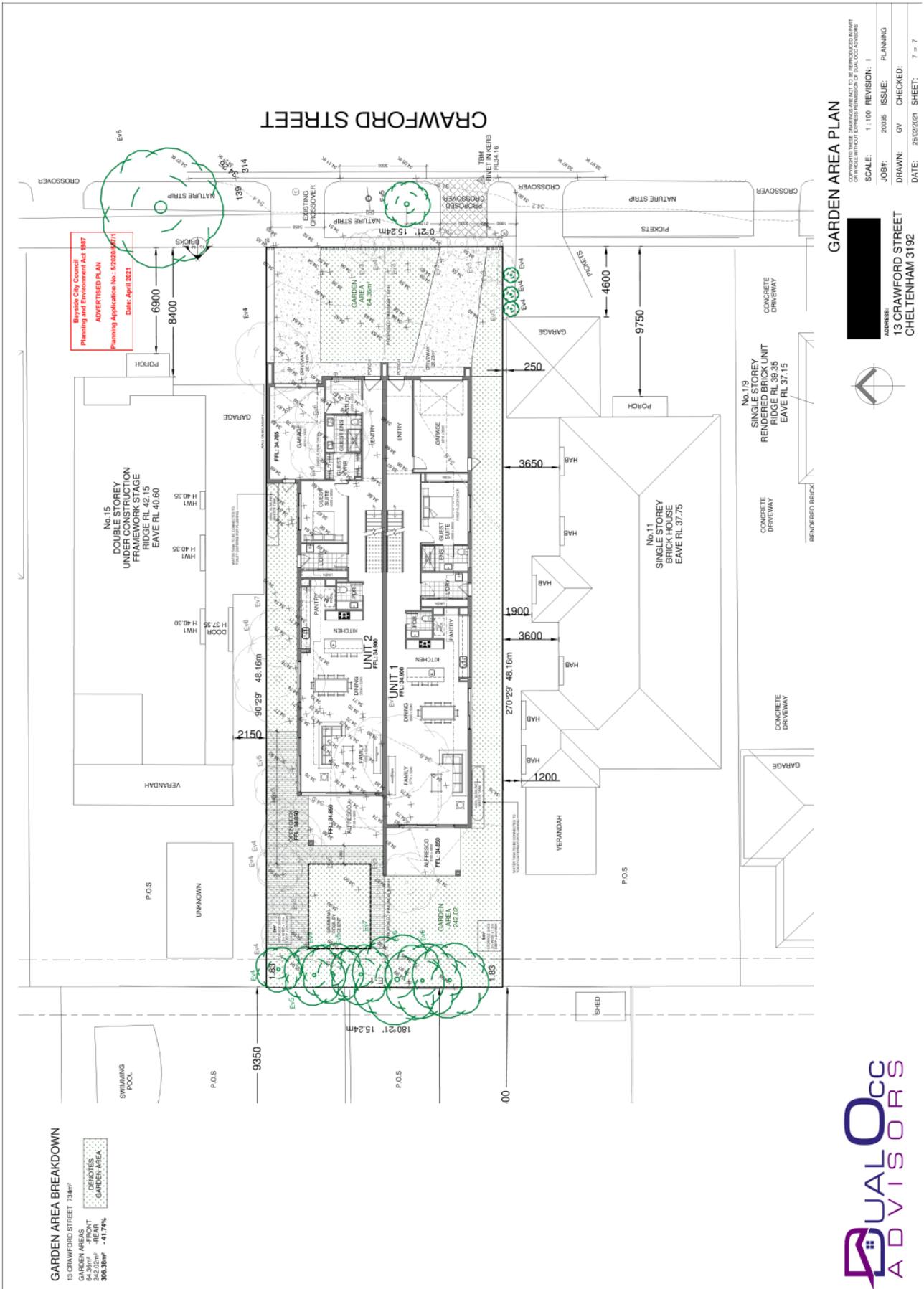


SHADOW PLAN 22-SEPT

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 JOB#: 20035 ISSUE: PLANNING
 DRAWN: GY CHECKED:
 DATE: 28/02/2021 SHEET: 6 of 7

13, CRAWFORD STREET
 CHELTENHAM 3192





Advertisement Plan
 Planning Application No. 2020/0097/1
 Date: April 2021

Advertisement Plan
 Planning Application No. 2020/0097/1
 Date: April 2021

LANDSCAPE CONSTRUCTION SPECIFICATIONS

GRASS SPECIFICATIONS: ...

SOIL PREPARATION: ...

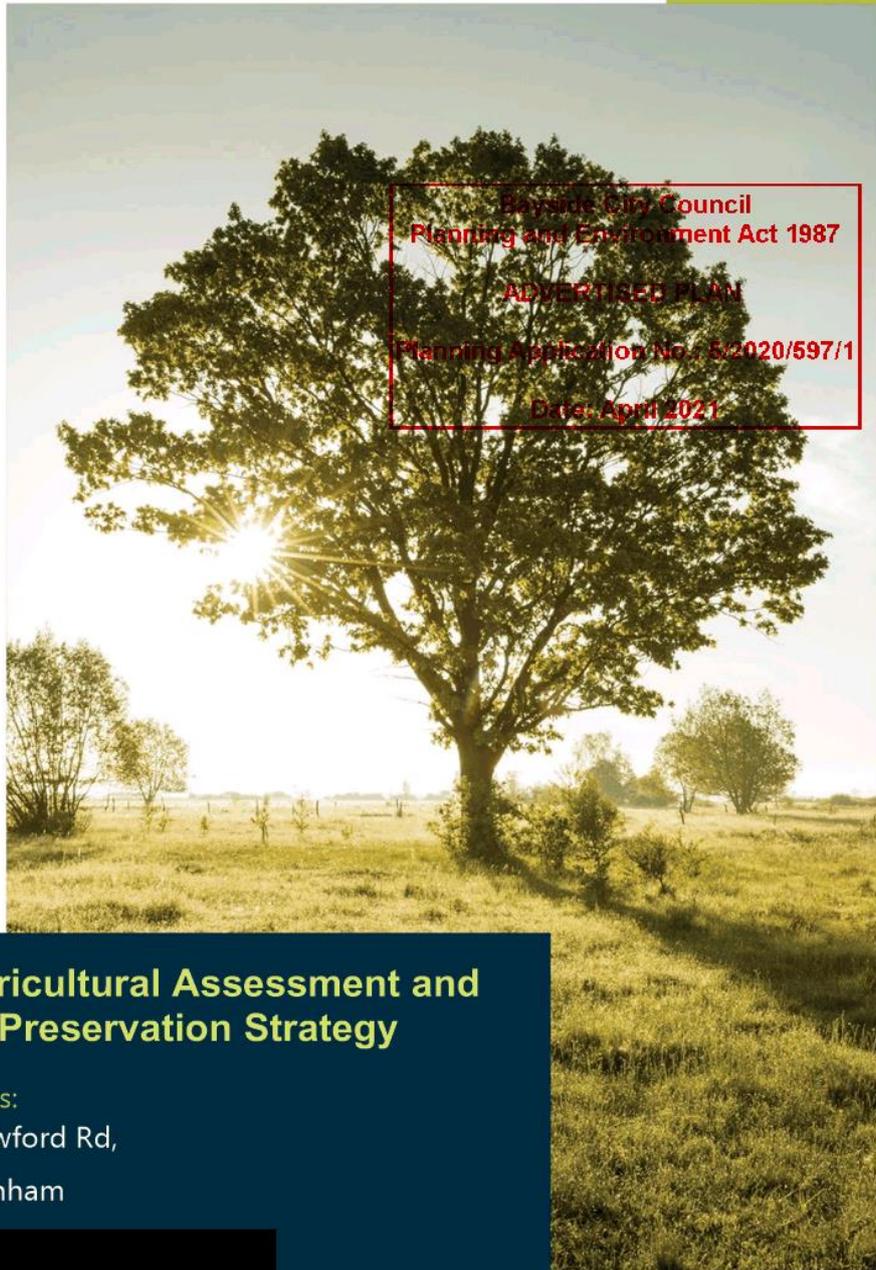
TREES & SHRUBS: ...

PLANTING SCHEDULE: ...

TREE & SHRUB PLANTING DETAIL: ...

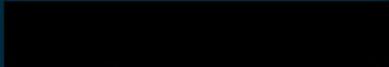
PLANTING SCHEDULE

ID	Common Name	Botanical Name	Height @ Maturity (m)	Width @ Maturity (m)	Per Stem Annual Growth (cm)
AP1	Maple	Acer rubrum 'Bonafé'	13.0m	0.5m	0
OTV1	Oliver Tree	Olivera Tree (Lagotis)	7.0m	2.0m	0
PTV2	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV3	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV4	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV5	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV6	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV7	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV8	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV9	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV10	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV11	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV12	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV13	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV14	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV15	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV16	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV17	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV18	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV19	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV20	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV21	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV22	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV23	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV24	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV25	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV26	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV27	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV28	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV29	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV30	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV31	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV32	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV33	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV34	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV35	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV36	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV37	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV38	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV39	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV40	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV41	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV42	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV43	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV44	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV45	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV46	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV47	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV48	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV49	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV50	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV51	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV52	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV53	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV54	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV55	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV56	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV57	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV58	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV59	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV60	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV61	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV62	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV63	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV64	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV65	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV66	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV67	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV68	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV69	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV70	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV71	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV72	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV73	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV74	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV75	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV76	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV77	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV78	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV79	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV80	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV81	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV82	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV83	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV84	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV85	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV86	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV87	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV88	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV89	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV90	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV91	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV92	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV93	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV94	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV95	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV96	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV97	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV98	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV99	Overseas Pear	Persea indica	8.0m	4.0m	0
OTV100	Overseas Pear	Persea indica	8.0m	4.0m	0



Arboricultural Assessment and Tree Preservation Strategy

Address:
13 Crawford Rd,
Cheltenham



Prepared By:
Mr Aaron Richardson (Dip. Arb)

Thursday 17th December, 2020





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Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN

Planning Application No.: 5/2020/597/1

Date: April 2021





INTRODUCTION

This report is undertaken at the request of [REDACTED]. The report contents should not be made available to any other parties, other than those affected, unless by the express permission of McLeod Trees Pty Ltd.

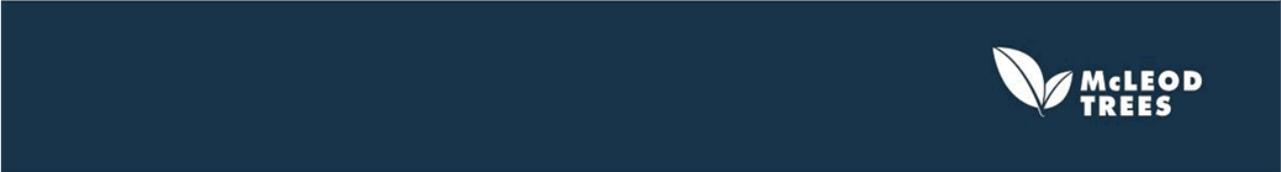
This report is an analysis of a number of trees, which are located within the subject site at 13 Crawford Road, Cheltenham within neighbouring properties and council. The trees assessment and resolution plan identifies the health, condition and worthiness of retention of the trees, with a view to comment on, and make recommendations as to, the future management of the same in regard to any proposed redevelopment of the site.

The report covers a number of aspects, but essentially provides comment on the impact of any vegetation on the potential for redevelopment of the site and provides guidelines and management techniques to address any potential issues.

The results and recommendations of this assessment are provided within Section 7 of this report. This final section outlines the guidelines and recommended management techniques required for addressing tree management on the site prior to the planning stage of the development.

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Planning and Environment Assessor
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Planning Application No.: 5/2020/597/1
Date: April 2021





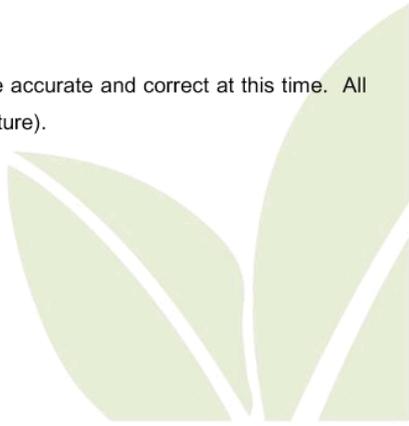
1. KEY OBJECTIVES

- 1.1. To inspect and assess the trees located within the subject site at 13 Crawford Road, Cheltenham within neighbouring properties and council owned nature strips or public open space area, which have potential to be affected by proposed redevelopment of the site.
- 1.2. To provide information on the species, dimensions, health, structure, condition, useful life expectancy (ULE) and worthiness of retention of the trees and identify any potential conflicts between trees and the proposed development.
- 1.3. To provide recommendations and management strategies to resolve any potential conflicts between trees and proposed development.

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: 5/2020/597/1
Date: April 2021

2. METHODOLOGY

- 2.1. A site inspection was undertaken on the 11th September, 2020. The nominated trees were inspected from the ground only and observations made of the growing environment and surrounding area. The trees were not climbed, and no samples of the trees or site soil were taken.
- 2.2. Observations were made of the trees to determine their health and condition, with measurements taken to establish canopy and trunk dimensions.
- 2.3. Tree Protection Zones were calculated using the Australian Standard – Protection of Trees on Development Sites (AS 4970 – 2009).
- 2.4. Each tree has been appointed an individual Tree Id. No. and marked accordingly on the attached site plan (Appendix 1).
- 2.5. The trees were classified with a Useful Life Expectancy and Retention Value based on structural integrity, condition and environmental and landscape character.
- 2.6. The data was recorded on the 11th September, 2020. All details were accurate and correct at this time. All data was collected on site by Mr Aaron Richardson (Diploma Arboriculture).





3. REPORT LIMITATIONS

- 3.1. The survey undertaken in the vicinity of the subject site trees was of a preliminary nature, with a visual inspection being made from ground level only. None of the subject trees were climbed and no samples (soil, fungal etc.) were taken for analysis. Tree defects, not apparent from the ground-based visual inspection, are expressly excluded from the scope of this report.
- 3.2. In collecting the data, measurements such as Trunk Diameter (DBH) were obtained using a specialist diameter measuring tape, designed for the purpose, or estimated due to no access. Tree heights and canopy spread were estimated using the assessors' experience, education and knowledge. Tree Protection Zone calculations were made using the formula as per Australian Standard 4970 – 2009.
- 3.3. The report is limited, as per the brief, to offer recommendations in regard to tree retention and management strategies and associated recommended arboricultural works. Any works recommended, or further investigation, are not included as part of the scope of this report.

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Planning Application No.: 5/2020/597/1
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4. SUPPLEMENTARY INFORMATION

- 4.1. The following information was used in the preparation of this report:
- Australian Standard – Protection of Trees on Development Sites (AS 4970 – 2009)
 - Masterpiece – Proposed Ground Floor Plan – 11/11/2020
 - Bayside City Council Planning Scheme
 - Bayside Planning Scheme – Schedule 3 to the Vegetation Protection Overlay

5. OBSERVATIONS

- 5.1. The property is located within Bayside City Council, where it is classified as a Neighbourhood Residential Zone, Schedule 3 (NRZ3). The property is located within a Vegetation Protection Overlay, Schedule 3 (VPO3), a state planning overlay which requires a planning permit to remove any vegetation native to Australia this does not apply to a tree less than 2.0m high or has a single trunk circumference of less than 0.5 metre at a height of 1.0 meter above ground level.
- 5.2. There is one (1) council owned street tree that will require protection throughout the development process.
- 5.3. There are eight (8) trees or tree groups, located within the property boundaries which will require assessment and further discussion regarding the proposed redevelopment.
- 5.4. There are three (3) trees or tree groups located within the adjoining properties, that will require protection throughout the development process.
- 5.5. There are a number of smaller trees and shrubs within the subject site which are considered insignificant by way of size, species selection or retention value and are recommended for removal prior to development of the site. These smaller trees can be removed at any time without further permission.



6. DISCUSSION

6.1 Retention Values

A trees worthiness of retention is based upon a number of criteria, taking into consideration such factors as health, condition and structure, as well as age, species, location and other factors which may affect the long-term tenure of the tree. The retention value does not take into consideration the future use of the land, rather that of the current situation and conditions, whereas worthiness of retention considers the trees tenure in the future use of the landscape.

Trees designated as high retention value are those of good health, size, significance and semi-mature trees with potential for good growth and development within the completed landscape.

Trees designated as moderate retention value are those of fair health and structure which are considered to have potential within the future landscape, provided they do not impact upon the necessary development works. If these trees can be retained with minimal changes, they should be. However, they are not considered valuable enough to necessitate changes and adaptations to any development plans. By default, all trees on adjoining properties are classified with a moderate retention value, regardless of health or structural condition.

Low retention values have been attributed to trees within the subject site that are either displaying poor health and/or structural integrity, are of inappropriate species selection, are inappropriate for the site or have reached their useful life expectancy.

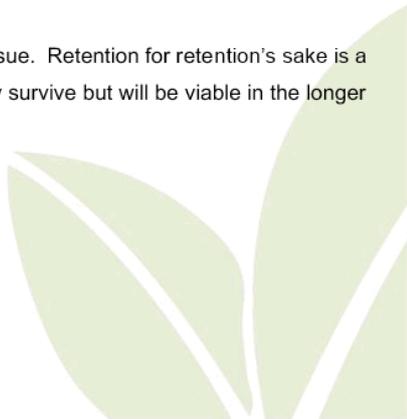
6.2 Tree Retention

The existing trees on the site could be considered an opportunity or a constraint within the context of future management of the property; however, this would depend on many factors. The condition of the trees, the types of trees present and their location on the site are a few of the issues that may be considered when assessing which trees should be retained.

The possible retention and management of trees in the landscape relies on more substantial criteria than simply perceived visual benefits, although this is certainly considered. Issues such as tree health, structure and stability are fundamental and primary considerations in the process of identifying trees that could be potentially retained in the long term. These attributes are assessed using risk management concepts as a platform and they assist with determining the retention value of individual trees.

Importantly, tree removal should not always be considered a negative issue. Retention for retention's sake is a pointless activity if there is not a high possibility that the tree will not only survive but will be viable in the longer term (Hitchmough, 1994).

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6.3 Tree Protection Zones

The Tree Protection Zone (TPZ) measurements provided are based on the Australian Standard for Protection of Trees on Development Sites (AS 4970 – 2009). These calculations are based on the formula of 12 times the Trunk Diameter (DBH).

Where it is deemed necessary that the development encroach upon the calculated Tree Protection Zone measurements of any tree to be retained, the Australian Standard allows for a 10% encroachment on one side of the TPZ, provided allowances are made to the remaining area and the Structural Root Zone (SRZ) is not compromised.

If during the preliminary design period it is determined that the area will require encroachment within the TPZ of greater than 10%, then exploratory root excavation may need to be undertaken in accordance with specifications as outlined in the Australian Standard.

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6.4 Exploratory Root Excavation

Where it is proposed that development or excavation occur within the TPZ, exploratory root excavation may be required to be undertaken prior to the final design of any proposed works.

Wherever possible, any exploratory root excavation recommended must be undertaken in the form of hydro-excavation, or air spade technology which is able to remove the soil and leave an undamaged, skeletonised root system which can then be inspected by an arborist and root data collated accordingly.

By undertaking such exploration, the exact extent of roots within the area can be determined and installation methods and future design plans can be amended if necessary, utilising the knowledge of exact root development and locations. At which time an exact Structural Root Zone measurement can be calculated, and Root Location Graph be compiled to assist in design methods.

6.5 Overview of Site

All trees of value or significance within the site or on adjacent properties that warrant further discussion in terms of retention and protection recommendations have been assessed and are addressed within this report.





7. CONCLUSION AND RECOMMENDATIONS

7.1 Tree 1

- This council owned street tree is located within the Crawford Street road reserve directly to the East of the subject site, approximately 6.2m from the Southern boundary and has a combined bifurcated DBH of 220mm and a basal diameter of 250mm, resulting in a TPZ of 2.6m and an SRZ of 1.8m, subsequently there is no TPZ encroachment into the subject site.
- This mature native tree represents a multi stemmed specimen with unfavourable acute unions and a dead Northern stem resulting in a tree in fair health, with a fair structure and in fair condition overall.
- This tree has a moderate retention value and a moderate site significance.
- No development works are proposed within the TPZ of this tree.
- This tree will require the implementation of tree protection measures for the duration of the proposed development process.
- Any underground services should be re-routed or diverted around the TPZ, to avoid conflict with this trees root system. If this is unavoidable, non-destructive techniques such as directional boring at a minimum depth of 800mm or hydro-excavation should be considered under Arboricultural supervision.
- Therefore, providing tree protection measures as per Appendix 4 and AS 4970 - 2009 are implemented throughout the development process, this tree is unlikely to be directly impacted by the proposed development.

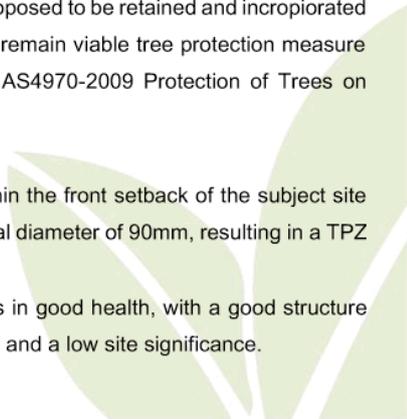
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7.2 Tree 2

- This tree group represents eighteen (18) individual specimens and are located throughout the subject site along respective boundaries, DBH of 70mm and a basal diameter of 110mm, resulting in a TPZ of 2.0m and an SRZ of 1.5m.
- These mature exotic screen trees represent unmanaged specimens in fair health, with a fair structure and in fair overall condition. These trees have a low retention value and a moderate site significance.
- These trees are insignificant ornamentals that are not worthy of retention and can be removed at any time without permission to allow for an unhindered development process and ability to develop a uniform landscape plan upon completion of the project.
- The row of seven (7) trees located along the Western boundary are proposed to be retained and incorporated into the landscape plan as a privacy screen. To ensure these trees remain viable tree protection measure must be implemented throughout the development process as per AS4970-2009 Protection of Trees on Development Sites and Appendix 4.

7.3 Tree 3

- This tree group represents two (2) individual specimens located within the front setback of the subject site 400mm from the Southern boundary, with a DBH of 90mm and a basal diameter of 90mm, resulting in a TPZ of 2.0m and an SRZ of 1.5m.
- These juvenile exotic screen trees represent unmanaged specimens in good health, with a good structure and in good overall condition. These trees have a low retention value and a low site significance.





- These trees are insignificant screen trees that are not worthy of retention and can be removed at any time without permission to allow for an unhindered development process and ability to develop a uniform landscape plan upon completion of the project.

7.4 Tree 4

- This tree group represents three (3) individual specimens located within the adjacent property to the South, approximately 400mm from the boundary and have an average DBH of approximately 50mm and a basal diameter of approximately 70mm, resulting in a TPZ of 2.0m and an SRZ of 1.5m, subsequently there is a TPZ encroachment into the subject site of 1.6m.
- These semi-mature exotic ornamental specimens are typical representations of the species in fair health, with a good structure and in fair overall condition.
- These trees have a moderate retention value with a low site significance.
- The future proposed driveway and associated excavation results in a major TPZ encroachment with an encroachment of the SRZ.
- Due to the existing vegetation within the subject site occupying these trees TPZ's, it is unlikely that any further excavation that occurs when preparing the driveway footprint will result in any significant root loss that may cause detrimental impact to these trees.
- The remainder of their TPZ within the subject site, should be designated for soft form landscaping only, with minimal compaction and/or grade change.
- Any underground services should be re-routed or diverted around the TPZ, to avoid conflict with these trees root systems. If this is unavoidable, non-destructive techniques such as directional boring at a minimum depth of 800mm or hydro-excavation should be considered under Arboricultural supervision.
- Therefore, providing tree protection measures as per Appendix 4 and AS 4970 - 2009 are implemented throughout the development process, these trees are unlikely to be directly impacted by the proposed development.

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7.5 Tree 5

- This mature tree is located centrally within the front setback of the subject site, adjacent to the Eastern boundary and has a combined multi-stemmed DBH of 170mm and a basal diameter of 280mm, resulting in a TPZ of 2.0m and an SRZ of 1.9m.
- This exotic tree represents a feature tree in a prominent location and is in good health, with a good structure and in good overall condition.
- This tree is directly impacted by the proposed location of the building footprint and will subsequently require removal for the development to proceed as proposed.
- This tree can be removed without further permission.

7.6 Tree 6

- This tree is located within the rear of the subject site, 600mm from the Northern boundary and has a DBH of 350mm and a basal diameter of 455mm, resulting in a TPZ of 4.2m and an SRZ of 2.4m.
- This exotic fruit tree is unmanaged and represents a multi stemmed specimen in fair health, with a fair structure and in fair condition overall.



- This tree has a moderate retention value and a moderate site significance.
- The proposed building footprint results in a major TPZ encroachment with an encroachment of the SRZ.
- This tree will therefore require removal for the development to proceed as proposed.
- This tree can be removed without further permission.

7.7 Tree 7

- This dead tree trunk is located within the rear of the subject site, 1200mm from the Northern boundary and has a basal diameter of 720mm, resulting in a SRZ of 2.9m.
- This native tree trunk is recommended to be removed, regardless of the proposed development.
- **This tree triggers Bayside Council local law, therefore permission is required for its removal.**

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7.8 Tree 8

- This mature tree is located within the rear of the subject site, 800mm from the Northern boundary adjacent and has a combined multi-stemmed DBH of 420mm and a basal diameter of 440mm, resulting in a TPZ of 5.0m and an SRZ of 2.3m.
- This exotic fruit tree represents a declining/dead specimen with no moisture observed on the cambium layer resulting in a tree in poor health, with a fair structure and in poor overall condition.
- This tree has a low retention value and a moderate site significance.
- Although this tree is not impacted by the proposed development, it is recommended to be removed due to its irreversible decline in health.
- This tree can be removed without further permission.

7.9 Tree 9

- This tree is located within the rear of the subject site, 6.6m from the Southern boundary and has a DBH of 190mm and a basal diameter of 220mm, resulting in a TPZ of 2.3m and an SRZ of 1.8m.
- This native specimen is a widely recognised weed species and is in good health, with a good structure and in good condition overall.
- This tree has a low retention value and a moderate site significance.
- The proposed building footprint directly impacts this trees location and will therefore require removal for the development to proceed as proposed.
- This tree can be removed without further permission.

7.10 Tree 10

- This tree is located within the adjacent property to the West, approximately 1.4m from the boundary and has a DBH of approximately 110mm and a basal diameter of approximately 140mm, resulting in a TPZ of 2.0m and an SRZ of 1.5m, subsequently there is a TPZ encroachment into the subject site of 600mm.
- This mature exotic species represents a citrus tree in fair health, with a fair structure and in fair overall condition.
- This tree has a moderate retention value and a low site significance.
- No development works are proposed within the TPZ of this tree.



- This tree will require the implementation of tree protection measures for the duration of the proposed development process.
- The remainder of the TPZ within the subject site, should be designated for soft form landscaping only, with minimal compaction and/or grade change.
- Any underground services should be re-routed or diverted around the TPZ, to avoid conflict with this trees root system. If this is unavoidable, non-destructive techniques such as directional boring at a minimum depth of 800mm or hydro-excavation should be considered under Arboricultural supervision.
- Therefore, providing tree protection measures as per Appendix 4 and AS 4970 - 2009 are implemented throughout the development process, this tree is unlikely to be directly impacted by the proposed development.

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7.11 Tree 11

- This represents a group of three (3) recently planted screen trees located within the adjacent property to the West, approximately 900mm from the boundary and has a DBH of approximately 80mm and a basal diameter of approximately 100mm, resulting in a TPZ of 2.0m and an SRZ of 1.5m, subsequently there is a TPZ encroachment into the subject site of 1.1m.
- These mature native species represent juvenile screen trees in good health, with a fair structure and in fair overall condition.
- These trees have a moderate retention value and a low site significance.
- No development works are proposed within the TPZ of these trees.
- These trees will require the implementation of tree protection measures for the duration of the proposed development process.
- The remainder of the TPZ within the subject site, should be designated for soft form landscaping only, with minimal compaction and/or grade change.
- Any underground services should be re-routed or diverted around the TPZ, to avoid conflict with this trees root system. If this is unavoidable, non-destructive techniques such as directional boring at a minimum depth of 800mm or hydro-excavation should be considered under Arboricultural supervision.
- Therefore, providing tree protection measures as per Appendix 4 and AS 4970 - 2009 are implemented throughout the development process, this tree is unlikely to be directly impacted by the proposed development.

7.12 Tree 12

- This mature tree is located within the rear of the subject site, 500mm from the Western boundary and has a combined multi-stemmed DBH of 190mm and a basal diameter of 290mm, resulting in a TPZ of 2.3m and an SRZ of 2.0m.
- This exotic species represents a weed that has likely self-sown in this location with no moisture observed on the cambium layer resulting in a tree in poor health, with a fair structure and in poor overall condition.
- This tree has a low retention value and a moderate site significance.
- Although this tree is not impacted by the proposed development, it is recommended to be removed as it is an inappropriate species not worthy of retention and can be removed at any time without permission.



7.13 Overview

There are no other trees or vegetation of significance within the site or adjoining properties which will affect redevelopment of the site.

All vegetation in the front and rear yard not discussed within this report represent small ornamental trees or shrubs and are recommended to be removed to allow the opportunity to develop a uniform landscape plan upon project completion.

Tree 1 – Is a council owned street tree located within the Crawford Street road reserve. This tree **MUST** be protected throughout the development process including all tree protection measures as per AS 4970 – 2009 and Appendix 4.

Trees 4, 10, 11 and 12 – Are trees and tree group located within the adjacent properties, not directly impacted by the proposed development. These trees **MUST** be protected throughout the development process including all tree protection measures as per AS 4970 – 2009 and Appendix 4.

Trees 3, 5, 6 and 9 – Are located within the subject site and are directly impacted by the proposed development, subsequently the removal of these trees is required for the development to proceed as proposed. These tree can be removed without further permission.

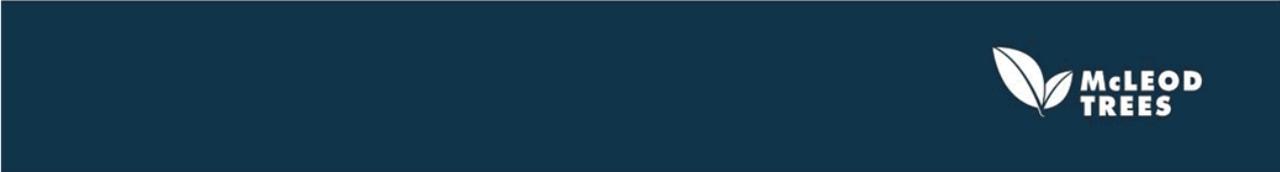
Tree 7 – Represents a large dead *Corymbia sp.* trunk located within the subject site and is directly impacted by the proposed development. The removal of this tree is required for the development to proceed as proposed.

This tree triggers Bayside Council Local Law therefore, permission is required for removal.

Trees 2 and 8 – Are located within the subject site not directly impacted by the proposed development. The row of Tree group 2, located along the Western boundary is proposed to be retained as a privacy screen and subsequently should be protected as per AS 4970 – 2009 Protection of trees on development sites and Appendix 4. With regard to the remaining group of Tree 2 and Tree 8, these trees are recommended to be removed as they are not worthy of retention or incorporation into the final proposed landscape design. These trees can be removed at any time without permission.

