Your attention is drawn to Section 92 of Council’s Governance Local Law No 1.

**Section 92 The Chair's Duties and Discretions**

In addition to other duties and discretions provided in this Local Law, the Chair –

(a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community;

(b) may demand retraction of any inappropriate statement or unsubstantiated allegation;

(c) must ensure silence is preserved in the public gallery during any meeting;

(d) must call to order any member of the public who approaches the Council or Committee table during the meeting, unless invited by the Chair to do so; and

(e) must call to order any person who is disruptive or unruly during any meeting.

An Authorised Officer must, if directed to do so by the Chairman, remove from a meeting any Councillor or other person who has committed such an offence.

Your cooperation is appreciated

**Chairperson of Council**
Planning & Amenity Committee Meeting

Planning & Amenity Committee Charter
To deal with all matters relating to consideration of statutory planning, tree removal applications, traffic and parking matters.

This Committee has the full delegated authority of Council to finally determine upon planning applications.

Membership of the Committee
All Councillors

Order of Business

1. Apologies

2. Declarations of Interest

3. Adoption and Confirmation of the minutes of previous meeting

4. Matters of Decision

4.1 109 Abbott Street, Sandringham Support the Grant of a Permit Application No: 2019/576/1 Ward: Central ................................. 7

4.2 17 Nautilus Street, Beaumaris Notice of Decision to Grant a Permit Application No: 2019/597/1 Ward: Southern .............................. 103

4.3 372 Beach Road, Beaumaris Support the Grant of a Permit Application No: 2019/484/1 Ward: Southern .............................. 169

4.4 11 Alicia Street, Hampton Notice of Decision to Grant a Permit Application No: 2019/440/1 Ward: Central .............................. 237

4.5 34 Ardoyne Street, Black Rock Notice of Decision to Grant an Amended Permit Application No: 2019/517/1 Ward: Southern .............. 297

4.6 129-135 Martin Street, Brighton Notice of Decision to Grant an Amended Permit Application No: 2017/586/2 Ward: Northern .............................. 367

4.7 37 St Andrews Street, Brighton (Brighton Grammar) Notice of Decision to Grant a Permit Application No: 2019/515/1 Ward: Northern .............................. 455

4.8 5 Point Avenue, Beaumaris Notice of Decision to Grant a Permit Application No: 2019/523/1 Ward: Southern .............................. 565

4.9 270-276 Bay Road & 1 & 3 Brixton Road, Cheltenham Not Support the Grant of a Permit Application No: 2019/531/1 Ward: Central .............................. 643

4.10 Statutory Planning - VCAT Report (February 2020) ......................... 683
5. Confidential Business
   Nil

Next Meetings 2020

- Tuesday 7 April 2020
- Tuesday 12 May 2020
- Tuesday 9 June 2020
- Tuesday 21 July 2020
- Tuesday 11 August 2020
- Tuesday 8 September 2020
- Tuesday 13 October 2020
- Tuesday 17 November 2020
- Monday 7 December 2020
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 & Amenity Committee Meeting held on 11 February 2020.
This matter is reported to the Committee to form a position on this planning permit application as the permit applicant has lodged an appeal with the Victorian Civil and Administrative Tribunal under Section 79 of the Planning and Environment Act 1987 against Council’s failure to grant the planning permit within the prescribed time and Council Officers do not have delegation to form a position.

1. Application Details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Support the grant of a permit.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>109 Abbott Street Pty Ltd</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>23 October 2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>109 statutory days (as of 10 March 2020)</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>1,871 square metres</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>70</td>
</tr>
<tr>
<td>Number of statement of grounds received</td>
<td>16</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes – catchment area 13. $18,792</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No.</td>
</tr>
</tbody>
</table>

Purpose

To report a planning permit application which is the subject of an appeal to the Victorian Civil and Administrative Tribunal (VCAT) pursuant to Section 79 (failure to determine) of the Planning and Environment Act 1987.

VCAT have listed the matter for a Compulsory Conference on 21 April 2020 and a three day hearing commencing on 24 June 2020. At the time of writing this report, 16 statements of grounds had been received by Council for the Tribunal proceeding.

The purpose of this report is to establish Council’s position on the application for the VCAT appeal.
Proposal
The application seeks the construction of ten double storey dwellings over basement car parking. Key details of the proposal are as follows:

- The construction of ten double storey dwellings, consisting of nine three-bedroom dwellings and one four-bedroom dwelling.
- The built form consisting of two north-south rows, each with five dwellings in a tandem arrangement and with two east-west breaks, one to the north of the southern two dwellings and the other to the south of the northern two dwellings.
- A maximum building height of 8.493 metres and two storeys.
- Site coverage of 42 per cent, permeability of 26 per cent and garden area of 50 per cent.
- Vehicle access to the basement car parking from a single width crossover to the west of the Vincent Street frontage.
- Two car parking spaces provided to each dwelling, for a total of twenty car parking spaces within the basement level.
- A 1.8 metre high front fence to both the Abbott Street and Vincent Street frontages.
- Materials, finishes and colours including light grey paint, charcoal paint, green paint, limed timber cladding, dark timber cladding, white render, light grey metal roof, charcoal metal roof and clear glazing.

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 application 2018/353/1 sought approval for the construction of two, two-storey buildings comprising a total of twelve dwellings above a basement level and a reduction in the residential visitor car parking requirements. The application was refused by Council officers under delegation on 24 September 2018.

Concurrently, an application for review under Section 79 of the Planning and Environment Act 1987 was lodged with the Victorian Civil and Administrative Tribunal in response to Council’s failure to grant a planning permit within the prescribed time. The permit applicant lodged amended plans with the Tribunal in an attempt to address Council’s grounds of refusal.

The amended plans were reported to the Planning and Amenity Committee at its meeting of 12 February 2019 where a recommendation to support the amended plans was presented. However, the Committee determined to oppose the application.

Ultimately, in its order dated 21 June 2019 (Attachment 3), the Tribunal determined to uphold Council’s decision and refused the application, providing the below summarised commentary:

- The site is a suitable candidate for some form of multi-dwelling development given its location and other attributes, such as its dimensions and dual street frontages.
- Front setbacks to Abbott Street, front fences and vehicle access from Vincent Street were supported.
- The scale, setbacks and extent of built form throughout the site failed to respond to the character of this neighbourhood.
- The extent of built form along the length of the site and the side setbacks were unacceptable.
• The setbacks to Vincent Street were unacceptable.
• The use of varied building materials, pop out bay windows and pitched roof elements failed to provide enough articulation to respond to the varied building scale of this neighbourhood.
• The repetitious design accentuated the building scale throughout the site.
• Limited opportunities for screen planting and landscaping across the site failed to reflect the varied side setbacks of dwellings nearby, specifically relating to the Vincent Street frontage and the side boundary setbacks.
• Concern raised about the impact on the Liquidambar styraciflua to be retained within the Abbott Street front setback.
• Concern raised about visual bulk impacts on adjoining properties as a result of the B17 non-compliances, extent of built form down the length of the review site, its presentation to adjoining properties and landscaping opportunities.
• The design response compromised the ability for the proposal to achieve acceptable energy efficiency outcomes.

2. Planning Controls

Planning Permit Requirements
A planning permit is required pursuant to:
• Clause 32.09-6 (Neighbourhood Residential Zone) – The construction of two or more dwellings on a lot and a front fence above 1.2 metres in height.

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:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Open space arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Drainage assets engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Traffic engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Waste management coordinator</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public Notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 70 objections were received. All 70 objections remain outstanding at the time of this report. The following concerns were raised:

• Overdevelopment
• Out of character
• Excessive site coverage
• Front and side setbacks non-compliant
• Proposal lacks appropriate solar access
• Overlooking
• Increased noise
• Inadequate landscaping
• Impact on existing vegetation on site
• Impact on neighbouring vegetation
• Vehicle access
• Increased traffic
• Lack of car parking
• Impacts during construction
• Will set a precedent
• Reduce property values.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation Meeting

The applicant declined a consultation meeting/information session and, given the number of objections received and the previous Tribunal decision, it was considered unnecessary to hold a consultation meeting/information session for this application.

However, the permit applicant commenced early consultation with the immediately adjoining neighbours and two key objectors involved in the previous application for this site. The consultation undertaken by the permit applicant involved an email circulated to the above mentioned parties prior to the formal public notification period providing them with a copy of the application plans, a table outlining how the new proposal addressed the concerns of the Tribunal and the applicant’s contact details should any further questions arise.

4. Recommendation

That Council resolve to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning permit application 2019/576/1 for the land known and described as 109 Abbott Street, Sandringham, for the construction of ten double storey dwellings over basement car parking in accordance with the endorsed plans and subject to the following conditions:

Amended Plans

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 Jackson Clements Burrows Architects and dated 12 November 2019, but modified to show:

a) Screening in accordance with Standard B22 of Clause 55.04-6 to the western side of the balcony of Dwelling 10.
b) Internal lighting to the communal pedestrian accessway and pathway, appropriately baffled to ensure no unreasonable impact on habitable room windows of adjoining and proposed dwellings.

c) A minimum headroom clearance of 2.2 metres for vehicle access on the basement ramp and within the basement.

d) The retention of the Syzygium smithii (Lilly Pilly) that straddles the common boundary between 107 Abbott Street and the subject site and other subsequent changes to the proposed development, unless the adjoining property owner/s consent to the trees removal.

e) The portion of the path and paved areas within the tree protection zone of the Liquidambar styraciflua to be retained, but outside the footprint of the existing dwelling/proposed basement retained at existing grade and permeable.

f) A schedule of all construction materials, external finishes and colours.

g) A sustainable management plan in accordance with condition 8 of this permit.

h) A waste management plan in accordance with condition 11 of this permit.

i) A landscaping plan in accordance with condition 12 of this permit.

j) A tree management and protection plan in accordance with condition 15 of this permit.

k) A public works plan in accordance with condition 25 of this permit.

l) Provision of the development contributions fee in accordance with condition 27.

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.

Sustainable Management Plan

8. Prior to the endorsement of plans pursuant to condition 1, an amended sustainability management plan must be submitted to and approved by the
Responsible Authority. The plan must be generally in accordance with the sustainable management plan prepared by Ark Resources and dated 22 October 2019 and include, but not be limited to the following:

a) Any changes required by condition 1 of this planning permit.

9. All works must be undertaken in accordance with the endorsed sustainable management plan to the satisfaction of the Responsible Authority. No alterations to the sustainable management plan may occur without the written consent of the Responsible Authority.

10. Prior to the occupation of any dwelling approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Waste Management Plan

11. Prior to the endorsement of plans pursuant to condition 1, an amended waste management plan must be submitted to and approved by the Responsible Authority. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 17 September 2019, but modified to include:

a) Any changes required by condition 1 of this planning 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.

Landscaping

12. Prior to the endorsement of plans pursuant to condition 1, an 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 John Patrick Landscape Architects, dated October 2019 and be drawn to scale with dimensions. The plan must show:

a) The retention of the *Syzygium smithii* (Lilly Pilly) that straddles the common boundary between 107 Abbott Street and the subject site, unless the adjoining property owner/s consent to the trees removal.

b) Any other changes required by condition 1.

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.

Tree Management and Protection Plan

15. 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.

c) The retention of the Syzygium smithii (Lilly Pilly) that straddles the common boundary between 107 Abbott Street and the subject site, unless the adjoining property owner/s consent to the trees removal.

d) Details of the tree protection zones for all Council street tree assets to be retained within 10 metres of the site.

e) Processes that will be followed if any damage occurs to a street tree.

f) Processes that will be followed if construction works require alteration to protection measures of street trees outlined in this report.

16. 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.

17. 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.

18. 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

19. 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 street tree. The tree protection zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

20. Street trees must not be removed, lopped, damage or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 3.0 metres of any street tree asset measured from the edge of the trunk. Any installation of services and drainage within the tree protection zone of street trees must be undertaken using root-sensitive, non-destructive techniques.
Drainage

21. 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.

22. 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 projects department.

23. 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.

Construction Management Plan

24. Prior to commencement of any building works, a construction management plan prepared 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 form part of this permit. The plan must provide for (but not limited to):

   a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.

   b) Works necessary to protect road and other infrastructure.

   c) Remediation of any damage to road and other infrastructure.

   d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.

   e) Facilities for vehicle washing, which must be located on the land.

   f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.

   g) Site security.

   h) Management of any environmental hazards including, but not limited to:

      i) contaminated soil and ground water;

      ii) materials and waste;

      iii) dust;

      iv) stormwater contamination from run-off and wash-waters;

      v) sediment from the land on roads;

      vi) washing of concrete trucks and other vehicles and machinery; and

      vii) spillage from refuelling cranes and other vehicles and machinery.

   i) The construction program.

   j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
k) Parking facilities for construction workers.

l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.

m) An outline of requests to Council/public authorities to occupy public footpaths or roads, or anticipated disruptions to local services.

n) 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 experienced.

o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

p) Include details of bus movements throughout the precinct during the construction period.

q) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:

   i) using lower noise work practice and equipment;

   ii) the suitability of the land for the use of an electric crane;

   iii) silencing all mechanical plant by the best practical means using current technology;

   iv) fitting pneumatic tools with an effective silencer;

   v) other relevant considerations; and

   vi) any site-specific requirements.

During the construction:

r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.

s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.

t) Vehicle borne material must not accumulate on the roads abutting the land.

u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.

v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
If required, the construction management plan may be approved in stages. Construction of each stage must not commence until a construction management plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

**Public Works Plan**

25. 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 Abbott Street and Vincent Street.
   
   b) Details of new or upgraded vehicle crossovers and roads/laneways.
   
   c) Details of any new street furniture, including seats, rubbish bins, etc.
   
   d) Details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new or removed vehicle crossings.
   
   e) Details of the relocation of any existing street parking signs.
   
   f) Details of any public lighting.
   
   g) Undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the site on both Abbott Street and Vincent Street.