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8. REFERENCES

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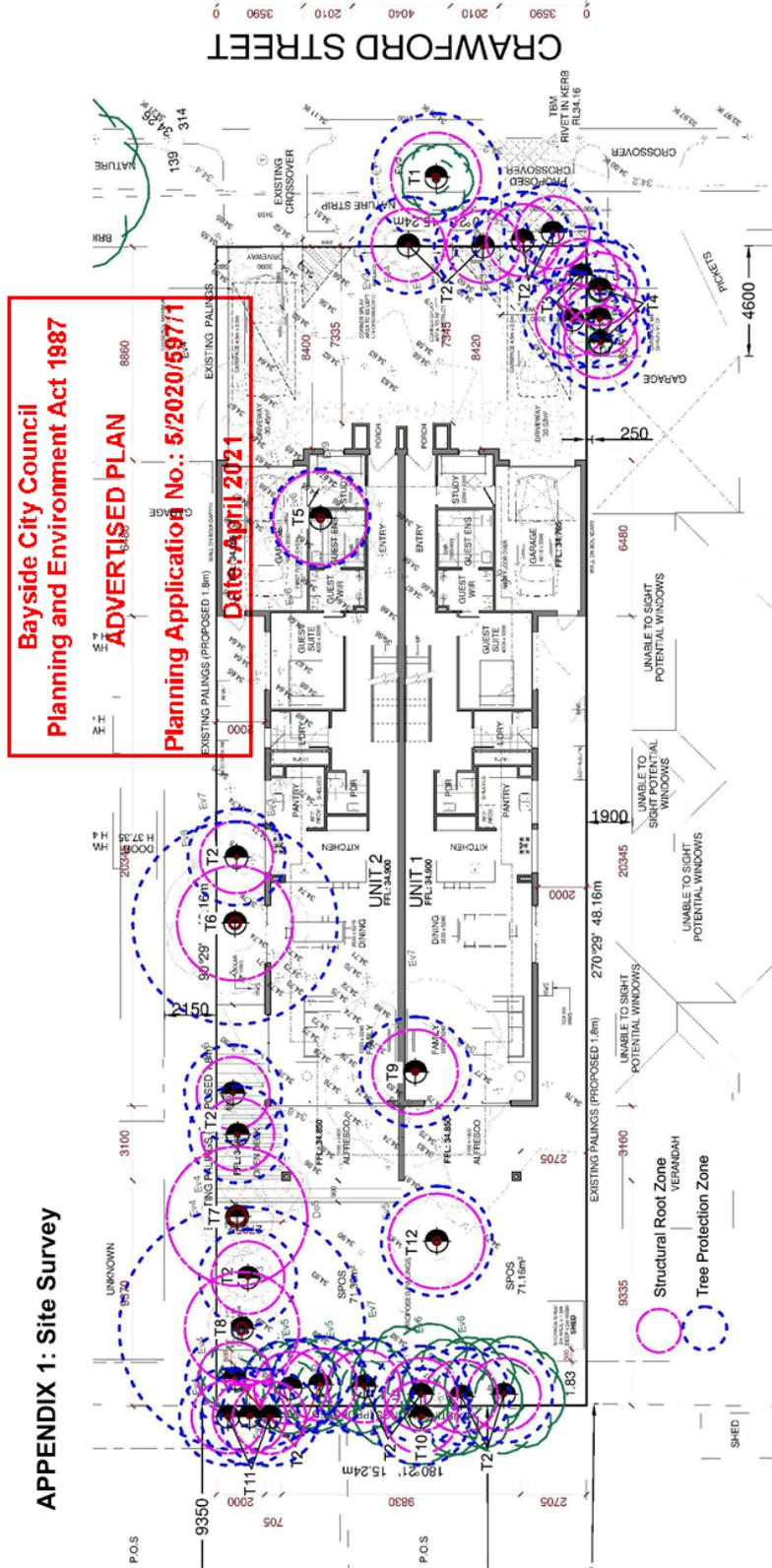
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APPENDIX 1: Site Survey



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APPENDIX 2: Tree Data Details

Tree No (T)	Botanical Name	Common Name	Origin	D.B.H (mm)	Basal (mm)	T.P.Z (m)	S.R.Z (m)	Height (m)	Spread (m)	Health	Structure	Condition	U.E. (years)	Retention Value	Site Significance	Permit Req	Observations	Recommendations
1	<i>Callistemon salignus</i>	Bottlebrush	Native	220	250	2.6	1.8	6.0	4.0	Fair	Fair	Fair	5-20	Moderate	Moderate	Yes	Council tree, multiple stemmed form of spreading stems, on favourable acute unions throughout. Northern most stem is dead, epicormic growth at union of declining stem.	Retain - Implement tree protection measures.
2	<i>Pittosporum eugenioides</i>	Variegated Pittosporum	Exotic	70	110	2.0	1.5	3.0	2.0	Fair	Fair	Fair	5-20	Low	Moderate	No	Row of 4 screen trees at front and 1 on Northern boundary.	Remove - Permission not required.
3	<i>Pittosporum tenuifolium</i>	James Stirling Pittosporum	Exotic	90	90	2.0	1.5	2.0	1.0	Good	Good	Good	>20	Low	Low	No	Juvenile screen trees.	Remove - Permission not required.
4	<i>Cupressus sempervirens</i>	Pencil Pine	Exotic	50	70	2.0	1.5	4.0	1.0	Fair	Good	Fair	5-20	Moderate	Low	No	Neighbours ornamentals. Rubbing on service wires foliage appears scrappy and stunted. TREE 3 potentially limited root development into subject site.	Retain - Implement tree protection measures.
5	<i>Betula sp.</i>	Cut Leaf Birch	Exotic	170	280	2.0	1.9	7.0	6.0	Good	Good	Good	5-20	Moderate	Moderate	No	Attractive stand of ornamental feature trees, upright form which could be improved.	Remove - Permission not required.
6	<i>Pyrus communis</i>	Common Pear	Exotic	350	455	4.2	2.4	8.0	7.0	Fair	Fair	Fair	5-20	Moderate	Moderate	No	Unmanaged fruit tree, dense internal branches, many rubbing and crossing, some poor pruning.	Remove - Permission not required.
7	<i>Corymbia sp.</i>	Blood Wood	Native	N/A	720	N/A	2.9	5.0	0.0	Dead	Fair	Poor	Dead	Low	Low	No	Large dead trunk only.	Remove - Permission from relevant authority required.

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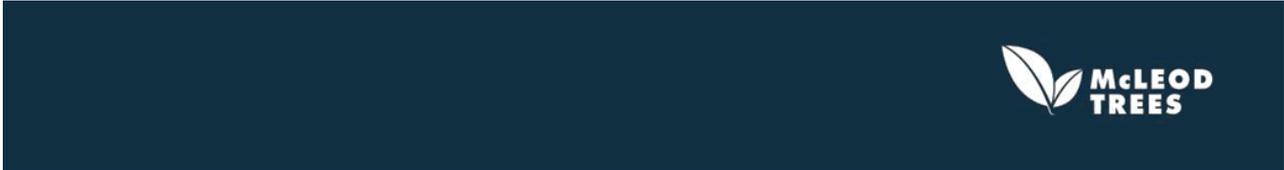
Tree No (T)	Botanical Name	Common Name	Origin	D.B.H (mm)	Basal (mm)	T.P.Z (m)	S.R.Z (m)	Height (m)	Spread (m)	Health	Structure	Condition	U.L.E. (years)	Retention (years)	Site Significance	Permit Req	Observations	Recommendations
8	<i>Pyrus communis</i>	Common Pear	Exotic	420	440	5.0	2.3	8.0	5.0	Poor	Fair	Poor	<5	Low	Moderate	Yes	Appears dead or in irreversible decline, dry splitting cambium, scratch cannot find moisture or green. Multi stemmed tree. Reference measurements - requires permit can remove dead? eastern item to bring under permit size... basal estimated as hard against fence.	Remove - Permission from relevant authority required.
9	<i>Pittosporum undulatum</i>	Sweet Pittosporum	Native	190	220	2.3	1.8	5.5	6.0	Good	Good	Good	<5	Low	Moderate	No	Weed species, typical appearance .	Remove - Permission not required.
10	<i>Citrus limon</i>	Lemon	Exotic	110	140	2.0	1.5	4.0	4.0	Fair	Fair	Fair	5-20	Moderate	Low	No	Neighbours fruit tree, protection behind screen of trees.	Retain - Implement tree protection measures.
11	<i>Waterhousea floribunda</i>	Weeping Lilly Pilly	Native	80	100	2.0	1.5	2.0	2.0	Good	Fair	Fair	>20	Moderate	Low	No	Neighbours row of recently planted screen trees.	Retain - Implement tree protection measures.
12	<i>Ligustrum lucidum</i>	Glossy Privet	Native	190	290	2.3	2.0	5.0	4.0	Good	Fair	Fair	<5	Low	Moderate	No	Weed species, previously lopped and regenerated a canopy of established epicormic growth.	Remove - Permission not required.

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APPENDIX 3: Definition of Terms

The following is a definition of terms used for arboricultural assessments.

Tree # - Identification number provided and tagged for individual trees.

Genus/Species - Botanical name of tree to Genus and species level.

Common Name - Common name of tree.

Diameter at Breast Height (DBH) - DBH is measured at 1400mm above ground level. In cases where the tree has multiple stems, the measurement is taken at the narrowest point below the stems, or ground level on multi-sprayed specimens.

Height - Average height in metres measured from ground only using specialised equipment where possible or estimated from ground level.

Canopy Spread - The average distance in meters of the spread of the canopy. For simplification, the distance measured North – South and East - West is averaged out to provide an overall canopy spread measurement.

Health - Health pertains to the tree vigour, performance and ability to withstand pathogenic entry. Health is measured as a rating of Good, Fair to Poor.

Structure - Pertains to the physical structure of the tree, including the main scaffold branches and roots. Structure includes those attributes that may influence the probability of major trunk, root or limb failure. Structure is measured as a rating of Good, Fair to Poor

Condition - Condition is a combination of health and structure and provides an overall rating for each tree. As such a tree with a good health rating and a poor structure rating would be classified with a rating of Fair. Condition is measured as a rating of Good, Fair to Poor.

Retention Value - Retention Value of a tree pertains to the worthiness for retention. Based on a combination of factors, including species, location, condition, and future growth potential. The retention value is classified as a rating of High, Moderate and Low.

Useful Life Expectancy (ULE) - ULE quantifies the span of time the tree might reasonably be expected to provide useful amenity value, with an acceptable level of safety with acceptable standards of maintenance.

ULE classifications are measured over the following time spans.

- 0
- < 5 years
- 5 – 20 years
- > 20 years

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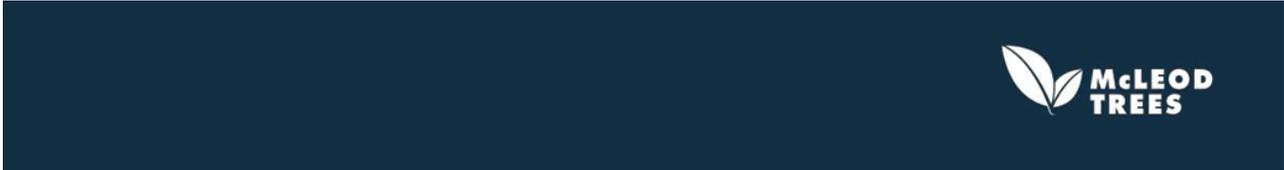
Tree Protection Zone (TPZ) - The Tree Protection Zone is a specified area above and below ground and at a given distance from the trunk set aside for the protection of the trees' roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

The TPZ is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable.

The TPZ is calculated using the formula as outlined in the Australian Standard (AS 4970 – 2009).

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APPENDIX 4: Tree Protection Guidelines

1. General

- 1.1. Tree Protection measures include a range of activities and structures. Structures are used to identify and isolate the Tree Protection Zone (TPZ) (refer to section 3).
- 1.2. The TPZ is a restricted area usually delineated by protective fencing for use of an existing structure such as an existing fence or wall). It is installed prior to site establishment and remain intact until completion of the works.
- 1.3. Some works and activities within the TPZ may be authorized by the determining authority. These must be supervised by the project arborist. Any additional work that becomes necessary as the site works progress must be reviewed by the project arborist and be acceptable to the determining authority before being carried out.

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2. Activities restricted within the TPZ

- Activities generally excluded from the TPZ include but are not limited to:
- machine excavation including trenching;
- excavation for fencing;
- cultivation;
- storage;
- preparation of chemicals, including preparation of cement products;
- parking of vehicles and plant;
- refuelling;
- dumping of waste;
- wash down and cleaning of equipment;
- placement of fill;
- lighting of fires;
- soil level changes;
- temporary or permanent installation of utilities and signs, and
- physical damage to the tree.

3. Protective fencing

- 3.1. Fencing should be erected before any machinery or materials are brought onto the site and before the commencement of works, including demolition. Once erected, protective fencing must not be removed or altered without approval by the project arborist. The TPZ should be secured to restrict access.
- 3.2. AS 4687 specifies applicable fencing requirements. Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area.
- 3.3. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots.
- 3.4. Existing perimeter fencing and other structures may be suitable as part of the protective fencing.



4. Signs

4.1. Signs identifying the TPZ should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should comply with AS 1319. A warning sign shall prominently be displayed on each fence. The sign shall be a minimum of 300mm X 200mm and clearly state: **“WARNING – Tree Protection Zone – This fence must not be removed without authorisation or consent”**.

5. Other Tree Protection Measures

5.1. General:

When tree protection fencing cannot be installed or requires temporary removal, other tree protection measures should be used, including those set out below.

5.2. Trunk and branch protection:

Where necessary, install protection to the trunk and branches of trees as required. The materials and positioning of protection are to be specified by the project arborist.

Do not attach temporary power lines, stays, guys etc. to the tree. Do not drive nails into the trunks or branches.

5.3. Ground protection:

If temporary access for machinery is required within the TPZ ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Measures may include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards.

These measures may be applied to root zones beyond the TPZ.

5.4. Root protection during works within the TPZ

Some approved works within the TPZ, such as regrading, installation of piers or landscaping may have the potential to damage roots.

If the grade is to be raised the material should be coarser or more porous than the underlying material. Depth and compaction should be minimized.

Manual excavation should be carried out under the supervision of the project arborist to identify roots critical to tree stability. Relocation or redesign of works may be required.

Where the project arborist identifies roots to be pruned within or at the outer edge of the TPZ, they should be pruned with a final cut to undamaged wood. Pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds should not be treated with dressings or paints. It is not acceptable for roots within the TPZ to be ‘pruned’ with machinery such as backhoes or excavators.

Where roots within the TPZ are exposed by excavation, temporary root protection should be installed to prevent them drying out. This may include jute mesh or hessian sheeting as multiple layers over exposed roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.

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Other excavation works in proximity to trees, including landscape works such as paving, irrigation, and planting can adversely affect root systems. Seek advice from the project arborist.

5.5. Installing underground services within the TPZ

All services should be routed outside the TPZ. If underground services must be routed within the TPZ, they should be installed by directional drilling or in manually excavated trenches.

The directional drilling bore should be at least 800mm deep. The project arborist should assess the likely impacts of boring and bore pits on retained trees.

For manual excavation of trenches the project arborist should advise on roots to be retained and should monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools.

5.6. Scaffolding

Where scaffolding is required it should be erected outside the TPZ. Where it is essential for scaffolding to be erected within the TPZ, branch removal should be minimized. This can be achieved by designing scaffolding to avoid branches or tying back branches. Where pruning is unavoidable it must be specified by the project arborist in accordance with AS 4373.

NOTE: Pruning works may require approval by determining authority.

Ground below the scaffolding should be protected by boarding (e.g. scaffold board or plywood sheeting). Where access is required, a board walk, or other surface material should be installed to minimize soil compaction. Boarding should be placed over a layer of mulch and impervious sheeting to prevent soil contamination. The boarding should be left in place until the scaffolding is removed.

5.7. Maintaining the TPZ

o **Mulching**

The area within the TPZ should be mulched. The mulch must be maintained to a depth of 50 - 100 mm using material that complies with AS 4454. Where the existing landscape within the TPZ is to remain unaltered (e.g. garden beds or turf) mulch may not be required.

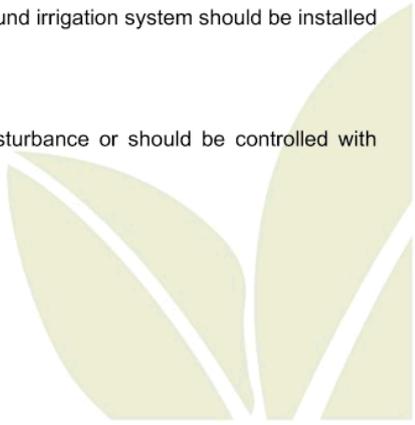
o **Watering**

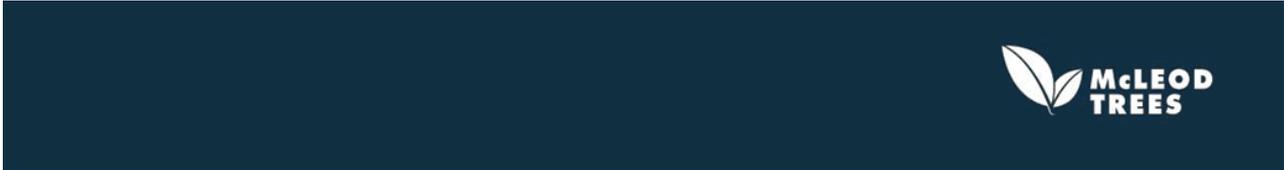
Soil moisture levels should be regularly monitored by the project arborist. Temporary irrigation or watering may be required within the TPZ. An above-ground irrigation system should be installed and maintained by a competent individual.

o **Weed removal**

All weeds should be removed by hand without soil disturbance or should be controlled with appropriate use of herbicide.

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APPENDIX 5: Assumptions and Limiting Conditions

- McLeod Trees Pty Ltd contracts with you on the basis that you promise that all legal information which you provide, including land title and ownership of other property, are correct. McLeod Trees Pty Ltd is not responsible for verifying or ascertaining any of these issues.
- McLeod Trees Pty Ltd contracts with you on the basis that you promise that affected property complies with all applicable statutes and subordinate legislation.
- McLeod Trees Pty Ltd will take all reasonable care to obtain necessary information from reliable sources and to verify data. However, McLeod Trees Pty Ltd neither guarantees nor is responsible for the accuracy of information provided by others.
- If, following delivery of this report, you later require a representative of McLeod Trees Pty Ltd to attend court to give evidence or to assist in the preparation for a hearing because of this report, you must pay an additional hourly fee at our current rate for expert evidence.
- Alteration of this report invalidates the entire report.
- McLeod Trees Pty Ltd retains the copyright in this report. Possession of the original or a copy of this report does not give you or anyone else any right of reproduction, publication or use without the written permission of McLeod Trees Pty Ltd.
- The contents of this report represent the professional opinion of the consultant. McLeod Trees Pty Ltd's consultancy fee for the preparation of this report is in no way contingent upon the consultant reporting a particular conclusion of fact, nor upon the occurrence of a subsequent event.
- Sketches, diagrams, graphs and photographs in this report are intended as visual aids, are not to scale unless stated to be so, and must not be construed as engineering or architectural reports or as surveys.
- Unless expressly stated otherwise:
 - The information in this report covers only those items which were examined and reflects the condition of those items at the time of the inspection.
 - Our inspection is limited to visual examination of accessible components without dissection, excavation or probing. There is no warranty or guarantee, express or implied, that even if they were not present during our inspection, problems or defects in plants or property examined may not arise in the future.
- This agreement supersedes all prior discussions and representations between McLeod Trees Pty Ltd and the client on the subject and is the entire agreement and understanding between these parties.

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Date: April 2021



Aerial Imagery and Site and Surrounds Imagery



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★



Figure 2 View towards the subject site from Crawford Street



Figure 3 View towards adjoining property at 15 Crawford Street



Figure 4 View towards the adjoining property at 11 Crawford Street

Neighbourhood Character Precinct H2

Preferred Future Character Statement

The low scale dwelling styles sit within established gardens that contain some substantial vegetation including trees. Front setbacks are large, and sometimes variable, and dwellings usually include a pitched roof form of some type. The streetscapes have an open feel due to buildings being offset from at least one side boundary and a lack of intrusive front fencing, complemented by wide roads and nature strips. Linkages with the remainder of the Beaumaris area are strengthened through the use of more indigenous planting in the private and public domains.

Precinct Guidelines

Objectives	Design Responses	Avoid	Planning Officer Assessment
<i>To maintain and enhance the garden settings of the dwellings.</i>	<ul style="list-style-type: none"> • Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, preferably indigenous species. • Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone). 	<p>Lack of landscaping and substantial vegetation.</p> <p>Removal of large trees.</p> <p>Planting of environmental weeds.</p>	<p>Responds</p> <p>The submitted landscape plan provides adequate replacement planting.</p>
<i>To maintain the rhythm of spacious visual separation between buildings and allow space for trees and other planting.</i>	<ul style="list-style-type: none"> • Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. • Buildings should be sited to allow space for a garden including trees and shrubs. • Minimise impervious surfaces, particularly in the front garden. 		<p>Responds</p> <p>The proposal includes compliant ground floor side setbacks, maintaining the rhythm of spacious visual separation.</p>
<i>To minimise the loss of front garden spaces and the dominance of car parking structures.</i>	<ul style="list-style-type: none"> • Locate garages and carports at or behind the line of the dwelling. 	<p>Car parking structures that dominate the façade or view of the dwelling.</p>	<p>Responds</p> <p>The garages are setback behind the line of the dwelling.</p>
<i>To ensure that new buildings reflect the low scale forms of the area, and provide an articulated and interesting façade to the street.</i>	<ul style="list-style-type: none"> • Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, pitched roof forms, combinations of materials, textures or colours or other elements providing appropriate articulation. 	<p>Large, bulky buildings</p> <p>Poorly articulated roof, front and side wall surfaces</p>	<p>Responds</p> <p>The proposal includes recessed portion and projecting elements, articulating the front façade. A mix of render, brick and timber cladding also provides for an interesting facade to the street.</p>

Objectives	Design Responses	Avoid	Planning Officer Assessment
	<ul style="list-style-type: none"> • <i>Recess upper levels from the front façade.</i> 		
<p><i>To use building materials and finishes that complement the natural setting.</i></p>	<ul style="list-style-type: none"> • <i>Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</i> 	<p><i>Period reproduction styles and detailing.</i></p>	<p>Responds <i>A mix of render, brick and timber cladding in neutral tones complements the natural setting.</i></p>
<p><i>To enhance the openness and informality of the streetscape and maintain views into front gardens.</i></p>	<ul style="list-style-type: none"> • <i>Provide open style front fencing, other than along heavily trafficked roads.</i> • <i>Use vegetation as an alternative where possible.</i> 	<p><i>High or solid front fencing.</i></p>	<p>Responds <i>The proposal includes a 1.8m high permeable timber front fence enhancing the openness of the streetscape.</i></p>

ResCode Clause 55 (Two or More Dwellings on a Lot)

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Complies	Refer to Attachment 3.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Complies	The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Complies	The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for upgrading this infrastructure if necessary to accommodate the development. Council's drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.
<p>B5 Integration with the Street</p> <p>Integrate the layout of development with the street</p>	Complies	The development will integrate appropriately with the street and features a staggered front setback at ground floor level, providing an appropriate transition to the setbacks of the adjoining properties.

CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING		
Title and Objective	Complies with Standard?	Comments
<p>B6 Street Setback</p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Complies	<p>Requirement: 8.4m.</p> <p>Proposed: 8.4m, 8.41m and 7.82m (porch) at ground floor and 9.22m+ at first floor.</p>
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	Complies	<p>Maximum: 9 metres</p> <p>Proposed: 7.88 metres</p>
<p>B8 Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Complies	<p>Maximum: 50%</p> <p>Proposed: 50%</p> <p>Objections have raised concerns that the proposal is an overdevelopment. As detailed above, the proposal complies with site coverage.</p>
<p>B9 Permeability</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Complies	<p>Minimum: >20%</p> <p>Proposed: 41.87%</p>
<p>B10 Energy Efficiency</p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Complies	<p>All habitable areas, including habitable rooms and secluded private open space areas have been located to maximise solar access and no habitable rooms rely on secondary light sources.</p> <p>Objections have raised concerns regarding the dwelling to the south, the private open space runs north to south, allowing for solar access to the area, a skylight has also been included to the stair well. As noted above, no windows rely on secondary light sources.</p>
<p>B11 Open Space</p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	There is no communal open space in or adjacent to the development.
<p>B12 Safety</p> <p>Layout to provide safety and security for residents and property.</p>	Complies	The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.
<p>B13 Landscaping</p> <p>To provide appropriate landscaping.</p>	Complies	The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A

<p>To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 		<p>condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.</p>
<p>B14 Access</p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Complies</p>	<p>Appropriate access off Crawford Street to parking has been provided.</p>
<p>B15 Parking Location</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<p>Complies</p>	<p>On site car parking is provided in the form of single garages and outdoor tandem car parking.</p>

<p>CLAUSE 55.04 AMENITY IMPACTS</p>				
<p>Title and Objective</p>	<p>Complies with Standard?</p>		<p>Comments</p>	
<p>B17 Side and Rear Setbacks</p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>Does not comply</p>		<p>Refer to Section 6.2 of the Report.</p>	
	<p>Ground floor</p>		<p>First Floor</p>	
	<p>Requirement</p>	<p>Proposed</p>	<p>Requirement</p>	<p>Proposed</p>
<p>North (side)</p>	<p>0m or 2m</p>	<p>2m</p>	<p>3.5m, 3.51m, 3.5m, 3.46m, 3.41m</p>	<p>3.50m, 3.05m, 3.50m, 3.05m, 4.15m</p>
<p>South (side)</p>	<p>0m or 2m</p>	<p>2m</p>	<p>3.59m, 3.56m, 3.53m, 3.46m</p>	<p>3.60m, 3.15m, 3.60m, 3.15m, 4.15m</p>

West (rear)	0m or 3m	7.24m+	4.29m	10.44m	
B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Complies	North (Garage Unit 2) Length – 7.85m Height – 3.27m Average height – 3.04m			
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Complies	The development has been sufficiently setback from all habitable room windows to abutting properties.			
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Complies	The development has been sufficiently setback from all habitable room windows to abutting properties.			
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Complies	Additional overshadowing will occur over the adjoining side yard to the south, non-sensitive areas which do not result in any amenity impacts. The overshadowing extends marginally beyond the shadow cast by the existing fence line.			
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard.			
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. At ground floor level internal fencing to a height of 1.9m and a wing wall on the first floor at the rear of the development limits views between adjoining areas of secluded private open space within the development.			
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Complies	It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.			

CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES

Title and Objective	Complies with Standard?	Comments
B25 Accessibility Consider people with limited mobility in the design of developments.	Complies	Entries are accessible for people with limited mobility. The development could be further retrofitted to accommodate people with limited mobility in the future if required.
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Complies	The development fronts Crawford Street and includes a clearly identifiable entry with dedicated pedestrian pathway. The entry provides shelter, a sense of personal address and a transitional space around the building entry.
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Complies	All habitable windows will open out onto a space clear to the sky.
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Complies	Minimum: 25m ² secluded, 40m ² overall with a minimum dimension of 3 m; Proposed: Unit 1 SPOS – 121.99m ² Unit 1 POS – 55.25m ² Unit 2 – SPOS – 119.87m ² Unit 2 – POS – 70.31m ² Objections raised concerns that the development creates minimal open space, however as detailed above, the development provides amounts of private open space well over the requirement.
B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	Complies	
B30 Storage Provide adequate storage facilities for each dwelling.	Complies	Unit 1 and 2 include 6 cubic metre storage sheds in the rear POS.

CLAUSE 55.06 DESIGN DETAIL

Title and Objective	Complies with Standard?	Comments
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<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Complies	Refer to Section 6.1 of the report for further discussion.
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	Does not comply	<p>Required: 1.2m Proposed: 1.8m</p>
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	N/A	There are no proposed areas of common property.
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p>	Does not comply, subject to conditions.	All appropriate site services can be easily catered for on-site. Mails boxes are shown within the front fences. A condition has been included requiring the location of the bins to be detailed on the plans.

Tree Profile

Address	13 Crawford st			
Tree No.	9			
Botanical Name:	<i>Pittosporum undulatum</i>			
Common Name:	Sweet pittosporum			
Height / Canopy:	7 x 7			
Trunk Circ.@1m:	66cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	S5			
Location 2	W15			
Date of assessment	11/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		



Tree Habitat Value Assessment Matrix

Criteria	Category		
Origin	Indigenous 3 points	Victorian 2 points	Australian/Exotic 0 points
Occupation by native fauna	Occupied by native fauna 5 points	Signs of use by fauna 2 points	No signs of use by fauna 0 points
Diameter of tree trunk	>80cm Living canopy 5 points	<80 – 50cm Living canopy 3 points	<50cm Living canopy 1 point
	Dead canopy 2 points	Dead canopy 1 point	Dead canopy 0 points
Hollow bearing tree	Tree bearing a natural hollow. Low to moderate level of maintenance 5 points	No natural hollow, artificial habitat hollow can be installed. Low to moderate level of maintenance 2 points	No natural hollow and unsuitable for installation of artificial habitat hollow. High level of maintenance 0 points
Useful life expectancy	>10 years 5 points	4 – 9 years 3 points	0 – 3 years 0 points
Wildlife corridors	Within 50 m of a green space, park or reserve 5 points	Within 0.5 km of a green space, park or reserve 3 points	Greater than 0.5 km from a green space, park or reserve 0 points
Impacts on adjacent flora	Removal will have negative impacts on indigenous flora 3 points	Removal will have negative impacts on native flora 2 points	Removal will have no negative impacts on indigenous or native flora 0 points
Total	9 points		

Address	13 Crawford st			
Tree No.	7			
Botanical Name:	<i>Euclayptus sp</i>			
Common Name:	Sweet pittosporum			
Height / Canopy:	7 x 0			
Trunk Circ.@1m:	230cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	N0			
Location 2	W10			
Date of assessment	11/2/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Tree Habitat Value Assessment Matrix

Criteria	Category		
Origin	Indigenous 3 points	Victorian 2 points	Australian/Exotic 0 points
Occupation by native fauna	Occupied by native fauna 5 points	Signs of use by fauna 2 points	No signs of use by fauna 0 points
Diameter of tree trunk	>80cm Living canopy 5 points	<80 – 50cm Living canopy 3 points	<50cm Living canopy 1 point
	Dead canopy 2 points	Dead canopy 1 point	Dead canopy 0 points
Hollow bearing tree	Tree bearing a natural hollow. Low to moderate level of maintenance 5 points	No natural hollow, artificial habitat hollow can be installed. Low to moderate level of maintenance 2 points	No natural hollow and unsuitable for installation of artificial habitat hollow. High level of maintenance 0 points
Useful life expectancy	>10 years 5 points	4 – 9 years 3 points	0 – 3 years 0 points
Wildlife corridors	Within 50 m of a green space, park or reserve 5 points	Within 0.5 km of a green space, park or reserve 3 points	Greater than 0.5 km from a green space, park or reserve 0 points
Impacts on adjacent flora	Removal will have negative impacts on indigenous flora 3 points	Removal will have negative impacts on native flora 2 points	Removal will have no negative impacts on indigenous or native flora 0 points
Total	6 points		

Vegetation Protection Overlay Assessment

Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

Decision Guideline	Response
<i>The impact the vegetation removal would have on the character of the area</i>	Numerous pieces of vegetation but mainly exotic.
<i>The impact the vegetation removal would have on the presence of indigenous species in the locality</i>	No indigenous trees being removed. A condition has been included to submit an updated Landscape plan to have min 80% indigenous species type and count.
<i>The impact the vegetation removal would have on the appearance of development.</i>	No impact.
<i>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</i>	No fauna is evident in the trees proposed for removal.
<i>Any proposal to regenerate or plant indigenous vegetation on the site.</i>	Additional indigenous canopy trees will regenerate the indigenous vegetation on the site.

**4.8 26 EROWAL STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/74/1 WARD: BECKETT**

City Planning and Amenity - Statutory Planner
File No: PSF/21/28 – Doc No: DOC/21/146044

This matter has been reported to the Planning and Amenity Committee for a decision because there are 2 or more trees to be removed in the Vegetation Protection Overlay Schedule 3 (VPO3).

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Notice of Decision to Grant a Permit
Applicant	Mrs R Belkin
Title/Covenant/S173 Agreement	The title is not subject to any restrictive covenants.
Date application received	25 February 2021
Current statutory days	49 days (as of 8 June 2021)
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Vegetation Protection Overlay (Schedule 3) Design and Development Overlay (Schedule 3) Development Contribution Plan Overlay (Schedule 1)
Site area	779 square metres
Number of outstanding objections	2
Is a Development Contribution Levy applicable?	Yes
Is the site located within an area of cultural heritage sensitivity?	No

Proposal

The application seeks the construction of two dwellings on a lot, and removal of native vegetation within a Vegetation Protection Overlay. Key details of the proposal are as follows:

- Two double storey dwellings with double garages to each, and an overall building height of 7.85m
- Site coverage 53%
- Permeability 31.5%
- Vegetation removal including six native trees (Trees X, 6, 8, 11, 12, and 20) protected by the Vegetation Protection Overlay. Trees 6, 8, 11, and 12 are all located across the centre of the site, with Trees X and 20 being further back towards the southwest corner, approximately 10 metres from the rear boundary.

An aerial image and photographs of the site and surrounds are provided at **Attachment 1**.

The application plans are provided at **Attachment 2**.

History

There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-6 (Neighbourhood Residential Zone Schedule 3) – Construction of two or more dwellings on a lot.
- Clause 42.02-2 (Vegetation Protection Overlay Schedule 3) - A permit is required to remove, destroy, or lop vegetation native to Australia.

Garden Area

Pursuant to Clause 32.08-4, the construction of a dwelling or residential building on a lot 650 square metres or greater, requires the provision of a minimum of 35% garden area. The development plans confirm that the development has a garden area of 280.8 square metres which equates to 36% and exceeds the minimum of 35% garden area required.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

The application was referred to the following Council departments for comment:

Internal Referral	Response
Arborist	No objection, subject to conditions as follows: <ul style="list-style-type: none"> • Proposed tree removal all considered suitable, and of minimal amenity value. • That said, proposed new landscaping is lacking, and requires additional canopy trees and native stock. • Specific detail as to the ground treatment near neighbouring trees also requires further detail.
Drainage Assets Engineer	No objection, subject to conditions.
Open Space Arborist	No objection, subject to conditions.
Revenue Services (Street Number)	No objection.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* and two objections were received.

Two objections remain outstanding at the time of this report.

The following concerns were raised:

- Overshadowing solar panels
- Walls on boundary
- Overshadowing
- Side setbacks
- Street setback
- Minimum lot size

Consultation meeting

A consultation meeting was not considered necessary for this application, as only two objections had been received. Their concerns are directly addressed in this report. The primary concern raised was in relation to overshadowing and solar panels. The assessment already included diagrams to indicate compliance with overshadowing, with specific attention to the adjoining windows. Further, in response to the objections, the applicant additionally provided shadow diagrams with the adjoining solar panel locations included. The application is brought before the Committee due to the removal of native vegetation in the Vegetation Protection Overlay.

4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2021/74/1** for the land known and described as **26 Erowal Street, Beaumaris**, for the **construction of two dwellings on a lot, and removal of native vegetation within a Vegetation Protection Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Belco Design referenced TP1-8, dated 12 April 2021 and revision A but modified to show:
 - a) the garage of the eastern dwelling to be set back from the side boundary at least 2 metres. The increase is to be absorbed into the proposed footprint of the dwelling
 - b) annotation of the height of the internal fence separating the rear secluded private open space of each dwelling
 - c) replacement of the Jacaranda in the front setback with an indigenous species capable of reaching 8 metres minimum height at maturity
 - d) two additional indigenous trees in the rear of each dwelling (outside the easement area) capable of reaching 8 metres minimum height at maturity
 - e) a schedule of construction materials, external finishes, and colours (incorporating for example paint samples)
 - f) Water Sensitive Urban Design measures in accordance with Condition 9
 - g) an amended Landscaping Plan in accordance with Condition 11

- h) a Tree Protection and Management Plan (TPMP) in accordance with Condition 14
- i) provision of the Development Contributions fee in accordance with Condition 20

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services, or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

9. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) the type of water sensitive urban design stormwater treatment measures to be used
 - b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces, and landscaped areas
 - c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

10. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance

with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Zenith Concepts, Revision A, dated April 2021 and be drawn to scale with dimensions, but modified to show:
 - a) any built form changes in accordance with Condition 1 of this permit
 - b) two additional indigenous trees in the rear of each dwelling (outside the easement area) capable of reaching 8 metres minimum height at maturity
 - c) replacement of the Jacaranda in the front setback with an indigenous species capable of reaching 8 metres minimum height at maturity
 - d) all area within the TPZ of Trees 5 to be landscaped, with any paving to be permeable and above grade
 - e) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - f) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - g) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - h) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - i) details of surface finishes of pathways and driveways.
12. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased, or damaged plants are to be replaced.