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

26. Prior to the occupation of the development, 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 and Council. The cost of all works associated with the endorsed plan must be borne by the developer/owner(s) of the land.

**Development Contributions Levy**

27. 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.

**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 Council’s 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 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.

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 12 Environment and Landscape Values
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18 Transport
- Clause 19 Infrastructure
- Clause 21.02 Bayside Key Issues and Strategic Vision
6. Considerations

In considering this application, regard has been given to the Planning Policy Framework (PPF) and the Municipal Planning Strategy, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Strategic Context

The subject site is located within the Neighbourhood Residential Zone (Schedule 3). The relevant purpose of the zone is to recognise areas of predominantly single and double storey residential development and to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

The site is also located within the Principal Public Transport Network Area. State policy at Clause 18.02-2R seeks to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network Area. There is some conflict however between the strategies for the Principal Public Transport Network Area and the objectives of the Neighbourhood Residential Zone.

As the Tribunal noted in its decision for the previous application on this site, the ‘strategic intent of the PPF is to encourage in-fill development that responds appropriately to the context and character of the neighbourhood’ (paragraph 19). Local planning polices reiterate this and ‘encourage urban consolidation in appropriate locations to accommodate projected population increases’ (paragraph 21).

However, the subject site is located within a minimum residential growth area (Clause 21.02) and local policy seeks to ensure new development responds to neighbourhood character (Clause 21.06-1.1). Council’s neighbourhood character policy at Clause 22.06 identifies the preferred future character of this neighbourhood and provides precinct guidelines for new development to follow.

Ultimately, the Tribunal commented that they ‘agree with the applicant that whilst the review site is located in the lowest order residential zone, this does not prevent development for medium density housing provided it responds to the existing and preferred neighbourhood character’ (paragraph 24). This is discussed in more detail in the following sections of this report.

6.2. Neighbourhood Character

The site is located within Neighbourhood Character Precinct E3. The proposal is
considered to demonstrate an acceptable level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 4.

The proposed development has been modified from that previously considered by the Tribunal, with setbacks increased, site coverage reduced and landscaping significantly improved. These changes ensure the front, side and rear setbacks are sufficient to demonstrate there are ample areas of open space and planting areas in which to include canopy tree planting. This will assist in maintaining and enhancing the garden settings of the dwellings and providing space for front gardens.

The proposed side setbacks coupled with a central break between the two rows of north-south buildings, featuring development that is setback from the east and west boundaries in accordance with the varied Standard B17 is an approach that is generally supported. This results in a development that maintains the rhythm and spacious visual separation between buildings.

Adequate visual separation and space within the front setbacks to both Abbott Street and Vincent Street are provided to promote landscaping opportunities throughout the site. Varied materials and articulation along the side boundaries, including two east-west breaks through the central part of the site, offer visual interest and alleviates adverse building massing when viewed from the street and adjoining dwellings.

The proposed built form incorporates pitched roof forms, which is a robust feature of the streetscape and consistent with the surrounding neighbourhood character. The proposed development provides subtle recessed elements at the first floor level ensuring the dwellings respect the dominant building scale and forms with the streetscape.

This neighbourhood contains a variety of building materials including face brickwork and weatherboards. The local policy recommends use of lighter looking building materials. This has been reflected in the current design as the plans show the use of materials including white render, limed timber cladding, light grey render and light grey metal roof cladding. While some darker materials are proposed, the overall development is reflective of the surrounding area in order to be respectful of the neighbourhood character.

In the Tribunal’s decision on the previous application, it was found that ‘the scale, setbacks and extent of built form throughout the site fail to respond to the character of this neighbourhood’ and had ‘concerns about the visual bulk impacts of the townhouses on some neighbouring properties’ (paragraph 14). Each of these issues will be discussed below.

**Scale, Setbacks and Extent of Built Form**

In relation to the extent of built form in the previous application, the Tribunal found that ‘whilst the presentation of two dwellings facing both street frontages may reflect the existing dwelling spacing in the area, we find the extent of built along the length of the site and the side setbacks unacceptable’ (paragraph 52). Further, it was noted by the Tribunal that ‘the placement of this central break, was located on the peripheries of adjoining properties which provides no meaningful relief’ (paragraph 54).

In order to address issues with the front setback to Vincent Street, the front setbacks in the current application have been further increased by between 1.22 metres and 4.075 metres from the previous application.

Furthermore, the current application includes two east-west breaks, one to the north of the Dwellings 5 and 6 with a separation of 2.71 metres and the other to the south of Dwellings 1 and 10 with a separation of 4.5 metres. The breaks have been strategically located to coincide with adjoining properties secluded private open space, where possible.
Compared to the single east-west break of 4.14 metres afforded in the previous proposal considered by the Tribunal, the two east-west breaks combine for separation of 7.21 metres, an increase of 3.07 metres. Overall, the current application represents a ground floor reduction in built form along the eastern elevation of 4.335 metres. This can be attributed to the additional east-west break and the increased front setback of Dwelling 1 to Vincent Street and Dwelling 5 to Abbott Street. There is a similar reduction in built form along the western elevation.

It is also noted that the current application complies with the side setback requirements at Standard B17, whereas the previous proposal sought to vary the standard for large portions of the first floor. Moreover, the site coverage of the development has reduced from 50 per cent in the previous proposal to 42 per cent in the current application and the garden area has increased from 45 per cent to 50 per cent, noting a minimum of 35 per cent is required. The landscape plan for the proposal has been revised and now incorporates 24 trees which will reach a mature height of at least 8 metres.

Through the combination of these changes, the current proposal now represents a development where the extent of built form is considered to appropriately respond to the surrounding character and the additional landscaping will respond to the landscaped setting. The east-west breaks now make a contribution to the visual separation of building when viewed from the adjoining properties and the side setbacks are compliant with Standard B17.

**Visual Bulk**

In relation to the previous application, the Tribunal found that ‘the proposal has not addressed the interfaces with 6-8 Vincent Street and 3 Collingwood Street to an
acceptable level’ (paragraph 105).

Further, the Tribunal found that ‘it is not just the non-compliance of elements of the proposal with varied Standard B17 that make this proposal unacceptable to adjoining properties, but the presentation of the overall built form to these adjoining properties. That is, the non-compliances, extent of built form down the length of the review site, its presentation to adjoining properties and landscaping opportunities’ (paragraph 111).

More specifically, the Tribunal found the ‘presentation of the first floor to the SPOS of 6-8 Vincent Street unacceptable. Whilst the SPOS of this property comprises several different features of which some are at a relatively considerable distance from the common boundary, they nevertheless have aspect towards the review site’ (paragraph 112).

The current application seeks to address this issue through the location of the east-west break to the south of dwellings 1 and 10, opposite the secluded private open space of 6-8 Vincent Street. The east-west break is 4.5 metres and 4.7 metres wide at ground and first floor, respectively. Combined with full compliance with Standard B17 and the increased planting provided in the landscape plan, the presentation to 6-8 Vincent Street is now considered acceptable and will not result in any unreasonable visual bulk impacts.

In relation to 3 Collingwood Street, the Tribunal found that ‘the impact of the upper floor west elevation as it presents to 3 Collingwood Street, unacceptable, due to the continuous length of largely unarticulated wall, the projection of a non-compliant wall (of TH11) into the required Standard B17 setback and the inability to provide screen planting for the majority of the length of this built form’ (paragraph 117). Importantly, the Tribunal stated that ‘we do not find that any visible built form along this section of the review site is unacceptable’ (paragraph 117).

With the above in mind, it is noted that the east-west break to the south of Dwellings 1 and 10 is located opposite the secluded private open space of 3 Collingwood Street. As discussed above, the east-west break is 4.5 metres and 4.7 metres wide at ground and first floor, respectively. Combined with full compliance with Standard B17 and the increased planting provided in the landscape plan, the presentation to 3 Collingwood Street is now considered acceptable and will not result in any unreasonable visual bulk impacts.

6.3. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at Attachment 5. Those non-compliant standards are discussed below:

Street setback (Standard B6)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott Street</td>
<td>7.316m</td>
<td>7.084m (ground)</td>
<td>0.232m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7.862m (first)</td>
<td></td>
</tr>
<tr>
<td>Vincent Street</td>
<td>9m</td>
<td>5.515m (ground)</td>
<td>3.845m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6.393m (first)</td>
<td>2.607m</td>
</tr>
</tbody>
</table>

The objective of Standard B6 is to ensure the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of a site.

Abbott Street

The front setback of the front wall of the existing building on the abutting allotments at 107 Abbott Street and 111 Abbott Street are 7.316 metres and 7.1 metres, respectively. As such the required setback to Abbott Street for the proposed development is 7.316 metres. While the first floor components are compliant, the ground floor front setbacks of both dwellings fronting Abbott Street (dwellings 5 and 6) fail the standard, by 0.232
metres and 0.037 metres, respectively.

In its decision on the previous application for this site, the Tribunal considered similar front setbacks to those proposed in this application. Specifically, the front setbacks previously proposed included bay windows setback 6.8 metres at ground floor and 6.5 metres at first floor, with the primary facades of the dwellings setback 7.6 metres.

In relation to the previous proposal, the Tribunal found that ‘the proposed frontage setbacks to Abbott Street acceptable’ (paragraph 59) for the following reasons:

- The setbacks are generally consistent with both adjoining dwellings to the east and west.
- The landscape plan indicates the retention of the Canary Island Palm (Tree 5) and Liquidambar (Tree 4) in the frontage set back. These trees will maintain some consistency in the landscape character and will filter views of the dwellings in the streetscape.
- The setbacks to the side (east and west) boundaries will maintain the rhythm and spacing of dwellings in the streetscape. (paragraph 59).

Thus, given the similarities between the two proposals front setbacks to Abbott Street, the variation in the current proposal is considered acceptable in this instance.

**Vincent Street**

The front setback of the front wall of the existing building on the abutting allotments at 1 Collingwood Street and 6-8 Vincent Street are 1.998 metres and 9 metres, respectively. As such the required front setback to Vincent Street for the proposed development is 9 metres. The minimum setback of Dwelling 1 is 5.82 metres at ground floor and 6.393 metres at first floor, while Dwelling 10 is setback a minimum of 5.515 metres at ground floor and 7.975 metres at first floor.

Neither the ground floor nor the first floor setbacks are compliant with the standard, with the exception of the western corner of the first floor of both dwellings, where the setback increases to in excess of 9 metres.

In the previous application considered by the Tribunal, the proposed ground floor front setbacks to Vincent Street were perpendicular to the street boundary at a consistent 3.6 metres. The applicant’s expert evidence at the hearing recommended these setbacks be increased to ‘a minimum of 4.5 metres from the street at ground and first floor level’ (paragraph 63).

However, the Tribunal was ‘not satisfied the increased setbacks recommended by Ms Peterson address our concerns. We find the scale and mass of the dwellings across the site, combined with the visibility of the site as a result of the angled configuration of the road and restricted landscaping potential in the north-west corner of the frontage will result in an unacceptable response in Vincent Street’ (paragraph 68).

The current application seeks larger front setbacks to Vincent Street than recommended by the applicant’s expert at the Tribunal hearing and the setbacks are no longer perpendicular to the angled boundary to Vincent Street. The current proposal seeks a minimum front setback of 5.515 metres at ground floor for Dwelling 10, increasing to 7.63 metres at the street boundary angles away. The ground floor front setback of Dwelling 1 increase from 5.82 metres to 8.47 metres.

At the first floor, Dwelling 1 is setback between 6.393 metres and 9.13 metres, while Dwelling 10 is setback 7.975 metres to 10.01 metres, with a balcony above the ground floor built form. It is also noted that the proposed driveway and basement ramp is now setback 2.51 metres from the western boundary, when previously the setback was less than 0.5 metres.

The increased front setbacks proposed are now considered to respond to the Tribunal’s
concerns and result in an acceptable response in Vincent Street. Whilst the setbacks do not meet the numerical requirements, they provide an appropriate transition between the neighbouring properties at 1 Collingwood Street and 6-8 Vincent Street. In this instance and combined with the increased setback of the proposed driveway and basement ramp to the western boundary that allows additional landscaping opportunities, the variation is considered appropriate.

Furthermore, the proposed front setback to Vincent Street is also considered an efficient use of the site given the site is located within a 900 metre walk from the Sandringham train station and in proximity of a major activity centre, while the significant opportunities for landscaping within the front setback will further assist with screening the proposed development.

**Front Fences (Standard B32)**

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
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</thead>
<tbody>
<tr>
<td>Abbott Street</td>
<td>1.2m</td>
<td>1.8m</td>
</tr>
<tr>
<td>Vincent Street</td>
<td>1.2m</td>
<td>1.8m</td>
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</tbody>
</table>

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

The previous proposal included the construction of a 1.8 metre high masonry and timber post fence to both frontages. The Tribunal observed ‘there are a variety of fence heights and materials evident in Abbott and Vincent Streets. We also saw numerous higher fences, particularly along Abbott Street’ (paragraph 100).

Ultimately, the Tribunal found that ‘the proposed fencing is acceptable as it incorporates a variety of materials and is in streetscapes of varied fence height and appearance. We consider the fencing also includes some permeability to allow views of the dwellings and gardens in the streetscape’ (paragraph 101). For these reasons, the variation in the current proposal is also supported.

**6.4. Landscaping**

**Existing Vegetation**

The application plans show the removal of all trees from the site, except for a row of Callistemon species on the eastern boundary and the Liquidambar *styraciflua* in the front setback of the existing dwelling. The table below identifies those trees protected by the Local Law and those which are not protected by any statutory mechanism.

<table>
<thead>
<tr>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
</tr>
<tr>
<td>9</td>
<td>4</td>
</tr>
</tbody>
</table>

Tree X is a dead birch tree that was not included in the applicant’s arborist report, while Council’s arborist identified trees 5, 11, 12, 17 and 18 as palms and not trees. It is noted that tree 5 is the large Phoenix *canariensis* (Canary Islands Palm) located within the front setback to Abbott Street and is also proposed to be retained.

Council’s arborist in their referral response advised that the ‘removal of all trees except for the row of Callistemon on the east boundary and the Liquidambar in the front setback are supported due to either poor health or low amenity’.
A number of trees are located on adjoining sites with their tree protection zones 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 the trees on the adjoining properties remain viable both during and post construction. A condition to this effect is included in the recommendation.

The tree management and protection plan will also need to address the *Syzygium smithii* (Lilly Pilly) that appears to straddle the common boundary between 107 Abbott Street and the subject site. While Council’s arborist has supported the removal of this tree due to its low retention value and low useful life expectancy, as the tree belongs to both property owners, consent from both owners is required to remove the tree. Given the 6.6 metre tree protection zone for the Lilly Pilly, its retention will potentially impact on the basement level and the ground floor building footprint in the vicinity of the tree. A condition has been included in the recommendation requiring its retention unless the owner agrees to its removal.

**Liquidambar Styraciflua**

As mentioned earlier in this report, the Tribunal was concerned about the impact on the Liquidambar *styraciflua* to be retained within the Abbott Street front setback. According to the applicant’s arborist report, the proposed basement encroaches 33 per cent into the tree protection zone of this tree. As this is substantially greater than the 10 per cent defined as a minor encroachment, a non-destructive root investigation was undertaken to obtain information regarding the location and size of roots to allow a more accurate assessment of the likely impact of the proposal on this tree.

The root investigation found that only minor roots (approximately 10mm in diameter) were present within a trench non-destructively excavated along the alignment of the proposed basement, adjacent to the front façade of the existing two-storey brick house. Severance of these roots, provided this is undertaken by the project arborist in compliance with the relevant standard, is not considered likely to impact on the health of this tree.

The southern portion of the building façade which is shown on the architectural plans as projecting beyond the footprint of the proposed basement are ‘pop out’ elements of light weight construction similar to bay windows. Provided these elements are constructed above existing grade without any excavation for footings, they are not expected to impact the tree, according to the applicant’s arborist report.

A pedestrian path and paved areas are also proposed within the tree protection zone of this tree. The portion of the path and paved areas within the tree protection zone, but outside the footprint of the existing dwelling/proposed basement must be retained at existing grade and must be permeable. A condition contained with the recommendation section of this report ensures this requirement is achieved.

Additionally, no compaction of the sub base is to be undertaken within the tree protection zone of this tree. The remainder of the tree protection zone area beyond the basement must also be retained at existing grade. A review of the plans indicate that this is achievable. New landscaping plants are to be established from smaller pot sizes to minimise excavation required for planting within the tree protection zone.

Any canopy pruning of this tree to accommodate the proposed built form must be at the discretion of, and undertaken by, the project arborist. Any pruning must be performed in compliance with the relevant standard. The tree management and protection plan required in the recommendation section of this report will detail the measures to be implemented to ensure ongoing health of this tree. Council’s arborist has reviewed the application, including the applicant’s arborist report, and supports the approach taken.
Street Trees

There are three street trees located within the Abbott Street nature strip and one street tree located within the Vincent Street nature strip. All street trees are proposed for retention. Council’s open space arborist has reviewed the application and is supportive of the proposed design, provided that tree protection measures are implemented during demolition and construction and that a tree management and protection plan be submitted incorporating the measures to protect the street trees. Conditions contained within the recommendation section of this report reflect these requirements.

Proposed Landscaping

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 32 canopy trees with a mature height of 8 metres or greater and a further twelve trees with a mature height of between 4 metres and 6 metres, in the front, side and rear setbacks.

This is a significant increase when compared to the previously considered landscape plan submitted in the previous Tribunal proceeding, which included 20 canopy trees with a mature height of 8 metres or greater and a further two trees with a mature height of 6 metres. The current proposal represents a doubling of the number of trees to be planted across the development.

Once endorsed, the landscape plan will therefore include the planting of 32 canopy trees (trees with a mature height of 8 metres or greater) and twelve additional trees, along with shrubs, ground covers, grasses and climbers, in the front, side and rear setbacks.

6.5. Car Parking and Traffic

Car Parking

Pursuant to the car parking requirements of Clause 52.06 of the Bayside Planning Scheme, a three or more bedroom dwelling requires two car parking spaces. No residential visitor car parking is required as the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018).

The proposed development incorporates nine three-bedroom dwellings and one four-bedroom dwelling. Each dwelling is afforded two car parking spaces in the basement. The proposed on-site car parking therefore meets the requirements of Clause 52.06-5. Additionally, only one proposed crossover on Vincent Street is to be utilised to provide vehicle access to the proposed development, resulting in the existing two crossovers on Abbott Street becoming redundant and required to be removed. This results in additional on-street car parking space becoming available as a result of the proposed development.

Access and Layout

Council's traffic engineer reviewed the application and noted that previous concerns with the ‘stop-go’ signal system for the vehicle access ramp to the basement have now been addressed in the current proposal. The waste collection procedure is also now satisfactory, provided the minimum headroom clearance of 2.2 metres is provided. A condition contained within the recommendation section of this report requires this too be shown on the plans.

According to Council’s traffic engineer, the proposed crossover design also appears to be satisfactory, provided the ground clearance assessment clearly demonstrates the relevant clearances at critical points. This can be addressed when the relevant vehicle crossover permit is applied for. The proposal also meets the sight line distance requirements for pedestrian safety, where the basement vehicle ramp meets the Vincent Street property boundary.

The Tribunal also considered the vehicle access arrangements as part of the previous
proposal and found the access to be acceptable, noting ‘we are not persuaded the proposed access point to Vincent Street will result in any unacceptable impacts’ (Paragraph 145). Further, the Tribunal commented at paragraphs 146 to 148 the following in relation to the proposed vehicle access:

146. Whilst we accept that the proposal is not consistent with AS2890.1-2004 insofar as the proposed access point is opposite an intersection, we find that the proposal will not result in an inefficient or unsafe outcome to the surrounding road network, including to vehicles and pedestrians.

147. We accept the evidence of Mr Hunt, inclusive of our summary of his key points above. Whilst the proposed access location to Vincent Street does not strictly comply with the Australian Standard due to its location opposite an intersection, we find it is acceptable due to the traffic environment surrounding the review site being a low-speed traffic environment and the proposed access location will provide acceptable sight distances in all directions.

148. Pedestrian sight splays as required by the Scheme are incorporated into the design which, in combination with the other factors cited above, also satisfies us that pedestrian safety will not be unacceptably impacted.

Traffic

The Tribunal also considered the increase in traffic as a result of the original proposal which sought approval for twelve dwellings, as opposed to the ten dwelling proposed in this application. The Tribunal ultimately accepted the expert evidence presented at the hearing which concluded that ‘traffic volumes generated by the proposal are low which will have no discernible impact on the safe operation on Vincent Street or the intersection context with Moorabbin Street’ (paragraph 141).

Specifically, the applicant’s traffic report for this current application indicates that the proposed development will generate approximately 35 inbound and outbound movements per day. This equates to a total of seven movements (combined inbound and outbound) in the morning and afternoon peak hours, respectively.

The applicant’s traffic report concludes that ‘Vincent Street is a low speed environment with traffic volumes consistent with a lower order residential street’, resulting in the ‘level of traffic generated by the site is anticipated to have minimal impact on Vincent Street’. Council’s traffic engineer has reviewed the traffic assessment and is supportive of the conclusions found.

Bicycle Parking

The proposed development does not trigger any requirement to provide bicycle parking spaces. However, each dwelling is provided with a bicycle parking space within their respective basement garage.

Through the provision of these bicycle parking spaces, the proposal will respond to the importance that State and local policies place on encouraging low energy forms of transport, such as Clauses 15.02-1S, 18.02-1S, 18.02-1R and 21.09-2. This is a development where the use of bicycles can take precedence over the use of private motor vehicles for short trips due to the proximity of services, employment opportunities and residential development. The provision of bicycle parking spaces within the proposal will encourage the use of bicycles to and from this development.

6.6. Cultural Heritage Management Plan

The subject site is not located within an area of cultural heritage sensitivity. Therefore, a cultural heritage management plan is not required in this instance.

6.7. Development Contributions Levy

The subject site is located within catchment area 13. Based on the proposed application
and the below recommendation, a payment of $18,792 is required. The payment of the development contributions is included as a condition contained within the recommendation section of this report.

6.8. Objector Issues not Already Addressed

Outstanding concerns raised in the objections and not addressed previously in this report are discussed below, and relate to:

Overdevelopment.

Overdevelopment is a commonly used expression to dismiss development proposals which seek to remove existing buildings and to introduce significant new built form into particular neighbourhoods. An assessment against State and local planning policies and the provisions of Clause 55 can often demonstrate that a proposal is not an overdevelopment despite being more intensive than what existed before.

Excessive site coverage.

As detailed in Attachment 5, the proposed site coverage of 42 per cent is compliant with Standard B8, which requires a maximum of 50 per cent.

Proposal lacks appropriate solar access.

As detailed in Attachment 5, whilst the north-south layout of the development has been retained from the previous iteration, the proposed development now incorporates two east-west breaks providing greater opportunity for solar access. Moreover, the proposal provides a good level of solar access, with private open space areas having either north, east or west aspect.

Additionally, the applicant supplemented the current application with a sustainable management plan, which outlines the sustainable design credentials of the proposed development. The proposal’s ability to comply with Standard B35 relating to energy efficiency, despite that standard not applying to this development, is testament that the proposed development has appropriately considered the energy efficiency of the dwellings and has achieved an acceptable outcome.

Overlooking.

As shown in Attachment 5, all habitable room windows on the first floor have been appropriately screened in accordance with this standard. However, the first floor balcony of Dwelling 10 is located within 9 metres of the secluded private open space of the dwelling at 3 Collingwood Street. Therefore, a condition contained within the recommendation section of this report requires screening to this window in accordance with Standard B22.

Increased noise.

It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.

Impacts during construction.

Noise and truck movements during the construction phase of development are a temporary and unavoidable consequence of development and not justification to withhold development of the site. The developer will be required to meet relevant Local Laws and EPA regulations regarding construction practices to ensure these impacts are mitigated.

Building work can sometimes affect adjoining properties. An owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then the relevant building surveyor may require the owner to carry
out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work.

Protection work provides protection to adjoining property from damage due to building work. It includes, but is not limited to, underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property. This process is not controlled or overseen via the planning process and regulations. It is a matter addressed at the building permit stage.

Will set a precedent.

Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

Reduce property values.

The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter. Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the Planning and Environment Act 1987 or the Bayside Planning Scheme.

Support Attachments

1. Advertised plans and landscape plan ↓
2. Site and surrounds ↓
3. Previous Tribunal decision ↓
4. Neighbourhood character assessment ↓
5. ResCode assessment ↓
Item 4.1 – Matters of Decision
Attachment 2: Site and Surrounds

Figure 1 Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
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<tbody>
<tr>
<td>Subject site</td>
<td>🌟</td>
</tr>
<tr>
<td>Objector(s)</td>
<td>🟢</td>
</tr>
</tbody>
</table>
Figure 2: View towards the subject site from the southern side of Abbott Street.
Figure 3: View towards the subject site from the north-east, on the northern side of Vincent Street.
Figure 4: View towards the adjoining property to the west at 107 Abbott Street, from the southern side of Abbott Street.
Figure 5: View towards the adjoining property to the east at 111 Abbott Street, from the southern side of Abbott Street.
Figure 6: View towards the adjoining property to the east at 6-8 Vincent Street, from the northern side of Vincent Street.
Figure 7: View towards the adjoining property to the east at 1 Collingwood Street, from the northern side of Vincent Street.
VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1881/2018
PERMIT APPLICATION NO. 2018/353/1

APPLICANT
109 Abbott Street Pty Ltd

RESPONSIBLE AUTHORITY
Bayside City Council

RESPONDENTS
Olivia Abbay & Others, Susanne Motherwell,
Christian Nielsen, Helena Cannon & Others,
Peter Zidich, Davis Kuncinas

SUBJECT LAND
109 Abbott Street, SANDRINGHAM

WHERE HELD
Melbourne

BEFORE
Joel Templar, Presiding Member
Jane Tait, Member

HEARING TYPE
Hearing

DATE OF HEARING
5, 6, 7 and 8 March 2019 and 13 May 2019

DATE OF ORDER
21 June 2019

CITATION
109 Abbott Street Pty Ltd v Bayside CC
[2019] VCAT 884

ORDER

1 Pursuant to section 127 and clause 64 of Schedule 1 of the Victorian Civil & Administrative Tribunal Act 1998, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:
   • Prepared by: Jackson Clement Burrows Architects
   • Drawing numbers: TP1 101- TP1 108, TP2-102-103, TP3-101, TP10-101, TP10-103, Revision 1
   • Dated: 16 January 2019

2 In application P1881/2018 the decision of the responsible authority is affirmed.

3 In planning permit application 2018/353/1 no permit is granted.

Joel Templar
Presiding Member

Jane Tait
Member
APPEARANCES

For 109 Abbott Street Pty Ltd  Mr Jeremy Gobbo QC with Ms Jane Sharp, of counsel, instructed by Hall and Wilcox lawyers. They called the following witnesses:

- Ms Colleen Peterson, town planner, Ratio Consultants
- Ms Catherine Heggen, urban designer/town planner, Message Consultants
- Mr Steve Hunt, traffic engineer, Ratio Consultants
- Mr John Patrick, landscape architect, John Patrick and Associates

For Bayside City Council  Mr Nick Tweedie SC with Mr Jason Kane, both of counsel by direct brief.