Tree Protection Management Plan

14. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Protection Management Plan (TPMP), prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site

- b) protection measures to be utilised and at what stage of the development they will be implemented
 - c) appointment of a project arborist detailing their role and responsibilities
 - d) stages of development at which the project arborist will inspect tree protection measures
 - e) monitoring and certification by the project arborist of implemented protection measures.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.
16. Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
17. The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
- The TPP must:
- f) be legible, accurate and drawn to scale
 - g) show the location of all tree protection measures to be utilised
 - h) include a key describing all tree protection measures to be utilised.
18. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Protection Management Plan, to the satisfaction of the Responsible Authority.
19. Any pruning that is required to be done to the canopy of any tree to be retained (Tree 5) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (Tree 5) is to be done by hand by a qualified Arborist.

Development Contribution

20. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

S173 Agreement

21. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide:
- a) at any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement

- b) the agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
22. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987 and the Section 173 agreement must be registered on the certificate of title of the land.
23. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
25. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Presentation Department.

Permit Expiry

26. This permit will expire if one of the following circumstances applies:
- a) the development is not started within two years of the date of this permit.
- b) the development is not completed within four years of the date of this permit.

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

Permit Notes:

- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.
 - Western Dwelling – 26A Erowal Street BEAUMARIS 3193
 - Eastern Dwelling – 26B Erowal Street BEAUMARIS 3193
- For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Before the vehicle crossing application will be approved, the applicant must pay \$2,187.25 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No.1526541). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

5. Council Policy

Council Plan 2017–21

Relevant objectives of the Council plan include:

- where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design and responds to the streetscape and neighbourhood context
- where a range of housing types are provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- make discretionary planning controls stronger, by advocating for Council's planning and urban design objectives to state government.

Homes for Homes Initiative

Council has identified the need to act in relation to affordable housing through the Council Plan 2017–21 and the Bayside Housing Strategy 2019 and has implemented a range of initiatives to implement the Council Plan.

One of the initiatives aimed at supporting affordable housing was considered at the Ordinary Meeting of Council on 15 September 2020 where Council resolved to require all planning permits issued for multi dwelling developments to include a condition requiring the implementation of the Homes for Homes initiative via a Section 173 agreement, under the *Planning and Environment Act 1987*.

Accordingly, pursuant to Section 62 of the *Planning and Environment Act 1987*, a condition should be included on any planning permit issued to ensure the ongoing commitment to an initiative like Homes for Homes will be delivered.

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.04 Environmental and Landscape Values

- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy (Precinct H2)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contribution Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct **H2**. Subject to the conditions outlined in the recommendation, the proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines as contained in **Attachment 3**.

The proposed design comprises two adjoining dwellings including separate driveways and parking, with surrounding landscaping. The proposal includes the removal of some low-amenity vegetation, which is considered acceptable, but does not include an adequate amount of new planting. Conditions to this effect have been included in the recommendation, taking direction from Council's Arborist's comments, and the Bayside Landscape Guidelines. Provided suitable levels of new vegetation are included, the composition and quality of vegetation will be a suitable upgrade to the existing levels present.

Looking to the built form design itself, the primary concern is the boundary-to-boundary design of the garages. This is not considered to provide visual separation and space between buildings. A condition has been included in the recommendation to shift one side fully off the boundary. It is noted that this should not be a major concern to amend, as the preliminary plans provided in the application did include a fully compliant side setback to one garage, and so the site and layout can easily be returned to this version. Otherwise, the spacing of the built form allows for plenty of garden space and planting opportunities.

Further to the built form, the garages are level with the ground floor front walls, not protruding, with the porch and upper screen elements projecting forward and taking prominence. Combined with the generous street setback included in the plans, the dominance of parking facilities in the context of the dual occupancy design is considered minimised.

To the sides of the dwellings, the side setbacks are articulated along their full extent, both with physical and material variation. It is noted a small portion of the ground floor side of each dwelling does encroach, but the articulation is considered to aid in breaking up the span of the sides. Similarly, the front façade uses a protruding screen element to break up the appearance. A mixture of colours and textures is included. The front façade treatment is contemporary, but the main body of the dwellings behind use a hipped roof form, in keeping with the predominant character.

Finally, the proposed fence is a low rendered design, with no vehicle gates included. It only extends across approximately half the site boundary, and is very nondescript. This is consistent with a majority of the dwellings along Erowal Street.

Overall, the adherence to the preferred neighbourhood character guidelines is quite evident, subject to some changes being applied, specifically that of the boundary-to-boundary design, and increasing the proposed amount of vegetation on the site. These requirements are easily achievable, and are included as conditions in the recommendation, and will result in a highly compliant and desirable outcome for development in the precinct.

6.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at **Attachment 4**. Those non-compliant standards are discussed below:

Site coverage (Standard B8)

Required	Proposed	Variation
50%	<u>53%</u>	53%

The overall site coverage of the proposal is 53%, in lieu of the required 50%. The objective of the Clause is to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

The coverage for the site exceeds that preferred standard, and consideration of the surrounding street shows there is no strong consistent presence of higher site coverage.

As noted above in Section 6.1, a recommendation is included for one of the garages to be shifted in from the boundary to be fully compliant with setback and character. By specifying that the setback increase must be absorbed into the built form, this will have the corollary result of reducing the coverage to approximately 50.1%, a negligible variation to the standard. It is considered that this condition will reduce the coverage to a level that will satisfy the objective of the Clause and better align with the existing and preferred neighbourhood character.

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
West (side)	0m or 2m	2.62m, 3.97m, <u>1.56m</u> , <u>1.974m</u> , 2.02m	3.21m, 3.52m, 3.28m	3.34m, 4.01m, 3.34m
East (side)	0m or 2m	2.62m, 3.97m, <u>1.56m</u> , <u>1.974m</u> , 2.02m	3.26m, 3.68m, 3.31m	3.34m, 4.01m, 3.34m
South (rear)	0m or 3m	6.195m	6.28m	8.545m

The objective of the standard is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. The ground floor kitchen walls of both dwellings do not comply with the side setback standard in relation to the side boundaries.

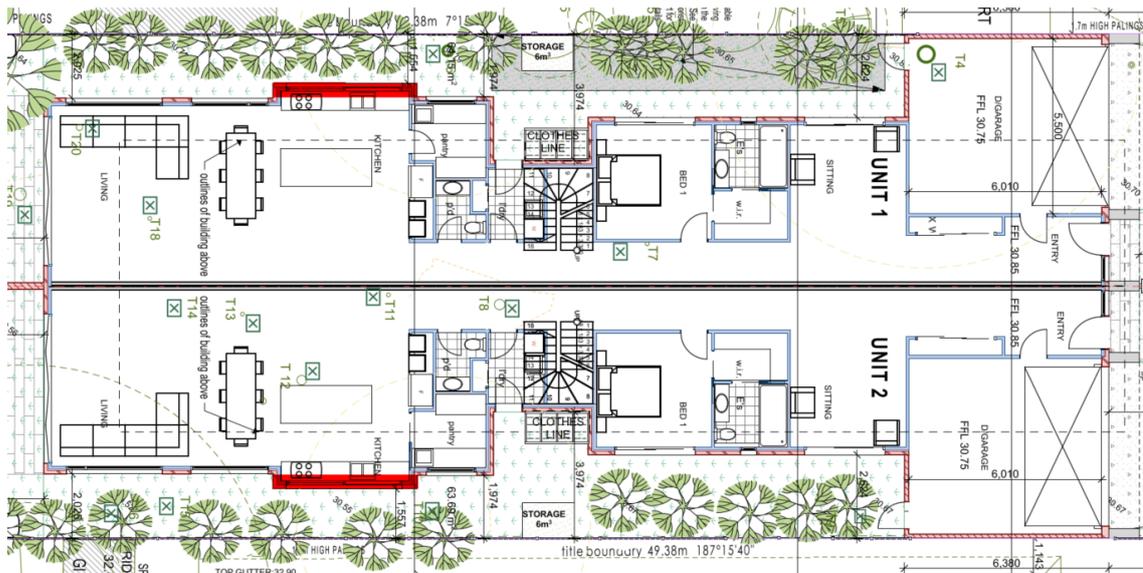


Figure 1 – Ground floor kitchen side setback non-compliances (red).

The 2.5m wide pantry wall to each dwelling at ground floor is non-compliant with the setback requirement by 26 millimetres. This is considered a negligible variation, would be imperceptible in practice, and is not considered to pose any real impact to adjoining lots or the existing character of the area.

The kitchen walls are 3.175-3.2m high, 4.5m wide, and set back from their respective boundaries 1.56m. Whilst not compliant with the full 2m requirement, the walls add to the articulation in general along the side walls with other areas being well setback around them, and the extent of non-compliance being limited to only a short span of wall.

The rear location of the kitchen area means the appearance has very limited impact upon the neighbourhood character and streetscape of the area. The adjoining dwelling to the east has no sensitive interface to where the kitchen is positioned, and the western neighbour is set back over 2.7m from the boundary themselves. There is a habitable room window associated with the western neighbour that partially aligns with the position of the kitchen, but no direct impact to the window, or overshadowing will occur.

Further, it is noted that the current built form on the subject site includes a brick garage against this boundary in approximately the depth on the lot as the proposed kitchen. Whilst the new wall may be somewhat non-compliant, it would result in net increase in amenity to that window in terms of visual bulk and presence.

Considering the minor scale of the encroachment, the additional articulation it provides, and the limited impact to adjoining dwellings, the variation is considered acceptable. Conditioning compliance would have limited real impact on improving the outcome in terms of on-site and external amenity considerations.

6.3. Landscaping and Vegetation Overlay

The objectives of the VPO3 are to retain the amenity, aesthetic character, and habitat value of native vegetation by preventing the loss of native (particularly indigenous) vegetation and promoting the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

The application plans show the removal of 19 trees from the site including six trees protected by the VPO3. The table below identifies those trees protected by the VPO3, those protected by the Local Law and those which are not protected by any statutory mechanism. The Arborist Report is provided in **Attachment 5**. Please note Tree X had not been surveyed in the original report, and was identified and assessed by Council's Arborist.

VPO3 protected trees		Local Law protected trees		Trees not protected	
Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention
Trees X, 6, 8*, 11*, 12*, 20		Trees 4, 14		Trees 3, 5, 7, 9, 10, 13, 15, 16, 17, 18, 19	

From an arboriculture perspective, Council's arborist has reviewed the application and advises that Trees 3, 5, 7, 9, 10, 13, 15, 16, 17, 18, and 19 are supported for removal as they can be removed as of right given there is no municipal or statutory mechanisms for their protection.

Tree 4 is dead and of zero amenity value, and Tree 14, while of moderate retention value, would be better suited to be replaced with an indigenous species, more in line with the Vegetation Overlay and neighbourhood character guidelines.

The native trees X, 6, 8, 11, 12, and 20 are all considered to be generally of poor health and structure with low amenity value, with some life expectancies considered to be less than three years. Further detail of each of the native trees is provided in **Attachment 6**.

The objectives of the VPO3 refer to retaining the habitat value of native vegetation and promoting regeneration and replanting of indigenous species. The inclusion of new native and indigenous species in the landscaping plan will ultimately provide for more value, amenity, and healthy vegetation on site. The landscape plan provided does include some indigenous and native replanting, but not to a sufficient level, and so a condition in the recommendation to include a greater amount of planting has been provided. This will ensure that the objective of the Overlay is achieved.

The proposed extent of vegetation removal is considered to be acceptable when assessed against the decision guidelines of the VPO3. An assessment against the decision guidelines of the VPO3 is provided at **Attachment 7**. The character of the area, including the extent of indigenous vegetation present, will be maintained once replacement plantings are undertaken as detailed in the recommendation conditions.

The proposed vegetation removal will also not impact on the overall quality of habitat within the broader area and the extent of removal is justified when considered against the level of development proposed, and the minimal amenity given by the existing vegetation. The objectives of the VPO3 refer to retaining the habitat value of native vegetation and promoting regeneration and replanting of indigenous species.

Overall, the proposed removal and replanting of indigenous vegetation and trees will result in a preferable outcome in terms of health, amenity, and habitat value. The relevant objectives of the Overlay speak to two distinct parts, in retaining the amenity and habitat value of indigenous species, and promoting regeneration and replanting of indigenous species. It is noted that this does not directly disallow or look poorly on vegetation removal for removal's sake, but considers retention and replanting both as considerations towards to core goal of promoting indigenous species.

As described in the Arborist's report and Council's Arborist's assessment, the current native vegetation is considered to widely be in poor health and of little value. Therefore, removal and subsequent replanting will have a far greater net gain to the habitat value and presence of healthy indigenous species than retaining the poor varieties currently on site purely out of principle. In consideration of these points, the proposed vegetation removal is considered to comply with the objectives of the VPO3.

Trees 5 (a row of Pittosporum) are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site. As such consideration must be given to the

impact of the development upon these trees. Council's Arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

In addition to the above assessment, Council's Arborist has reviewed the submitted landscape plan and advised that it is not considered acceptable, and requires additional and more suitable plantings. The landscape plan currently includes the planting of two canopy trees in the front setback, but one of which is a Jacaranda. A more suitable indigenous species capable of reaching a mature height of 8 metres would be preferable choice in consideration of the Overlay and Character direction, and has been conditioned as such in the recommendation.

Further, there is a lack of canopy trees in the rear setbacks of the dwellings. It is included in the recommendation conditions that a further two additional replacement trees capable of reaching 8m at maturity be included to each dwelling, as well as the landscape plan being amended to include a revised species selection so as to consist of at least 80% indigenous vegetation.

Once endorsed, the landscape plan will therefore include the planting of six canopy trees (trees with mature heights of 8m or greater) in the front and rear setbacks, and 80% indigenous vegetation across the site, satisfying the objectives of the Vegetation Protection Overlay, and the preferred direction of the Bayside Landscape Guidelines.

6.4. Street tree(s)

Tree 1 is located within the nature strip and is proposed for removal to facilitate the construction of a new crossover. Council's Street Tree Arborist has advised that the tree is a small specimen and removal is supported, subject to requirements for costs by the applicant, which will in part go towards replanting elsewhere. This is included in the recommendation notes.

It is noted that an initial design for the crossovers which avoided the tree was proposed, but the design was not considered safe or suitable under standard traffic assessment criteria, and so was amended to the current design, necessitating the tree removal.

6.5. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, a dwelling requires car parking to be provided at a rate of 1 car space per one or two bedroom dwellings and 2 car spaces per three or more bedroom dwellings.

Both dwellings comprise 4 bedrooms and are afforded 2 car parking spaces in the form of double garages. The proposed on site car parking meets the requirements of Clause 52.06-5.

The layout and positioning of the new crossovers and driveways is considered acceptable, in providing safe entry and exit, whilst limiting loss of on street parking.

6.6. Cultural Heritage management plan

The site is not located within an area of cultural heritage sensitivity and therefore a cultural heritage management plan is not required.

6.7. Development contributions levy

The subject site is located within catchment area 24.

Based on the proposed application and the below recommendation, a payment of \$2,187 is required. The payment of the development contributions levy is included as a condition of permit.

6.8. Objector issues not already addressedOvershadowing and Solar Panels

Objections have been raised in relation to potential overshadowing, both of neighbouring properties in general, and specifically of rooftop solar panels on adjoining properties.

Referring first to overshadowing generally, the shadow diagrams show full compliance with Standard B21 of Clause 55.04-5, in that the extent of additional overshadowing does not prevent at least 75 per cent or 40 square metres (whichever is less), of adjoining secluded private open space from receiving a minimum of five hours of sunlight between 9am and 3pm on the September 22nd equinox.

Further, the plans include a specific section diagram to also confirm that the adjacent windows will not lose direct sunlight as a result of the development from 9am onwards. Considering the full compliance with the standard, and the specific attention to windows as well as open space, the proposal is not considered unjust or excessive in relation to shade created. The equinox represents a midpoint in shading, with longer shadows expected in the winter, balanced by shorter ones in the summer.

In speaking to shading of solar panels, the decision guidelines of the Neighbourhood Residential Zone direct that consideration must be given, as appropriate, to the impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots. This consideration is generally assessed like that of the overshadowing clause, looking at the extent of overshadowing from 9am until 3pm on the equinox. In this case, the panels along the roofline of the adjoining property are shown to be almost entirely unshaded up to 3pm, with only a small corner of one panel being potentially impacted. The proposal is therefore not considered to demonstrate an excessive or unacceptable impact to the rooftop panels. The equinox represents a midpoint in shading, with longer shadows expected in the winter, balanced by shorter ones in the summer.

Walls on boundary

The proposal includes walls on boundary for both garages. Whilst the walls in isolation are numerically compliant with the relevant standard of Clause 55, it is noted that the boundary-to-boundary design, without any visual separation is an undesirable outcome in terms of preferred neighbourhood character. A condition has already been included to address this, and will result in one of the garages being shifted off the boundary to a compliant level. It should be noted that the originally submitted design did include a full setback to one side, but was altered as part of requested changes to the driveway and crossover configuration.

Side setbacks

Objection raised against the upper floor side setbacks being non-compliant refers to a section drawing through the dwellings, with the Bayside varied setback lines shown. The upper floors of the building are fully compliant. The area that appears to be outside the setback line is the decorative façade screen element, and not the main side walls. The façade treatment is not considered to infringe upon the objective and standard of the Clause.

Street setback

The street setback proposed is a minimum of 9 metres. Under Clause 55.03-1, street setbacks are required to be equal to the greater of the two adjoining buildings, or 9 metres, whichever is less. In this case, whilst the two adjoining properties are setback 9.3m and 12m respectively, the 9 metre setback still complies with the standard.

Minimum lot size

There is no minimum lot size requirement for development under the Neighbourhood Residential Zone, or the Schedule 3. The only consideration the zone does note in relation to lot size is for an application to subdivide, which still does not stipulate a minimum, only

direction as to ensure that each created lot less than 400 square metres contains at least 25 percent as garden area. Further, this does not apply to a lot created by an application to subdivide land where that lot is created in accordance with a permit for development, which would likely be the case for this property.

Support Attachments

1. Site and Surrounds ↓
2. Assessment Plans ↓
3. Neighbourhood Character Assessment ↓
4. Clause 55 Assessment ↓
5. Arborist Report ↓
6. VPO Tree Profiles ↓
7. Vegetation Protection Overlay Assessment ↓

Site and Surrounds



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★



Figure 2 View towards the site from the north



Figure 3 View towards the site and adjoining dwellings from the north

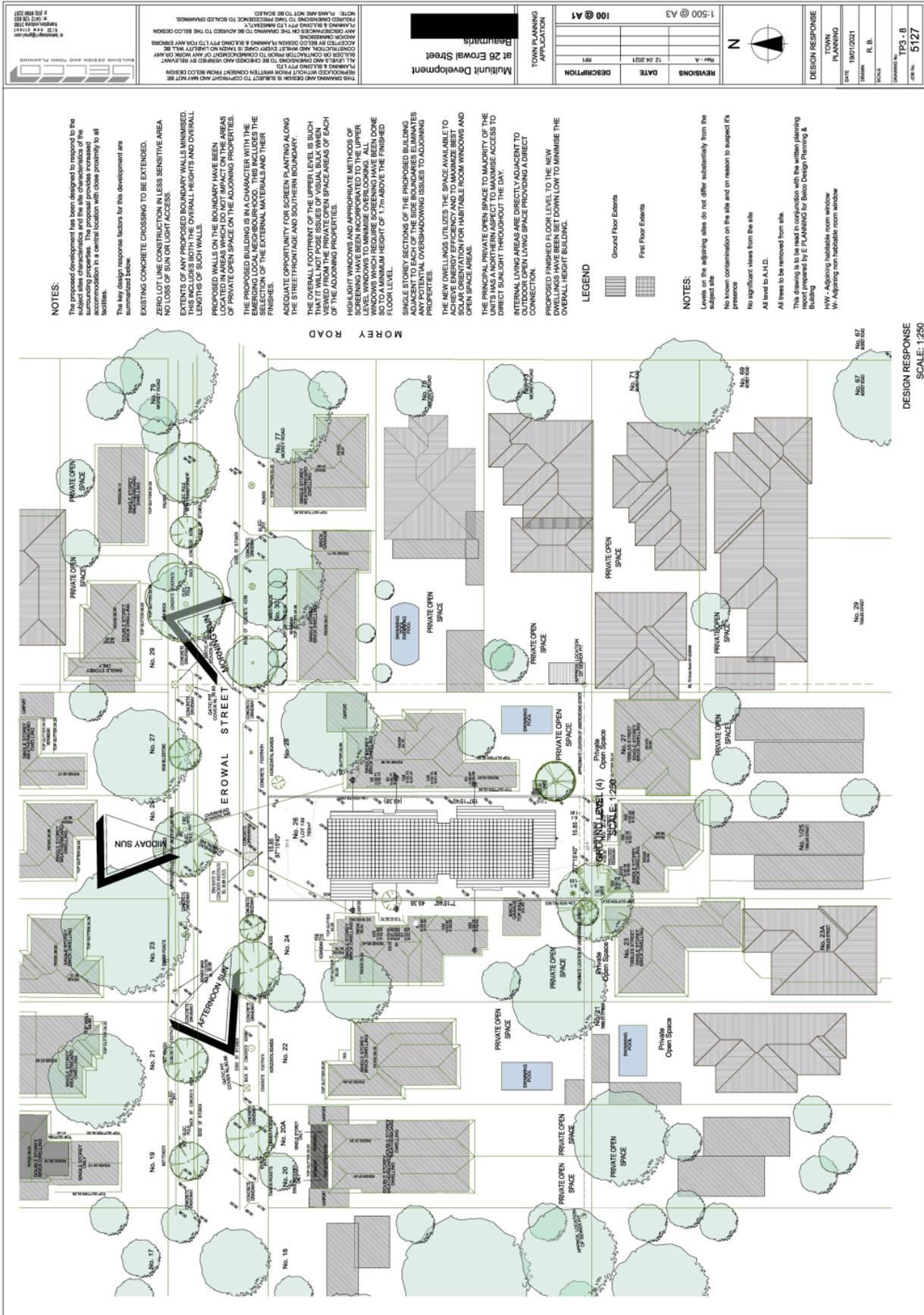
**PROPOSED DEVELOPMENT
26 EROWAL STREET, BEAUMARIS VIC 3193**

FOR CITY OF BAYSIDE

FEBRUARY 2021

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	1:200 @ A3	Rev - A	12-24-2021	RPT	19/01/2021	COVER SHEET		TP1 - 8			







77 MOREY ROAD



30 EROWAL STREET



28 EROWAL STREET



26 EROWAL STREET

SUBJECT SITE



24 EROWAL STREET



22 EROWAL STREET



20A EROWAL STREET



20 EROWAL STREET

EROWAL STREET SOUTHERN ELEVATION



79 MOREY ROAD



29 EROWAL STREET



27 EROWAL STREET



25 EROWAL STREET



23 EROWAL STREET



21 EROWAL STREET



19 EROWAL STREET

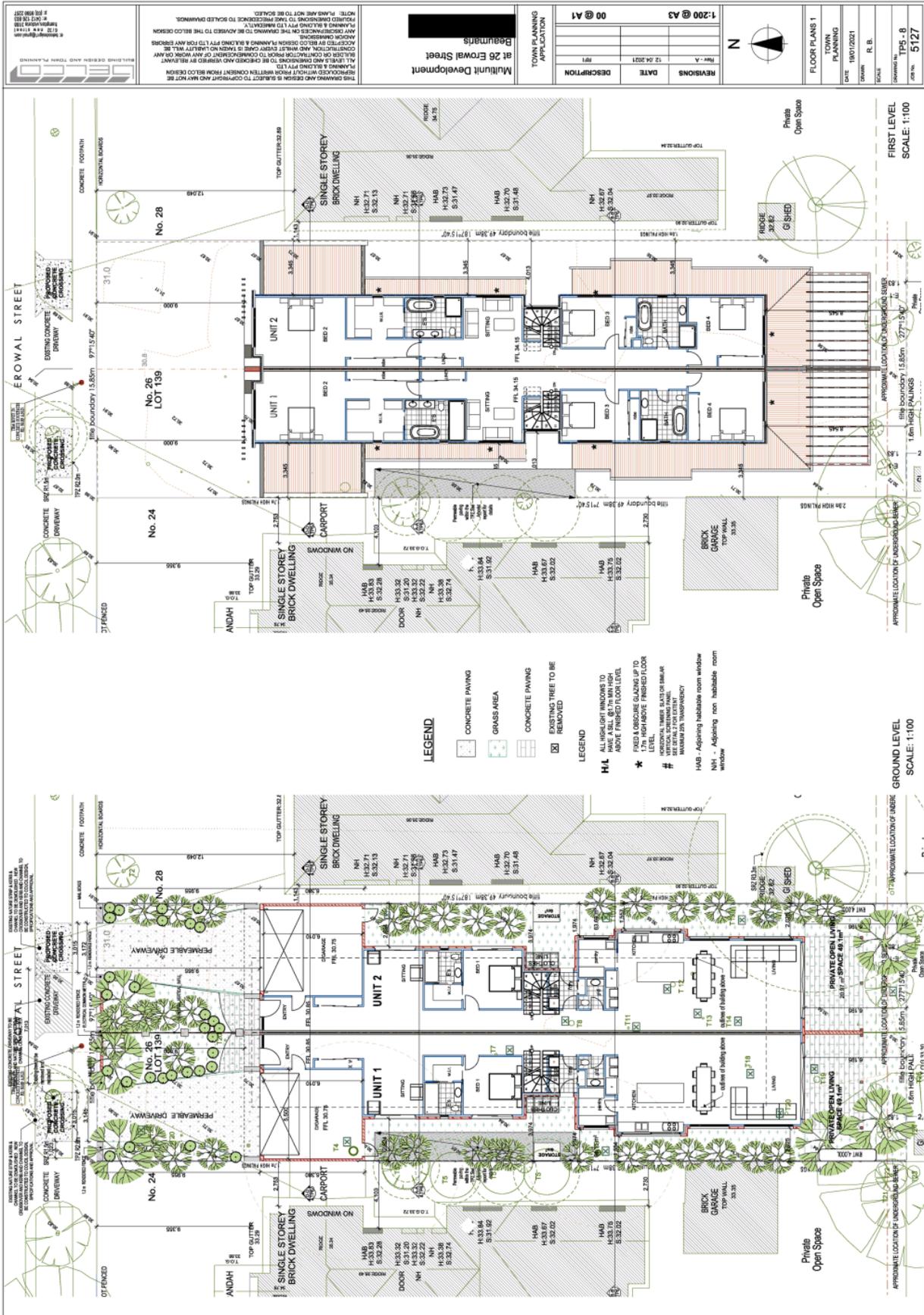
EROWAL STREET NORTHERN ELEVATION

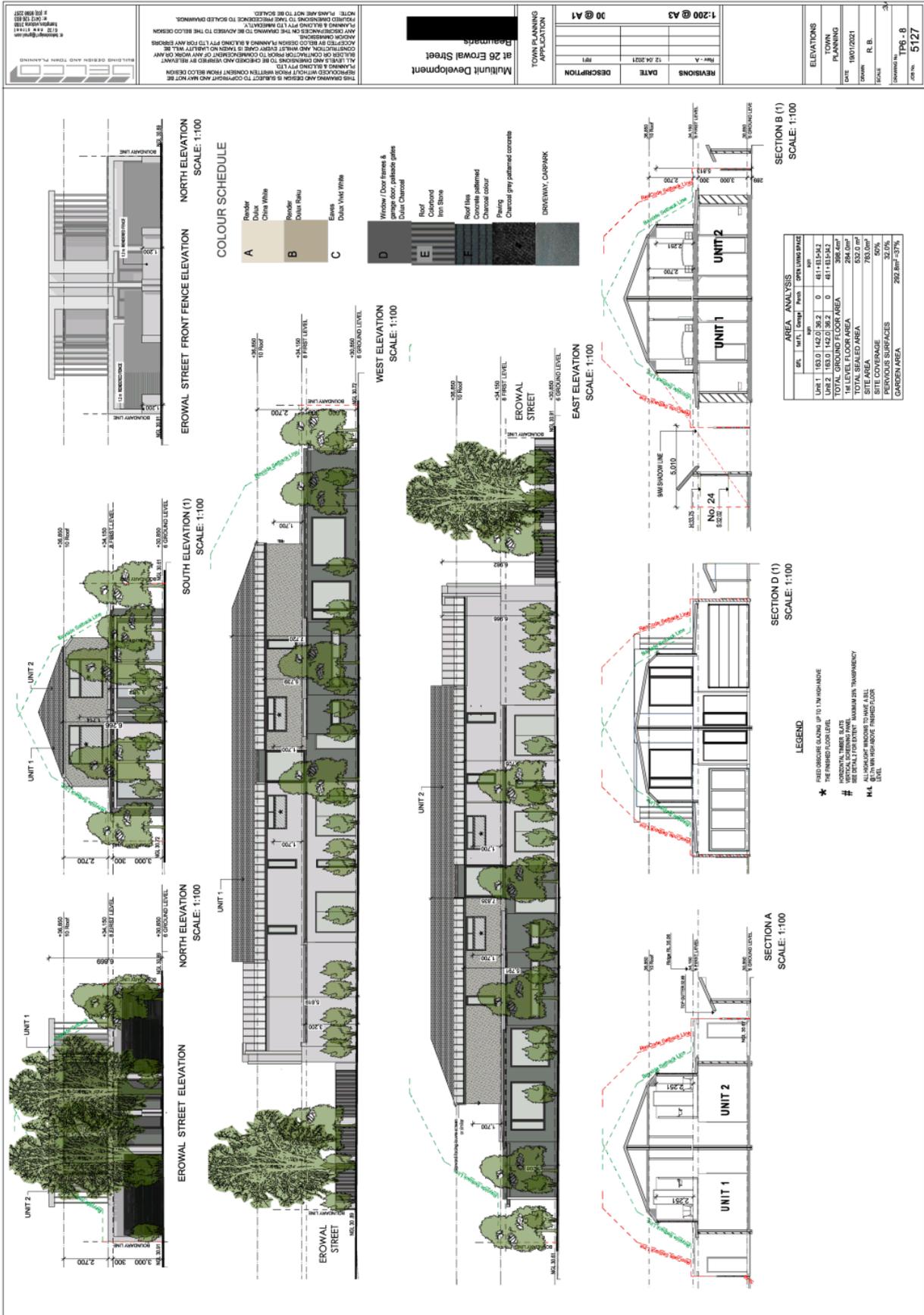


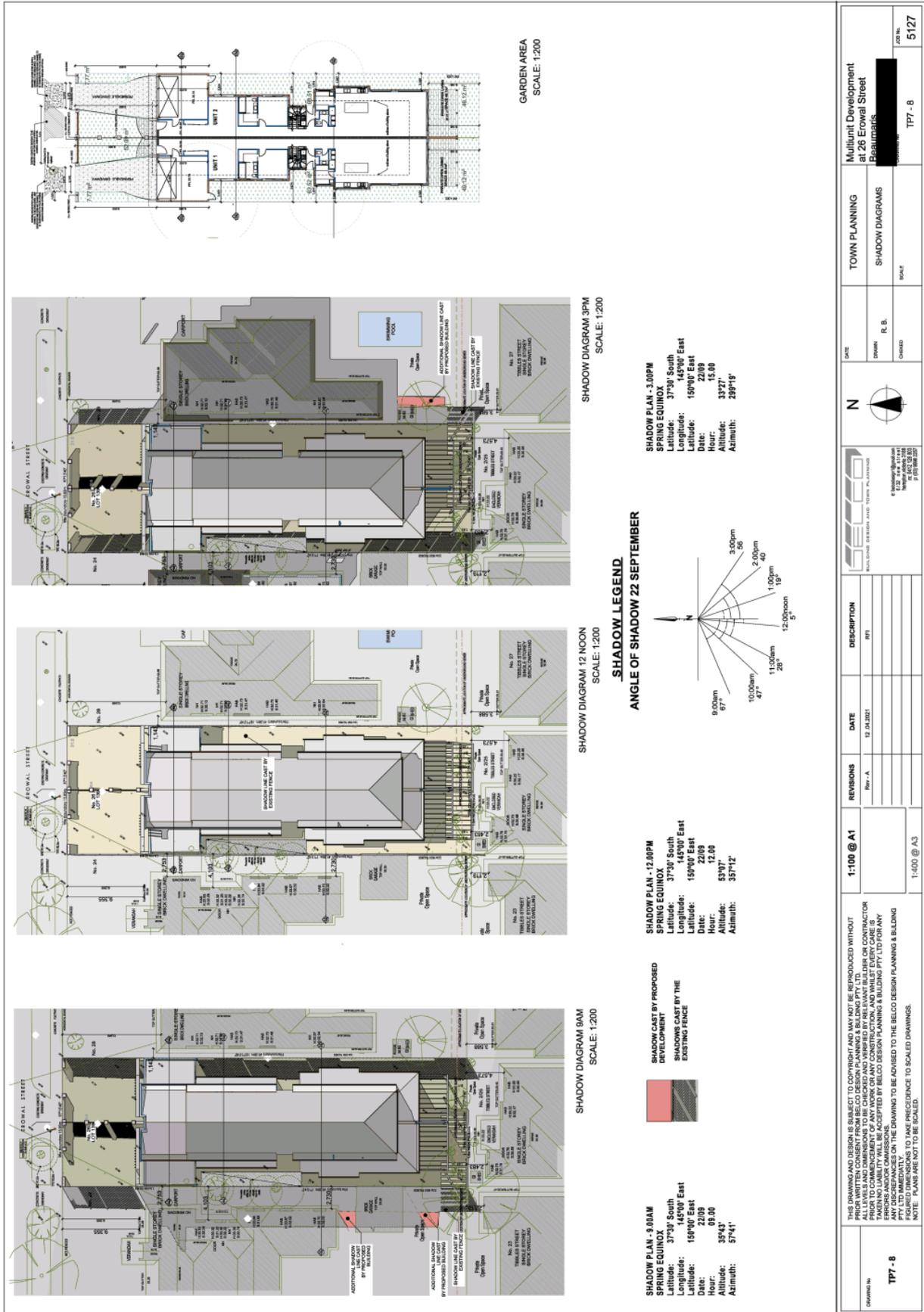
EROWAL STREET STREETSCAPE ELEVATION
SCALE: 1:200