For Olivia Abay & Others  Mr James Livingston, town planner of JLP Melbourne.

For Susanne Motherwell  Mr Angelo Valente and Ms Silvana Valente of Valente Design.

For Christian Nielsen  In Person

For Helena Cannon & Others  Ms Helena Cannon, in person.

For Peter Zidich  In Person.

For Davis Kunciunas  No appearance.
INFORMATION

Description of proposal

To construct twelve townhouses above a basement car park.

The site layout includes four modules of three townhouses that are arranged around a central north/south pedestrian accessway. Two modules face Abbott Street and two face Vincent Street.

The townhouses include living areas at ground floor level and three bedrooms, bathroom and ensuite at first floor level. Townhouse 9 (TH9) and Townhouse 12 (TH12) each have a fourth bedroom at ground floor level.

The basement includes 24 spaces with vehicle access provided along the west boundary onto Vincent Street. There are two car spaces per dwelling in individualised garages within the basement and individual access within each garage to the respective ground floors.

TH6 and TH7 are set back 6.8 metres to 7.6 metres from Abbott Street and TH1 and TH12 are set back a minimum of 3.6 metres from Vincent Street.

The townhouses have a maximum overall height of 8.96 metres. The contemporary design includes pitched Colorbond roofing and a variety of materials such as render finish and timber cladding.

Nature of proceeding

Application under section 77 of the Planning and Environment Act 1987 – to review the refusal to grant a permit.

Planning scheme

Bayside Planning Scheme

Zone and overlays

Neighbourhood Residential Zone Schedule 3 (NRZ3)

Design and Development Overlay Schedule 3 (DDO3)

Development Contributions Plan Overlay Schedule 1 (DCPO1)

Permit requirements

Clause 32.09-6 – to construct two or more dwellings on a lot
Land description

The review site is located on the south side of Abbott Street and extends north with a secondary frontage to Vincent Street. Opposite the Vincent Street frontage is the intersection of Moorabbin Street. The review site has a 27.86 metre frontage to Abbott Street, length of between 62.18 metres to 73.31 metres and site area of 1871 square metres. The Vincent Street frontage width is 27.11 metres.

The review site contains a two storey brick veneer detached dwelling facing Abbott Street. There is a tennis court and swimming pool in the rear yard.

Existing vehicle access includes a single crossover to Abbott Street and a second crossover at the rear onto Vincent Street.

There are mature canopy trees growing in the Abbott Street frontage and row of Cypress trees along the Vincent Street frontage.

Tribunal inspection

An accompanied site inspection was conducted on 10 May 2019.
REASONS

WHAT IS THIS PROCEEDING ABOUT?

1 Sandringham is a Bayside suburb, with many large properties that comprise large dwellings set amongst spacious surrounds and extensive urban landscaping. It also has areas that are less so, with smaller lots and denser development in less spacious surrounds, although multi dwelling developments are not commonplace in many areas. Some areas are well located to services and facilities, meaning that these are accessible by foot, and so, are conducive to further intensification.

2 The review site sits in an area with a mixture of these attributes. This demands a particular approach with respect to any proposed development. The review site is relatively large, contains existing trees and is set amongst a mixture of large and not-so-large properties. Landscaping is a key feature of the surrounding area and canopy trees feature both in the public and private realm, creating a strong landscape character. Whilst existing development is certainly noticeable, the landscape character tends to provide the dominant visual element, rather than the appearance of buildings.

3 This proceeding is brought by 109 Abbott Street Proprietary Limited (the Applicant) which seeks to review a decision of Bayside City Council (the Council) to refuse to grant a permit for the development of twelve dwellings (townhouses) above a basement car park at 109 Abbott Street, Sandringham.

4 The Council refused the application on grounds the development does not meet the purpose of the Neighbourhood Residential Zone (NRZ). It argues the development is too ambitious for the site and does not respect the existing or preferred neighbourhood character in terms of its scale, mass and design detail. It argues the development will dominate both streetscapes and fails to maintain the strong landscape character of this neighbourhood. The Council also said relevant policy discourages medium density development in this location.

5 Council included grounds the development does not comply with numerous objectives, standards and decision guidelines of Clause 55 that relate to neighbourhood character, residential policy, on and off site amenity and landscaping.

6 Council also has concerns the access arrangements fail to provide safe and convenient entry and egress from the development onto Vincent Street for cars and waste management services.

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1 The submissions and evidence of the parties, any supporting exhibits given at the hearing, and the statements of grounds filed; have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.
7 The applicant submits the proposal is an acceptable planning outcome for the site as it is located in an established, well serviced area that is appropriate for additional housing. It argues the proposal achieves a good level of compliance with the Res Code standards and meets all the objectives.

8 The applicant relies on the town planning evidence of Ms Peterson and the urban design evidence of Ms Heggan. They both consider the development will make a positive contribution to the character of the neighbourhood. Ms Peterson considers there is merit for a townhouse development at this location and it is well designed and responds to its physical and policy context. Ms Peterson and Ms Heggan state the development will not unreasonably impact the amenity of the neighbouring properties.

9 The Applicant relies on the traffic engineering evidence of Mr Hunt. He considers the basement ramp location and traffic impacts in Vincent Street are acceptable.

10 The respondents argue the development does not blend in or enhance the surrounding neighbourhood. They submit the proposal will be overbearing and is a major deviation in a NRZ. They say the development will adversely impact the amenity currently enjoyed by residents in the surrounding area due to the excessive built form height, bulk and setbacks. They identified numerous areas of non-compliance with the objectives and standards of Res Code that indicates a less intense form of development should be considered. They raise concerns about the location of the basement ramp crossover within the Vincent Street/Moorabbin Street intersection.

11 The applicant prepared amended plans in response to Council’s grounds of refusal. Leave was granted for the applicants to amend the plans in the permit application. The amendments include increased setbacks to Vincent Street, removal of central mass to create four groups of three townhouses, reduction in window pop-outs, removal of the visitor car park, reduction in internal screening, widening the central pedestrian walkway to 3 metres and reconfiguration of Townhouse 9 (TH9) and Townhouse 12 (TH12) to accommodate a fourth bedroom.

12 The Council and respondents have not objected to the substitution of the plans but maintain their opposition to the proposal.

WHAT ARE THE KEY ISSUES?

13 Based on the submissions, our site inspection and expert evidence presented, we find the key issues for our determination are:

- Does the proposal respond to its zoning and policy context?
- Does the development adequately address to the existing and preferred neighbourhood character?
• Will the development have unreasonable amenity impacts on neighbouring properties?
• Does the development provide an adequate level of internal amenity for future residents?
• Is access to the site from Vincent Street acceptable?

Having regard to the matters that we must consider in the Scheme, we find the site may be suitable for some form of medium density development. However, the scale, setbacks and extent of built form throughout the site fail to respond to the character of this neighbourhood. We also have concerns about the visual bulk impacts of the townhouses on some neighbouring properties. However, we are satisfied that the proposal is an acceptable response to Abbott Street. Our reasons follow.

DOES THE PROPOSAL RESPOND TO ITS ZONING AND POLICY CONTEXT?

Zoning

15 The review site is located in a NRZ3 that has purposes including:
   • To implement the Municipal Planning Strategy and the Planning Policy Framework.
   • To recognise areas of predominantly single and double storey residential development.
   • To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.2

16 Council argues this zoning is significant as it is the most restrictive of the suite of residential zones. It says it makes clear that the need to protect and respond to the preferred future cannot be set aside on the basis of the benefit of a minor increase in dwelling numbers.

17 The applicant argues the NRZ3 is entitled ‘Minimal Growth Zone’ that does not prevent medium density development or constrain development of the site to a particular dwelling density outcome. It argues the NRZ clearly contemplates medium density development through its purposes and application of Clause 55.

18 The development meets the mandatory requirements of the NRZ in terms of the 35% garden area and overall building height of less than 9 metres.

Planning Policy Framework (PPF)

19 The strategic intent of the PPF is to encourage in-fill development that responds appropriately to the context and character of the neighbourhood. Clause 11.01-1S of the scheme directs infill development to areas that are well serviced, close to activity centres and along existing transport routes.

2 Bayside Planning Scheme [cl 32.09].
Clause 16.01-2R also encourages a diversity of housing choice and a sustainable city by locating development in and around major activity centres and areas with good access to public transport. Clause 16.01-3S also reinforces the need for housing diversity to meet changing household needs whilst also encouraging well-designed medium density development that respects neighbourhood character, makes better use of existing infrastructure and improves energy efficiency of housing.

Local Planning Policy Framework (LPPF)

The LPPF reiterates PPF policies for housing to encourage urban consolidation in appropriate locations to accommodate projected population increases. The strategic vision for Bayside’s residential areas is outlined in Clause 21.02 that designates the site is within a ‘Minimal Residential Growth’ Area. This area is defined in the Bayside Housing Strategy (2012) as an area where predominately low density residential scale is to be maintained. It notes housing change will be in the form of new single dwellings or up to two dwellings of no more than two storeys. It notes medium and high density development will not be supported within these areas.

Clause 21.06-1.1 identifies a key issue for residential areas is that poorly designed and sited medium density housing and inappropriately designed new single dwellings, can erode the preferred character and quality of some residential areas. It notes the community places high value on residential character and the environment, particularly vegetation.

The Neighbourhood Character Policy at Clause 22.06 is the means of identifying the preferred future character of this neighbourhood. Our findings in relation to neighbourhood character will be discussed below.

Policy Conclusions

We agree with the applicant that whilst the review site is located in the lowest order residential zone, this does not prevent development for medium density housing provided it responds the existing and preferred neighbourhood character.

The site is located within 800 metres of Sandringham Activity Centre and is within walking distance of public transport, schools and parks. We consider the site is a suitable candidate for some form of multi-dwelling development given its location and other attributes, such as its dimensions and dual street frontages.

Council argues that whilst the LPPF does not prohibit medium density development, it effectively discourages it. It says the proposal is at odds with this fundamental policy direction.

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3 The Bayside Housing Strategy is a reference document in Clause 21.02-6.
27 We disagree with the Council that these dwellings are located where the Scheme directs them not to locate. Whilst the site is located in a designated ‘Minimal Residential Growth Area’, the Bayside Housing Strategy (2012) is a guide to decision making, rather than a prescriptive requirement.

28 Ms Peterson acknowledges the policy directions of the LPPF and notes:
   
I am mindful that this is not an area where the Bayside MSS specifically seeks to encourage medium density development.4

29 We agree with her view of the local policy direction where she states5:
   
Local policy seeks to limit the extent of built form change in this neighbourhood. Fundamentally any change that does occur must be a scale and design that responds to and respects the context of the area and the preferred neighbourhood character. This is the starting point in the consideration of the application.6

30 The main issue is whether this development adequately respects this context and prevailing neighbourhood character. We find this proposal fails to respond to the existing and preferred neighbourhood character articulated in Clause 22.06. Our reasons follow.

**DOES THE DEVELOPMENT ADEQUATELY ADDRESS THE EXISTING AND PREFERRED NEIGHBOURHOOD CHARACTER?**

**Physical Context**

31 Residential development in Abbott Street and Vincent Street are mainly detached dwellings on medium to large proportioned lots. There is a sense of spacing between dwellings and the canopy trees in front gardens and street trees contribute to a cohesive landscape character in this area. We agree with the Council that the vegetation and street trees are a fundamental feature of this area.

32 We concur with description of the neighbourhood in Campbell v Bayside CC [2016] VCAT 1704. In that case, the Tribunal considered an application for two dwellings at 1 Collingwood Street (abutting to the west of the review site). Paragraphs 11 and 12 state:

11 Our site inspection confirms that the immediate area is of a generally consistent character, with a mixture of generally pre-WW2 dwellings, including traditional Federation and California Bungalows, set well within established landscaping settings. The mix of dwelling styles sit within well-established gardens and do not dominate or overwhelm the streetscape. Garden plantings, and well-articulated facades and roof forms assist in minimising the dominance of buildings from the street, as well as providing visual interest. Front setbacks allow planting of substantial trees and shrubs to maintain a sense of spaciousness in the area.

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4 A paragraph 5.1.1 of Ms Petersen’s evidence statement.
5 A paragraph 5.2.2 of Ms Petersen’s evidence statement.
6 Colleen Peterson expert evidence [para 5.2.2].
12 While there is evidence of demolition and construction of new infill housing in the form of single and two unit developments, these new developments have generally responded to the setting through the use of lighter materials, recessed upper storeys and roof pitch that are responsive to the established and preferred character as sought by clause 22.06.

33 We agree with Ms Peterson that there are subtle but noticeable differences between the two streets. Abbott Street has a carriageway width of 12.4 metres and contains dwellings that are set back 6 to 9 metres from the frontage. There is a single lane of traffic in each direction and kerbside parking and bicycle lanes are provided in both directions. This contributes to a sense of spaciousness in the area. Front fencing is mixed and includes some higher, solid fences that obscure views of front gardens. Street trees are also prominent.

34 Vincent Street is a narrower road that has a carriageway width of 6.3 metres. The review site is located at a ‘kink’ in the road that contains a raised speed hump as part of the intersection with Moorabbin Street. Two chicanes are located further west of the site adjacent to 1 Collingwood Street and 27 and 29 Vincent Street that reduce the road to a single lane width.

35 Dwellings are typically set back between 5 and 9 metres in Vincent Street. Whilst setbacks are varied along the length of the street, they are more consistent further east of the review site. These properties have the benefit of a wide nature-strip that contains large, mature street trees. Vincent Street, west of the review site, has a harder edge as there are no nature-strips. However, street planting is provided in the chicanes in front of 25 to 31 Vincent Street. Front fencing is mixed but also contains some examples of higher timber and brick fences.

36 The review site abuts six properties. Two properties abut the eastern boundary. To the south-east is a two storey dwelling at 111 Abbott Street. This dwelling is set back approximately 7.1 metres from the frontage and the driveway runs along the common boundary. There is a mature Lily Pilly and other vegetation adjacent to the driveway which leads to a carport and shed on the north and west (abutting the review site) boundaries.

37 To the north-east (and to the rear of 111 Abbott Street) is a two storey Edwardian dwelling at 6-8 Vincent Street. The dwelling is setback over 17 metres from the common boundary and a landscaped garden, pool and grassed area are located in this setback. The dwelling contains numerous habitable room windows and outdoor living areas in the west elevation facing the open yard with outlook to the review site. Vegetation, in the form of medium sized shrubs and trees, exists along this boundary of the review site.

38 The review site abuts four separate properties to the west.
A two storey brick detached house is located at 107 Abbott Street. The dwelling is set back approximately 7.6 metres from the frontage and 5 metres from the common boundary. There is a small courtyard facing the site behind a shed on the boundary.

The review site also abuts the rear yards of 1, 3 and 3A Collingwood Street.

There is a part single and part two storey weatherboard dwelling at 1 Collingwood Street. The side elevation faces Vincent Street and it is set back approximately 2.8 metres from the roadway. The dwelling has a carport in the north east corner that abuts the review site.

There is a single storey dwelling at 3 Collingwood Street. This dwelling has a two storey carport/studio abutting the common boundary that contains a balcony which provides oblique views over the north-west corner of the review site. It also has a swimming pool in the rear yard.

A two storey dwelling is located at 3A Collingwood Street. This dwelling has ground and first floor habitable room windows and a balcony facing the review site. The site narrows at the rear and there is a row of trees (approximately 4-5 metres metres high) growing along the common boundary.

What is the Preferred Neighbourhood Character?

Clause 22.06-2 has an objective to ensure development is responsive to the preferred future character of the area. It seeks to retain and enhance the identified elements that contribute to the character of the area.

The review site is located in Precinct E3 of the Bayside Neighbourhood Character Review (Revised August 2011). The character statements at Clause 22.06-4 identify the future character as:

The low lying dwellings with pitched roof forms and articulated front wall surfaces sit within established garden settings. There is a continued frequent presence of Inter-War Californian Bungalow style dwellings that are united through similar building forms, use of materials and front and side setbacks. New buildings will respect, without replicating, this style. The lightness in the streetscapes is maintained by the use of lighter building materials in building facades, particularly in the streets dominated by timber materials. Medium height, open style front fences assist in retaining an open streetscape.

The Precinct Guidelines contain objectives and design responses relating to setbacks, car park location, form and scale and design detail that we will discuss further below.

Layout/Setbacks

Precinct E3 contains an objective to maintain the rhythm of spacious visual separation between buildings. The design response suggests buildings should be sited to create the appearance of space between buildings and to accommodate substantial vegetation.
48 Council argues the layout includes a large central walkway and two storey built form that covers a majority of the site. It says this development is an unacceptable departure from the existing and preferred built form. Council considers that extension of the built form deep into the backyards of other properties presents a significant length of two storey wall with a mere 4.2 metre central break to those adjoining properties. It says there is a consistent open backyard character in this neighbourhood and any encroachments are relatively minor.

49 Ms Peterson argues the development will maintain the rhythm and spacing of development along Abbott Street and Vincent Street streetscapes with the inclusion of two freestanding modules orientated to each street. She says these modules have good separation from the side and rear boundaries and within the development.

50 Ms Heggen states the four distinct two storey forms are separated by the central walkway and she considers these are similar to four detached houses arranged across the large site. She says the amended plans have further refined the layout as there is now a complete break between the northern and southern modules, either side of the walkway.

51 Ms Heggen considers the layout is generally consistent with the pattern of development in this area. She says the two ‘domestic scale volumes’ address each street frontage with a central break which aligns with the general rear garden zone that is evident in this area.

52 Whilst the presentation of two dwellings facing both street frontages may reflect the existing dwelling spacing in the area, we find the extent of built along the length of the site and the side setbacks unacceptable. We have come to this conclusion as the aerial photographs and our site inspection reveal that most dwellings nearby do not have the same or even a similar extent of built form extending along the length of the site. Existing dwellings have some form of landscaped rear yard and varied setbacks to side and rear boundaries. There is a distinct absence of built form being overtly visible adjacent to rear seclude private space (SPOS).

53 We disagree with Ms Heggen and Ms Peterson that this layout reflects the prevailing neighbourhood character. The regular placement of the four building modules on the site will be longer than a majority of dwellings and will detract from the sense of spaciousness that is a feature of this area. We find that central break between the pods makes no significant contribution to the visual separation of the buildings in the streetscape and for abutting properties.

54 We consider the extent of built form results in reduced front and side setbacks as well as limited areas for landscaping that is restricted to the perimeter of the site. We discuss setbacks and landscaping further below. We agree with the Respondents who submitted that the placement of this central break, was located on the peripheries of adjoining properties which provides no meaningful relief.
Frontage Setbacks

Abbott Street

55 The bay windows of TH6 and TH7 are proposed to be set back 6.8 metres to the ground floor level and 6.5 metres at first floor level. The primary façades of the dwellings are proposed to be set back 7.6 metres from Abbott Street.

56 In accordance with Clause 55.03-1 (Standard B6 – Street Setback), the dwellings are required to be set back 8.8 metres as it is the greater distance of the average of setbacks of the adjoining dwellings at 107 and 111 Abbott Street.

57 The respondents argue the proposed set back is a significant departure from Standard B6 and cannot be justified. They say the prevailing frontage setbacks in Abbott Street are between 8 metres to 9 metres and the proposed setbacks will be inconsistent with this prevailing setback.

58 Ms Peterson highlighted that the areas of non-compliance are limited to the window projections. She considers the setback is an appropriate transition to the adjoining dwellings to the north and south. She considers this is also achieved through the separation of the buildings from the side boundaries.

59 We find the proposed frontage setbacks to Abbott Street acceptable. We have come to this conclusion for the following reasons:

- The setbacks are generally consistent with both adjoining dwellings to the east and west.
- The landscape plan indicates the retention of the Canary Island Palm (Tree 5) and Liquidambar (Tree 4) in the frontage set back. These trees will maintain some consistency in the landscape character and will filter views of the dwellings in the streetscape.
- The setbacks to the side (east and west) boundaries will maintain the rhythm and spacing of dwellings in the streetscape.

60 Whilst we support the set back of these dwellings from Abbott Street, we have fundamental concerns with the bulk and scale of the dwellings throughout the site and its impact on this neighbourhood. We will discuss this matter further below.

Vincent Street

61 TH1 and TH12 are proposed to be setback a perpendicular distance to the street of approximately 3.6 metres from Vincent Street. Standard B6 requires the dwellings to be set back a minimum of 9 metres due to the larger set back of 6-8 Vincent Street. The applicant acknowledges a variation to Standard B6 is required.

62 Ms Peterson notes there is an irregularity of the street layout in Vincent Street. She says there are differences in the front setbacks of the dwellings.
to the north and west, compared with the east. To the west are smaller front setbacks ranging from 4.3 metres to 6 metres and to the east there is less variation with dwellings having setbacks between 5.2 metres to 6.2 metres.

63 Ms Peterson considers the proposed frontage setback responds to the irregular layout of the boundary line. However she recommends TH1 and TH12 should be set back a minimum of 4.5 metres from the street at ground and first floor level. She says this setback will be a similar setback to 31 Vincent Street, directly opposite the site and more consistent with the range of setbacks found in this street.

64 Ms Peterson considers the increased setback will allow for greater low level landscaping, complementing the two canopy trees shown on the landscape plan. She says this setback will also set a reasonable precedent of the adjacent property at 6-8 Vincent Street, if it was to be developed.

65 An indicative plan of the changes was tabled at the hearing. This plan shows the façade of both dwellings following the perpendicular line of the boundary.

66 The respondents submit the window 'pop outs' create a narrowing of the buildings at first floor level that will be overwhelming in the streetscape. They acknowledge smaller setbacks are found in the broader area in narrower back streets or sites outside the NRZ3 or closer to the activity centre but not in this street.

67 We find the proposed setbacks of TH1 and TH12 in Vincent Street unsatisfactory. Due to the location of the site at a 'kink' in the road, the frontage has a high degree of visibility in the streetscape. We have come to this conclusion as:

- The setbacks will result in the façade and north elevation of the dwellings, as well as oblique views of TH12 from the north-west, being dominant in the streetscape.

- There is limited room for landscaping in the north-west corner as it includes the basement ramp and pedestrian entries to the dwellings.

- There is a lack of recessing of the dwellings facing Vincent Street due to the sheer walls and pop-out windows.

68 We are not satisfied the increased setbacks recommended by Ms Peterson address our concerns. We find the scale and mass of the dwellings across the site, combined with the visibility of the site as a result of the angled configuration of the road and restricted landscaping potential in the north-west corner of the frontage will result in an unacceptable response in Vincent Street.

**Building Scale**

69 Precinct E3 includes an objective to ensure new development respects the dominant building scale and forms within the streetscape. The Design
Response is to recess upper storey elements from the front façade and incorporate pitched roof forms.

The Council and respondents argue the upper levels are not recessive. They say the design of the first floor that includes protruding window elements will result in the dwellings being prominent in the streetscape. They also submit the raking roofs do not reflect the prevailing roof forms in the area.

Ms Peterson considers the development provides recession of the upper level through material selection (light weight timber cladding) and incorporation of the raked and pitched roofing. She states this will create the impression of a first floor that sits behind and is more recessive than the ground level.

Ms Hoggan also has a similar view of this proposal. She says the two storey scale is consistent with the mix of single and two storey dwellings in the area. She is not concerned about the lack of upper floor recessing and is of the opinion that there is no prevailing or dominant design or theme for second storey treatments for dwellings in this area. She considers the projecting windows provide interest and variety to the facades and are a contemporary interpretation of bay windows or upper level verandas evident in the Federation dwelling at 6 Vincent Street.

We find the use of varied building materials, pop out bay windows and pitched roof elements fail to provide enough articulation to respond to the varied building scale of this neighbourhood. The perspective views tabled at the hearing show the design of the first floor levels accentuates the scale of the dwellings in both streetscapes due to their length and continuity, coupled with the proposed side setbacks. This is inconsistent with the well-articulated and recessive dwellings evident in this neighbourhood such as the Edwardian dwelling at 6-8 Vincent Street and the spacious setting which dwellings predominantly sit within.

We are particularly concerned about the presentation of the dwellings at the Moorabbin Street/Vincent Street intersection. The facades of TH1 and TH12 will be clearly visible above the fenceline at this intersection and further north along Moorabbin Street. Whilst the landscape plan proposes the planting of two canopy trees in the frontage, we are not persuaded that this will not ameliorate the prominence of the dwellings in the streetscape. We consider some partial recessing of first floors and/or greater setbacks are required to reduce the dominant appearance of the built form in this street.

Side Setbacks

The respondents argue the side setbacks (i.e. 2.99 metres) do not reduce the prominence of the built form facing the adjoining rear yards and the streetscape. They highlight the setbacks fail to meet the varied minimum setbacks specified in Schedule 3 of the NRZ [Clause 55.04-1] (Standard B17).
Ms Hegman considers the side elevations provide visual interest and articulation when viewed from neighbouring properties and in oblique street views. She considers the dynamic roof forms, subtle pop out bay windows and central east/west break will ensure the development will sit comfortably in this area.

It was Ms Petersen’s evidence that the variations to Standard B17 in the NRZ3 would only have been included for neighbourhood character purposes. Whilst this may be the case, we disagree with her assertion that it has not been included for amenity purposes. We will discuss the impact of side setbacks from an amenity impact point of view further in our findings.

The applicant provided a photomontage of the north-east elevation of dwellings when viewed from Vincent Street. This shows a considerable length of the north-east module (approximately 21 metres) that will be visible in Vincent Street and from across the adjoining rear yard of 6-8 Vincent Street. Whilst we acknowledge the landscaping will filter some of the views of the east elevation of the dwellings, the elevation will still be a prominent element from these vantage points. We consider the pop-out windows at the upper level fail to provide an acceptable level of articulation or a suitable transition to the adjoining rear yard and streetscape.

We are also concerned about the visibility of the north-west corner of TH12 in Vincent Street. This dwelling includes a sheer wall adjacent to the driveway ramp. There is limited ability for screen landscaping in this corner as the ramp is located less than 1 metre from the western boundary and Mr Patrick’s landscape plan shows the planting of a species of climber adjacent to the ramp.

The applicant offered to relocate the gap between the two north and south modules further northwards to address any perceived building scale and amenity impacts. We find this is not the answer to our concerns, as the overall site layout, setbacks and extent of upper level built form need to be addressed throughout the site. It appears that the location and extent of this gap has been a product of the internal site design, rather than responding to the features of the adjoining sites.

We acknowledge the side elevation of the southern modules (i.e. TH4-TH9) face the side elevations of the adjoining dwellings at 107 and 109 Abbott Street. However, the consistent side setback of approximately 3 metres limits the ability for landscaping to reflect the varied side setbacks of dwellings nearby as the built form extends much further into the rear yard than nearby built form. Our findings relating to landscaping will be outlined below.
Detailed Design

Roof Pitch

82 The description of the preferred future character of Precinct E3 notes the area contains low lying dwellings with pitched roofs that sit within established gardens. The policy recommends incorporation of pitched roof forms with eaves.