DRAWING No TP4 - 8	DATE 19/01/2021 DESIGNER R. B. CHECKED 	TOWN PLANNING STREETSCAPE SCALE 	DATE 19/01/2021 DESIGNER R. B. CHECKED 	Multitilt Development at 26 Erowal Street Broussards 	APP No. 5127
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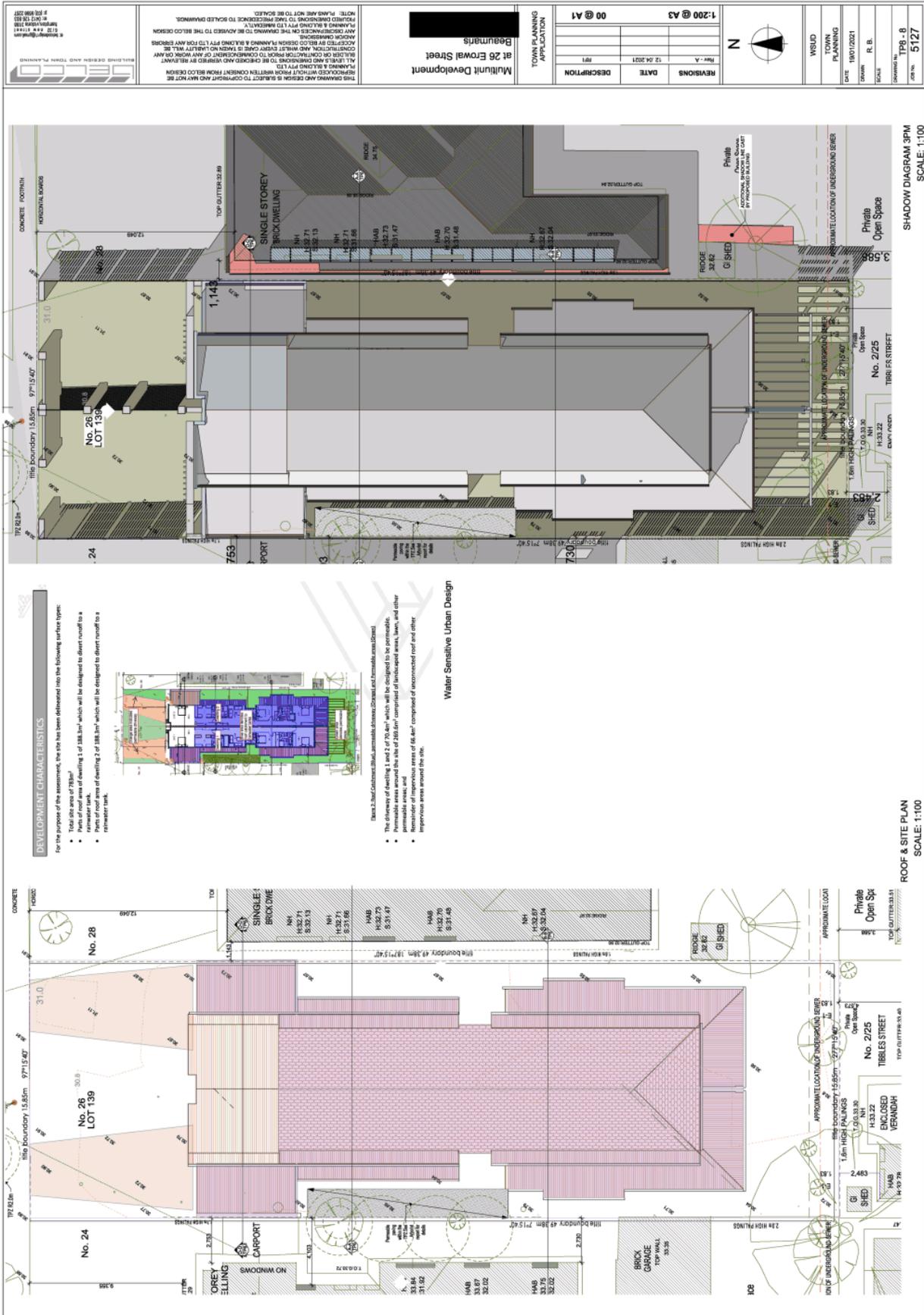
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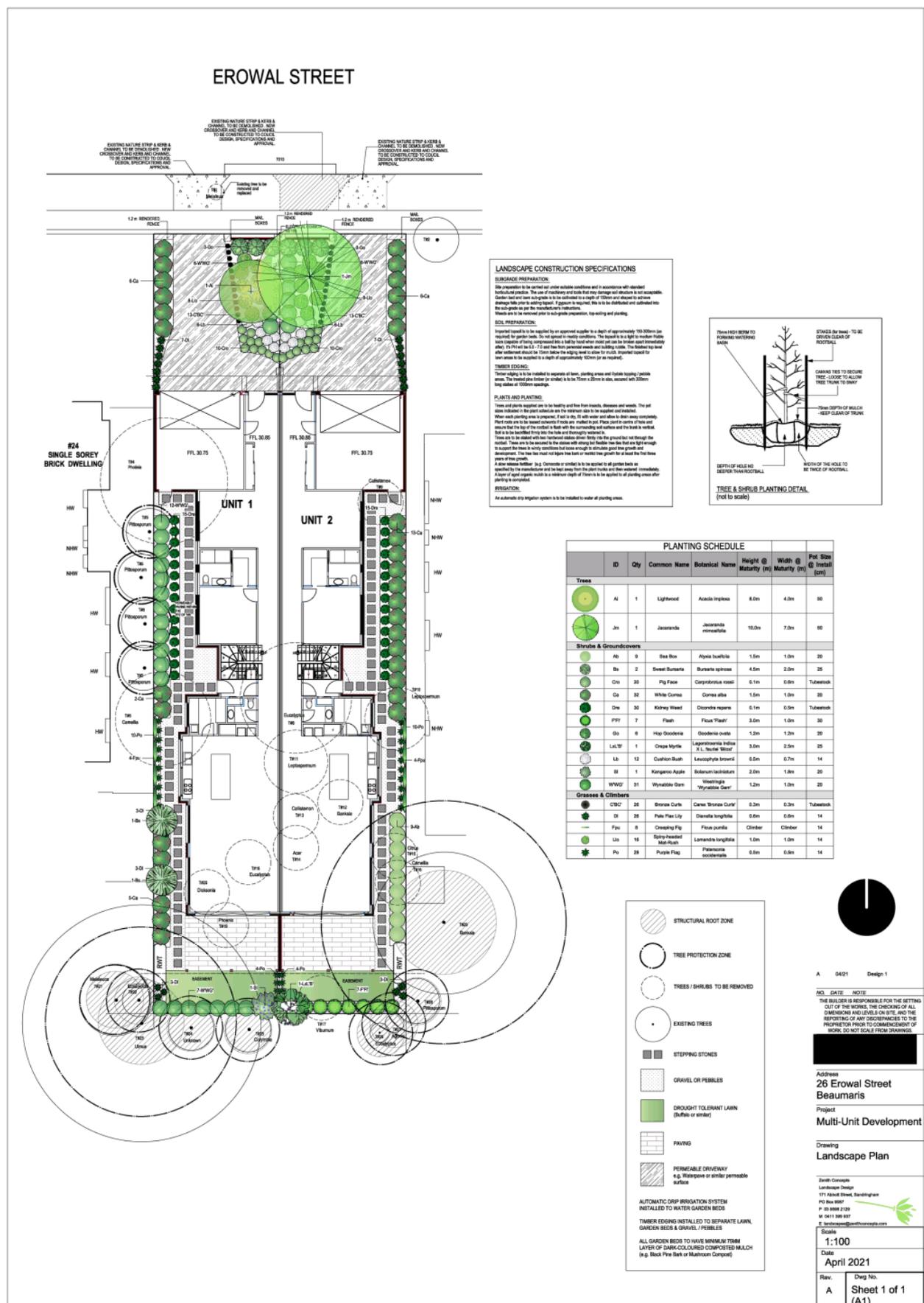






DRAWING NO. TP7-8	DATE 12-24-2021	REVISIONS Rev - A	DESCRIPTION RPI	DATE	DESCRIPTION	 BELCO DESIGN PLANNING AND BUILDING PTY LTD 8/132 WILSON ROAD NORTH BAY, VIC 3207 P 03 9488 2222		DRAWN R. B.	CHECKED 	TOWN PLANNING SHADOW DIAGRAMS	MULTITRILT DEVELOPMENT AT 26 ERROWAL STREET REUBEN/VIC	JOB NO. TP7-8 DATE 5/27
								SCALE	SCALE			





Neighbourhood Character Precinct H2

Preferred Future Character Statement

The low scale dwelling styles sit within established gardens that contain some substantial vegetation including trees. Front setbacks are large, and sometimes variable, and dwellings usually include a pitched roof form of some type. The streetscapes have an open feel due to buildings being offset from at least one side boundary and a lack of intrusive front fencing, complemented by wide roads and nature strips. Linkages with the remainder of the Beaumaris area are strengthened through the use of more indigenous planting in the private and public domains.

Precinct Guidelines

Objectives	Design Responses	Avoid	Planning Officer Assessment
To maintain and enhance the garden settings of the dwellings.	<ul style="list-style-type: none"> Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, preferably indigenous species. Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone). 	<p>Lack of landscaping and substantial vegetation.</p> <p>Removal of large trees.</p> <p>Planting of environmental weeds.</p>	<p>Does not respond</p> <p>The proposal includes the removal of some low-amenity vegetation, but does not include an acceptable amount of new planting. Conditions to this effect have been included.</p>
To maintain the rhythm of spacious visual separation between buildings and allow space for trees and other planting.	<ul style="list-style-type: none"> Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. Buildings should be sited to allow space for a garden including trees and shrubs. Minimise impervious surfaces, particularly in the front garden. 		<p>Does not respond</p> <p>The boundary-to-boundary design is not considered to provide space between buildings, and has been conditioned to be amended. Otherwise, the spacing of the built form allows for plenty of garden space and planting opportunities.</p>
To minimise the loss of front garden spaces and the dominance of car parking structures.	<ul style="list-style-type: none"> Locate garages and carports at or behind the line of the dwelling. 	<p>Car parking structures that dominate the façade or view of the dwelling.</p>	<p>Responds</p> <p>The garages are level with the ground floor front walls, with the porch and upper screen elements projecting forward and taking prominence.</p>
To ensure that new buildings reflect the low scale forms of the area, and provide an articulated and interesting façade to the street.	<ul style="list-style-type: none"> Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, pitched roof forms, combinations of materials, textures or colours or other elements 	<p>Large, bulky buildings</p> <p>Poorly articulated roof, front and side wall surfaces</p>	<p>Responds</p> <p>The side setbacks are articulated along their full extent, and the front façade uses a protruding screen element to break up the appearance.</p>

Objectives	Design Responses	Avoid	Planning Officer Assessment
	<p><i>providing appropriate articulation.</i></p> <ul style="list-style-type: none"> <i>Recess upper levels from the front façade.</i> 		
<p><i>To use building materials and finishes that complement the natural setting.</i></p>	<ul style="list-style-type: none"> <i>Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</i> 	<p><i>Period reproduction styles and detailing.</i></p>	<p>Responds <i>A mixture of colours and textures is included. The front treatment is contemporary, but the dwellings use a hipped roof form, in keeping with the predominant character.</i></p>
<p><i>To enhance the openness and informality of the streetscape and maintain views into front gardens.</i></p>	<ul style="list-style-type: none"> <i>Provide open style front fencing, other than along heavily trafficked roads.</i> <i>Use vegetation as an alternative where possible.</i> 	<p><i>High or solid front fencing.</i></p>	<p>Responds <i>The proposed fence is a low rendered design, with no vehicle gates included.</i></p>

ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Complies	Refer to Attachment 2.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Complies	<p>Refer to 'Strategic Justification' section of the report for an assessment of the proposal against the relevant policy context.</p> <p>The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.</p>
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Complies	<p>The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for upgrading this infrastructure if necessary, to accommodate the development. Council's drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.</p>

<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Complies	<p>The development will integrate appropriately with the street and features a consistently deep front setback at ground floor level, providing an appropriate acknowledgement to the setbacks of the adjoining properties. The side setbacks, whilst non-compliant with the numerical standards of Standard B17m are minor in scale, and considerate of those adjoining properties and the general character in the street.</p> <p>The overall building height of 7.84 metres, when read with the taller built forms along the streetscape, ensures that any perception of dominance is limited.</p> <p>See Neighbourhood Character at Attachment 3 for further discussion.</p>
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CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING		
Title and Objective	Complies with Standard?	Comments
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Complies	<p>Requirement: 9m. Proposed: 9m at ground and first floor. Porch walls at ground level are at 9m, with the wall proper behind at 9.95m. the façade screen element to the first floor is also at 9m.</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Complies	<p>Maximum: 9m. Proposed: 7.835m metres (2 storeys)</p>
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Does not Comply	<p>Maximum: 50% Proposed: 53%</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Complies	<p>Minimum: >20% Proposed: 31.5%</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings.</p>	Complies	All habitable areas, including habitable rooms and secluded private open space areas have been located to maximise

Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.		solar access and no habitable rooms rely on secondary light sources.
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	There is no communal open space in or adjacent to the development.
B12 Safety Layout to provide safety and security for residents and property.	Complies	The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> Development that respects the landscape character of the neighbourhood. Development that maintains and enhances habitat for plants and animals in locations of habitat importance. The retention of mature vegetation on the site. 	Complies	The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority. See Section 6.5 of the report for further discussion.
B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Complies	An appropriate access off Erowal Street has been provided. See Section 6.4 of the report for further discussion.
B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.	Complies	On site car parking is provided in the form of a double garages. Standard traffic conditions are included as permit conditions. Refer to Section 6.4 of the report for further discussion.

CLAUSE 55.04 AMENITY IMPACTS		
Title and Objective	Complies with Standard?	Comments

B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.		Does not Comply	Refer to Section 6.3 of the Report.	
	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
West (side)	0m or 2m	2.62, 3.97, <u>1.56</u> , 2.02	3.21m, 3.52m, 3.28m	3.34m, 4.01m, 3.34m
East (side)	0m or 2m	2.62, 3.97, <u>1.56</u> , 2.02	3.26m, 3.68m, 3.31m	3.34m, 4.01m, 3.34m
South (rear)	0m or 3m	6.195m	6.28m	8.545m
B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.		Complies		
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.		Complies	The development has been sufficiently setback from all habitable room windows to abutting properties. The built form is offset 3.7 – 6 metres from the windows which exceeds the setback requirement of this standard.	
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.		N/A	There are no north facing windows within 3m of the shared boundary.	
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.		Complies	The overshadowing extends marginally beyond the shadow cast by the existing fence line at the late and early hours of the day to the adjoining properties, but well within the accepted standard.	
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.		Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard.	

<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. A condition to annotate the internal fencing between adjoining areas of secluded private open space has been included.
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Complies	It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.

<p>CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES</p>								
<p>Title and Objective</p>	<p>Complies with Standard?</p>	<p>Comments</p>						
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Complies	Entries are accessible for people with limited mobility and there is one bedroom on the ground floor of each dwelling. The development could be further retrofitted to accommodate people with limited mobility in the future if required.						
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Complies	The development fronts Erawal Street and includes a clearly identifiable entry with dedicated pedestrian pathway. The entry provides shelter, a sense of personal address and a transitional space around the building entry.						
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Complies	All habitable windows will open out onto a space clear to the sky.						
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	Complies	<p>Minimum: 25m² secluded, 40m² overall with a minimum dimension of 3 m.</p> <p>Proposed:</p>						
	<table border="1"> <thead> <tr> <th data-bbox="555 1590 857 1626">Private Open Space</th> </tr> </thead> <tbody> <tr> <td data-bbox="555 1626 857 1662">Dwelling 1</td> </tr> <tr> <td data-bbox="555 1662 857 1697">Dwelling 2</td> </tr> </tbody> </table>	Private Open Space	Dwelling 1	Dwelling 2	<table border="1"> <thead> <tr> <th data-bbox="869 1590 1308 1626">Secluded Private Open Space</th> </tr> </thead> <tbody> <tr> <td data-bbox="869 1626 1308 1662">49.1m²</td> </tr> <tr> <td data-bbox="869 1662 1308 1697">49.1m²</td> </tr> </tbody> </table>	Secluded Private Open Space	49.1m ²	49.1m ²
Private Open Space								
Dwelling 1								
Dwelling 2								
Secluded Private Open Space								
49.1m ²								
49.1m ²								

B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	Complies	The SPOS will receive adequate solar access.
B30 Storage Provide adequate storage facilities for each dwelling.	Complies	Designated storage areas are provided to both townhouses in the side open space and have a minimum area of 6 cubic metres.

CLAUSE 55.06 DESIGN DETAIL		
Title and Objective	Complies with Standard?	Comments
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Complies	Refer to Section 6.2 of the report for further discussion.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	Complies	A 1.2m high front fence is proposed.
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	N/A	No areas of common property.
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Complies	All appropriate site services can be easily catered for on-site. Mails boxes are shown to adjoin the pedestrian entry with waste provisions being provided within the basement level. A condition has been included requiring the location of solar hot water systems and air conditioning units to be located away from adjoining habitable room windows.



Arboricultural Impact Assessment

REPORT COMMISSIONED BY:

[REDACTED]

DATE OF ASSESSMENT:

Monday, February 01, 2021

SUBJECT SITE:

26 Erowal St,
Beaumaris VIC 3193

DATE OF REPORT:

Saturday, March 27, 2021

REPORT PREPARED BY:

Nicholas Holian,
Consulting Arborist
Certificate 5 Horticulture (Arboriculture)

VERSION 2

TMC REPORTS

ARBORICULTURAL CONSULTING SERVICES

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1 Assignment

1.1 Author / Consulting Arborist

Name	Phone
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Company	Email
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1.2 Client



Intended Audience

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

1.3 Brief

The purpose of this report is to provide an independent arboricultural assessment of prominent trees that are located within the subject site and within five metres of the site boundary lines.

Detail has been requested in relation to the following instructions:

- To provide an objective assessment of the overall condition of the subject trees.
- To provide an objective assessment of the retention value of the subject trees.
- To determine the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of the subject trees.
- To determine if the subject trees are expected to remain viable as a result of the proposed development.
- To propose recommendations that are expected to ensure that the subject trees would remain viable post construction.

2 Data collection

2.1 Site visit

- Ben Thomas, of TMC Reports, visited the site for an arboricultural assessment on Monday the 1st of February 2021 at 9:15am.

2.2 Method of data collection

- The subject trees were assessed from observations made as viewed from ground level.
- Access to neighbouring properties was not permitted. Assessment was therefore limited only to parts of the trees that were visible from within the subject site.
- A digital camera was used at ground level to obtain photographs within this report.
- The height of the trees was measured by using a Nikon Forestry Pro 2 Laser Range Finder.
- A circumference tape measure was used to determine the trunk dimensions of Trees 1, 3, 4 & 6 - 20.
- Trunk dimensions of neighbouring trees (Trees 2, 5 & 21 - 29) were estimated due to restricted access.
- Encroachment percentages have been calculated via ArborCAD.

2.2.1 Documents viewed

- Proposed plans (19/01/2021)
- Site survey (18/01/2021)
- Bayside City Council Planning Scheme
- Australian Standard AS4970 – 2009 'Protection of Trees on Development Sites'
- Australian Standard AS4373 – 2007 'Pruning of Amenity Trees'

3 Site description

- The subject site is located in a Neighbourhood Residential Zone – Schedule 3 (NRZ3) within the Bayside City Council.
- The subject site is located in a Vegetation Protection Overlay – Schedule 3 (VPO3) within the Bayside City Council.
- An existing residential dwelling is located within the subject site.
- The terrain of the site appeared to be predominately flat.
- The subject trees are all located within the subject site, council nature strip and adjoining properties (24 & 28 Erowal St and 23 & 25 Tibbles St).
- No additional prominent vegetation was observed within five metres of the site boundary lines.

4 Tree data

Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
1	<i>Melaleuca armillaris</i>	Young	Native NSW VIC TAS	2 m	N-S 0.5 m	0.02 m	Good	Good	20 + years	Low	Council Owned Tree	2.0 m	1.5 m	Council owned tree located within the front nature strip.
	E-W 0.5 m				0.06 m	0.04 m								
2	<i>Agonis flexuosa</i>	Young	Native WA	3 m	N-S 2 m	0.01 m	Good	Good	20 + years	Low	Neighbouring Tree	2.0 m	1.5 m	Neighbouring tree located within the Eastern adjoining property (28 Errowal St). Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ.
	E-W 2 m				0.03 m	0.01 m								
3	<i>Olea europaea</i>	Semi Mature	Exotic	3.5 m	N-S 2 m	0.11 m	Good	Fair	20 + years	Low	Low	2.0 m	1.5 m	Comprises of 2 stems at 1m above ground level.
	E-W 2 m				0.07 m (0.13 m)	0.41 m								
4	<i>Photinia robusta</i>	Mature	Exotic	8 m	N-S 8 m	0.58 m	Very poor	Fair	0 years	Low	Low	7.0 m	2.6 m	Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ. 99% defoliated.
	E-W 8 m				1.82 m	0.58 m								
5	<i>Pittosporum tenuifolium</i>	Semi Mature	Exotic	5 m	N-S 3 m	0.10 m	Good	Good	20 + years	Low	Neighbouring Tree	2.0 m	1.5 m	Neighbouring hedge consisting of 4-5 trees located within the Western adjoining property (24 Errowal St). Tree dimensions have been averaged. Permeable driveway within the TPZ.
	E-W 3 m				0.31 m	0.13 m								

Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
6	<i>Camellia</i> sp.	Mature	Exotic	6 m	N-S 6 m	0.52 m	Good	Good	20 + years	Low	Low	6.2 m	2.5 m	Permeable driveway and garage within the TPZ.
	E-W 6 m				1.63 m									
7	<i>Camellia japonica</i>	Semi Mature	Exotic	4 m	N-S 3 m	0.19 m	Good	Fair	10 - 20 years	Low	Low	2.3 m	1.6 m	Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ. Tree located close to the house.
	E-W 3 m				0.60 m									
8	<i>Eucalyptus viminalis</i> subsp. <i>pyroriana</i>	Semi Mature	Native VIC TAS	6.5 m	N-S 7 m	0.17 m 0.35 m (0.38 m)	Fair	Fair	10 - 20 years	Low	Low	4.6 m	2.5 m	Propped lower limb. Decay within lower stem
	E-W 7 m				1.48 m									
9	<i>Callistemon viminalis</i> / <i>Melaleuca viminalis</i>	Semi Mature	Native QLD NSW	3 m	N-S 3 m	0.07 m 0.07 m (0.09 m)	Good	Good	20 + years	Low	Low	2.0 m	1.5 m	Comprises of 2 stems at the base.
	E-W 3 m				0.25 m 0.25 m (0.50 m)									
10	<i>Leptospermum</i> sp.	Semi Mature	Native	3.5 m	N-S 3 m	0.12 m 0.12 m (0.16 m)	Good	Good	20 + years	Low	Low	2.0 m	2.0 m	Comprises of 2 stems at 0.3m above ground level
	E-W 3 m				0.41 m 0.41 m (0.82 m)									
	Tea Tree					0.30 m								

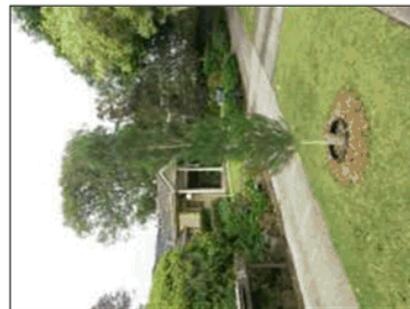
Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
11	<i>Lepospermum laevigatum</i>	Mature	Native VIC TAS NSW SA QLD WA	3 m	N-S 5 m	0.40 m	Fair	Poor	20 + years	Low	Low	4.8 m	2.3 m	Growing along the ground. Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ
	E-W 3 m				1.26 m									
12	<i>Banksia marginata</i>	Semi Mature	Native VIC NSW SA	5.5 m	N-S 4 m	0.22 m 0.15 m (0.26 m)	Fair	Fair	20 + years	Low	Low	3.1 m	2.3 m	Comprises of 2 stems at the base.
	E-W 4 m				0.75 m 0.50 m (1.26 m)									
13	<i>Callistemon viminalis</i> / <i>Melaleuca viminalis</i>	Semi Mature	Native QLD NSW	3 m	N-S 3 m	0.05 m 0.08 m (0.09 m)	Good	Good	20 + years	Low	Low	2.0 m	1.5 m	Comprises of 2 stems at 1m above ground level.
	E-W 2 m				0.38 m 0.13 m									
14	<i>Acer palmatum</i>	Mature	Exotic	6.5 m	N-S 6 m	0.12 m 0.10 m 0.18 m 0.19 m (0.30 m)	Fair	Good	20 + years	Low	Low	3.6 m	2.1 m	Comprises of 4 stems at 0.5m above ground level.
	E-W 6 m				0.41 m 0.35 m 0.63 m 0.60 m (1.98 m)									
15	Japanese Maple	Semi Mature	Exotic	3 m	N-S 3 m	0.14 m	Good	Good	20 + years	Low	Low	2.0 m	1.5 m	Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ
	E-W 3 m				0.44 m 0.14 m									

Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
16	<i>Camellia japonica</i>	Semi Mature	Exotic	3 m	N-S 3 m	0.22 m	Fair	Good	20 + years	Low	Low	2.6 m	1.8 m	Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ
	Japanese Camellia				E-W 3 m	0.22 m								
17	<i>Viburnum tinus</i>	Semi Mature	Exotic	3 m	N-S 3 m	0.15 m	Good	Fair	10 - 20 years	Low	Low	2.0 m	1.5 m	Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ
	Laurustinus				E-W 3 m	0.47 m								
18	<i>Eucalyptus</i> sp.	Young	Native	3 m	N-S 1 m	0.03 m	Fair	Good	20 + years	Low	Low	2.0 m	1.5 m	
	Gum sp.				E-W 1 m	0.09 m								
19	<i>Phoenix canariensis</i>	Semi Mature	Exotic	5 m	N-S 5 m	0.40 m	Fair	Good	20 + years	Low	Low	3.5 m	N/A	TPZ adjusted in accordance with section 3.2 of AS4970-2009. SRZ not required in accordance with section 3.3.5 of AS4970-2009.
	Canary Island Date Palm				E-W 5 m	1.32 m								
20	<i>Dicksonia</i> sp.	Semi Mature	Native	3 m	N-S 2 m	0.24 m	Fair	Fair	20 + years	Low	Low	2.0 m	N/A	TPZ adjusted in accordance with section 3.2 of AS4970-2009. SRZ not required in accordance with section 3.3.5 of AS4970-2009.
	Fern				E-W 2 m	0.79 m								
21	<i>Melaleuca styphelioides</i>	Semi Mature	Native QLD NSW VIC	5 m	N-S 4 m	0.18 m	Good	Good	20 + years	Low	Neighbouring Tree	2.2 m	1.8 m	Neighbouring tree located within the Western adjoining property (24 Errowal St)
	Prickly Paperbark				E-W 4 m	0.60 m								

Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
22	<i>Eucalyptus scoparia</i>	Young	Native NSW	4 m	N-S 3 m	0.10 m	Good	Good	20 + years	Low	Neighbouring Tree	2.0 m	1.5 m	Neighbouring tree located within the Western adjoining property (24 Erawal St)
	E-W 3 m				0.38 m	0.14 m								
23	<i>Ulmus procera</i>	Semi Mature	Exotic	17 m	N-S 17 m	0.50 m	Good	Fair	20 + years	High	Neighbouring Tree	6.0 m	2.7 m	Neighbouring tree located within the South Western adjoining property (23 Tibbles St)
	E-W 17 m				1.67 m	0.60 m								
24	<i>Unknown sp</i>	Semi Mature	Un known	3 m	N-S 1 m	0.03 m	Good	Good	20 + years	Low	Neighbouring Tree	2.0 m	1.5 m	Neighbouring tree located within the Southern adjoining property (25 Tibbles St)
	E-W 1 m				0.09 m	0.05 m								
25	<i>Corymbia ficifolia</i>	Semi Mature	Native WA	3 m	N-S 3 m	0.10 m	Good	Good	20 + years	Low	Neighbouring Tree	2.0 m	1.5 m	Neighbouring tree located within the Southern adjoining property (25 Tibbles St)
	E-W 3 m				0.31 m	0.13 m								
26	<i>Eucalyptus leucoxylon</i>	Young	Native SA VIC	3 m	N-S 2 m	0.04 m	Good	Good	20 + years	Low	Neighbouring Tree	2.0 m	1.5 m	Neighbouring tree located within the Southern adjoining property (25 Tibbles St)
	E-W 2 m				0.16 m	0.06 m								
27	<i>Agonis flexuosa variegata</i>	Young	Native WA	3.5 m	N-S 3 m	0.05 m	Good	Good	20 + years	Low	Neighbouring Tree	2.0 m	1.5 m	Neighbouring tree located within the Southern adjoining property (25 Tibbles St)
	E-W 3 m				0.16 m	0.07 m								

Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
28	<i>Pittosporum tenuifolium</i>	Semi Mature	Exotic	3 to 4 m	N-S 2 m E-W 2 m	0.05 m 0.19 m 0.10 m	Good	Good	20 + years	Low	Neighbouring Tree	2.0 m	1.5 m	Neighbouring hedge located within the Eastern adjoining property (28 Errowal St).
	Kohuhu													
29	<i>Banksia integrifolia</i>	Mature	Native QLD NSW VIC	11 m	N-S 9 m E-W 9 m	0.40 m 0.50 m (0.64 m) 1.29 m 1.63 m (2.92 m) 0.10 m	Good	Good	20 + years	Moderate	Neighbouring Tree	7.7 m	3.3 m	Neighbouring tree located within the Eastern adjoining property (28 Errowal St).
	Coast Banksia													

4.1 Photographic evidence



Tree 1



Tree 2



Tree 3



Tree 4



Tree 5



Tree 10



Tree 15



Tree 9



Tree 14



Tree 8



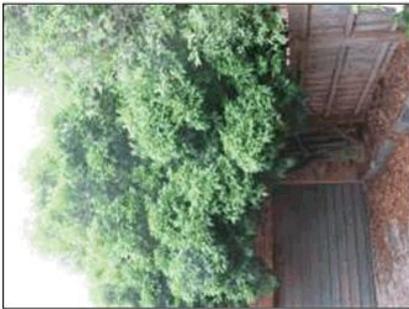
Tree 13



Tree 7



Tree 12



Tree 6



Tree 11



Tree 21



Tree 26



Tree 19



Tree 25



Tree 18



Tree 24



Tree 17



Tree 23



Tree 16



Tree 22



Tree 29



Tree 28



Tree 27



Rear yard viewed from the South



Front yard viewed from the North





Eastern boundary viewed from the North



Driveway viewed from the North

5 Site maps

5.1 Existing conditions

The following map indicates the tree locations in relation to the existing conditions:

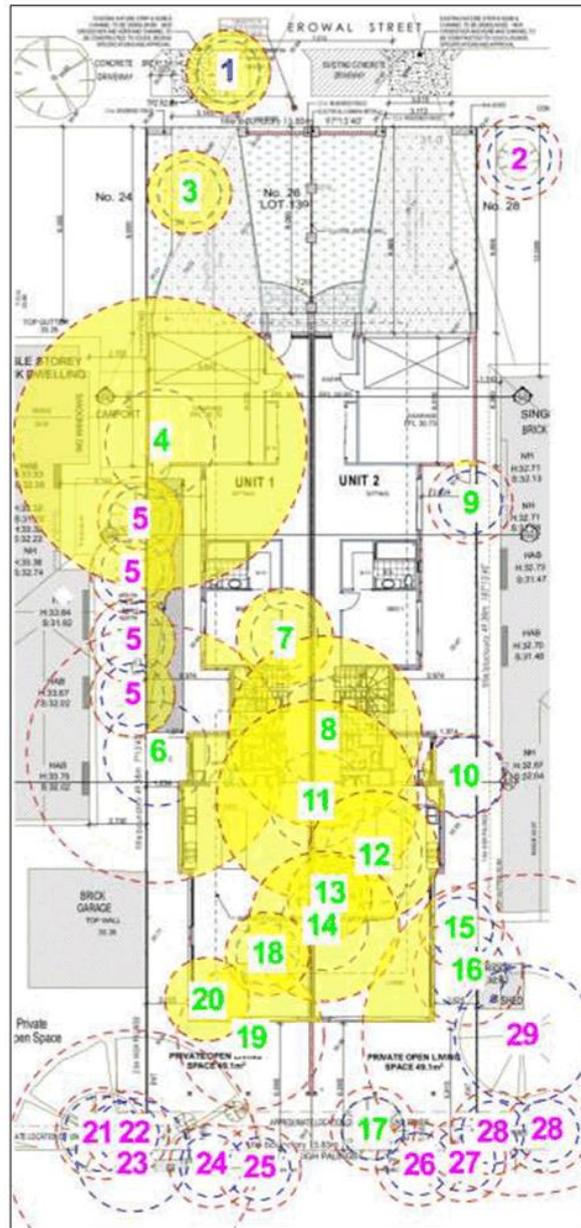


LEGEND

- LOW RETENTION VALUE
- MODERATE RETENTION VALUE
- HIGH RETENTION VALUE
- OTHER PERSON'S TREE
- COUNCIL OWNED TREE
- PROPOSED ENCROACHMENT
- TREE PROTECTION ZONE
- STRUCTURAL ROOT ZONE

5.2 Proposed plan

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



LEGEND

- LOW RETENTION VALUE
- MODERATE RETENTION VALUE
- HIGH RETENTION VALUE
- OTHER PERSON'S TREE
- COUNCIL OWNED TREE
- PROPOSED ENCROACHMENT
- TREE PROTECTION ZONE
- STRUCTURAL ROOT ZONE

6 Discussion

6.1 Tree protection zone

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

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

6.2 Structural root zone

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

6.3 Designing around trees

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

The following is referenced from section 3.3.3 of the Australian Standards AS4970 – 2009 Protection of Trees on Development Sites:

6.3.1 Minor encroachment

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

6.3.2 Major encroachment

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

7 Conclusion

7.1 Tree retention value

7.1.1 Council owned tree

The following tree belongs to Bayside City Council:

- Tree 1

7.1.2 Neighbouring trees

The following trees do not belong to the property owner:

- Tree 2
- Tree 5
- Tree 21
- Tree 22
- Tree 23
- Tree 24
- Tree 25
- Tree 26
- Tree 27
- Tree 28
- Tree 29

7.1.3 Low retention value

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

- Tree 3
- Tree 6
- Tree 7
- Tree 8
- Tree 9
- Tree 10
- Tree 11
- Tree 12
- Tree 13
- Tree 14
- Tree 15
- Tree 16
- Tree 17
- Tree 18
- Tree 19
- Tree 20

The following tree is of low retention value as it is of poor health:

- Tree 4

7.2 Permit requirements

7.2.1 Local law

The site is subject to Bayside City Council local law which states the following:

A Person must not, without a Permit:

- destroy, damage or remove or allow to be destroyed, damaged or removed on any Private Property; or
- cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned on any Private Property any Significant Tree or any other protected Tree.