83 The contemporary design includes pitched ‘folded’ roofs without eaves. Ms Heggen says this references the characteristics of gable and hip roof forms intersections that are part of the ‘roof-scape’ of this area.

84 The Council and respondents argue the design language is foreign to this area. They say the strong rectilinear ‘box-like’ forms separated by relatively narrow corridors running north/south and east/west fail to respond to the preferred neighbourhood character.

85 The photomontages submitted by the applicant show the roofing is a not a prominent feature in comparison with the pop-out windows at first floor level. The use of timber panelling and slope of the roof away from the frontages results in it being a recessive element in the design.

86 The applicant offered to address this concern by amending the roof design by re-orientating the roof pitch to be more visible in the streetscape. We agree this would be an improvement to the originally submitted plans.

87 Our site inspection of the neighbourhood indicates steeply pitched and visible roofs are a characteristic of this area. It would be preferable for a development to incorporate this feature but there is enough variation in building styles and roof forms to accommodate a low pitched roof in a contemporary designed development.

88 However, we consider the issues identified in previous sections such as greater articulation, separation and some recessing of the building form are more significant aspects of the design that need to be addressed to respond to the neighbourhood character.

Materials Selection

89 This neighbourhood contains a variety of building materials including face brickwork and weatherboards. The local policy recommends use of lighter looking building materials. We acknowledge this has been reflected in the design as the plans show the use of white render, limed timber cladding and light grey render.

90 The respondents are concerned the proposed materials are not found in this area and include repetitious elements in the design. We are not concerned about the materials palette but agree the repetitious design accentuates the building scale throughout the site. However, this is a matter that we find could have been addressed via conditions, had we directed the grant of a permit.
Landscaping

91 The photographs tendered at the hearing and through evidence and inspection reveal there is a relatively strong landscape character in this area. Many properties include mature canopy trees in front and rear gardens and the street trees in Vincent Street are a prominent feature.

92 Council argues the local policy and Clause 55 place strong emphasis on new development providing sufficient opportunities to be set aside for the planting of canopy trees and other vegetation.

93 The applicant submits the retention of existing trees in the Abbott Street frontage and the basement car park with only one crossover provides significant character benefits to both streetscapes. It argues the space surrounding the modules provides the opportunity for meaningful landscaping to the front setbacks, side boundaries and between the modules that is largely outside the basement footprint.

94 The applicant relies on the landscape evidence of Mr Patrick. He said the review site has no landscape expectations beyond those set out at standard B13 of clause 55.03-8. His evidence relied upon both the retention of two large trees in the Abbott Street frontage setback and a new landscape concept for the remainder of the site that included a palette of largely indigenous species. The concept included various canopy trees, mainly located around the perimeter of the site with some planting in the space between both sets of northern and southern modules. He also said that the eastern boundary setbacks include Drooping Sheoaks which would provide a significant screen for the property to the east (6-8 Vincent Street) and views from Vincent Street.

95 One of the two large trees to be retained within the Abbott Street frontage is a Liquidambar. There was dispute between the applicant and some of the other parties as to whether this tree would likely survive as a result of the proposal, largely owning to the possible interreference of the proposal with any existing root system of the tree.

96 We find that this tree contributes to the existing character of the area and the desire to retain it is a sound premise upon which to base a design response. We acknowledge that there has been some pruning of this tree on its northern side above or close to the front wall line of the existing dwelling. However, whilst this affects the extent of canopy, the tree is large and retains a significant proportion of its canopy.

97 Although Mr Patrick asserted a position on the likelihood of minimal spread of this tree’s roots extending beyond the existing front wall of the dwelling, none of the arboricultural reports tendered undertook a root investigation of this tree to more conclusively determine the extent of roots. We are therefore not clear on whether the root system of this tree would be impacted by the proposal and if so, to what extent and what impact that would have on the tree. Further, whilst it was Mr Patrick’s evidence that the
root system of this tree is likely to be affected by the footings of the existing dwelling, it is not clear how far below the natural ground surface these footings extend and consequently whether the proposed basement would compromise the root system of this tree.

98 Our concerns with the proposal’s integration with the landscape character for this area are related to the limited opportunities for landscaping provided by the design response, rather than a criticism of the detail of the landscape plan prepared by Mr Patrick. More specifically, they relate to the Vincent Street frontage treatment and also the ability to provide screen planting along the side boundaries. We discuss the screen planting issue under amenity impact considerations in the following section below.

99 We have already made findings with respect to the Vincent Street interface and the setbacks and built form. We find the built form and setbacks to Vincent Street do not provide an acceptable response to the character of Vincent Street. In particular the areas to the north and east have a stronger landscape influence than areas further to the west. It appears to us that much is demanded of the landscaping response, in order to address the built form and siting issues with this proposal. In other words, Mr Patrick has done the best he can with what he has to work with but we find that the opportunities for landscaping have not been made available to more accurately reflect the spacious character of the area.

Fencing

100 The proposal includes the construction of a 1.8 metre high masonry and timber post fence to both frontages. We observed there are a variety of fence heights and materials evident in Abbott and Vincent Streets. We also saw numerous higher fences, particularly along Abbott Street.

101 We find the proposed fencing is acceptable as it incorporates a variety of materials and is in streetscapes of varied fence height and appearance. We consider the fencing also includes some permeability to allow views of the dwellings and gardens in the streetscape.

WILL THE DEVELOPMENT HAVE UNREASONABLE AMENITY IMPACTS ON NEIGHBOURING PROPERTIES?

102 In terms of direct amenity impacts to adjoining properties, the key issue relates to the impact of the built form and the proposed side setbacks.

103 As we set out earlier, we disagree with Ms Petersen’s assertion in oral evidence that the varied Standard B17 would not have been included for amenity purposes, rather than just for neighbourhood character purposes. There is, of course, a crossover, as amenity is often derived from existing neighbourhood character, especially at the rear of properties, where traditionally SPOS is located.

104 Clause 55.04-1, Side and rear setbacks objective, includes an objective which refers to the impact of built form with respect to side and rear
setbacks in both a neighbourhood character sense as well as amenity impact on adjoining dwellings sense.

105 We find the proposal has not addressed the interfaces with 6-8 Vincent Street and 3 Collingwood Street to an acceptable level.

106 The setbacks of the upper floor east elevation (TH1, 2 and 3) vary between 3.249 metres and 3.749 metres. The window ‘pop outs’ are at the lesser setbacks, whilst the remainder of the façade is setback 3.749 metres.

107 Mr Livingstone submitted that these window pop outs do not comply with varied Standard B17 and are a significant portion of the built form.

108 Ms Petersen addressed the varied Standard B17 in her evidence and stated:

5.4.3 The objective of this variation is to ensure further separation of built form from boundaries beyond normal B17 requirements, particularly at upper level. This is intended to provide further guarantee that 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.

109 It was Ms Petersen’s evidence that the variation to standard B17 was appropriate for a number of reasons including:

- the primary form of the building still sitting within the required setbacks; and
- the variations sought are for the pop-out windows are minor and still provide generous setbacks to the respective first floor elements.

110 Ms Petersen also stated that the setbacks would still allow adequate space for the establishment of landscaping along the east and west boundaries. She also stated that the pop-out windows form part of an overall architectural expression and provide a greater level of articulation of the built form as viewed from adjoining properties.

111 We find that it is not just the non-compliance of elements of the proposal with varied Standard B17 that make this proposal unacceptable to adjoining properties, but the presentation of the overall built form to these adjoining properties. That is, the non-compliances, extent of built form down the length of the review site, its presentation to adjoining properties and landscaping opportunities.

112 We find the presentation of the first floor to the SPOS of 6-8 Vincent Street unacceptable. Whilst the SPOS of this property comprises several different features of which some are at a relatively considerable distance from the common boundary, they nevertheless have aspect towards the review site. Parts of this SPOS are particularly close to the common boundary and location of the north-east module. We accept this property is likely to have some visibility of built form with any development on the review site.

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7 Including a covered patio, open grassed area and swimming pool.
However, even though the eastern interface of the proposal largely complies with the varied Standard B17, except for the window pop-outs, we find that the continuous length of built form, minimal articulation at the upper floor level in the horizontal plane and minimal side setbacks with limited landscaping opportunities do not provide an acceptable outcome for the amenity of this adjoining property.

This element will present as a largely unarticulated expanse of wall, at approximately 22 metres in length and largely adjacent to an area of SPOS of the adjoining property. It will occupy the vast majority of this side boundary to 6-8 Vincent Street, except for the northern and southern most extremities. The design also results in the private open space of dwellings TH2 and TH3 competing to serve both functional SPOS as well as landscaping opportunities. We find that the correct balance has not been struck with respect to setbacks and opportunities for landscaping to help screen the proposal.

Similar issues confront the rear SPOS of 3 Collingwood Street. However, this SPOS area is much smaller. It also has direct aspect to the review site. It includes a swimming pool in its north-eastern corner but also has a double storey, detached outbuilding in its south-eastern corner abutting the review site.

The proposal has the basement driveway directly adjacent to this SPOS area and part of the private open space for TH11. The landscape plan prepared by Mr Patrick includes one canopy tree within a planter box, roughly centrally along this property’s rear boundary. It appears to us that Mr Patrick’s design has attempted to find a balance between providing vegetation within the private open space of TH11 and providing functional secluded private open space for future residents of this dwelling.

The setbacks of the proposal vary along this elevation facing the rear of 3 Collingwood Street, from 3.249 to 4.299 metres. The basement driveway is situated within the 4.299 metre setback and there is limited opportunity to plant any screen planting adjacent to 3 Collingwood Street in this location. Mr Patrick’s design has included climber species along this section but would not be able to grow to any significant height above the boundary fence, without providing the associated structures to host climbing species.

We find that the impact of the upper floor west elevation as it presents to 3 Collingwood Street, unacceptable, due to the continuous length of largely unarticulated wall, the projection of a non-compliant wall (of TH11) into the required standard B17 setback and the inability to provide screen planting for the majority of the length of this built form. Again, we do not find that any visible built form along this section of the review site is unacceptable. However, it is the combination of the above factors that have

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8 A Blueberry Ash which can grow to a mature height of 8 metres with a spread of 4 metres, subject to the planting requirements set out by Mr Patrick, including a soil scientist to be engaged to determine appropriate soil composition.
led us to this conclusion. If this site is to be developed, we expect that some level of built form will be visible from 3 Collingwood Street.

118 In respect of other adjoining properties at 3A Collingwood Street and 107 Abbott Street, we are not persuaded that the proposal will cause any unacceptable impacts.

119 The property at 3A Collingwood Street has a row of trees/hedge along the common boundary with the review site which provide screening of the review site. This vegetation substantially prevents any views to the review site and would only allow very filtered views of it from the SPOS of this property.

120 This property also has a first floor balcony which would provide a greater level of visibility to the proposal. However, the existing row of trees/hedge would still provide a substantial screen of the proposal. We also find that it is to be expected in this urban context, built form will be visible from a first floor balcony.

121 The property to the east at 111 Abbott Street has an area of SPOS at the rear, abutting 6-8 Vincent Street and has a garage and carport between this SPOS and the review site. We find that these existing buildings and the proposed side setbacks of 3.249 metres equates to approximately an 11 metre separation and provide a significant buffer between the proposal and the SPOS of this property. This distance would ameliorate any unacceptable visual bulk impacts. Whilst the proposal would also be visible from habitable room windows, these windows already have outlook to the existing buildings on the review site. Whilst this outlook would change, we are not persuaded that such changes are unacceptable. The proposal would in fact increase the distance of built form compared with what currently exists, as is seen from this property.

**DOES THE DEVELOPMENT PROVIDE AN ADEQUATE LEVEL OF INTERNAL AMENITY FOR FUTURE RESIDENTS?**

**Dwelling entry**

122 The Council and the respondents were critical of several aspects of the proposal relating to on-site amenity. This included the poor sense of address, with the majority of the dwelling entries accessed from a narrow walkway that had sheer walls and cantilevered elements which would create a dark and uninviting, enclosed environment.

123 The design of the front entrances to the dwellings accessed from the central walkway were also raised as issues, given they are recessed and the front doors themselves are not easily visible. It was submitted that the outcome was that Standard B26 of clause 55.05-2 (Dwelling entry) was not met.

124 We find that the identification of dwellings is acceptable and complies the objective of this clause. Acceptance of a dwelling typology of townhouses on this site inherently includes that some dwellings will not necessarily
have direct visibility from either street. Further, the Applicant prepared a plan showing how minor modifications could be made to improve the legibility of the entries. We find these modifications would have been an acceptable outcome and would have included as conditions, had we directed the grant of a permit.

125 All dwellings are accessed from the central walkway. Each of the dwellings fronting the street (TH1, TH6, TH7 and TH12) incorporate individual entries that face the respective street frontages. We accept, however, that identification of entry points is more likely to relate to the central walkway entries at either end of the site.

126 We are satisfied that the width of the walkway is sufficient to enable identification of entry points, coupled with the gates at either end and letterboxes at the Abbott Street end.

127 The central walkway is not proposed to be a public thoroughfare and so the recessed entry porches and issues raised with respect to legibility for the remaining dwellings is not of concern to us. The upper floor of the respective dwellings is to be constructed over these recessed entries, which would provide for some level of weather protection and transitional space around them, in line with the objective of Standard B26.

**Solar orientation**

128 The Council was concerned with respect to the solar orientation of the dwellings. It said most have little or no northern orientation to maximise passive energy efficiency gains. This submission related to both the proposed dwellings and the SPOS of each dwelling.