For the purposes of sub-clause (1) a protected Tree is a Tree with a Single Trunk Circumference or Combined Trunk Circumference greater than 155 centimetres measured at 1 metre above ground level but excluding species which are declared Noxious Weeds.

If a Permit has been granted and contains a condition requiring the planting of one or more replacement Trees, a Person must not, except in accordance with another Permit granted by the Council or an Authorised or Delegated Officer:

- destroy, damage or remove or allow to be destroyed, damaged or removed; or
- cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned, any Tree planted under that condition.

Palms, ferns and non-woody plants.

- Please note that palms, ferns and non-woody plants do not meet the definition of 'tree' in Council's local law and do not need a local law permit to remove.

A permit is not required to prune a tree protected by the Local Law in special circumstances, these are:

- The removal or pruning of that part of the tree that poses an immediate risk to persons or property. Only that part of the tree that poses the immediate risk may be removed under this exemption.
- When the work is to be carried out by an arborist trained to AQF Level 3 in Arboriculture, or above, or equivalent recognised and relevant experience. The work needs to conform to the Australian Standard No. 4373, 2007 Pruning of Amenity Trees. The contractor must certify their work, including photographs of before and after work.
- Trees declared as noxious weeds under the Catchment and Land Protections Act 1994.

7.2.2 VPO3

The site is subject to schedule 3 of the Vegetation Protection Overlay within Bayside City Council states the following:

A planning permit is required to remove, destroy or lop any native tree or plant (including ferns and palms) which is:

- greater than 2m high, and
- has a single trunk circumference greater than 0.5m at a height of 1m above ground level.

Pruning a native tree or native plant protected by the VPO is allowed without a permit in the VPO3 area. Works must be in accordance with AS4970 Pruning of Amenity Trees to be considered pruning.

7.2.3 Trees subject to permit requirements

The following trees require a permit to destroy, damage, remove or prune in accordance with the local law:

- Tree 4
- Tree 14
- Tree 23

The following trees require a permit to remove, destroy or lop in accordance with VPO3:

- Tree 8
- Tree 9
- Tree 10
- Tree 11
- Tree 12
- Tree 20
- Tree 21
- Tree 29

Note: Only trees that were three meters (3m) or above were included within this site assessment. There may be vegetation which would require a permit in accordance with VPO3 that are not included within this report.

7.3 Street tree policy

7.3.1 Working around Council trees

Basic information regarding Council trees

Maintenance – Requests for pruning will be undertaken by Council's authorised tree-care contractors.

Tree removal – For permission to remove a tree to facilitate development, see *Street and Park Tree Management Policy* on the Bayside City Council website: https://www.bayside.vic.gov.au/sites/default/files/council/street_and_park_tree_management_policy_2016.pdf

Root Pruning

TREE ROOTS GREATER THAN 50mm MUST NOT BE CUT unless authorised.

A penalty applies for damage to Council assets under Local Law s70(2).

Bayside City Council Open Space Arborists must be contacted to approve any proposed cutting of roots greater than 50mm in diameter.

Mechanical excavation or trenching must not be undertaken within the Exclusion Zone.

Exclusion Zone – Restrictions in this Zone are based on AS 4970-2009 3.3.4 Tree Protection Zone (TPZ) encroachment considerations.

EXCLUSION ZONE distances for different tree sizes	
Trunk diameter measured at 1.4 m above ground level	EXCLUSION ZONE distances from trunk for no excavation
Up to 25 cm	2.0 m
25–50 cm	3.0 m
≥51 cm	3.5 m

INSTALLATION OF INFRASTRUCTURE

1. **Utilities/Services** Council's Open Space Arborist must be contacted with a plan of the proposed works and include the address, tree location and proposed service location.
Send plans to: enquiries@bayside.vic.gov.au attention: Open Space Arborist. Please allow at least 10 ten working days from date received at Council for response.

Proposed site of excavation should be identified in the plans for installation of services and vehicles crossings must be identified in plans – see above.

Boring must be used for installation of services within this zone unless otherwise approved in writing by the Open Space Arborist.

2. **Vehicle Crossings (including Planning and Building permit referrals)** – The location of a vehicle crossing inside a Council tree's TPZ will be determined by non-destructive root investigation along the proposed line of excavation adjacent to the tree. Mature size and future growth of the tree must be taken into consideration. The Open Space Arborist will assess each application for final approval.
3. **Civil works** – careful excavation must be undertaken where there is obvious conflict with tree roots. All pruning of roots <50mm in diameter must be undertaken with a clean and sharp hand-saw.

Nature Strip Planting Policy provides guidance for undertaking works on nature strips. Removal of soil around street trees should not be undertaken without prior approval by the Open Space Arborists.
https://www.bayside.vic.gov.au/sites/default/files/council/doc_14_169724_nature_strip_planting_policy_2014.pdf

Working Near Council Trees Conditions for the protection of Council trees are issued to developers of land via Asset Protection, Hoarding, Planning and/or Vehicle Crossing Permits obtained prior to commencing works near Council trees.

Any other works, such as routine road openings by authorities or utilities installers that require excavation within three metres of a tree must comply with the Working Near Council Trees Guideline.

Failure to comply with tree protection conditions will result in the permit holder being liable for penalties under the Local Law.

7.3.2 Tree removal to facilitate development

In circumstances where the development of a site can reasonably be achieved with the retention of a council tree, the tree will be retained. However, in circumstances where this is not possible and removal is approved under the policy, the applicant will be required to compensate the community for the removal of the tree.

7.3.3 Removal criteria

The Council may agree to the removal or replacement of a street tree to facilitate development when the following criteria are met:

- The tree has a Safe Useful Life Expectancy (SULE) of less than 10 years (as determined by an appropriate Council officer).
- The tree has a value of less than \$30,000 (as determined by Council's approved valuation method).
- It will be impractical to incorporate the tree into the design of the development.
- The applicant agrees to pay the cost of removing the tree/s.
- The applicant agrees to pay planting costs for replacement tree/s (including any applicable tree gain).
- The applicant agrees to pay compensation for loss of amenity in the amount of the current value of the tree (as determined by Bayside's agreed valuation system).

7.4 Impact assessment

The following table represents the encroachments of the proposed development:

Tree No.	Encroachment	TPZ encroachment	SRZ encroachment	Encroachment category	Proposed retention
1	Crossover 1	Entire tree	Entire tree	Major	Remove
2	N/A	0%	0%	N/A	Retain
3	Driveway 1	Entire tree	Entire tree	Major	Remove
4	Garage 1	Entire tree	Entire tree	Major	Remove
5	Paving 1	28.6%	22.0%	Major	Retain
6	Unit 1	30.7%	14.4%	Major	Remove
7	Unit 1	Entire tree	Entire tree	Major	Remove
8	Unit 2	Entire tree	Entire tree	Major	Remove
9	Garage 2	1.9%	0%	Minor	Remove
10	Unit 2	16.2%	14.8%	Major	Remove
11	Unit 2	Entire tree	Entire tree	Major	Remove
12	Unit 2	Entire tree	Entire tree	Major	Remove
13	Unit 2	Entire tree	Entire tree	Major	Remove
14	Unit 2	Entire tree	Entire tree	Major	Remove
15	Unit 2	12.7%	3.6%	Major	Remove
16	Unit 2	14.0%	2.6%	Major	Remove
17	N.A	0%	0%	N/A	Remove
18	Unit 1	Entire tree	Entire tree	Major	Remove
19	Unit 1	36.5%	N/A	Major	Remove
20	Unit 1	Entire tree	N/A	Major	Remove
21	N/A	0%	0%	N/A	Retain
22	N/A	0%	0%	N/A	Retain
23	Paving 1	0%	0%	N/A	Retain
24	N/A	0%	0%	N/A	Retain
25	N/A	0%	0%	N/A	Retain
26	N/A	0%	0%	N/A	Retain
27	N/A	0%	0%	N/A	Retain
28	N/A	0%	0%	N/A	Retain
29	Unit 2	7.2%	0%	Minor	Retain

Note: Encroachment calculations are approximate and do not consider over excavation.

7.4.1 No encroachment

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

- Tree 2
- Tree 17
- Tree 21
- Tree 22
- Tree 23
- Tree 24
- Tree 25
- Tree 26
- Tree 27
- Tree 28

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

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

7.4.2 Minor encroachment

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

- Tree 9
- Tree 29

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

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

7.4.3 Major encroachment

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

- | | | | |
|----------|-----------|-----------|-----------|
| ○ Tree 1 | ○ Tree 7 | ○ Tree 13 | ○ Tree 19 |
| ○ Tree 3 | ○ Tree 8 | ○ Tree 14 | ○ Tree 20 |
| ○ Tree 4 | ○ Tree 10 | ○ Tree 15 | |
| ○ Tree 5 | ○ Tree 11 | ○ Tree 16 | |
| ○ Tree 6 | ○ Tree 12 | ○ Tree 18 | |

Tree 1

- The tree is located within the footprint of the proposed crossover 1.
- The proposed design requires the removal or relocation of this tree.
- This is a Council owned tree and must only be maintained by Council staff or contractors.
- Written permission from Council must be obtained prior to tree removal (conditions may apply).
- This is a small and young specimen that can easily be transplanted or replaced.
- In the event of removal or relocation, less invasive construction measures or development redesign are not required.

Tree 3

- The tree is located within the footprint of driveway 1.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is not required to destroy, damage, remove or prune this tree in accordance with local law or VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 4

- The tree is located within the footprint of garage 1.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is required to destroy, damage, remove or prune this tree in accordance with the local law.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 5

- Paving 1 is proposed to be a major encroachment (6.3.2) of 28.6% of the TPZ and 22.0% of the SRZ.
- The construction of paving 1 combined has the potential to compromise these tree's long-term viability.
- These are neighbouring trees that are proposed to be retained.
- A permit is not required to destroy, damage, remove or prune these trees in accordance with local law or VPO3.
- Recommendations within section 8.3 and 8.4 of this report are required to ensure that this tree would remain viable post construction.

Tree 6

- Unit 1 is proposed to be a major encroachment (6.3.2) of 30.7% of the TPZ and 14.4% of the SRZ.
- The construction of proposed unit 1 has the potential to compromise the tree's long-term viability.
- This tree is of low retention value.
- This tree is proposed to be removed.
- A permit is not required to destroy, damage, remove or prune this tree in accordance with local law or VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 7

- The tree is located within the footprint of unit 1.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is not required to destroy, damage, remove or prune this tree in accordance with local law or VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 8

- The tree is located within the footprint of unit 2.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is required to destroy, damage or remove this tree in accordance with VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 10

- Unit 2 is proposed to be a major encroachment (6.3.2) of 16.2% of the TPZ and 14.8% of the SRZ.
- The construction of proposed unit 2 has the potential to compromise the tree's long-term viability.
- This tree is of low retention value.
- This tree is proposed to be removed.
- A permit is required to destroy, damage or remove this tree in accordance with VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 11

- The tree is located within the footprint of unit 2.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is required to destroy, damage or remove this tree in accordance with VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 12

- The tree is located within the footprint of unit 2.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is required to destroy, damage or remove this tree in accordance with VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 13

- The tree is located within the footprint of unit 2.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is not required to destroy, damage, remove or prune this tree in accordance with local law or VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 14

- The tree is located within the footprint of unit 2.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is required to destroy, damage, remove or prune this tree in accordance with local law.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 15

- Unit 2 is proposed to be a major encroachment (6.3.2) of 12.7% of the TPZ and 3.6% of the SRZ.
- The construction of proposed unit 2 has the potential to compromise the tree's long-term viability.
- This tree is of low retention value.
- This tree is proposed to be removed.
- A permit is not required to destroy, damage, remove or prune this tree in accordance with local law or VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 16

- Unit 2 is proposed to be a major encroachment (6.3.2) of 14.0% of the TPZ and 2.6% of the SRZ.
- The construction of proposed unit 2 has the potential to compromise the tree's long-term viability.
- This tree is of low retention value.
- This tree is proposed to be removed.
- A permit is not required to destroy, damage, remove or prune this tree in accordance with local law or VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 18

- The tree is located within the footprint of unit 1.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is not required to destroy, damage, remove or prune this tree in accordance with local law or VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 19

- Unit 2 is proposed to be a major encroachment (6.3.2) of 36.5% of the TPZ. No SRZ is required for this tree.
- The construction of proposed unit 2 has the potential to compromise the tree's long-term viability.
- This tree is of low retention value.
- This tree is proposed to be removed.
- A permit is not required to destroy, damage, remove or prune this tree in accordance with local law or VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

Tree 20

- The tree is located within the footprint of unit 1.
- The tree is required to be removed in order to construct the proposed development.
- This tree is of low retention value.
- A permit is required to destroy, damage or remove this tree in accordance with VPO3.
- In the event of removal, less invasive construction measures or development redesign is not required.

8 Recommendations**8.1 Tree retention**

The following neighbouring trees are proposed to be retained:

- Tree 2
- Tree 5
- Tree 21
- Tree 22
- Tree 23
- Tree 24
- Tree 25
- Tree 26
- Tree 27
- Tree 28
- Tree 29

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

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

8.2 Tree removal

The following Council owned tree is proposed to be removed and replaced:

- Tree 1

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

- Tree 3
- Tree 4
- Tree 6
- Tree 7
- Tree 8
- Tree 9
- Tree 10
- Tree 11
- Tree 12
- Tree 13
- Tree 14
- Tree 15
- Tree 16
- Tree 17
- Tree 18
- Tree 19
- Tree 20

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

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

8.2.1 Permit requirements for trees that are proposed to be removed

The following trees that are proposed to be removed require a permit in accordance with the local law:

- Tree 4
- Tree 14

The following trees that are proposed to be removed require a permit in accordance with VPO3:

- Tree 8
- Tree 9
- Tree 10
- Tree 11
- Tree 12
- Tree 20

8.3 Less invasive construction measures

8.3.1 Paving 1

- Limit any excavation to surface scraping for levelling purposes only (e.g. no greater than 100mm in depth) within the TPZ of Tree 5.
- Engage a suitably qualified arborist (AQF Level 5) to supervise any surface scraping for paving 1 within the TPZ of Tree 25.
- Construct paving 1 via permeable materials of pH neutral composition which allows water to penetrate through the surface and into the soil profile within the TPZ of Tree 5.

8.4 Tree protection measures

8.4.1 Pruning

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

8.4.2 Tree protection fencing

- Tree protection fencing (TPF) should be installed for Trees 22 - 29.
- TPF should be installed as close to the TPZ as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
- The existing site perimeter fencing may be used as TPF for Trees 2 & 5.
- TPF should be installed prior to machinery being brought onsite for the demolition of the existing dwelling.
- TPF should be a minimum 1.8m high and comprised of wire mesh (or similar) supported by concrete feet (or similar).
- TPF should remain intact for the duration of the project.
- TPF should only be removed or shifted with the approval of the Project Arborist and the Responsible Authority.

8.4.3 Tree protection signage

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



8.4.4 Ground protection

- Ground protection should be installed within the TPZ of Tree 5 that are located outside of the building footprint.
- Ground protection should be comprised of rumble boards with 100mm of mulch underneath.

8.4.5 Scaffolding

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

8.4.6 Site storage

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

8.4.7 Prohibitions within the TPZ

The following activities are prohibited within the TPZ:

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

8.4.8 Drains and services

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

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

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

9 Limitation of liability

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

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

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

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

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

10 Definition of terms

10.1 Tree health

- Good
- Fair
- Poor
- Very poor
- Dead

Good: The tree is demonstrating good or exceptional growth for the species. The tree should exhibit a full canopy of foliage and have only minor pest or disease problems. Foliage colour size and density should be typical of a health specimen of that species.

Fair: The tree is in reasonable condition and growing well for the species. The tree should exhibit an adequate canopy of foliage. There may be some dead wood in the crown, some grazing by insect or animals may be evident, and/or foliage colour, size or density may be atypical for a healthy specimen of that species.

Poor: The tree is not growing to its full capacity. Extension growth of the laterals may be minimal. The canopy may be thinning or sparse. Large amounts of dead wood may be evident throughout the crown, as well as significant pest and disease problems. Other symptoms of stress indicating tree decline may be present.

Very poor: The tree appears to be in a state of decline, and the canopy may be very thin and sparse. A significant volume of dead wood may be present in the canopy, or pest and disease problems may be causing a severe decline in tree health.

Dead: The tree is no longer alive.

10.2 Structure

- Good
- Fair
- Poor
- Very poor
- Failed

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

Good: The tree has a well-defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunks or the branches. Major limbs are well defined. The tree would be considered a good example for the species. Probability of significant failure is highly unlikely.

Fair: The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance at some branch unions or branches may be exhibiting minor structural faults. If the tree has a single trunk, this may be on a slight lean, or be exhibiting minor defects. Probability of significant failure is low.

Poor: The tree may have a poorly structured crown, the crown may be unbalanced, or exhibit large gaps. Major limbs may not be well defined; branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered major root damage. Probability of significant failure is moderate.

Very poor: The tree has a poorly structured crown. The crown is unbalanced, or exhibits large gaps. Major limbs are not well defined. Branch unions may be poor or faulty at the point of attachment. A section of the tree has failed, or is in imminent danger of failure. Active failure may be present, or failure is probably in the immediate future.

Failed: A significant section of the tree or the whole tree has failed.

10.3 Useful life expectancy (ULE)

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

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

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

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

Less Than 5 years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 5 years. The tree will need to be replaced in the short term. Replacement plants should be established as soon as possible if there is efficient space, or consideration should be given to the removal of the tree to facilitate replanting.

5 to 10 Years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 10 years. Trees in this category may require regular inspections and maintenance particularly if they are large specimens. Replacement plants should be established in the short term if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.

10 to 20 Years: The tree under normal circumstances and without extra stress should be safe and of value of up to 20 years. During this period, regular inspections and maintenance will be required.

20 + Years: The tree under normal circumstances and without extra stress should be safe and of value of more than years. During this period, regular inspections and maintenance will be required.

10.4 Tree retention value

- High
- Moderate
- Low
- Neighbouring tree
- Council Owned Tree

High: The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (e.g. habitat, shade, flowers or fruit). The tree is free from structural defects and is vigorous. Consider the retention of the tree and designing the development to accommodate the tree.

Moderate: The tree may offer some screening in the landscape or serve a particular function in the location and have minor structural defects. The tree may be entering the mature stage of its life cycle. The tree may be retained if it does not hamper the design intent.

Low: The tree offers very little in the way of screening or amenity and may have significant structural defects. The tree may also be mature and entering the senescent stage of its life cycle. The tree may be removed if necessary.

Neighbouring tree: The tree is located within an adjoining private property/land. The tree is to be protected unless written consent from the tree owner(s) and/or responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.

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

10.5 Age

- Young
- Semi Mature
- Mature
- Senescent

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

10.6 Amenity value

- Very low
- Low
- Moderate
- High

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

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

10.7 Terms within tree data table

- DBH
- DAB
- CA1
- TPZ
- SRZ

DBH: Diameter at breast height (1.4m from ground level)
DAB: Diameter at base of tree
CA1: Circumference of trunk at 1m from ground level
TPZ: Tree Protection Zone
SRZ: Structural Root Zone

VPO Tree Profiles

Address	26 Erowal St			
Tree No.	X			
Botanical Name:	<i>Dicksonia antarctica</i>			
Common Name:	Tree fern			
Height / Canopy:	3 x 1			
Trunk Circ.@1m:	131cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	W1			
Location 2	S9			
Date of assessment	19/04/21			
Origin:	Indigenous	Victorian		
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	26 Erowal St			
Tree No.	6			
Botanical Name:	<i>Ficus microcarpa</i> var. <i>hilli</i>			
Common Name:	Hills fig			
Height / Canopy:	7 x 7			
Trunk Circ.@1m:				
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	W0			
Location 2	S20			
Date of assessment	19/04/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	26 Erowal St			
Tree No.	8			
Botanical Name:	<i>Eucalyptus viminalis</i> subsp. <i>pryoriana</i>			
Common Name:	Coast manna gum			
Height / Canopy:	7 x 6			
Trunk Circ.@1m:				
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	E6			
Location 2	S20			
Date of assessment	19/04/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	26 Erowal St					
Tree No.	11					
Botanical Name:	<i>Leptospermum laevigatum</i>					
Common Name:	Tea tree					
Height / Canopy:	3 x 4					
Trunk Circ.@1m:	55cm					
Trunk DBH.@1.4m:						
Trunk DAB@0m:						
Location 1	S19					
Location 2	E5					
Date of assessment	19/04/21					
Origin:	Indigenous	Victorian			Australian	Exotic
Age:	Young	Semi-mature			Mature	Over-mature
Health:	Good	Fair	Poor	Dead		
Structure:	Good	Fair	Poor	Hazardous		
Amenity Value:	High	Moderate	Low	None		
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years		
Retention Value:	High	Medium	Low	None		
Habitat value:	High	Moderate	Low			
Align with NCP	Yes	No	n/a			
Support for removal:	Yes	No				

Address	26 Erowal St			
Tree No.	12			
Botanical Name:	<i>Banksia marginata</i>			
Common Name:	Silver banksia			
Height / Canopy:	6 x 2			
Trunk Circ.@1m:	73cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	S18			
Location 2	E5			
Date of assessment	19/04/21			
Origin:	<i>Indigenous</i>	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Address	26 Erowal St			
Tree No.	20			
Botanical Name:	<i>Dicksonia antarctica</i>			
Common Name:	Tree fern			
Height / Canopy:				
Trunk Circ.@1m:	79cm			
Trunk DBH.@1.4m:				
Trunk DAB@0m:				
Location 1	W2			
Location 2	S8			
Date of assessment	19/04/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

Decision Guideline	Response
<i>The impact the vegetation removal would have on the character of the area</i>	Limited impact as most trees are in the rear offering moderate or no amenity.
<i>The impact the vegetation removal would have on the presence of indigenous species in the locality</i>	3 indigenous trees being removed and given the landscape plan offers 3 indigenous species in the plant schedule the presence of indigenous species will not be negatively affected.
<i>The impact the vegetation removal would have on the appearance of development.</i>	The majority of the trees are located in the rear, hidden behind other trees and the built form. Some offering moderate amenity. Others offering low amenity. It is necessary that vegetation removal occurs to facilitate the development and most of the tree are in the central area of the property.
<i>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</i>	No fauna is evident in the trees proposed for removal.
<i>Any proposal to regenerate or plant indigenous vegetation on the site.</i>	Yes, but there is an insufficient amount of canopy trees proposed.

**4.9 ROYAL MELBOURNE GOLF CLUB
CHELTENHAM ROAD, BLACK ROCK
GRANT A PERMIT
APPLICATION 2021/190/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/159432

This matter has been reported to the Planning and Amenity Committee for a decision because there are 2 or more trees to be removed in the Vegetation Protection Overlay Schedule 3 (VPO3).

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Grant a Permit
Applicant	Royal Melbourne Golf Club Inc.
Title/Covenant/S173 Agreement	The title is not subject to any restrictive covenants.
Date application received	21 April 2021
Current statutory days	49 days
Zoning	General Residential Zone (Schedule 8)
Overlays	Vegetation Protection Overlay (Schedule 3) Design and Development Overlay (Schedule 2) Heritage Overlay (Schedule 710) Development Contributions Plan Overlay (Schedule 1)
Site area	598,376sqm (59.8 hectares)
Number of outstanding objections	0
Is a Development Contribution Levy applicable?	No
Is the site located within an area of cultural heritage sensitivity?	Yes, however a CHMP is not required.

Proposal

The application seeks Partial demolition of buildings, buildings and works associated with an existing Outdoor Recreation Facility in a Heritage Overlay, removal of native vegetation in a Vegetation Protection Overlay.

Key details of the proposal are as follows:

- Buildings and works to the existing golf club to include:
 - construction of basement car park comprising 192 car parking spaces, pedestrian walkways to lift lobby and buggy, cart and other storage areas
 - extension and internal alterations to bowls pavilion including addition of golf foyer facing driving range with ball dispenser, green keepers and bowlers stores, WC's, covered terrace areas and pedestrian lift and stair

- access to basement.
 - extension to pro-shop building and construction of canopy walkway and buggy park area
 - layout alterations to at grade car parking spaces to accommodate vehicle and pedestrian/ buggy access ramps to basement
 - landscaping works including the addition of putting green, pedestrian footpaths and shrubs and trees.
- total of 96 additional parking spaces and 2 additional drop off spaces
 - removal of thirteen (13) trees protected by the Vegetation Protection Overlay.

The application plans are provided at **Attachment 1**.

An aerial image and photographs of the site and surrounds are provided at **Attachment 2**.

History

Planning permit 2018/554/1 was granted on 5 October 2018 for Buildings and works to an existing clubhouse in a General Residential Zone (Schedule 8) and a Heritage Overlay (Schedule 710). These most recent works comprise:

- two sets of double doors providing access to the north facing ground floor terrace
- new pergolas to the south, east and west facing ground floor terraces
- enclosure of first floor members terrace to provide extension to first floor members' bar.

Planning Permit 2015/332/1 was granted on 4 November 2015 for Demolition of existing buildings, removal of vegetation and buildings and works associated with the upgrade of the existing maintenance facilities.

Planning permit 2013/185/1 was granted on 21 May 2013 for Buildings and works associated with a section 2 use in the Residential 1 Zone, buildings and works in a Heritage Overlay (HO710) and removal of native vegetation in a Vegetation Overlay 3.

Planning permit 2013/259/1 was granted on 3 July 2013 for the removal of native vegetation within Vegetation Protection Overlay 3.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.08-8 (General Residential Zone) – Carrying out buildings and works associated with a Section 2 use.
- Clause 42.02-2 (Vegetation Protection Overlay) – Removal of native vegetation.
- Clause 43.01-1 (Heritage Overlay) – Demolition of a building and construction of buildings and works.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

The application was referred to the following Council departments for comment:

Internal Referral	Response
Arborist	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.
Drainage Engineer	No objection, subject to conditions.

Public notification

The application was not required to be advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* as it was considered that the proposal would not cause any material detriment to any persons.

4. Recommendation

That Council resolves to **Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2021/190/1** for the land known and described as, **Cheltenham Road, Black Rock** for the **partial demolition of buildings, buildings and works associated with an existing outdoor recreation facility in a Heritage Overlay, removal of native vegetation in a Vegetation Protection Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (submitted with the application) prepared by Demaine referenced TP001- TP400, revision TP-A dated 19 March 2021 but modified to show:
 - a) any design and construction methods required as a result of the findings from the Arboricultural Impact Assessment required in accordance with Condition 12 of this permit
 - b) all column locations within the basement to comply with the AS2890.1
 - c) a minimum 2.2m headroom clearance to be provided at the entrance (measured perpendicularly to the ramp) and throughout the car park in accordance with AS2890.1
 - d) all relevant intermediate levels to the basement ramp
 - e) 'No Right Turn' signage where the basement ramp connects with the main aisle at ground floor
 - f) additional traffic directional line-marking/s (arrows) where the basement ramp connects with the main aisle at ground floor
 - g) Water Sensitive Urban Design measures in accordance with Condition 5 of this permit
 - h) a Landscaping Plan in accordance with Condition 9 of this permit
 - i) an Arboricultural Impact Assessment Report in accordance with Condition 12 of this permit
 - j) a Tree Protection Management Plan in accordance with Condition 13 of this permit

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

Water Sensitive Urban Design

5. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) the type of water sensitive urban design stormwater treatment measures to be used
 - b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas
 - c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

6. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Drainage

7. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
8. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Presentation Department.

Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be

generally in accordance with the landscape plans drawn by memLa, reference LC00, LC01, LC02, LC03 and LC04 dated 9 April 2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) a survey including botanical names of all existing trees on the site where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the development area
 - b) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - c) 3 indigenous canopy trees with the capacity to grow to 20 metres in height
 - d) 10 indigenous canopy trees with the capacity to grow to at least 8 metres in height
 - e) Details of surface finishes of pathways, accessways and ramps.
10. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Arboricultural Impact Assessment Report

12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, an Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites must be provided to Council's Satisfaction. The report will explain design and construction methods proposed to minimize impacts on trees to be retained on the site where there is encroachment into the calculated Tree Protection Zone (TPZ).

Tree Protection Management Plan (TPMP)

13. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must include:

- f) Be legible, accurate and drawn to scale
- g) Show the location of all tree protection measures to be utilised
- h) Include a key describing all tree protection measures to be utilised.

Permit Expiry

14. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design and responds to the streetscape and neighbourhood context.

Relevant strategies of the Council plan include:

- make discretionary planning controls stronger, by advocating for Council's planning and urban design objectives to state government.

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks

- Clause 15 Built Environment and Heritage
- Clause 18 Transport
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.04 Environmental and Landscape Values
- Clause 21.05 Environmental Risks
- Clause 21.06 Built Environment and Heritage
- Clause 21.09 Transport and Access
- Clause 22.05 Heritage Policy
- Clause 32.08 General Residential Zone (Schedule 8)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.01 Heritage Overlay (Schedule 710)
- Clause 43.02 Design and Development Overlay (Schedule 2)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 53.18 Stormwater Management in Urban Development
- Clause 65 Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme and the individual merits of the application.

6.1. Buildings and works

Pursuant to Clause 32.08-9, a permit is required for buildings and works associated with the existing Section 2 use of the site for an Outdoor Recreation Facility.

All of the buildings and works are proposed to be located within close proximity to the existing buildings on the site around the existing clubhouse, pro-shop and bowls pavilion.

The proposed basement car park would be predominantly obscured from view due to its location underground. The main vehicle access ramp to the basement car park will be located to the south of the existing bowls pavilion and pedestrian and buggy ramps will be located further south. Low stone coloured rendered walls are proposed around the ramps. These will not be visible from the street or surrounds.

The primary above ground buildings and works will be set back between 53 metres and 148 metres from the front site boundary adjacent to Cheltenham Road.

Proposed buildings and works to the bowling pavilion include a 43sqm extension of the pavilion to the north and east and internal alterations to include improved WC facilities and green keepers and bowlers store. A 103sqm extension to the pavilion to the west, adjacent to the golf driving range includes the addition of a lobby providing stair and lift access to the basement and golf ball dispenser. Covered terrace areas to the north and south and pergolas to the west are also incorporated into this extension. The extensions will be low in profile with wall heights of approximately 3.9 metres and a traditional pitched roof form to the new golf lobby will have a maximum overall height of 7.3 metres.

The additions to the golf pro-shop comprise a pergola, covered walkway and parking for 48 buggies. These additions will be located to the south of the existing pro-shop building, and with a height of 3.6 metres and location over 100 metres from Cheltenham Road will be obscured from view from Cheltenham Road.

The form and materials of all of the additions will integrate with the existing main clubhouse building which has a traditional architectural style. Large areas of glazing and large openings to the terraces ensure the additions do not dominate the appearance of the built form within the site. Stone coloured render and dark metal fenestration to match the existing buildings, slate tiles and sandstone paving proposed also ensure that the buildings link together cohesively as shown in **Figure 1** below.



Figure 1: Extract from Application plan TP302 Revision A – View of golf and bowls pavilions at car park ramp.

The proposed buildings and works will be in keeping with the purposes of the zone to respect the neighbourhood character of the area. By virtue of the low building profiles, integration with the existing buildings on the site and being set back significantly from the street, the proposed new built form will be primarily obscured from view behind the existing boundary fence and landscaping on Cheltenham Road. As such, there will be no detrimental impact on the neighbourhood character of the site or surrounds.

6.2. Heritage Overlay

The site is located within the Heritage Precinct (HO710). Clause 43.01 of the Bayside Planning Scheme sets out that HO710 relates to trees within Royal Melbourne Golf Course and notably, Southern Mahogany Gums. This application does not propose to remove any Southern Mahogany Gums.

The existing clubhouse buildings on the site are not listed as contributory. The proposed additions to the bowling pavilion and pre-shop would preserve the character, appearance and significance of the heritage place by virtue of their minor nature.

6.3. Design and Development Overlay, Schedule 2.

The site is located within Design and Development Overlay (Schedule 2). Pursuant to Clause 43.02 of the Bayside Planning Scheme, a permit is required for buildings and works exceeding 9 metres in height. The maximum overall building height of the proposed development is approximately 7.3 metres and therefore no permit is required in accordance with the DDO2.

6.4. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, as there is no increase to the patron numbers proposed at the golf club, there is no statutory requirement for additional car parking to be provided on site. Nevertheless, this application proposes a number of

changes which result in a net increase of 96 parking spaces and 2 drop off spaces. A summary of the existing and proposed on site parking is included below:

	Existing	Proposed
At grade (public)	188 standard spaces 5 accessible spaces	95 standard spaces 2 accessible spaces
At grade (staff)	31 standard spaces	31 standard spaces
Basement	-	190 standard spaces 2 accessible spaces
Drop off	-	2 spaces
TOTAL	224 spaces	320 spaces (+ 2 drop off)

The application proposes to retain the existing vehicle access to the site from Cheltenham Road via the internal accessway to the at grade public car park within the site. The existing access to the separate staff car park, located to the north of the clubhouse, is also proposed to be retained and no changes are proposed to this part of the site. It is also noted that no changes are proposed to the existing loading arrangements which are also carried out within this area.

The application proposes to construct a basement ramp approximately in the centre of the existing at grade public car park. To accommodate the siting of the basement ramp within the centre of the existing at grade car park, a number of at grade parking spaces will be removed and replaced with landscaping.

The applicant, in their traffic report states that there is an existing informal 'overflow' car park located on an area of grass to the east of the clubhouse. During busy periods, when the existing 193 public spaces at the site are full, up to 100 vehicles are directed out of the main car park, back onto Cheltenham Road and into the overflow car parking area which is accessed via a separate gate from Cheltenham Road. This results in up to 100 additional vehicle movements on Cheltenham Road. The provision of additional, formalised car parking spaces accessed directly from the existing car parking area within the site will therefore reduce the number of vehicle movements on Cheltenham Road.

The traffic report submitted with the application also includes an assessment against the relevant design standards for car parking accessways, gradients and spaces at Clause 52.06 of the Bayside Planning Scheme as well as swept path drawings demonstrating safe access and egress to the basement car park.

The application was referred to Council's Traffic Engineer who expressed no concern with the development subject to the inclusion of permit conditions relating to headroom clearance within the basement and basement ramp, column locations, ramp gradients, and in relation to the addition of 'no right turn' signage and directional line markings. These are included as conditions within the recommendation.

The application plans demonstrate the locations of pedestrian walkways within both the basement car park and within the new at grade car park and landscaped area. Dedicated pedestrian pathways between the bowls pavilion and driving range pavilion and the pro-shop and club house will reduce potential conflicts between pedestrians and vehicles within the application site.

Subject to the previously mentioned conditions suggested by Council's Traffic Engineers, it is recommended that the proposed amendments to on-site parking would improve the transport provisions on site in accordance with the purpose of Clause 52.06. The consolidation of car parking facilities will promote the efficient use of the parking spaces for patrons within the site, as well as improving the amenity of the locality by reducing the number of vehicle members on Cheltenham Road. In addition, the high standard of the design of the new parking spaces and pedestrian routes will enhance the safety and

efficiency of the site for users.

6.5. Landscaping

The objectives of the VPO3 are to retain the amenity, aesthetic character and habitat value of native vegetation by preventing the loss of native (particularly indigenous) vegetation and promoting the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

The application plans show the removal of 13 trees protected by the VPO3 as set out in the table below. It is noted that there are also a number of other trees to be removed which are not protected by and statutory mechanism and can be removed without any permit required.

VPO3 protected vegetation		Local Law protected trees		Vegetation not protected	
Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention
Tree No's 1, 2, 3 and Tree group 17	-	-	-	Tree No's 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 16	Tree No's 14, 15, 18

The VPO protected trees sought for removal are native to Australia but are not indigenous to this part of the country. Tree No's 1 and 2 are Marri trees with heights of 8 – 10 metres, Tree 3 is a Lemon Scented Gum with a height of 20 metres, and Tree group 17 is identified as a group of Tea Trees with varying heights of up to 4 metres. A copy of the Applicants Arborist report and response to Council's Arborist referral comments is included at **Attachment 3**.

From an arboricultural perspective, Council's Arborist has reviewed the application and advises that Trees 1, 2, 3 and tree group 17 are considered to have low or moderate amenity value. Trees 1, 2 and tree group 17 have fair or poor health and structure whilst Tree 3 has good health and structure. Further detail of trees 1, 2 and 3 is provided in **Attachment 4**.

Council's Arborist has reviewed the submitted landscape plan and advised that it is considered acceptable subject to the species selection revised so as to consist of at least 80% native vegetation by count and type. The landscape plan will also need to demonstrate that at least 13 indigenous replacement canopy trees are included within the replacement planting. 3 of these indigenous trees should have mature heights of 20 metres. A condition has been included in the recommendation requiring an amended landscape plan to be submitted to Council's satisfaction.

The proposed extent of vegetation removal is considered to be acceptable when assessed against the decision guidelines of the VPO3. An assessment against the decision guidelines of the VPO3 is provided at **Attachment 5**. The character of the area, including the extent of indigenous vegetation present, will be improved once replacement plantings are undertaken. The majority of the vegetation sought to be removed is low scale and is not visible from Cheltenham Road. Whilst it is recognised that Tree 3 is taller and its canopy is visible from Cheltenham Road, the retention of this tree would preclude the development and, subject to the replacement planting of 3 indigenous trees of a similar size, its removal is supported. The proposed vegetation removal will also not impact on the overall quality of habitat within the broader area and the extent of removal is justified when considered against the level of development proposed. The proposed vegetation removal is considered to comply with the objectives of the VPO3.

Council's Arborist has advised that there are a number of trees on the application site to the north and south of the proposed basement with their Tree Protection Zones (TPZ) extending into the subject site. Consideration should be given to the impact of the development upon these trees. Council's Arborist has recommended that an Arboricultural Impact Assessment Report should be provided, explaining any relevant design and construction methods to minimize impacts on trees to be retained. A condition has been included to this effect within the recommendation. A condition has also been included requiring the application plans to be amended to detail any design and construction methods recommended within the Impact Assessment report.

To ensure that the trees on the site to the north and south of the proposed basement will need to be protected during construction and remain viable post construction. A Tree Management Plan and Tree Protection Plan will be required to be submitted to Council's satisfaction. A condition to this effect has been included in the recommendation.

There are no street trees or neighbouring trees within the proximity of the development area which would be impacted by the proposal.

6.6. Water Sensitive Urban Design

Clause 53.18 of the Bayside Planning Scheme, seeks to reduce the impact of stormwater on the drainage system and filter sediment and waste from stormwater, maximise the retention and reuse of stormwater and encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

The planning report submitted with the application states that stormwater detention systems are proposed for the additional rainwater runoff from the new roofed areas, landscaped area built above the proposed basement and new at grade hard and soft landscaped areas outside of the basement extent.

Conditions have been included in the recommendation requiring details of the location and specifications of the proposed stormwater management systems to be provided to Council's satisfaction.

6.7. Cultural Heritage management plan

The application site is located within an area of cultural heritage sensitivity. The construction of a basement car park is a high impact activity and therefore consideration as to whether a Cultural Heritage Management Plan (CHMP) is required must be made.

A significant ground disturbance assessment prepared by a Heritage Advisor has been submitted with the application. This assessment sets out that significance ground disturbance has occurred within the activity area. Under regulation 41(2) of the Aboriginal Heritage Regulations, that part of the site is not an area of cultural heritage sensitivity. As a result of these findings, a CHMP is not required. This does not prohibit the granting of a planning permit.

6.8. Development contributions levy

Based on the proposed application and below recommendation, no development contributions levy is applicable.

Support Attachments

1. Application plans ↴
2. Site and surrounds ↴
3. Applicant's Arborist Report and Response to Referral comments ↴
4. Tree Profiles ↴
5. Vegetation Protection Overlay Assessment ↴

ROYAL MELBOURNE GOLF CLUB

CHELTEMHAM ROAD, BLACK ROCK VICTORIA

3PS PROJECT

DRAWINGS LIST DRAWING NO.

TP001	COVERSHEET
TP002	EXISTING CONDITIONS - SURVEY
TP003	SITE ANALYSIS
TP004	DEMOLITION PLAN
TP100	SITE PLAN
TP101	BASEMENT PLAN
TP102	PROPOSED PAVILION FLOOR PLAN
TP103	PROPOSED PROSHOP EXTENSION
TP104	PROPOSED PAVILION ROOF PLAN
TP105	PROPOSED PROSHOP EXTENSION ROOF PLAN
TP200	OPTION 2 - TYPICAL SECTIONS
TP201	OPTION 2 - TYPICAL SECTIONS
TP202	PROPOSED PAVILION ELEVATION
TP203	PROPOSED PROSHOP EXTENSION ELEVATIONS
TP300	VIEW FROM PROSHOP
TP301	RANGE PAVILION FROM SW
TP302	VIEW AT CARPARK RAMP
TP303	VIEW FROM NORTH WEST
TP304	PAVILIONS FROM SOUTH
TP305	PROSHOP EXTENSION FROM SW
TP400	FINISHES & MATERIAL SCHEDULES





DEMOLITION LEGEND
 AREA TO BE DEMOLISHED
 BUILDINGS TO BE DEMOLISHED

NOTE: DEMOLITION PROPOSING BUILDINGS BE CARRIED OUT ACCORDING TO COUNCIL KANSNET REQUIREMENT.

NOTE: SITE BOUNDARY NOTED DOWN ON DRAWINGS ARE ARTIFICIAL. REFER TO TITLE ALLOWANCE FOR FULL EXTENT OF TITLE BOUNDARY.

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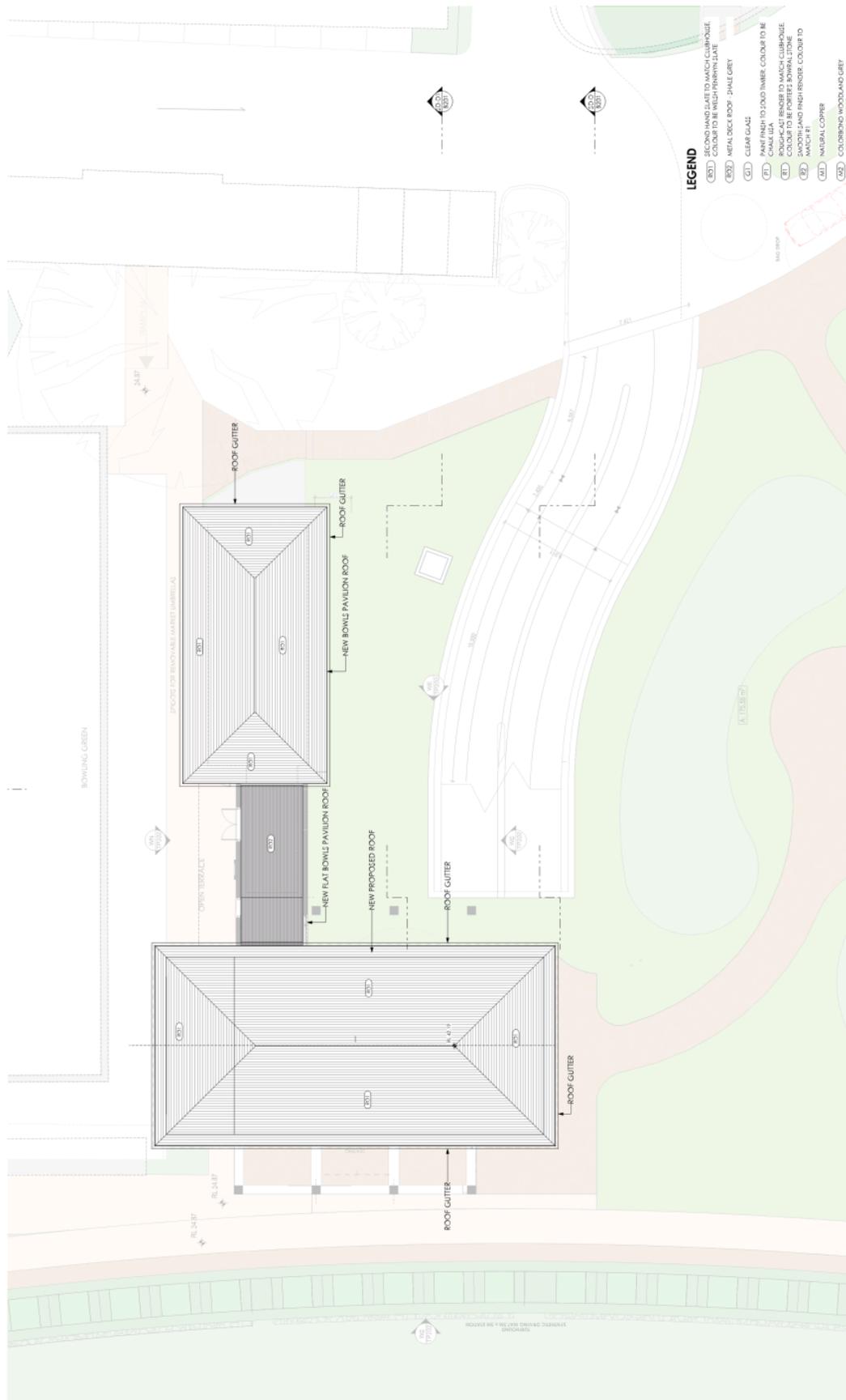
THE ROYAL MELBOURNE GOLF CLUB
 17019
 CHELTENHAM ROAD, BLACK ROCK VICTORIA

PROJECT NO. TP004
 DRAWING NO. TP-A
 SCALE 1:400(0.61)
 DATE AUG 2020

DEMOLITION PLAN
 1:400

D. No. [] No. []
 DATE [] INTG []
 DATE [] INTG []

DATE [] INTG []
 DATE [] INTG []



LEGEND

ROOF TYPES TO MATCH EXISTING ROOF COLOUR TO BE METAL PAVILION LATE

(R2) METAL SKEW ROOF - SHALE GREY

(C1) CLEAR GLAZ

(T1) PAINT FINISH TO SOLID TIMBER COLOUR TO BE MATCH EXISTING ROOF TO MATCH BOWLING COLOUR TO BE PORTER BOWLING STONE

(S2) SWATHS AND FISH RIDGE COLOUR TO MATCH T1

(C2) NATURAL COPPER

(S3) COLORBOND WOODLAND GREY

PAVILION ROOF PLAN
1:100

DATE	INTAKE	D. No.	Prepared	Checked	DATE	INTAKE	D. No.	Prepared	Checked

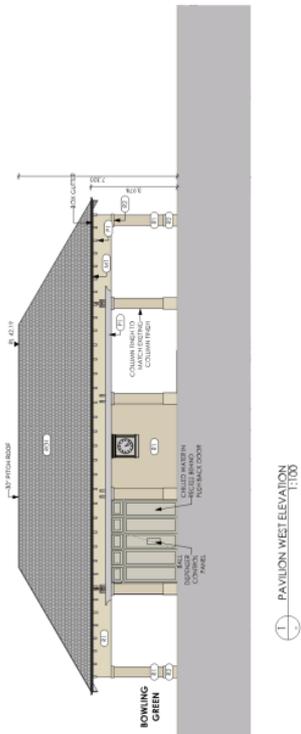
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17019 PROJECT NO. 17019
 TP104 PROJECT NAME
 SCALE
 1:100(A1) DATE
 AUG 2020

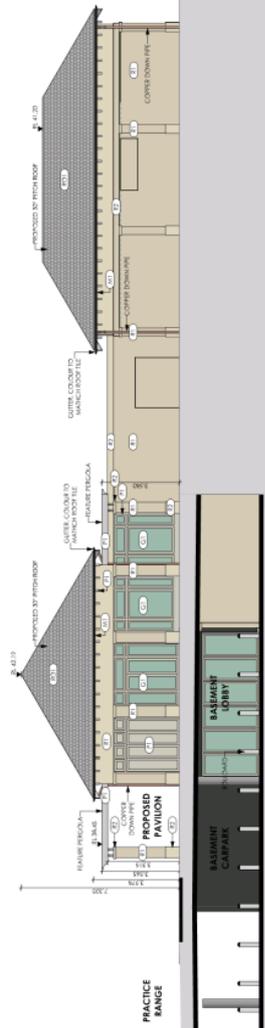
CLIENT: THE ROYAL MELBOURNE GOLF CLUB
 ADDRESS: CHELTENHAM ROAD, BLACK ROCK VICTORIA
 PROJECT: ROYAL MELBOURNE GOLF CLUB
 DRAWING TITLE: PROPOSED PAVILION ROOF PLAN
 DRAWN: TP-A
 CHECKED: TP-A
 DATE: AUG 2020



PAVILION EAST ELEVATION 1:100



PAVILION WEST ELEVATION 1:100



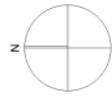
PAVILION SOUTH ELEVATION 1:100



PAVILION NORTH ELEVATION 1:100

- LEGEND**
- (S17) SECOND HAND GLAZE TO MATCH CURBHOUSE COLOUR TO BE WASH FINISH GLAZE
 - (S22) METAL DECK ROOF - SHALE GREY
 - (S23) CLEAR GLAZE
 - (S24) MATCHING COLOUR TO MATCH CURBHOUSE COLOUR TO BE PORTER'S BOMVAL STONE
 - (S25) MATCHING COLOUR TO MATCH CURBHOUSE COLOUR TO BE PORTER'S BOMVAL STONE
 - (S26) MATCHING COLOUR TO MATCH CURBHOUSE COLOUR TO BE PORTER'S BOMVAL STONE
 - (S27) NATURAL COPPER
 - (S28) COLORBOND WOODLAND GREY

NOTE
FLOOR TO CEILING HEIGHTS/DIMENSIONS ARE TAKEN FROM NGL



DATE	INTENT	D. No.	Prepared by	Checked by	Approved by
	INTAKE				
	REVISION				
	REVISION				

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THE ROYAL MELBOURNE GOLF CLUB
 17019
 TP-A
 SCALE 1:100, 1:116A1
 AUG 2020

ROYAL MELBOURNE GOLF CLUB
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 TP-A
 SCALE 1:100, 1:116A1
 AUG 2020

PROPOSED PAVILION ELEVATION



1 - VIEW OF RANGE PAVILION FROM SW



NO	ID	REVISIONS	DATE	INITIALS
01			4/12/2021	
TP			4/19/2021	
-A				

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CLIENT: THE ROYAL MELBOURNE GOLF CLUB
 ADDRESS: CHELTENHAM ROAD, BLACK ROCK VICTORIA
 PROJECT: ROYAL MELBOURNE GOLF CLUB
 PROJECT NO: 17019
 DWG NO: TP201
 REVISION: TP-A
 DRAWING TITLE: RANGE PAVILION FROM SW
 SCALE: WZ
 DRAWN: WZ
 DATE: AUG 2021
 PRINTED: Monday, April 19, 2021



1 - VIEW AT CARPARK RAMP



####

NO	ID	REVISIONS	DATE	INITIALS
01			4/12/2021	
TP			4/19/2021	
-A				



CLIENT THE ROYAL MELBOURNE GOLF CLUB
 ADDRESS CHELTENHAM ROAD, BLACK ROCK VICTORIA
 PROJECT NO. 17019
 DWG NO. TP202
 REVISION TP-A
 DRAWN WZ
 DATE AUG 2021
 SCALE
 DRAWN
 DATE
 WZ
 AUG 2021
 PROJECT TITLE VIEW AT CARPARK RAMP
 VISITORS PARKING FACILITIES FOR BLACK ROCK CARPARK
 PREPARED Monday, April 19, 2021



VIEW FROM NORTH WEST



#####

NO	ID	REVISIONS	DATE	INITIALS
01			4/12/2021	
TP			4/19/2021	
-A				

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CLIENT: THE ROYAL MELBOURNE GOLF CLUB
 ADDRESS: CHELTENHAM ROAD, BLACK ROCK VICTORIA
 VISUALISATION PROVIDED BY: PASCALLOTTI ARCHITECTURE/DAJUN

PROJECT: ROYAL MELBOURNE GOLF CLUB
 PROJECT NO: 17019
 DWG NO: TP203
 REV/CON: TP-A

DRAWING TITLE: VIEW FROM NORTH WEST
 SCALE: WZ
 DRAWN: WZ
 DATE: AUG 2021
 PRINTED: Monday, April 19, 2021



VIEW OF PAVILIONS FROM SOUTH



NO	ID	REVISIONS	DATE	INITIALS
01			4/12/2021	
TP			4/19/2021	
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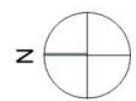


1 - VIEW OF PROSHOP EXTENSION FROM SOUTH WEST



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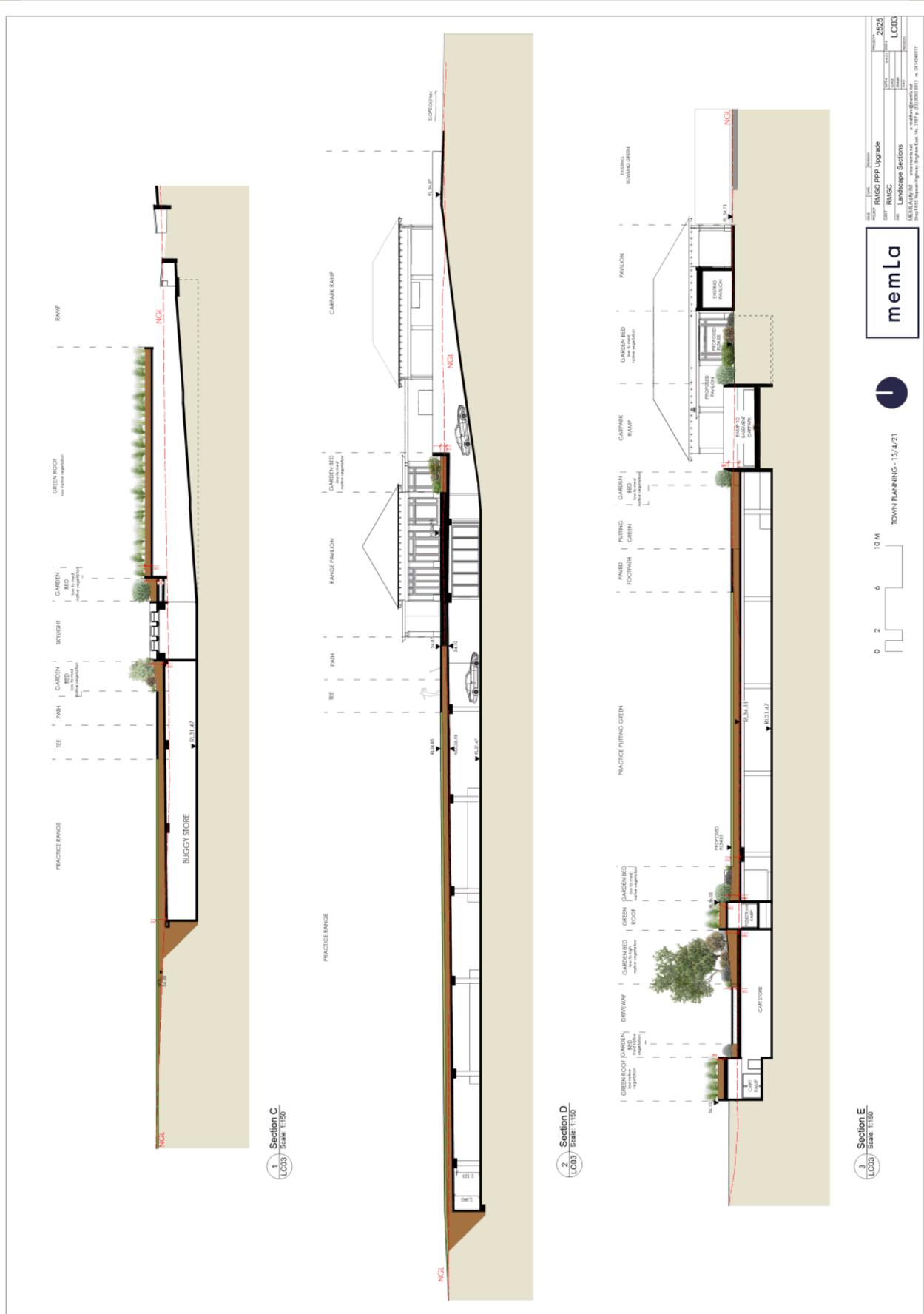


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CLIENT: THE ROYAL MELBOURNE GOLF CLUB
 ADDRESS: CHELTENHAM ROAD, BLACK ROCK VICTORIA
 PROJECT: ROYAL MELBOURNE GOLF CLUB
 DRAWING TITLE: PROSHOP EXTENSION FROM SW
 PROJECT NO: 17019
 DWG NO: TP205
 TP-A
 SCALE: WZ
 DRAWN: WZ
 DATE: AUG 2021
 PRINTED: Monday, April 19, 2021





Site and Surrounds

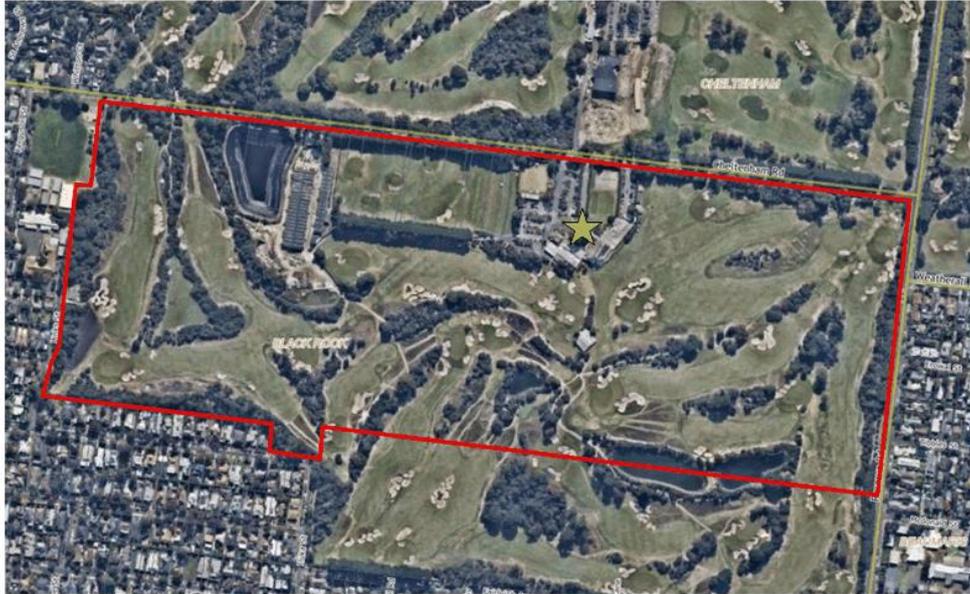


Figure 1 Aerial overview of the site and surrounds.

Legend	
Subject site	★



Figure 2 View towards the existing main vehicle entry to the site on Cheltenham Road.



Figure 3 View towards the existing main vehicle exit from the site to Cheltenham Road.



Figure 4 View towards the existing staff vehicle car park from Cheltenham Road.



Figure 5 View towards existing access to 'overflow' car park from Cheltenham Road.



Figure 6 View looking north from car park towards Spotted Gum Tree No. 3 and existing bowls pavilion.



Figure 7 View looking west towards existing bowls pavilion and Marri Tree No's 1 and 2 approximately in location of proposed basement ramp.



Figure 8 View looking south towards Tree Group 17 in foreground (small tea trees).



Figure 9 View looking south-east towards existing clubhouse and pro-shop from car park.



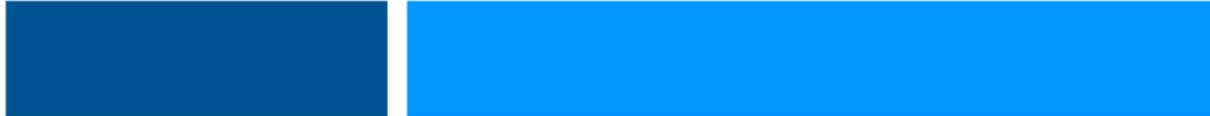
Figure 10 View looking west towards existing bowls pavilion.



Figure 11 View towards north-east towards existing bowls pavilion.



Figure 102 View to existing 'overflow' car park area from site.



Date of Report: 27 May 2021

Report Prepared By: Glenn Waters
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Report ID: 21_RMGC / Version 3

ARBORICULTURAL ASSESSMENT & TREE MANAGEMENT PLAN

3PS Basement Carpark Royal Melbourne Golf Club

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3PS Basement Carpark - Royal Melbourne Golf Club

27 May 2021

Arboricultural Assessment & Tree Management Plan

3PS Basement Carpark - Royal Melbourne Golf Club

Introduction

Glenn Waters has been engaged to undertake an inspection and report for the trees and property at 3PS Basement Carpark for the Royal Melbourne Golf Club, Black Rock.

This report is considered to be a 'Preliminary Tree Assessment' under the Australian Standard AS 4970-2009 *Protection of trees on development sites* and the purpose of this assessment is to provide quantitative and qualitative information on the trees and is the basis for deciding which trees are suitable for retention.

This report will provide comment on the individual site, neighbouring property and street trees in question and provide advice regarding the species, condition and suitability for retention of the existing site trees and also provide advice regarding the future management of the trees.

Objectives

- To inspect the site and existing trees located within site at 3PS Basement Carpark at the Royal Melbourne Golf Club including any trees that may be impacted by the proposed development of the subject site.
- To collect data on the individual site trees and provide a tree number plan that correspond to the report tree data.
- To provide an arboricultural report that provides advice and solutions for the future management of the site trees (as required).

Observations

The site is the current car parking and driving range and practice facility at the Royal Melbourne Golf Club and the site inspection and assessment captured data on eighteen (18) individual trees and including four (4) tree groups (#4, #5, #6 & #17).

Trees or shrubs under 3.0 metres in height were not assessed as they do not meet the criteria for a 'tree' under the Australian Standard AS 4970-2009 *Protection of trees on development sites*.

Of the 18 trees assessed, 15 will need to be removed for the proposed construction and 3 will be retained.

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Discussion

General Tree Retention Discussion:

The Australian Standard AS 4970-2009 Protection of trees on development sites has been used to calculate the TPZ for the neighbouring property and street trees.

The TPZ is calculated based on trunk (stem) diameter (DBH), measured at approximately 1.4 metres up from ground level. The radius of the TPZ is calculated by multiplying the trees DBH by 12. The method provides a TPZ that addresses both the stability and growing requirements of a tree. TPZ distances are measured as a radius from the centre of the trunk at (or near) ground level.

Encroachment into the TPZ is permissible under certain circumstances though is dependent on both site conditions and tree characteristics. Minor encroachment, up to 10% of the TPZ, is generally permissible provided encroachment is compensated for by recruitment of an equal area contiguous with the TPZ.

Appendix 1 lists the standard tree protection works that should be considered as part of the management of trees to be retained during development and these works should be seen as a minimum standard to apply.

Retained Trees:

No	Common Name	dbh (cm)	Age	Value	TPZs	SRZs
14	Arizona Ash	20	Semi-mature	Low-Moderate	2.4m	1.9m
15	Arizona Ash	20	Semi-mature	Low-Moderate	2.4m	1.9m
18	Liquidambar	80	Maturing	Moderate	9.6m	3.2m

Removed Trees:

No	Common Name	dbh (cm)	Age	Value
1	Marri	40/30	Young	Low-Moderate
2	Marri	50/40/30	Young	Low
3	Lemon Scented Gum	95	Maturing	Moderate-High
4	Chinese Elm Row	18	Young	Low
5	Chinese Elm Row	18	Young	Low
6	Chinese Elm Row	18	Young	Low
7	Crepe Myrtle	m	Semi-mature	Low

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No	Common Name	dbh (cm)	Age	Value
8	October Glory Norway Maple	15	Young	Low
9	October Glory Norway Maple	15	Young	Low
10	October Glory Norway Maple	15	Young	Low
11	October Glory Norway Maple	15	Young	Low
12	October Glory Norway Maple	15	Young	Low
13	October Glory Norway Maple	15	Young	Low
16	Arizona Ash	18	Semi-mature	Low
17	Coast Tea-tree	multi	Maturing	Low

To mitigate for the loss of the existing site vegetation and in particular, tree #3 (Lemon Scented Gum), the planting of ten (10) new local native trees is proposed.

The species mix will include *Banksia integrifolia* (Coast Banksia); *Banksia marginata* (Silver banksia) and *Eucalyptus pryoriana* (Coast Manna Gum).

Given that only three (3) Australian Native (non-Victorian) tree are proposed to be removed. This number of replacement trees is a favourable increase in local native tree numbers.

The retained trees will require tree protection fencing prior to demolition and during construction.

Group #17



All of the vegetation shown in the photograph will need to be removed. It would appear that there are approximately 10 stems existing in this area.

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Tree Management Plan:

Retained Trees:

No	Common Name	dbh (cm)	Age	Value	TPZs	SRZs
14	Arizona Ash	20	Semi-mature	Low-Moderate	2.4m	1.9m
15	Arizona Ash	20	Semi-mature	Low-Moderate	2.4m	1.9m
18	Liquidambar	80	Maturing	Moderate	9.6m	3.2m

Tree Protection Plan Requirements

No	Common Name	TPP Requirements
14	Arizona Ash	Tree Protection Fencing
15	Arizona Ash	Tree Protection Fencing
18	Liquidambar	Tree Protection Fencing

Non-Destructive Root Investigation:

No tree root investigation was undertaken for any tree.

Tree Pruning Requirements:

No pruning is required for any tree.

Over-excavation Allowance

No over-excavation is expected and no allowances have been made.

Scaffolding Clearance

No scaffolding requirement is expected and no pruning will be required.

Project Arborist Appointment:

A Project Arborist must be pointed prior to construction to ensure that the objectives and actions of this Tree Management Plan are carried out.

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Tree Protection Fencing Plan



Red Circles _ Tree Protection Zones

Blue Boxes - Tree Protection Fencing

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General Tree Management Plan Timetable.

Development Phase	Task	Tree requirements	Performed by
Pre-demolition & Demolition:			
Pre demolition and development	Site induction	To educate contractors of the project requirements for tree retention and protection	Project team
Pre demolition	Erection of Tree Protection Zone fencing	Irrigation of Tree Protection Zone during warmer months. Mulching as required	Site Manager / Project Arborist
Construction:			
Construction	Supply irrigation to trees in warmer months	Supplying water is the most important maintenance task. Irrigation to be supplied on regular basis throughout spring and summer.	Site Manager / Project Arborist
Post Construction:			
Post Construction	Removal of protection fencing	This should only be done when all site works are complete.	Site Manager / Project Arborist
Post Construction	Landscape Planting	Root disturbance within the TPZ is to be kept to a minimum. All planting holes within the TPZ are to be hand dug and relocated if roots over 30mm ø are encountered.	Landscape contractor
Post Construction	Final Certification Report	At the completion of construction. Recommend remedial works if applicable.	Project Arborist

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Tree Management Plan Recommendations:

The following are guidelines that must be implemented to minimise the impact of the proposed construction works on the existing site trees.

- Tree protection fencing must conform to the Australian Standard (AS 4970-2009) and must remain in place and in good condition at all times. Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Appropriate signage must be displayed on any tree protection fencing prohibiting access excavation, changes in soil levels or any storage in accordance with AS4970-200 and be visible from all sides.
- Where fencing cannot adequately protect the TPZ, and access is required for construction purposes, ground protection using a permeable membrane beneath a layer of mulch or crushed rock below rumble boards, must be laid down within the TPZ of retained trees. Rumble boards (or similar) should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed.
- The Project Arborist must supervise any excavation works within the tree protection zones on the subject land and any instance where trees on adjoining properties may be impacted.
- No filling, trenching or excavation is to occur within Tree Protection Zones except for buildings and footings as approved by the applicable Planning Permit from the Responsible Authority.
- No persons, vehicles or machinery are to enter the Tree Protection Zone without the consent of the Project Arborist or Site Manager.
- No underground service installations are to be sited within any Tree Protection Zone.
- No fuel, oil dumps or chemicals will be allowed in or stored on the Tree Protection Zone and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zones. No storage of material, equipment or temporary building will take place over the Tree Protection Zone.
- Nothing whatsoever must be attached to any tree including temporary services wires, nails, screws or any other fixing device.
- No residual herbicides are to be used within the Tree Protection Zones.
- Supplementary watering must be provided for the fenced Tree Protection Zone through any dry periods during and after the construction process (Project Arborist will advise amounts).
- Any pruning of the canopies required for building or vehicle clearance, or other reasons, is to be done by a qualified arborist to Australian Standards for pruning of Amenity Trees 4373 – 2007.
- The tree protection zone must be mulched (where advised by the Project Arborist) with a 100mm layer of coarse (30mm dia) organic woodchip mulch.
- All excavation within the Tree Protection Zone must be carried out by hand digging or with the use of 'NDD-Excavation' techniques and only when supervised by the Project Arborist. Where the Project Arborist identifies roots to be pruned within the TPZ, they should be pruned with a final cut to undamaged wood. Pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. It is not acceptable for roots within the TPZ to be 'pruned' with machinery such as backhoes or excavators.

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Timetable for the Project Arborist Attendance on-Site.

The Project Arborist shall be contacted and available for attendance on the site for the following key milestones:

- Prior to demolition during or immediately after the setup of the Tree Protection Zone fencing. The Project Arborist must check and confirm the alignments and access points.
- During construction when any works enter the Tree Protection Zones.
- During or immediately after the removal of the Tree Protection Zone fencing. The Project Arborist must check and confirm the condition of the two street trees. A final overview report on the construction process and the tree protection issues should be prepared at this time and a timeframe for ongoing tree monitoring set.

Should damage occur to any retained tree, the Project Arborist must be contacted within 24 hours and a site inspection be arranged. Any works arising out of any damage inspection must be carried out as soon as practical.

Should any construction works require alteration to protection measures outlined in report the Project Arborist must provide written advice as to the requirements and the new tree protection measures.

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Appendix 1: Tree Protection During Development

The following are guidelines that must be implemented to minimise the impact of the proposed construction works on the retained trees.

- The Tree Protection Zone (TPZ) is fenced and clearly marked at all times. This fence should deter the placement of building materials, entry of heavy equipment and vehicles and also the entry of workers and/or the public into the TPZ. Australian Standard AS 4687 - 2007 *Temporary fencing and hoardings*, specifies appropriate fencing requirements. Existing perimeter fencing can be incorporated into the protective fencing. Shade cloth should be attached to reduce the movement of dust and other particulates into the TPZ. Signs identifying the TPZ are to be placed on the fencing.
- If the area within the TPZ is to be accessed during the construction phase then the area will need ground protection. Measures may include a permeable membrane, such as a geotextile, to cover the TPZ area beneath a 100 mm layer of crushed rock below rumble boards.
- Contractors and site workers should receive written and verbal instruction as to the importance of tree protection and preservation within the site. Successful tree preservation occurs when there is a commitment from all relevant parties involved in designing, constructing and managing a development project.
- The Project Arborist is on-site to supervise excavation works around the existing trees where the TPZ will be encroached.
- There is no immediate requirement for mulching within the TPZ. There is benefit to maintaining existing site conditions within the TPZ and is more analogous to proposed completion conditions. Monitoring of the trees in-line with prevailing weather conditions will indicate if mulching will be required. The same approach is to be used in providing supplemental irrigation.
- No persons, vehicles or machinery to enter the TPZ without the consent of the consulting arborist or site manager.
- Any underground service installations within the allocated TPZ should be bored and utility authorities should common trench where possible.
- No fuel, oil dumps or chemicals shall be allowed in or stored on the TPZ and the servicing and refuelling of equipment and vehicles should be carried out away from the root zones. No storage of material, equipment or temporary building should take place over the root zone of the tree. Nothing whatsoever should be attached to the tree including temporary services wires, nails, screws or any other fixing device.
- Any pruning that is required must be carried out by trained and competent arborist who has a thorough knowledge of tree physiology and pruning methods and carry out pruning to the Australian Standard – AS 4373 – 2007 *Pruning of Amenity Trees*.
- All excavation within the Tree Protection Zone must be carried out by hand digging or with the use of 'NDD-Excavation' techniques and only when supervised by the Project Arborist. Where the Project Arborist identifies roots to be pruned within the TPZ, they should be pruned with a final cut to undamaged wood. Pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. It is not acceptable for roots within the TPZ to be 'pruned' with machinery such as backhoes or excavators.

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Oakleigh South, VIC. 3167.

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To the writer's knowledge all facts, matter and all assumptions upon which the report proceeds have been stated within the body of the report and all opinion contained within the report will be fully researched and referenced and any such opinion not duly researched is based upon the writers experience and observations.

28 May 2021

Ms Rosie Nolan
Statutory Planning Department
Bayside City Council
76 Royal Avenue
Sandringham
VIC 3191

Dear Rosie,

**PLANNING PERMIT APPLICATION 5/2021/190/1
ROYAL MELBOURNE GOLF CLUB – CHELTENHAM ROAD & 1 LINKS STREET, BLACK ROCK**

We continue to act for Royal Melbourne Golf Club Inc. ('RMGC') in relation to the above planning permit application and provide the following response to the referral comments received from Council's Arborist, Ronan Hamill dated 21 May 2021.

Background

The Royal Melbourne Golf Club and the courses of which they are custodian, are the beneficiaries of one of the largest areas of native and indigenous flora and fauna in the Municipality of Bayside. With this, RMGC are committed and proactive in their stewardship of these assets.

They do so not only to preserve the established vegetation community on Site but in the interests of nurturing and enhancing indigenous vegetation species that support natural habitat for native and indigenous wildlife within the area and which collectively, is an intrinsic part of the character and landscape setting of this part of Black Rock and the surrounding community.

Arborist Referral Comments

The Arboricultural Assessment & Report ('AAR') prepared by Glenn Waters identifies a number of trees to be removed from the Site to facilitate the proposed development. The trees identified as Trees 1-18 on page 5 of the AAR are an accurate catalogue of the trees to be affected by the proposed development and include those to be removed and those identified for retention. An updated AAR is provided in accompaniment to this response and updates the tree schedules on pages 2 and 3.

Following site inspection and desktop assessment Council's Arborist has confirmed support for the removal of two protected trees on Site, namely the two 'Marri' trees located adjacent to the existing bowling pavilion, 'Tree 1' and 'Tree 2' within the AAR. Support has also been extended to vegetation that is not protected by any municipal or statutory mechanism comprising a total of 11 trees, Trees 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 16 within the AAR, noting these trees can be removed 'as of right'.

A Lemon Scented Gum, native to Queensland, (Tree 3) has been identified as being capable of retention, noting it is considered by Council's Arborist as being a mature Australian Native with moderate amenity and habitat value and high retention value.

Landscape Character

The Royal Melbourne Golf Course is host to 'small patches of open Heathland, Manna Gum woodland, Swamp Gum and Red Gum Woodland' and are some of the most significant remnants of the once widespread flora of the 'sand belt'¹ that exist today. This existing remnant heathland is important to RMGC given the interaction of the complex plant communities that once dominated the 'sandbelt' area and the Club has been successful in regenerating the original Heathland throughout major sections of the courses. RMGC are now custodians and managers of the main remaining area of these plant communities within the City of Bayside, to the benefit of the whole community.

¹ Daintree Landscapes Indigenous Flora Survey 1989

The golf course is comprised of the East and West courses, two 18-hole courses with significant differences in their vegetated characteristics and soil composition.

The West Course was predominated by a Coastal Heathland vegetation community and this vegetation type remains prevalent today. Large areas of Tea- tree scrub and regenerated Heath give this course its unique landscape character and it is the largest area of Coastal Heathland vegetation surviving in the local area.

The East Course however was built on different soil types with areas of swampy ground and was historically in agricultural use. This course is now host to River Red Gum Woodland areas and high number of specimen Eucalypt plantings.

Tree Management

Being the custodian of a significant land holding with a unique landscape character, RMGC have for many years developed and maintained a Tree Management Plan, with this having been in place since 2003. This has seen the extensive tree population being maintained by a very high level of arboricultural works undertaken by RMGC's in-house Arboricultural Team.

The course is the number 1 ranked golf course in Australia and it is testament to the outstanding course design and high quality grounds management that this rating is maintained.

RMGC are committed to supporting and contributing to the indigenous vegetation community across its courses, with this being an objective of the Clubs Charter. They therefore do not seek to needlessly remove trees from the course but instead take great care to retain existing trees wherever possible.

The Lemon Scented Gum to be removed to facilitate the proposed development is located within the existing car park to the northwest of the Clubhouse and in this, has a different contextual setting to the larger vegetation community that predominates and is characteristic of the golf course. It forms part of the lower order vegetated setting of the car park, where a number of low amenity trees are to be removed. In the wider context of the heath and woodland that predominates across the courses, the Lemon Scented Gum makes a limited contribution to this established indigenous character.

The Site in forming part of the Vegetation Protection Overlay Schedule 3 (VPO3), it is acknowledged that Australian native species complement the visual amenity of the Beaumaris and Black Rock Native Vegetation Areas. However, the Lemon Scented Gum is siloed in its amenity value by virtue of its immediate and contained setting and is not considered to make a significant amenity contribution in the whole.

An objective of VPO3 is to promote the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area. This is a fulfilled and on-going objective of RMGC and in the interests of supporting the indigenous community that populates the Site and surrounds. It is therefore proposed that the removal of Lemon Scented Gum be off-set by indigenous species that *'form a valuable link to and reminder of the historic vegetation of the area.'*²

It is therefore the commitment of RMGC to provide an updated landscape strategy comprising a minimum 80 percent indigenous plantings by species type and count and that this include 10 trees indigenous to Bayside in place of the Lemon Scented Gum to be removed.

RMGC have a long-standing relationship with the Bayside Nursery with them sourcing seed and cuttings from the golf course and RMGC purchasing their replanting stock each year from the Nursery. Off-set planting specimens including indigenous shrub and heathland landscape plantings will therefore be sourced from the Bayside Nursery and RMGC would welcome engagement with Council representatives to determine the most suitable species for offset planting, as appropriate.

The replanting strategy is consistent with the objectives of the RMGC Charter and is an appropriate response to the objectives and decision guidelines of the Vegetation Protection Overlay that applies to

² Schedule 3 to Clause 42.02 Vegetation Protection Overlay – Bayside Planning Scheme

the land. RMGC are content that the updated landscape strategy and provision of the proposed off-set be controlled by conditions of any future planning permit issued by Council.

With regard the requirement to provide a Tree Protection Management Plan and Tree Protection Plan, this is now included in the AAR prepared by Glenn Waters and can be found at pages 4-8 of the document.

Please contact Kirsty Slater on tel. 8626 9000 (email: slater@pppartners.com.au) or the undersigned should Council have any queries regarding this correspondence.

Yours sincerely,



Paul Little
Planning & Property Partners Pty Ltd

Address					
Tree No.	1				
Botanical Name:	<i>Corymbia calophylla</i>				
Common Name:	Marri				
Height / Canopy:	8 x 6				
Trunk Circ.@1m:	135cmcm				
Trunk DBH.@1.4m:	49cm				
Trunk DAB@0m:	74cm				
Location 1	n/a				
Location 2	n/a				
Date of assessment	18/5/21				
Origin:	Indigenous	Victorian	Australian	Exotic	
Age:	Young	Semi-mature	Mature	Over-mature	
Health:	Good	Fair	Poor	Dead	
Structure:	Good	Fair	Poor	Hazardous	
Amenity Value:	High	Moderate	Low	None	
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years	
Retention Value:	High	Medium	Low	None	
Habitat value:	High	Moderate	Low		
Align with NCP	Yes	No	n/a		
Support for removal:	Yes	No			



Tree Habitat Value Assessment Matrix

Criteria	Category		
Origin	Indigenous 3 points	Victorian 2 points	Australian/Exotic 0 points
Occupation by native fauna	Occupied by native fauna 5 points	Signs of use by fauna 2 points	No signs of use by fauna 0 points
Diameter of tree trunk	>80cm Living canopy 5 points	<80 – 50cm Living canopy 3 points	<50cm Living canopy 1 point
	Dead canopy 2 points	Dead canopy 1 point	Dead canopy 0 points
Hollow bearing tree	Tree bearing a natural hollow. Low to moderate level of maintenance 5 points	No natural hollow, artificial habitat hollow can be installed. Low to moderate level of maintenance 2 points	No natural hollow and unsuitable for installation of artificial habitat hollow. High level of maintenance 0 points
Useful life expectancy	>10 years 5 points	4 – 9 years 3 points	0 – 3 years 0 points
Wildlife corridors	Within 50 m of a green space, park or reserve 5 points	Within 0.5 km of a green space, park or reserve 3 points	Greater than 0.5 km from a green space, park or reserve 0 points
Impacts on adjacent flora	Removal will have negative impacts on indigenous flora 3 points	Removal will have negative impacts on native flora 2 points	Removal will have no negative impacts on indigenous or native flora 0 points
Total	13 points		

Address				
Tree No.	2			
Botanical Name:	<i>Corymbia calophylla</i>			
Common Name:	Marri			
Height / Canopy:	10 x 5			
Trunk Circ.@1m:	253cm			
Trunk DBH.@1.4m:	70cm			
Trunk DAB@0m:	75cm			
Location 1	n/a			
Location 2	n/a			
Date of assessment	18/5/21			
Origin:	Indigenous	Victorian	Australian	Exotic
Age:	Young	Semi-mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		



Tree Habitat Value Assessment Matrix

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Origin	Indigenous 3 points	Victorian 2 points	Australian/Exotic 0 points
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Useful life expectancy	>10 years 5 points	4 – 9 years 3 points	0 – 3 years 0 points
Wildlife corridors	Within 50 m of a green space, park or reserve 5 points	Within 0.5 km of a green space, park or reserve 3 points	Greater than 0.5 km from a green space, park or reserve 0 points
Impacts on adjacent flora	Removal will have negative impacts on indigenous flora 3 points	Removal will have negative impacts on native flora 2 points	Removal will have no negative impacts on indigenous or native flora 0 points
Total	8 points		

Address				
Tree No.	3			
Botanical Name:	<i>Corymbia citriodora</i>			
Common Name:	Lemon scented gum			
Height / Canopy:	20 x 14			
Trunk Circ.@1m:	280cm			
Trunk DBH.@1.4m:	94cm			
Trunk DAB@0m:	95cm			
Location 1	n/a			
Location 2	n/a			
Date of assessment	18/5/21			
Origin:	Indigenou s		Victorian	Australian
Age:	Young	Semi- mature	Mature	Over-mature
Health:	Good	Fair	Poor	Dead
Structure:	Good	Fair	Poor	Hazardous
Amenity Value:	High	Moderate	Low	None
Life Expectancy:	20 years +	10-19 years	4-9 years	0 - 3 years
Retention Value:	High	Medium	Low	None
Habitat value:	High	Moderate	Low	
Align with NCP	Yes	No	n/a	
Support for removal:	Yes	No		

Tree Habitat Value Assessment Matrix

Criteria	Category		
Origin	Indigenous 3 points	Victorian 2 points	Australian/Exotic 0 points
Occupation by native fauna	Occupied by native fauna 5 points	Signs of use by fauna 2 points	No signs of use by fauna 0 points
Diameter of tree trunk	>80cm Living canopy 5 points	<80 – 50cm Living canopy 3 points	<50cm Living canopy 1 point
	Dead canopy 2 points	Dead canopy 1 point	Dead canopy 0 points
Hollow bearing tree	Tree bearing a natural hollow. Low to moderate level of maintenance 5 points	No natural hollow, artificial habitat hollow can be installed. Low to moderate level of maintenance 2 points	No natural hollow and unsuitable for installation of artificial habitat hollow. High level of maintenance 0 points
Useful life expectancy	>10 years 5 points	4 – 9 years 3 points	0 – 3 years 0 points
Wildlife corridors	Within 50 m of a green space, park or reserve 5 points	Within 0.5 km of a green space, park or reserve 3 points	Greater than 0.5 km from a green space, park or reserve 0 points
Impacts on adjacent flora	Removal will have negative impacts on indigenous flora 3 points	Removal will have negative impacts on native flora 2 points	Removal will have no negative impacts on indigenous or native flora 0 points
Total	19 points		

Decision Guideline	Response
<i>The impact the vegetation removal would have on the character of the area</i>	Three individual trees proposed for removal trigger a permit under the VPO and one group of ten trees triggers a permit under the VPO. It is recommended that the removal of these trees should be supported. Trees 1, 2 and 17 are not highly (if at all) visible from the street or surrounding area. The tree canopy of tree 3 is visible from Cheltenham Road due to its height. Nevertheless, given that there is a significant amount of vegetation on the large application site, the removal of these trees is not considered to be detrimental to the character of the area.
<i>The impact the vegetation removal would have on the presence of indigenous species in the locality</i>	The trees being removed are native to Australia but are not indigenous to Victoria. They will be required to be replaced by canopy trees which will meet or exceed the height of the existing trees and will be indigenous in nature. This will ensure that there would not be an unreasonable impact on the indigenous species in the locality, in fact, the proposed replacement planting would increase the number of indigenous canopy trees on the site and will significantly increase the number of large trees within the area.
<i>The impact the vegetation removal would have on the appearance of development.</i>	The vegetation removal would not have any impact on the appearance of the development within the Cheltenham Road Streetscape given that the trees sought to be removed are set back significantly from the street and behind the existing bowls pavilion. The proposed extensions would be located closer to the street than the trees sought to be removed. However, subject to appropriately sited replacement planting, new, large indigenous species will be visible from the surrounding neighbourhood.
<i>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</i>	Whilst the trees are suitable for nesting and feeding, Council's Arborist did not raise any concerns about existing nests in the trees. The trees to be removed will be replaced with indigenous species subject to condition. This would ensure that quality habitats for fauna as well as food and shelter for wildlife are offered. As a result, the development would not have an undue adverse impact on wildlife corridors.
<i>Any proposal to regenerate or plant indigenous vegetation on the site.</i>	The landscape plan submitted with the application will be required to be amended subject to the recommended conditions to ensure that at least 80% of the proposed trees, plants and shrubs are indigenous both by type and count. It is noted that 10 of the 13 trees sought for removal are less than 4 metres in height, 2 trees are between 8 and 10 metres in height and 1 tree is 20 metres in height.

	<p>The recommended landscape plan condition requires replacement canopy trees to include at least 3 indigenous trees with mature heights of 20 metres and at least 10 indigenous trees of at least 8 metres in height at maturity. This will provide a significant improvement in terms of the level of indigenous canopy tree coverage on the site which due to their heights will be visible from the surrounding area enhancing the amenity of the neighbourhood as well as the application site.</p>
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4.10 STATUTORY PLANNING - VCAT REPORT (APRIL 2021)

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/163161

In accordance with Chapter 2, Section 61(b) of Council's Governance Rules 2020, a person is not permitted to present to this item as it is a report summarising decisions already made by another body, being VCAT.

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Executive summary

To inform Council of Victorian Civil and Administrative Tribunal (VCAT) determinations received the previous month and to show the progress of VCAT outcomes for the financial year.

All councils are required to report to the Local Government Performance Reporting Framework (LGPRF) each year on the timeliness (SP1), service standard (SP2), cost per application (SP3) and decision quality of Statutory Planning (SP4).

The LGPRF measure SP4 used by the State Government to assess the quality of Council's decision making is the number of decisions made by Council that were not overturned or 'set aside' by VCAT on appeal by either the applicant or objectors.

The Statutory Planning Team are also focused on the responsible management of planning applications to minimise the need for the involvement of VCAT. A list of all applications lodged and determined in April 2021 are provided in **Attachment 1** and **Attachment 2** respectively for information purposes.

VCAT Appeals

Council manages a considerable number of matters which are referred to VCAT. These matters include merit appeals and compulsory conferences for decisions made by the Council and its delegates.

Attachment 3 includes details of upcoming VCAT hearings, including compulsory conferences.

VCAT outcomes

As a result of Council representation at VCAT, there are various outcomes/determinations. As such, this report provides details of the determinations received for the previous month and shows the progress of VCAT outcomes for the financial year.

The LGPRF measure SP4 used by the State Government to assess the quality of Council's decision making is the number of decisions made by Council that were not overturned or 'set aside' by VCAT on appeal by either the applicant or objectors.

Council has a target for **2020–21** that **65%** of all Planning and Amenity Delegated Committee and delegated officer decisions should not be set aside by VCAT. This is comparable with other inner urban councils in Melbourne such as Port Phillip and Stonnington.

The LGPRF measure does not include applications to amend VCAT issued permits (Section 87A applications), consent orders or appeals which are withdrawn by the applicant or objector prior to a hearing.

For the 2020–21 financial year, Council has received 64 decisions, of which:

- 22 have been settled by consent orders

- 5 have been withdrawn
- 1 has been issued under S87A varied permit.

The total number of LGPRF measured decisions for the 2020–21 financial year is 36. This table below reflects the new 2020–21 LGPRF reporting requirements for Council.

LGPRF Statutory Planning Measure 4 (SP4) – Decision Quality				
Time period	Decisions where the Council Delegate or Committees decision has been overturned or ' Set Aside '		Decisions where the Council Delegate or Committees decision has been agreed with, either having been entirely ' Affirmed ' or the conditions of the permit 'varied'	
	Delegate	Councillors	Delegate	Councillors
July 2020	0	0	0	0
August 2020	1	2	1	1
September 2020	1	2	0	0
October 2020	1	0	2	3
November 2020	1	2	2	1
December 2020	1	2	1	1
January 2021	0	0	0	0
February 2021	0	2	2	1
March 2021	1	1	1	0
April 2021	2	0	1	0
May 2021	-	-	-	-
June 2021	-	-	-	-
Total	8	11	10	7
TOTAL DECISIONS	19		17	
LGPRF Result	53%		47%	

As shown above, Council's target for 2020–21 that 65% of all Planning and Amenity Delegated Committee and delegated officer decisions should not be set aside. The table above shows that the target has not been met to date, although it should be noted that there is a high number of matters being settled by consent order.

Attachment 4 provides a summary of each case identifying the key issues for Council policy and strategy for the April 2021 VCAT outcomes.

[VCAT Outcomes relating to Planning and Amenity Delegated Committee meeting decisions](#)

In April 2021, VCAT determined one application that was a result of a Planning and Amenity Delegated Committee decision.

1 Keith Street, Hampton East

Planning permit application 5/2020/473 was reported to the Planning and Amenity Committee meeting on 15 December 2020. Councillors determined to issue a Notice of Decision including a number of conditions in accordance with the Officer recommendation. No objector appeals were lodged and a planning permit was issued on

18 January 2021. The Applicant subsequently lodged a Section 80 appeal seeking a review of a condition on the permit.

The hearing on 30 April 2021 was attended by a representative from Council's Planning Department, and a representative for the Permit Applicant. Council set out the reasons it included condition 1(d) on the permit requiring full compliance with Standard D17 of Clause 58 of the Bayside Planning Scheme requiring an additional accessible unit to be provided within the development. The Permit Applicant set out why it believed the condition was not required and the proposal complies with the objective.

The Tribunal found that the proposal did comply with the objective and commented that due to the site constraints and the relatively confined site area, the two accessible units originally proposed by the Applicant was acceptable in this instance. The Tribunal gave an oral decision during the hearing advising the parties that it agreed with the permit Applicant that the condition was not required.

The Tribunal issued an order with an error in relation to the plans referred to. Council wrote to the Tribunal highlighting this issue and the Tribunal issued a correction (final order) in which it determined to issue a Planning Permit with the deletion of condition 1(d).

A complete copy of the VCAT Order is provided at **Attachment 5**.

1. Recommendation

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during April 2021.

Support Attachments

1. Applications lodged in April 2021 ↓
2. Applications determined in April 2021 ↓
3. Upcoming VCAT appeals ↓
4. April 2021 - VCAT determined appeals ↓
5. VCAT Order P158.2021 - 1 Keith Street HAMPTON EAST (5.2020.473.1) ↓

Councillor Notifications
Planning Applications Summary
Lodged from 1/04/2021 to 30/04/2021



Application	Property Address	Development Details	Received
TBA			
5.2019.567.3	60 Union ST, BRIGHTON EAST	1 Dwelling - Alts & Adds - Heritage	01/04/21
5.2021.146.1	2/7 Sunnyside AVE, BRIGHTON EAST	1 Dwelling - Alts & Adds - DDO	01/04/21
5.2021.147.1	2/15 Canterbury PL, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	01/04/21
5.2021.148.1	14/196 - 200 North RD, BRIGHTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	01/04/21
5.2021.149.1	5 Jack RD, CHELTENHAM	1 Dwelling - Alts & Adds on Lot < 500m2	01/04/21
5.2021.150.1	28 Lawrence ST, BRIGHTON	2 or More Additional Dwellings on a Lot	01/04/21
5.2021.8178.1	16 Hilton ST, BEAUMARIS	Subdivision of Land (1 to 9 Lots)	01/04/21
5.2021.151.1	72 Orlando ST, HAMPTON	1 Dwelling - Alts & Adds - Heritage	02/04/21
5.2021.152.1	221 Church ST, BRIGHTON	VPO3 - Removal x 1	03/04/21
5.2013.399.3	59 Beach RD, HAMPTON	1 Dwelling - Alts & Adds - DDO	06/04/21
5.2017.247.4	63 Beach RD, HAMPTON	1 Dwelling - Alts & Adds on Lot < 500m2 and Fence on a Lot < 500m2	06/04/21
5.2019.522.2	75 William ST, BRIGHTON	4 New Dwellings	06/04/21
5.2019.649.2	71 Bridge ST, HAMPTON	1 Dwelling - Alts & Adds - DDO	06/04/21
5.2021.153.1	1/18 Alfred ST, BEAUMARIS	VPO3 - Removal x 1	06/04/21
5.2021.154.1	179 Bluff RD, BLACK ROCK	Liquor Licence - New & Alts	06/04/21
5.2021.155.1	553 Balcombe RD, BLACK ROCK	1 Dwelling - Alts & Adds - DDO	06/04/21
5.2021.156.1	1/21 First ST, BLACK ROCK	VPO3 - Removal x 2	06/04/21
5.2021.157.1	34 Brighton ST, SANDRINGHAM	1 Dwelling - Alts & Adds on Lot < 500m2	06/04/21
5.2021.158.1	14 Lagnicourt ST, HAMPTON	1 Dwelling - Alts & Adds - Heritage	06/04/21
5.2021.159.1	18 Cheeseman AVE, BRIGHTON EAST	1 Dwelling - Alts & Adds - Heritage	07/04/21
5.2021.160.1	5A Dalgetty RD, BEAUMARIS	VPO3 - Removal x 1	07/04/21
5.2009.81.2	1 Cummins RD, BRIGHTON EAST	2 New Dwellings	08/04/21
5.2020.259.2	25 Smith ST, HAMPTON	2 New Dwellings	08/04/21
5.2021.161.1	72 Earlsfield RD, HAMPTON	2 New Dwellings	08/04/21
5.2021.162.1	31 Arranmore AVE, BLACK ROCK	Subdivision of Land (1 to 9 Lots)	08/04/21
5.2021.163.1	15 Hastings AVE, BEAUMARIS	2 New Dwellings	08/04/21
5.2021.8177.1	12 Beltane AVE, BRIGHTON EAST	Subdivision of Land (1 to 9 Lots)	08/04/21
5.2021.8179.1	27 Black ST, BRIGHTON	Subdivision of Land (1 to 9 Lots)	08/04/21
5.2010.407.2	301 St Kilda ST, BRIGHTON	Residential Bldg - New Use & Building	09/04/21
5.2018.776.2	495 Nepean HWY, BRIGHTON EAST	Advertising Signs	09/04/21
5.2021.164.1	1/21 First ST, BLACK ROCK	VPO3 - Removal x 1	09/04/21
5.2021.8180.1	108 Thomas ST, HAMPTON	Subdivision of Land (1 to 9 Lots)	09/04/21
5.2021.166.1	181 Bay ST, BRIGHTON	Liquor Licence - New & Alts	12/04/21
5.2021.167.1	10 Hardinge ST, BEAUMARIS	VPO3 - Removal x 1	12/04/21
5.2021.168.1	13 Pasadena AVE, BEAUMARIS	Swimming Pool on a lot > 500m2	12/04/21
5.2021.169.1	17 Lynch ST, BRIGHTON	1 Dwelling - Alts & Adds - heritage	12/04/21
5.2014.107.2	5 Dudley ST, BRIGHTON	4 New Dwellings	13/04/21
5.2021.170.1	26 Glyndon AVE, BRIGHTON	1 Dwelling - Alts & Adds - SBO	13/04/21
5.2021.171.1	15 Bay ST, BRIGHTON	1 Dwelling - Alts & Adds - DDO	13/04/21
5.2021.172.1	2/59 Fourth ST, BEAUMARIS	VPO3 - Removal x 1	13/04/21
5.2021.173.1	36 Clive ST, BRIGHTON EAST	Fence on a Lot < 500m2	13/04/21
5.2017.731.3	1 Gray CRT, BEAUMARIS	2 New Dwellings and Swimming Pool on a lot > 500m2	14/04/21
5.2021.174.1	51 Cummins RD, BRIGHTON EAST	1 Dwelling - Alts & Adds - SBO	14/04/21
5.2021.175.1	922 Hampton ST, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	14/04/21
5.2021.176.1	2 Bartlett ST, HAMPTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	14/04/21
5.2021.177.1	45A Lucas ST, BRIGHTON EAST	1 Dwelling - Alts & Adds - SBO	14/04/21
5.2021.178.1	65 Ardoyne ST, BLACK ROCK	2 New Dwellings and Remove/Destroy or Lop Native Vegetation	14/04/21
5.2021.179.1	42 Summerhill RD, BRIGHTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	14/04/21
5.2012.698.5	68 Oak ST, BEAUMARIS	Community Facility-Alts/Adds to Bld&Use	15/04/21
5.2021.180.1	460 New ST, BRIGHTON	1 Dwelling - Alts & Adds - DDO	15/04/21
5.2021.181.1	3/18 Regent ST, BRIGHTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	16/04/21
5.2021.182.1	72 Edward ST, SANDRINGHAM	VPO3 - Removal x 2	16/04/21
5.2020.490.2	13 Gillard ST, BRIGHTON EAST	1 Dwelling - Alts & Adds - SBO	19/04/21
5.2021.183.1	4 Park ST, BRIGHTON	1 Dwelling - Alts & Adds - SBO	19/04/21
5.2021.184.1	42 Reserve RD, BEAUMARIS	1 Dwelling - New - DDO	19/04/21
5.2021.8176.1	25 Pacific BVD, BEAUMARIS	Subdivision of Land (1 to 9 Lots)	19/04/21
5.2021.185.1	21 Walstab ST, BRIGHTON EAST	Fence on a Lot < 500m2	20/04/21
5.2021.186.1	3A Sunlit CRT, HAMPTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	20/04/21
5.2021.187.1	11 Scott ST, BEAUMARIS	VPO3 - Removal x 1	20/04/21

Application	Property Address	Development Details	Received
5.2021.188.1	1/463 New ST, BRIGHTON	1 Dwelling - Alts & Adds - DDO	20/04/21
5.2021.189.1	4 St Andrews CRT, BLACK ROCK	Subdivision - Other	20/04/21
5.2021.8181.1	331 Nepean HWY, BRIGHTON EAST	Subdivision of Land (1 to 9 Lots)	20/04/21
5.2017.177.4	62 Black ST, BRIGHTON	Residential Bldg - New Use & Building	21/04/21
5.2021.137.2	1/18 Eliza ST, BLACK ROCK	1 Dwelling - Alts & Adds - DDO	21/04/21
5.2021.193.1	Cheltenham RD, BLACK ROCK	Alts&Adds to Bld in HO(Other than Dwell)	21/04/21
5.2021.191.1	6 Spring ST, SANDRINGHAM	Fence on a lot > 500 m2	21/04/21
5.2021.8182.1	64 Middleton ST, HIGHETT	Subdivision of Land (1 to 9 Lots)	21/04/21
5.2021.192.1	675 Nepean HWY, BRIGHTON EAST	Advertising Signs	22/04/21
5.2021.193.1	2/120 Esplanade , BRIGHTON	Dwelling(s) Other - Alts/Adds, Bld Only	22/04/21
5.2021.194.1	1 Clive ST, BRIGHTON EAST	Fence on a lot > 500 m2	22/04/21
5.2018.227.2	57 Beaumaris PDE, HIGHETT	4 New Dwellings	23/04/21
5.2021.195.1	34 George ST, SANDRINGHAM	Minor Sports & Rec Fac - New Use Only	23/04/21
5.2021.196.1	7 Grant ST, BRIGHTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	23/04/21
5.2021.197.1	2/731 Nepean HWY, BRIGHTON EAST	1 Dwelling - New - DDO	23/04/21
5.2021.198.1	12 Tibbles ST, BEAUMARIS	VPO3 - Removal x 2	25/04/21
5.2019.361.2	1/411 St Kilda ST, BRIGHTON	2 or More Additional Dwellings on a Lot	26/04/21
5.2021.199.1	145 Male ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	26/04/21
5.2021.200.1	41 Middleton ST, HIGHETT	1 Dwelling - New - SBO	26/04/21
5.2021.201.1	17 Plantation AVE, BRIGHTON EAST	1 Dwelling - Alts & Adds - SBO	26/04/21
5.1988.3033.4	122A Head ST, BRIGHTON	2 New Dwellings	27/04/21
5.2013.673.3	282 Bay RD, CHELTENHAM	Advertising Signs	27/04/21
5.2021.202.1	14 Charming ST, HAMPTON EAST	4 New Dwellings	27/04/21
5.2021.203.1	455 New ST, BRIGHTON	Fence on a Lot < 500m2	27/04/21
5.2021.204.1	1/16 Yuille ST, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500 m2	27/04/21
5.2021.205.1	8 Grange RD, SANDRINGHAM	1 Dwelling - Alts & Adds on Lot < 500m2	27/04/21
5.2021.206.1	23 Retreat RD, HAMPTON	1 Dwelling - Alts & Adds on Lot < 500m2	27/04/21
5.2021.207.1	51 Burrows ST, BRIGHTON	2 New Dwellings	27/04/21
5.2012.430.2	30 Hornby ST, BEAUMARIS	3 New Dwellings	28/04/21
5.2021.208.1	3 Willis ST, HAMPTON	1 Dwelling - Alts & Adds on Lot < 500m2	28/04/21
5.2021.209.1	1/18 Alfred ST, BEAUMARIS	1 Dwelling - Alts & Adds on Lot < 500m2	28/04/21
5.2021.210.1	144 Bluff RD, BLACK ROCK	VPO3 - Removal x 1	28/04/21
5.2021.211.1	6 Grenville ST, HAMPTON	1 Dwelling - Alts & Adds - SBO	28/04/21
5.2021.8187.1	2 Victory CRT, BRIGHTON EAST	Subdivision of Land (1 to 9 Lots)	28/04/21
5.2021.8188.1	20 Hamlet ST, CHELTENHAM	Subdivision of Land (19 or more lots)	28/04/21
5.2021.8189.1	2 Major ST, HIGHETT	Subdivision of Land (1 to 9 Lots)	28/04/21
5.2017.539.2	3 Plantation AVE, BRIGHTON EAST	2 New Dwellings	29/04/21
5.2017.761.2	10 Mariemont AVE, BEAUMARIS	2 New Dwellings and Fence on a lot > 500 m2 and Removal of Vegetation	29/04/21
5.2021.212.1	58 Cromer RD, BEAUMARIS	2 New Dwellings and Remove/Destroy or Lop Native Vegetation	29/04/21
5.2021.8183.1	22A Glyndon AVE, BRIGHTON	Subdivision of Land (1 to 9 Lots)	29/04/21
5.2021.213.1	18 Orchard ST, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	30/04/21
5.2021.214.1	23 Orchard ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	30/04/21
5.2021.215.1	192 Church ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	30/04/21
Total:			102

Planning Applications Summary - Councillor Bulletin
Determined from 1/04/2021 to 30/04/2021

Application	Property Address Proposal	Determination	Determined
Central			
5.2020.536.1	84 Spring RD, HAMPTON EAST 3188 2 New Dwellings	Permit Granted - Delegate	07/04/2021
5.2020.316.1	7 Luxmoore ST, CHELTENHAM 3192 2 New Dwellings	Notice of Decision Granted - Delegate	16/04/2021
5.2020.543.1	38 Binnie ST, BRIGHTON EAST 3187 2 New Dwellings	Permit Granted - Delegate	16/04/2021
5.2020.374.1	4/520 - 522 Hampton ST, HAMPTON 3188 Dwelling(s) Other - Alts/Add, Bld Only	Permit Granted - Delegate	23/04/2021
5.2020.519.1	41 Middleton ST, HIGHETT 3190 2 New Dwellings	Application Withdrawn	23/04/2021
5.2020.298.1	29 Bamfield ST, SANDRINGHAM 3191 1 Dwelling - New - Heritage	Permit Refused - Delegate	26/04/2021
Northern			
5.2020.549.1	2A Chatsworth AVE, BRIGHTON 3186 2 New Dwellings	Notice of Decision Granted - Delegate	08/04/2021
5.2019.682.1	1 Cambridge ST, BRIGHTON EAST 3187 3 New Dwellings	Notice of Decision Granted - Council	13/04/2021
5.2020.546.1	415 Bay ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage and Reduction/Waiver of Car Park R	Notice of Decision Granted - Council	13/04/2021
Southern			
5.2020.521.1	Beach PK, BLACK ROCK 3193 Carparking and Remove/Destroy or Lop Native Vegetation	Notice of Decision Granted - Delegate	07/04/2021
5.2020.49.1	152 Tulip ST, CHELTENHAM 3192 Minor Sports & Rec Fac - New Bld & Use and Removal of Vegetation	Notice of Decision Granted - Council	13/04/2021
5.2020.564.1	86 Stanley ST, BLACK ROCK 3193 2 New Dwellings	Notice of Decision Granted - Delegate	22/04/2021
TBA			
5.2014.933.3	77 Durrant ST, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Amended Permit Granted - Delegate	01/04/2021
5.2017.546.4	422 New ST, BRIGHTON 3186 Office - Alts/Add to Building & Use and Carparking	Amended Permit Granted - Delegate	01/04/2021
5.2021.95.1	73 Brickwood ST, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Permit & Plans Granted - Delegate	01/04/2021
5.2021.130.1	2/147 Charman RD, BEAUMARIS 3193 Carport on a Lot < 500m2	Permit & Plans Granted - Delegate	01/04/2021
5.2019.567.3	60 Union ST, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - Heritage	Amended Permit Granted - Delegate	06/04/2021
5.2020.635.1	129 Centre RD, BRIGHTON EAST 3187 2 New Dwellings	Permit Granted - Delegate	06/04/2021
5.2020.657.1	2/2 Hornby ST, BLACK ROCK 3193 1 Dwelling - New - DDO	Permit Granted - Delegate	06/04/2021
5.2021.69.1	3 Nautilus ST, BEAUMARIS 3193 VPO3 - Removal x 1	Application Lapsed	06/04/2021
5.2021.142.1	297 South RD, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - SBO	Permit Granted - Delegate	06/04/2021
5.2021.8171.1	42 Charming ST, HAMPTON EAST 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	06/04/2021
5.2021.141.1	5 Cheltenham RD, BLACK ROCK 3193 VPO3 - Removal x 1	Permit Granted - Delegate	07/04/2021
5.2020.606.1	124 Abbott ST, SANDRINGHAM 3191 REAR GROUND AND FIRST FLOOR ADDITION TO EXISTING DWELLING. ALTERAION O	Permit Granted - Delegate	08/04/2021
5.2021.27.1	135 Male ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	08/04/2021
5.2021.140.1	69 Spring RD, HAMPTON EAST 3188 Fence on a lot > 500m2	Permit & Plans Granted - Delegate	08/04/2021
5.2020.231.2	21 Clonaig ST, BRIGHTON EAST 3187 2 New Dwellings and Fence on a lot > 500 m2	Amended Permit Granted - Delegate	09/04/2021
5.2021.47.1	22 Amiens ST, HAMPTON 3188 1 Dwelling - Alts & Adds - Heritage	Permit & Plans Granted - Delegate	09/04/2021

Application	Property Address Proposal	Determination	Determined
5.2021.115.1	19 North RD, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Permit & Plans Granted - Delegate	09/04/2021
5.2021.137.1	1/18 Eliza ST, BLACK ROCK 3193 1 Dwelling - Alts & Adds - DDO	Permit & Plans Granted - Delegate	09/04/2021
5.2021.156.1	1/21 First ST, BLACK ROCK 3193 VPO3 - Removal x 2	Permit Granted - Delegate	09/04/2021
5.2021.160.1	5A Dalgetty RD, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Granted - Delegate	09/04/2021
5.2010.628.3	28 Cowper ST, SANDRINGHAM 3191 1 Dwelling - Alts & Adds - DDO	Amended Permit Granted - Delegate	12/04/2021
5.2015.78.2	9 Keys ST, BEAUMARIS 3193 1 Dwelling - Alts & Adds - DDO	Application Lapsed	12/04/2021
5.2021.43.1	1A Deakin ST, HAMPTON 3188 Advertising signs	Application Lapsed	12/04/2021
5.2018.725.3	52 Black ST, BRIGHTON 3186 5 New Dwellings	Amended Permit Refused - Council	13/04/2021
5.2020.588.1	3A Bent PDE, BLACK ROCK 3193 1 Dwelling - Alts & Adds- DDO	Notice of Decision Granted - Council	13/04/2021
5.2020.592.1	2/9 Edward ST, SANDRINGHAM 3191 2nd storey addition and renovation	Notice of Decision Granted - Council	13/04/2021
5.2020.616.1	50 Middle CRES, BRIGHTON 3186 change or add land use	Notice of Decision Granted - Council	13/04/2021
5.2020.653.1	80 Orlando ST, HAMPTON 3188 11 - 25 New Dwellings	Permit Refused - Council	13/04/2021
5.2020.661.1	13 Lileura AVE, BEAUMARIS 3193 Proposed two dwellings on a lot	Notice of Decision Granted - Council	13/04/2021
5.2021.102.1	6 Well ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - SBO	Application Withdrawn	13/04/2021
5.2021.159.1	18 Cheeseman AVE, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - Heritage	Permit & Plans Granted - Delegate	13/04/2021
5.2021.164.1	1/21 First ST, BLACK ROCK 3193 VPO3 - Removal x 1	Permit Granted - Delegate	13/04/2021
5.2010.705.3	176 Reserve RD, BEAUMARIS 3193 2 New Dwellings	Amended Permit Granted - Delegate	14/04/2021
5.2019.649.2	71 Bridge ST, HAMPTON 3188 1 Dwelling - Alts & Adds - DDO	Amended Permit Granted - Delegate	14/04/2021
5.2019.710.2	3/22 Kinross ST, HAMPTON EAST 3188 5 New Dwellings and Reduction/Waiver of Car Park Requirement	Amended Permit Granted - Delegate	14/04/2021
5.2020.103.2	1 Weatherly GVE, BRIGHTON 3186 Construct a fence in an SBO	Amended Permit Granted - Delegate	14/04/2021
5.2020.496.2	34 Hardinge ST, BEAUMARIS 3193 VPO3 - Removal x 8	Amended Permit Granted - Delegate	14/04/2021
5.2020.467.2	736 Hampton ST, BRIGHTON 3186 Advertising Signs	Amended Permit Granted - Delegate	15/04/2021
5.2020.595.1	10 Sybil ST, HAMPTON EAST 3188 2 New Dwellings	Permit Granted - Delegate	15/04/2021
5.2021.8177.1	12 Beltane AVE, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	15/04/2021
5.2021.8180.1	108 Thomas ST, HAMPTON 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	15/04/2021
5.2020.618.1	15 Hamel ST, HAMPTON 3188 1 Dwelling - Alts & Adds - DDO	Permit Granted - Delegate	16/04/2021
5.2021.167.1	10 Hardinge ST, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Granted - Delegate	16/04/2021
5.2016.185.3	25G Bolton ST, BEAUMARIS 3193 2 New Dwellings	Application Lapsed	19/04/2021
5.2019.704.3	9 Ambrose AVE, CHELTENHAM 3192 The construction of a two storey building complex containing 24 wareho	Amended Permit Granted - Delegate	19/04/2021
5.2020.342.2	109 Charman RD, BEAUMARIS 3193 1 Dwelling - Alts & Adds on Lot < 500m2	Application Lapsed	19/04/2021
5.2021.80.1	56A Cummins RD, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - DDO	Permit & Plans Granted - Delegate	19/04/2021
5.2021.168.1	13 Pasadena AVE, BEAUMARIS 3193 Swimming Pool on a lot > 500m2	Permit Granted - Delegate	19/04/2021
5.2021.152.1	221 Church ST, BRIGHTON 3186 VPO3 - Removal x 1	Application Withdrawn	20/04/2021
5.2009.550.5	6 Smith ST, HAMPTON 3188 2 New Dwellings	Amended Permit Granted - Delegate	21/04/2021

Application	Property Address Proposal	Determination	Determined
5.2017.247.4	63 Beach RD, HAMPTON 3188 1 Dwelling - Alts & Adds on Lot < 500m2 and Fence on a Lot < 500m2	Amended Permit Granted - Delegate	21/04/2021
5.2020.490.2	13 Gillard ST, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - SBO	Amended Permit Granted - Delegate	21/04/2021
5.2021.153.1	1/18 Alfred ST, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Refused - Delegate	21/04/2021
5.2017.781.2	29 Dawson AVE, BRIGHTON 3186 1 Dwelling - New - DDO	Amended Permit Granted - Delegate	22/04/2021
5.1977.792.2	1/20 David ST, HAMPTON 3188 3 New Dwellings	Amended Permit Granted - Delegate	23/04/2021
5.2019.647.2	10 Hunter AVE, BLACK ROCK 3193 2 New Dwellings and VPO3 - Removal x 2	Notice of Decision Granted - Delegate	23/04/2021
5.2021.61.1	10 Pearson ST, BRIGHTON 3186 1 Dwelling - New - DDO	Notice of Decision Granted - Delegate	23/04/2021
5.2021.62.1	675 Nepean HWY, BRIGHTON EAST 3187 Advertising Signs	Application Lapsed	23/04/2021
5.2021.71.1	16 Loller ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - SBO	Permit & Plans Granted - Delegate	23/04/2021
5.2021.91.1	4 The Avenue, HAMPTON 3188 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	23/04/2021
5.2021.185.1	21 Walstab ST, BRIGHTON EAST 3187 Fence on a Lot < 500m2	Permit Granted - Delegate	23/04/2021
5.2021.187.1	11 Scott ST, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Granted - Delegate	23/04/2021
5.2021.8181.1	331 Nepean HWY, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	23/04/2021
5.2021.8182.1	64 Middleton ST, HIGHETT 3190 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	23/04/2021
5.2021.191.1	6 Spring ST, SANDRINGHAM 3191 Fence on a lot > 500 m2	No Permit Required	27/04/2021
5.2021.11.1	467 Beach RD, BEAUMARIS 3193 Liquor Licence - New & Alts	Permit Granted - Delegate	28/04/2021
5.2021.173.1	36 Clive ST, BRIGHTON EAST 3187 Fence on a Lot < 500m2	Permit Granted - Delegate	28/04/2021
5.2021.201.1	17 Plantation AVE, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - SBO	Permit & Plans Granted - Delegate	28/04/2021
5.2021.8152.1	2/22 Kinross ST, HAMPTON EAST 3188 Subdivision of Land (19 or more lots)	Permit Granted - Delegate	28/04/2021
5.2021.8176.1	25 Pacific BVD, BEAUMARIS 3193 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	28/04/2021
5.2014.559.6	386 Reserve RD, CHELTENHAM 3192 Manufacturing Sales - New Bldg & Use	Amended Permit Granted - Delegate	29/04/2021
5.2016.828.4	5A Railway CRES, HAMPTON 3188 2 or More New Shop-top Dwellings and Reduction/Waiver of Car Park Requ	Amended Permit Granted - Delegate	29/04/2021
5.2021.198.1	12 Tibbles ST, BEAUMARIS 3193 VPO3 - Removal x 2	Permit Refused - Delegate	30/04/2021
5.2021.8183.1	22A Glyndon AVE, BRIGHTON 3186 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	30/04/2021
5.2021.8187.1	2 Victory CRT, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	30/04/2021
Total: 87			

Upcoming VCAT Appeals - Councillor Bulletin

Date report produced: 8/06/2021



App No.	Property Address Proposal	Bayside Determination	Appeal No.	Appeal Type	Compulsory Conference	Hearing
CAST						
2020.594.1	34 Were ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - DDO	Notice of Decision Granted - Delegate	P537/2021	Notice of Decision to Grant a Permit	12/07/2021	8/11/2021
Central						
2020.175.1	67 Teddington RD, HAMPTON 3188 2 New Dwellings	Notice of Decision Granted - Council	P1479/2020	Notice of Decision to Grant a Permit	23/02/2021	16/06/2021
2020.243.1	6/65 Tibrockney ST, HIGHETT 3190 1 Dwelling - Alts & Adds on Lot < 500m2	Permit Refused - Council	P1874/2020	Refusal to Grant a Permit		18/06/2021
2012.406.2	19 Small ST, HAMPTON 3188 6 - 10 New Dwellings	Amended Permit Refused - Council	P1939/2020	Refusal Amended Permit		28/07/2021
2015.780.2	8 - 10 Station WK, BRIGHTON 3186 2 New Dwellings and Retail Premises Other - New Bid + Use	Notice of Decision Granted - Council	P2044/2020	Notice of Decision to Grant a Permit	4/06/2021	5/08/2021
2017.246.2	4 Sunlit CRT, HAMPTON EAST 3188 6 - 10 New Dwellings	Amended Permit Refused - Council	P365/2021	Refusal Amended Permit	9/06/2021	1/08/2021
2020.107.1	78 Orlando ST, HAMPTON 3188 New 3 storey multi unit building over basement car parking	Permit Refused - Council	P114/2021	Refusal to Grant a Permit		6/09/2021
2020.211.1	17 Hemming ST, BRIGHTON EAST 3187 3 New Dwellings	Notice of Decision Granted - Council	P2049/2020	Notice of Decision to Grant a Permit	17/05/2021	15/09/2021
2020.145.1	23 Beaumaris PDE, HIGHETT 3190 6 - 10 New Dwellings	Permit Refused - Council	P126/2021	Refusal to Grant a Permit		22/09/2021
DEND						
2017.650.3	7 St Ninians RD, BRIGHTON 3186 2 New Dwellings	Notice of Decision Granted - Delegate	P883/2021	Notice of Decision to Grant a Permit		
Northern						
2019.72.1	136T Church ST, BRIGHTON 3186 Advertising Signs	Notice of Decision Granted - Council	P880/2020	Conditions	21/12/2020	
2019.73.1	142T Martin ST, BRIGHTON 3186 Advertising Signs	Permit Granted - Council	P881/2020	Conditions	21/12/2020	
2019.76.1	329T New ST, BRIGHTON 3186 Advertising Signs	Permit Granted - Council	P883/2020	Conditions	21/12/2020	
2020.153.1	3/1 Campbell ST, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Notice of Decision Granted - Delegate	P1441/2020	Notice of Decision to Grant a Permit	10/02/2021	15/06/2021
2019.355.1	444 St Kilda ST, BRIGHTON 3186 2 or More Additional Dwellings on a Lot and construction of 1.2m fence	Notice of Decision Granted - Delegate	P408/2020	Notice of Decision to Grant a Permit		16/07/2021
2015.820.2	10 Well ST, BRIGHTON 3186 6 - 10 New Dwellings	Amended Permit Refused - Council	P1914/2020	Refusal Amended Permit		22/07/2021
2020.276.1	12 Alford ST, BRIGHTON EAST 3187 2 New Dwellings	Notice of Decision Granted - Council	P786/2021	Conditions		26/07/2021
2008.804.2	282S Bay ST, BRIGHTON 3186 Retail Premises Other-Alts/Adds Bld Only	Amended Permit Refused - Delegate	P20/2021	Refusal Amended Permit		13/08/2021
2020.150.1	14 Waterloo ST, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Permit Refused - Council	P121/2021	Refusal to Grant a Permit		13/08/2021
2020.352.1	26 William ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage		P817/2021	Failure to Grant a Permit		9/08/2021
2019.355.1	444 St Kilda ST, BRIGHTON 3186 2 or More Additional Dwellings on a Lot and construction of 1.2m fence	Notice of Decision Granted - Delegate	P408/2020	Notice of Decision to Grant a Permit		8/09/2021
2020.372.1	66 Black ST, BRIGHTON 3186 11 - 25 New Dwellings and Fence on a lot > 500 m2		P523/2021	Failure to Grant a Permit	2/07/2021	14/09/2021
2020.106.1	2B North RD, BRIGHTON 3186 Restaurant - Alts/Adds to Bldg & Use	Notice of Decision Granted - Council	P1461/2020	Notice of Decision to Grant a Permit	16/07/2021	11/10/2021
Southern						
2019.107.1	28T East CNC, BEAUMARIS 3193 Advertising Signs	Permit Granted - Council	P879/2020	Conditions	21/12/2020	
2020.176.1	2 Fern ST, BLACK ROCK 3193 Child Care Centre - New Use & Bld	Notice of Decision Granted - Council	P1741/2020	Notice of Decision to Grant a Permit	13/05/2021	9/07/2021
2020.73.1	401 Beach RD, BEAUMARIS 3193 1 Dwelling - Alts & Adds - DDO and Fence on a lot > 500 m2 and Remove/	Not Support - Refused - Council	P2045/2020	Failure to Grant a Permit	3/06/2021	3/08/2021
2020.242.1	45 Bayview CRES, BLACK ROCK 3193 1 Dwelling - Alts & Adds - DDO	Permit Refused - Delegate	P2068/2020	Refusal to Grant a Permit		16/08/2021
2020.399.1	40 Bluff RD, BLACK ROCK 3193 Liquor Licence - New & Alts	Permit Refused - Council	P359/2021	Refusal to Grant a Permit	17/06/2021	16/08/2021
2020.332.1	341 Beach RD, BLACK ROCK 3193 4 New Dwellings		P465/2021	Failure to Grant a Permit		1/11/2021
Appeals: 28						

VCAT Determined Appeals from 1/04/2021 to 30/04/2021

Subject land	54 Weatherall RD, CHELTENHAM
Application no.	2020.322.1
VCAT reference no.	P1584/2020
Applicant	Fiona M C Blackman
Referral Authority	N/A
Respondents	N/A
VCAT Member	K Birtwistle
Date of hearing	25/03/2021
Date of order	6/04/2021
Proposal	Removal of a tree (<i>Corymbia citriodora</i>) within the Vegetation Protection Overlay - Schedule 3

Officer recommendation/ Delegate determination	Refusal
Council determination	Not applicable
Appeal type	Refusal to Grant a Permit
Plans substituted (prior to hearing)	No
VCAT determination	Permit to Issue
LGPRF outcome	SET ASIDE

Comments:

This matter was for the removal of native vegetation in Vegetation Protection Overlay Schedule3. The subject tree was a large Lemon-scented gum in the front setback.

- Application lodged on 16/07/20
- Council issued a refusal under delegation on 28/07/20
- VCAT appeal hearing on 25/03/2021
- Final order from VCAT on 07/04/2021
- Member K. Birtwistle presided over the hearing. The tribunal set aside council's decision and granted a permit for removal.
- The member shared Council's the concerns about the danger posed by limb drop from this large, established tree must be balanced against the planning scheme's provisions that encourage the retention of vegetation.
- The member stated that the tree was too close to the existing dwelling and could be heavily pruned relying on the permit exemption allowing "pruning of vegetation to remove that part of any branch which overhangs an existing dwelling or is within 2 metres of an existing dwelling". This would likely impact detrimentally on the long term viability and structure of the tree.
- Finally, the member accepted that the risk of limb drop may be reduced through limb reduction and management but was not persuaded that this is sufficient to outweigh their concern about the consequences of further limb drop.

Subject land	209 Beach RD, BLACK ROCK
Application no.	2019.504.1
VCAT reference no.	P454/2020
Applicant	Jerry Zhang
Referral Authority	Robert Mehegan
Respondents	Mr R Mehegan

VCAT Member	N/A
Date of hearing	1/04/2021
Date of order	1/04/2021
Proposal	Construction of a roof deck

Officer recommendation/ Delegate determination	Notice of decision
Council determination	Not applicable
Appeal type	Notice of Decision to Grant a Permit
Plans substituted (prior to hearing)	No
VCAT determination	No permit is granted
LGPRF outcome	SET ASIDE

Comments:

This was an application for review pursuant to Section 82 of the *Planning and Environment Act 1987* by an objector, who lodged a decision against Council's Notice of Decision to Grant a Planning Permit, which was issued under delegation on 25 February 2020.

The proceedings were conducted via video link and were attended by a representative from Council's Planning Department, the permit applicant and the objector party.

The main issues raised by the objector were in relation to whether the proposed roof deck complied with the mandatory roof deck requirements of the Design and Development Overlay Schedule 1 and therefore prohibited, the potential visual bulk of the roof deck and overlooking impacts.

The Tribunal determined that the proposed roof deck did not comply with the mandatory roof deck provisions of the Design and Development Overlay Schedule 1, specifically the requirement to be setback 2 metres on all sides from the roof edge immediately below. It was also considered that conditions could not be added to the permit to ensure the roof deck complied with the mandatory requirements and the proposed roof deck was therefore deemed prohibited.

The Tribunal determined to set aside Councils decision and no permit was granted.

Subject land	457 Hampton ST, HAMPTON
Application no.	2017.499.2
VCAT reference no.	P1561/2020
Applicant	See Pickle Pty Ltd
Referral Authority	N/A
Respondents	Hampton Beach Pty Ltd (Receivers and Managers Appointed)
VCAT Member	E A Benz
Date of hearing	13/04/2021
Date of order	13/04/2021
Proposal	The construction of a five storey mixed use development (above two basement levels) comprising not more than 62 dwellings, a supermarket and a restaurant and the alteration of the access to a road in a Road Zone, Category 1
Officer recommendation/ Delegate determination	Notice of decision
Council determination	Not applicable
Appeal type	Notice of Decision to Grant a Permit
Plans substituted (prior to hearing)	No
VCAT determination	Varied Permit to Issue
LGPRF outcome	N/A

Comments:

This application was an amendment to a previous permit to make numerous changes to an approved mixed-use building, including changes to parking allocation and layout, changes to use layout at ground floor and modifications to apartment numbers and general layouts

The application was approved by Council under delegation and appealed to the tribunal by an objector party.

The matter proceeded to a Compulsory Conference. Amended plans (relocating service equipment, providing additional screening to the south, and, making some terraces and balconies non trafficable) were circulated prior to the compulsory conference by the applicant. The objector and Council were satisfied with the amended plans at the compulsory conference, however, the applicant decided they needed another few weeks to review the amendments. Following this additional review period, a consent order was drafted and signed by all parties and a permit was issued.

Subject land	28 Boxshall ST, BRIGHTON
Application no.	2019.703.1
VCAT reference no.	P1697/2020
Applicant	Squareback Pty Ltd
Referral Authority	N/A
Respondents	L Yuan, M & R Tomas, S Nicholls, and Y Zhou
VCAT Member	Ian Potts
Date of hearing	21/04/2021
Date of order	21/04/2021
Proposal	The construction of a three-storey apartment building and basement car parking.
Officer recommendation/ Delegate determination	Notice of decision
Council determination	Refusal
.Appeal type	Refusal to Grant a Permit
Plans substituted (prior to hearing)	No
VCAT determination	Permit to Issue
LGPRF outcome	N/A

Comments:

This application sought permission to construct a three (3) storey apartment building containing 17 dwellings.

The application was originally refused by Council at a planning and amenity committee meeting in September 2020. The applicant appealed Council's refusal under Section 77 of the Planning and Environment Act 1987. As part of the VCAT proceedings a Compulsory Conference was held. At the Compulsory Conference, Council and the objector parties did not resolve the matter at the Compulsory Conference. However, the applicant continued to consult with the objector parties outside of the VCAT process and eventually was able to reach an agreement subject to a number of design changes.

This agreement was then sent to Council who agreed to the changes, and this was ratified at a Planning and Amenity Committee meeting in April 2021.

A consent order was sent to VCAT following this meeting, and a permit subsequently granted.

Subject land 1 Keith ST, HAMPTON EAST
Application no. 2020.473.1
VCAT reference no. P158/2021
Applicant Chay Ryan
Referral Authority N/A
Respondents N/A

VCAT Member Joel Templar
Date of hearing 30/04/2021
Date of order 30/04/2021
Proposal Construction of a three-storey building comprising a shop and five (5) dwellings in a Design and Development Overlay and a Special Building Overlay and a reduction of car parking spaces

Officer recommendation/ Delegate determination Notice of decision
Council determination Notice of decision
Appeal type Conditions
Plans substituted (prior to hearing) No
VCAT determination Varied Permit to Issue
LGPRF outcome AFFIRMED

Comments:

Planning permit application 5/2020/473 was reported to the Planning and Amenity Committee meeting on 15 December 2020. Councillors determined to issue a Notice of Decision including a number of conditions in accordance with the Officer recommendation. No objector appeals were lodged and a planning permit was issued on 18 January 2021. The Applicant subsequently lodged a Section 80 appeal seeking a review of a condition on the permit.

The hearing on 30 April 2021 was attended by a representative from Council's Planning Department, and a representative for the Permit Applicant. Council set out the reasons it included condition 1(d) on the permit requiring full compliance with Standard D17 of Clause 58 of the Bayside Planning Scheme requiring an additional accessible unit to be provided within the development. The Permit Applicant set out why it believed the condition was not required and the proposal complies with the objective.

The Tribunal found that the proposal did comply with the objective and commented that due to the site constraints and the relatively confined site area, the two accessible units originally proposed by the Applicant was acceptable in this instance. The Tribunal gave an oral decision during the hearing advising the parties that it agreed with the permit Applicant that the condition was not required.

The Tribunal issued an order with an error in relation to the plans referred to. Council wrote to the Tribunal highlighting this issue and the Tribunal issued a correction (final order) in which it determined to issue a Planning Permit with the deletion of condition 1(d).

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P158/2021
PERMIT APPLICATION NO. 5/2020/473/1

APPLICANT	Chay Ryan
RESPONSIBLE AUTHORITY	Bayside City Council
SUBJECT LAND	1 Keith Street HAMPTON EAST VIC 3188
HEARING TYPE	Hearing
DATE OF HEARING	30 April 2021
DATE OF ORDER	30 April 2021

ORDER**Conditions changed**

- 1 The decision of the responsible authority is varied.
- 2 The Tribunal directs that planning permit 5/2020/473/1 must contain the conditions set out in planning permit 5/2020/473/1 issued by the responsible authority on 18 January 2021 with the following modifications:
 - (a) Condition 1(d) is deleted.
 - (b) The permit preamble for condition 1 is to read:
 - Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed, and any previous endorsed plans superseded, and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans prepared by DCA Design referenced TP01, TP02, TP04, TP06, TP07, TP08, TP09, TP10, TP14 date 21 January 2021 and revision number A but modified to show:
 - (c) Conditions in the planning permit are renumbered accordingly.
- 3 The responsible authority is directed to issue a modified planning permit in accordance with this order.

Joel Templar
Member



APPEARANCES

For Chay Ryan	Mr Hew Gerrard, town planner of Glossop Town Planning.
For Bayside City Council	Ms Rosie Nolan, town planner of Bayside City Council.

INFORMATION

Description of proposal	Construction of a three storey building comprising a shop and five dwellings and reduction of car parking requirements.
Nature of proceeding	Application under section 80 of the <i>Planning and Environment Act 1987</i> – to review the conditions contained in the permit.
Planning scheme	Bayside Planning Scheme
Zone and overlays	Commercial 1 Zone Design and Development Overlay Schedule 13 Development Contributions Plan Overlay Schedule 1 Special Building Overlay
Permit requirements	Clause 34.01-4 (Commercial 1 Zone) – Construct a building or construct or carry out works Clause 44.05-2 (Special Building Overlay) – Construct a building or construct or carry out works Clause 43.02-2 (Design and Development Overlay, Schedule 13) – Construct a building or construct or carry out works Clause 52.06-3 (Car Parking) – Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
Land description	The subject site is located on the south-western corner of Keith Street and Widdop Crescent in Hampton East. It is irregular in shape, with a roughly triangular form and is 352m ² in area.

REASONS

- 1 The decision of the responsible authority is varied by deleting condition 1(d) from the permit and amending the permit preamble of condition 1. Oral reasons for this decision were provided at the hearing.

Joel Templar
Member

5. Confidential Business

There was no Confidential Business submitted to the meeting.