129 Ms Petersen said the proposal provides a good level of solar access and cross ventilation and private open space areas have north, east or west aspect.

130 We find that the design response has compromised the ability for the proposal to achieve acceptable energy efficiency outcomes, and is inconsistent with clause 5.03-5. Energy efficiency objectives. This objective requires energy efficient outcomes and the Standard (B10) under this clause requires the appropriate use of solar energy.

131 Dwellings TH1, TH9 and TH12 are the only dwellings that incorporate any north facing windows of significance. This is a small proportion of the number of dwellings proposed and we find that on a site of this size and dimensions, an acceptable outcome could be achieved. The proposal has not achieved such an outcome.

132 We acknowledge that a site with a north-south orientation may present challenges in respect of obtaining significant northern orientation whilst achieving urban consolidation policy objectives. We find that there is opportunity to make better use of the site’s attributes, including its width
and overall size in order to achieve an acceptable outcome with respect to energy efficiency.

133 With modifications to address our concerns with respect to other issues identified (such as setbacks, extent of built form through the site), there is no reason why a modified proposal could not also concurrently achieve the outcomes sought in the scheme with respect to energy efficiency outcomes.

134 In terms of the private open space, we find that the proposal provides acceptable levels of amenity to the private open space areas. This finding is subject to what would be minor modifications to the SPOS areas of TH7, TH8 and TH9, by shifting the dividing fences between these dwellings further north to increase the northerly aspect SPOS to TH7 which has a largely south facing area of SPOS.

135 Most of the dwellings are provided with either north, east or west aspect and most have either pure northerly aspect or a combination of north and east or north and west aspect, with direct access from living rooms providing an acceptable level of amenity for these dwellings.

136 We acknowledge that the SPOS of TH6 and TH7 have limited northerly aspect, however, when taken in totality, the proposal provides an acceptable level of amenity to the SPOS areas proposed.

**IS ACCESS TO THE SITE FROM VINCENT STREET ACCEPTABLE?**

137 The Council and some of the respondents raised issues with respect to the choice of location for the proposed basement access.

138 Specific concerns raised related to the access point being within what the Council described as the ‘intersection zone’ with Moorabbin Street, opposite a speed hump, or raised section of the road and adjacent to a curved and narrow section of Vincent Street. They said these factors compromise sightlines for exiting vehicles and create conflict with entering vehicles propping within the road/intersection. They also said that Vincent Street is a pedestrian thoroughfare for children which raises safety concerns, in combination with the above issues.

139 The Council also submitted that the proposal does not comply with Australian Standard AS/NZS 2890.1:2004 and that a garbage truck will also be required to use this entrance. It said all of this amounts to unnecessary and unacceptable risk to other road users, including pedestrians.

140 It was Mr Hunt’s evidence the proposed located for the basement access was acceptable. He says that whilst the proposal did not comply with Australian Standard AS/NZS 2890.1:2004, this is a standard that is not mandatory. He stated that the non-compliance with the Australian Standard was in relation to the location of the basement entry being opposite an intersection.

141 Mr Hunt’s reasons for why the proposed access location was acceptable are
• The low frequency of vehicles inbound and outbound, both in total at during the peak;

• The relatively low-speed environment in proximity to the proposed access point owing to the chicanes to the east, the raised section of road and the single lane advisory for the intersection area. This was supported by tube counts that show an average speed of 27 kilometres an hour and 85th percentile speeds of 33 kilometres or less at the locations9 of the tube counts;

• The minimum sight distance for an 85th percentile speed of 40 kilometres per hour under the Australian Standard is 35 metres and the recorded tube count speeds were considerably lower than this. The sight distances are 40 metres to the east and 31.5 metres to the west. Whilst the 35 metre sight distance is not met to the west, the considerably lower speeds recorded than 40 kilometres per hour set out in the Australian Standard ensures safe egress will be possible with a 31.5 metre sight distance.

• The low probability of any need for queuing, particularly associated with an inbound vehicle having to wait within the road alignment. In the event of queuing, it would be for a short period in a low-speed, low-volume traffic environment;

• Sight distance splays are proposed as required by Design standard 1 (Accessways) of clause 52.06-9; and

• Traffic volumes generated by the proposal are low which will have no discernible impact on the safe operation on Vincent Street or the intersection context with Moorabbin Street.

142 The purpose of clause 52.06 (Car parking) includes:
To ensure that car parking does not adversely affect the amenity of the locality.
To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

143 There is a range of decision guidelines under clause 52.06 that we have had regard to but do not recite in full here. However, we see the more pertinent ones as:

• The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.

• The ease and safety with which vehicles access and circulate within the parking area.

9 Both on Vincent Street, with one being adjacent to 1 Collingwood Street and the other being adjacent to 6-8 Vincent Street.
144 Consistency of a proposal with AS2890.1-2004 is also a decision guideline at clause 52.06 (Car parking) and is not a mandatory requirement of the Scheme.

145 We are not persuaded the proposed access point to Vincent Street will result in any unacceptable impacts.

146 Whilst we accept that the proposal is not consistent with AS2890.1-2004 insofar as the proposed access point is opposite an intersection, we find that the proposal will not result in an inefficient or unsafe outcome to the surrounding road network, including to vehicles and pedestrians.

147 We accept the evidence of Mr Hunt, inclusive of our summary of his key points above. Whilst the proposed access location to Vincent Street does not strictly comply with the Australian Standard due to its location opposite an intersection, we find it is acceptable due to the traffic environment surrounding the review site being a low-speed traffic environment and the proposed access location will provide acceptable sight distances in all directions.

148 Pedestrian sight splay is as required by the Scheme are incorporated into the design which, in combination with the other factors cited above, also satisfies us that pedestrian safety will not be unacceptably impacted.

**TOWNHOUSES OR APARTMENTS?**

149 Mr Valente, acting for Ms Motherwell, raised a point regarding whether the proposal was defined as an apartment development, pursuant to the definition of apartment at clause 73.01 of the Scheme. The definition of ‘apartment’ in the Scheme is:

   A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.

150 Specifically, it was submitted that the location of the ground floor footprint of TH9 overlaps the garage of TH10 and the ground level footprint of TH10 overlaps the garage of TH11, and that these overlaps would therefore satisfy the definition of apartment.

151 Although this was raised in the context of compliance with aspects of the Building Code of Australia (which Mr Valente said were not met but which are not matters for us in any case), this would also have implications for whether clause 55.07 applies. No party had undertaken a clause 55.07 assessment of the proposal, as this matter was not raised until during the hearing although Ms Petersen said she had considered the proposal’s compliance with it to some degree. The matter was not further addressed by any party.

152 Whilst it might be an arguable point, we feel that this is probably not the correct interpretation of the definition of ‘apartment’ at clause 73.01 and such an interpretation or application of this definition is not supported by...
objective reading of the purpose of clause 55.07 provisions in the context of what is proposed in this application.

153 However, we do not make any findings on this matter because we have refused the application for other reasons.

CONCLUSION

154 For the reasons given above, the decision of the responsible authority is affirmed. No permit is granted.

Joel Templar  
Presiding Member

Jane Tait  
Member
ATTACHMENT 3
Neighbourhood Character Policy (Precinct E3)

Preferred Future Character Statement

The low lying dwellings with pitched roof forms and articulated front wall surfaces sit within established garden settings. There is a continued frequent presence of California Bungalow style dwellings, however, new buildings respect, without replicating, this style. The lightness in the streetscapes is maintained by the use of lighter building materials in building facades, particularly in the streets dominated by timber materials. Medium height, open style front fences assist in retaining an open streetscape.

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Comments</th>
</tr>
</thead>
</table>
| To encourage the retention of dwellings that contribute to the valued character of the precinct in the design of development proposals. | • Attempt to retain wherever possible intact and good condition dwellings that contribute to the valued character of the precinct in designing new development.  
• Alterations and extensions should retain the front of these dwellings and be appropriate to the building era. | Demolition of dwellings that contribute to the valued character of the precinct. | Responds  
While the existing dwelling contributes to the character of the precinct, it is proposed to be demolished to accommodate the proposed development.  
This is considered an acceptable outcome given the emerging character of the surrounding area and the fact there is no planning permit required for the demolition of the existing dwelling. |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Comments</th>
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<tbody>
<tr>
<td>To provide space for front gardens.</td>
<td>• Buildings should be sited to allow space for the planting of trees and shrubs.</td>
<td>Loss of front garden space.</td>
<td>Responds</td>
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<td>The proposed development incorporates sufficient setbacks to both Abbot Street and Vincent Street to accommodate the retention of vegetation and additional landscaping within the front garden areas. The proposed development proposes vehicle access to all dwellings via a single crossover and driveway to the basement car parking therefore minimising the loss of front garden space.</td>
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<tr>
<td>To maintain the rhythm of spacious visual separation between buildings.</td>
<td>• Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation.</td>
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<td>Responds</td>
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<td>The proposed side setbacks coupled with a central break, featuring development along the east and west boundaries is an approach that is generally supported. Adequate visual separation and space within the front setbacks to both Abbott Street and Vincent Street are provided to promote landscaping opportunities throughout the site. Varied materials and articulation along the side boundaries, including two east-west breaks through the central part of the site, offer visual interest and alleviates adverse building massing when viewed from the street and adjoining dwellings.</td>
</tr>
<tr>
<td>To minimise the loss of front garden spaces and the dominance of car parking structures.</td>
<td>• Locate garages and carports behind the line of the dwelling.</td>
<td>Car parking structures that dominate the façade or view of the dwelling. Front setbacks dominated by impervious surfaces.</td>
<td>Responds</td>
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<tr>
<td></td>
<td>• Minimise paving in front garden areas including driveways and crossovers.</td>
<td></td>
<td>The proposed access arrangements off Vincent Street are not considered to dominate the site frontage to Vincent Street. Additionally, the Tribunal supported the access arrangements in the previous application.</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Comments</td>
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<tr>
<td>To ensure new development respects the dominant building scale and forms within the streetscape.</td>
<td>• Recess upper storey elements from the front façade. • Incorporate pitched roof forms with eaves.</td>
<td></td>
<td>Responds</td>
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<td></td>
<td></td>
<td></td>
<td>The proposed built forms incorporates pitched roof forms, which is a robust feature of the streetscapes and consistent with the surrounding character. The proposed development provides subtle recessed elements at the first floor level ensuring the dwellings respect the dominant building scale and forms with the streetscape.</td>
</tr>
<tr>
<td>To use lighter looking building materials and finishes that complement weatherboard where it predominates in the streetscape.</td>
<td>• Incorporate timber or other non-masonry wall materials where possible.</td>
<td>Heavy materials and design detailing where weatherboard predominates (e.g. large masonry columns and piers)</td>
<td>Responds</td>
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<tr>
<td></td>
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<td>The proposed materials schedule is considered satisfactory, utilising a combination of lighter looking building materials and darker materials to compliment the predominate weatherboard used within the streetscape.</td>
</tr>
<tr>
<td>To maintain the openness of the streetscape.</td>
<td>• Provide open style front fences, other than along heavily trafficked roads • Front fence style should be appropriate to the building era.</td>
<td>High, solid front fencing</td>
<td>Responds</td>
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<tr>
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<td></td>
<td>A 1.8 metre high front fence is proposed to both the Abbott Street and Vincent Street frontages. The Tribunal considered the proposed front fences and were satisfied they were consistent with the neighbourhood character.</td>
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</table>
### CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
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</table>
| **B1 Neighbourhood Character**  
Design respects existing  
neighbourhood character or  
contributes to a preferred  
neighbourhood character.  
Development responds to features of  
the site and surrounding area. | Complies | Refer to Section 6.2 and Attachment 3 of this report for further discussion. |
| **B2 Residential Policy**  
Residential development is consistent  
with housing policies in the SPPF,  
LPPF including the MSS and local  
planning policies.  
Support medium densities in areas to  
take advantage of public transport and  
community infrastructure and  
services. | 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. In particular and as noted by the Tribunal on its previous decision, ‘the site is located within 800 metres of Sandringham Activity Centre and is within walking distance of public transport, schools and parks. We consider the site is a suitable candidate for some form of multi-dwelling development given its location and other attributes, such as its dimensions and dual street frontages’ (paragraph 25). |
| **B3 Dwelling Diversity**  
Encourages a range of dwelling sizes and types in developments of ten or more dwellings. | Complies | The development comprises nine three-bedroom dwellings and one four-bedroom dwelling, providing a range of dwelling sizes. |
| **B4 Infrastructure**  
Provides appropriate utility services and infrastructure without overloading the capacity. | 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. 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. |
| **B5 Integration with the Street**  
Integrate the layout of development with the street | Complies | Clause 55.02-4 aims to integrate the layout of development with the street. The development will largely integrate appropriately with the street, with dwellings addressing both Abbott Street and Vincent Street. The generous front setbacks allows for the retention of the mature tree and planting of canopy trees within the front setback areas, which provides a suitable transition between the building lines of adjoining properties. |
Habitable room windows are provided at both the ground and first floor overlooking the street and providing passive surveillance, while car parking is located within the basement, ensuring the garages and other car parking elements do not dominate the view of the development from the street.

While the proposal incorporates a high front fence along both street frontages, the Tribunal previously considered these elements and considered the front fences acceptable.

### CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
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<tbody>
<tr>
<td><strong>B6 Street Setback</strong>&lt;br&gt;The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td>Does not comply.</td>
<td><strong>Abbott Street</strong>&lt;br&gt;Requirement: 7.316m&lt;br&gt;Proposed: 7.084m (ground)&lt;br&gt;7.852m (first)&lt;br&gt;&lt;br&gt;<strong>Vincent Street</strong>&lt;br&gt;Requirement: 9m&lt;br&gt;Proposed: 5.515m (ground)&lt;br&gt;6.393m (first)&lt;br&gt;Refer to Section 6.3 of this report for further discussion.</td>
</tr>
<tr>
<td><strong>B7 Building Height</strong>&lt;br&gt;Building height should respect the existing or preferred neighbourhood character.</td>
<td>Complies</td>
<td><strong>Maximum</strong>: 9m&lt;br&gt;Proposed: 8.493m</td>
</tr>
<tr>
<td><strong>B8 Site Coverage</strong>&lt;br&gt;Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td>Complies</td>
<td><strong>Maximum</strong>: 50%&lt;br&gt;Proposed: 42%</td>
</tr>
<tr>
<td><strong>B9 Permeability and Stormwater Management</strong>&lt;br&gt;To reduce the impact of increased stormwater run-off on the drainage system.&lt;br&gt;To facilitate on-site stormwater infiltration.</td>
<td>Complies</td>
<td><strong>Minimum</strong>: &gt;20%&lt;br&gt;Proposed: 26%&lt;br&gt;The applicant submitted a STORM report with the application which details the stormwater management measures to be implemented in the proposed development. These measures include a 30,000 litre rainwater tank connected to toilets for flushing. These measures</td>
</tr>
<tr>
<td>To encourage stormwater management that maximises the retention and reuse of stormwater.</td>
<td>adequately respond to Council’s stormwater management objectives.</td>
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| **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. | 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.  
All habitable rooms in each dwelling will receive direct sunlight at some stage across the day and a portion of each dwelling’s secluded private open space benefits from a northern orientation.  
In the Tribunal’s decision on the previous application, it was found ‘that the design response has compromised the ability for the proposal to achieve acceptable energy efficiency outcomes, and is inconsistent with clause 55.03-5, Energy efficiency objectives. This objective requires energy efficient outcomes and the Standard (B10) under this clause requires the appropriate use of solar energy’ (paragraph 130).  
The sustainable management plan submitted with the application indicates the proposed dwellings comply with Standard B35 of Clause 55.07-1 relating to energy efficiency, meeting the NatHERS maximum cooling load for each dwelling, despite this standard not applying to the proposed development. The proposed development is now considered to appropriately address this standard. |
| **B11 Open Space**  
Integrate layout of development with any public and communal open space provided in or adjacent to the development. | NA |
| **B12 Safety**  
Layout to provide safety and security for residents and property. | Complies subject to conditions.  
Both street frontages are overlooked by dwellings, providing appropriate passive surveillance opportunities.  
The development includes a clearly identifiable communal pedestrian entry with dedicated pedestrian pathway off Abbott Street for Dwellings 2 to 9. The entry porch to each of these dwellings is visible from the communal pedestrian path.  
Dwellings 1 and 10 are provided with individual gates and pedestrian access from Vincent Street. |
| **B13 Landscaping** | Complies | Each dwelling’s entry provide shelter, a sense of personal address and a transitional space around the dwelling entry, consistent with standard.
The communal pedestrian path leading to the entrance of Dwellings 2 to 9 will be well lit and will benefit from passive surveillance from the surrounding streetscapes and the proposed dwellings. However, the plan do not appear to show lighting for the communal pedestrian path. A condition contained within the recommendation section of this report will therefore requires this to be shown on the plans.
The communal pedestrian path will not be promoted as a public thoroughfare and will be controlled via gate access from both Abbott Street and Vincent Street. |
| --- | --- | --- |
| To provide appropriate landscaping. To encourage:  
- 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>| <strong>B14 Access</strong> | Complies | Appropriate vehicle access has been proposed to the basement car parking from Vincent Street. Standard traffic conditions are included as permit conditions, where relevant. Refer to Section 6.6 of this report for further discussion. |
| Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character. |  |  |
| <strong>B15 Parking Location</strong> | Complies | On site car parking is provided in the form of a basement level. Standard traffic conditions are included as permit conditions, where relevant. Refer to Section 6.6 of this report for further discussion. |
| 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. |  |  |</p>
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<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
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</tr>
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<tbody>
<tr>
<td><strong>B17 Side and Rear Setbacks</strong>&lt;br&gt;Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</td>
<td>Complies</td>
<td>As detailed in the table below, the side setbacks all comply with the varied standard in Schedule 3 of the Neighbourhood Residential Zone.</td>
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<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
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<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>Dwelling 1 (east side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 2 (east side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 3 (east side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 4 (east side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 5 (east side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 6 (west side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 7 (west side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 8 (west side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 9 (west side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>Dwelling 10 (west side)</td>
<td>0m or 2m</td>
</tr>
</tbody>
</table>

| **B18 Walls on Boundaries**<br>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 | The proposed development does not incorporate any walls on boundaries. |

| **B19 Daylight to Existing Windows**<br>Allow adequate daylight into existing habitable room windows. | Complies | The development has been sufficiently setback from all habitable room windows on abutting properties to comply with the standard. |

| **B20 North Facing Windows**<br>Allow adequate solar access to existing north-facing habitable room windows. | Complies | Due to the location and orientation of the site, there are no north-facing windows facing the subject site. |
### B21 Overshadowing Open Space
Ensure buildings do not significantly overshadow existing secluded private open space.

Complies

Additional overshadowing will occur over the adjoining secluded private open space areas of the dwellings at 3A Collingwood Street and 6-8 Vincent Street, at 9:00am and 3:00pm, respectively. However, sufficient secluded private open space remains in daylight for both dwellings to meet the standard.

It is noted that additional overshadowing also occurs to the properties at 107 Abbott Street and 111 Abbott Street, at 9:00am and 3:00pm, respectively. However, the affected areas are within the front setback and not considered secluded private open space.

### B22 Overlooking
Limit views into existing secluded private open space and habitable room windows.

Complies subject to conditions.

All habitable room windows on the first floor have been appropriately screened in accordance with this standard.

However, the first floor balcony of Dwelling 10 is located within 9 metres of the secluded private open space of the dwelling at 3 Collingwood Street.

Therefore, a condition contained within the recommendation section of this report requires screening to this balcony in accordance with Standard B22.

### 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 appropriately sited or screened in accordance with this standard.

### 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

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B25 Accessibility</strong></td>
<td>Complies</td>
<td>Entries are accessible for people with limited mobility and each dwelling has a bedroom and a bathroom on the ground floor. Each dwelling also has its own dedicated internal lift providing access from the basement to the first floor. The development could also be further retrofitted to accommodate people with limited mobility in the future if required.</td>
</tr>
<tr>
<td>B26 Dwelling Entry</td>
<td>Complies</td>
<td>The development incorporates dwellings fronting both Abbott Street and Vincent Street and includes a clearly identifiable communal pedestrian entry with dedicated pedestrian pathway off Abbott Street for Dwellings 2 to 9. The entry porch to each of these dwellings is visible from the communal pedestrian path. Dwellings 1 and 10 are provided with individual gates and pedestrian access from Vincent Street. Each dwelling’s entry provide shelter, a sense of personal address and a transitional space around the dwelling entry, consistent with standard.</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Complies</td>
<td>All habitable windows will open out onto a space clear to the sky.</td>
</tr>
<tr>
<td>B28 Private Open Space</td>
<td>Complies</td>
<td><strong>Minimum:</strong> 25sqm secluded, 40sqm overall with a minimum dimension of 3m <strong>Proposed:</strong> Each dwelling is provided with ground level private open space that complies with the standard.</td>
</tr>
<tr>
<td>Provide a sense of identity to each dwelling/residential building.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**B29 Solar Access to Open Space**

Allow solar access into the secluded private open space of new dwellings/buildings.

| Complies | In the Tribunal’s decision on the previous application, it was found that there were only three ‘dwellings that incorporate any north facing windows of significance. This is a small proportion of the number of dwellings proposed and we find that on a site of this size and dimensions, an acceptable outcome could be achieved. 'The proposal has not achieved such an outcome' (paragraph 131). Whilst the north-south layout of the development has been retained from the previous iteration, the proposed development now incorporates two east-west breaks providing greater opportunity for solar access. Moreover, the proposal provides a good level of solar access, with private open space areas having either north, east or west aspect. Additionally, the applicant supplemented the current application with a sustainable management plan, which outlines the sustainable design credentials of the proposed development. As mentioned previously, the proposal’s ability to comply with Standard B35 relating to energy efficiency, despite that standard not applying to this development, is testament that the proposed development has appropriately considered the energy efficiency of the dwellings and has achieved an acceptable outcome. |

**B30 Storage**

Provide adequate storage facilities for each dwelling.

| Complies | Designated storage areas are provided within the basement garage of each dwelling and have a minimum volume of 6 cubic metres. |

---

**CLAUSE 55.06 DESIGN DETAIL**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B31 Design Detail</strong></td>
<td>Complies</td>
<td>While the site is located within the Neighbourhood Residential Zone and the proposal incorporates a contemporary design, the proposed development is considered to respond well to the preferred neighbourhood character through the pitched roof form, separation to boundaries, the retention of mature vegetation and the landscaping opportunities provided.</td>
</tr>
</tbody>
</table>
| **B32 Front Fences** | **Does not comply.** | **Required:** 1.2m  
**Proposed:** 1.8m |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B33 Common Property</strong></th>
<th><strong>Complies</strong></th>
<th>The designated common property and communal areas of the proposed development are practical and easily maintained. The private areas (e.g. bedrooms) are clearly delineated from the communal areas, which are functional and capable of efficient management.</th>
</tr>
</thead>
</table>
| Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.  
Avoid future management difficulties in common ownership areas. | | |

| **B34 Site Services** | **Complies** | All appropriate site services can be easily catered for on-site. Mail boxes are shown to adjoin the street frontages, with a bin storage area located within the basement. Rain water tanks are also provided within the side setback of each dwelling.  
The waste management plan submitted with the application details the arrangements and processes for the storage and collection of waste. A private contractor will be responsible for waste collection services.  
Council’s waste management coordinator reviewed the waste management plan and was supportive of the proposed arrangements. |
|----------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------|
| 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. | | |
4.2 17 NAUTILUS STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2019/597/1 WARD: SOUTHERN

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/41643

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Ikos Group</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is subject to restrictive covenant A045066. The covenant does not restrict the development.</td>
</tr>
<tr>
<td>Date application received</td>
<td>29/10/2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>18 days (on 10th March 2020)</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 3) and Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td>Site area</td>
<td>756sqm</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>45</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes – Catchment area 24 $2,088</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No</td>
</tr>
</tbody>
</table>

Proposal

The application seeks approval for the construction of two dwellings, a front fence exceeding 1.2 meters in height and removal of native vegetation on a lot. Key details of the proposal are as follows:

- Number of dwellings: 2
- Building height in metres and storeys: 6.9 metres, 2 storeys plus basement
- Site coverage: 49.7%
- Permeability: 36.5%
- Garden area: 36.5%
- Car spaces total number and reduction sought: 4 spaces, no reduction sought
- Front fence height: 1.7 metres
- Native trees to be removed: 3.

The application plans are provided at Attachment 1.

Plans were amended pursuant to Section 57A of the Planning and Environment Act 1987 on 21 February 2020. These plans provide clarification on the dimensions of the proposed garden areas, details of the proposed east and west ground floor elevations, first floor north facing window screening and corrections to details on the 3D perspective.
drawing. The amended plans are provided at Attachment 2.
An aerial image and photographs of the site and surrounds are provided at Attachment 3.

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) – Construction of two or more dwellings and a front fence exceeding 1.2 metre in height on a lot.
- Clause 42.02 (Vegetation Protection Overlay) – Removal of native vegetation.

Garden Area
Pursuant to Clause 32.09-4, the construction of a dwelling or residential building on a lot over 650 square metres, requires the provision of a minimum of 35% garden area.

A review of the development plans confirms that the development has a garden area of approximately 279 square metres in accordance with the definition of garden area set out in Clause 73 of the Bayside Planning Scheme. This equates to 36.5% and exceeds the minimum of 35% garden area required.

Planning Scheme Amendments
In 2017, Council conducted a Mid-Century Modern Heritage Study of the suburbs of Beaumaris and Black Rock. The early stages of the study were contentious and the study was met with significant opposition from residents of previously identified significant homes. In response, Council has undertaken a voluntary approach to heritage protection for this style of architecture in the suburbs of Beaumaris and Black Rock. A voluntary nomination process seeks to provide a balance between the concerns of the community and property owners with the need to deliver heritage protection. This process is now at the Planning Scheme Amendment stage.

The existing dwelling on the site is not protected by a Heritage Overlay and the property was not nominated for assessment in the recent voluntary nomination process for mid-century modern homes. Council’s Strategic Planning Officers have raised no objection to the demolition of the existing dwelling on the site.

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:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Drainage Assets Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Open Space Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Revenue Services (Street Numbering)</td>
<td>No objection.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>
Strategic Planning | No objection.

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 45 objections were received.

45 objections remain outstanding at the time of this report.

The following concerns were raised:

- Neighbourhood character
- Demolition of the existing ‘heritage’ dwelling
- Parking
- Loss of landscaping.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting
A consultation meeting was not considered by Council Officers to be appropriate in this instance for the following reasons:

- 48% of the objections received were from objectors who listed their address to be outside of the Municipality of Bayside, including many being inter-state.
- No objections were received from immediate neighbouring properties.
- The majority of objections related to the demolition of the existing dwelling on the lot which is not a planning consideration as there is no Heritage Overlay on the property.

4. Recommendation
That Council resolve to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/597/1 for the land known and described as 17 Nautilus Street, Beaumaris, for the Construction of two dwellings and a front fence exceeding 1.2 metres in height and removal of native vegetation on a lot in accordance with the endorsed plans and subject to the following 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 Ikos Planning and Development referenced A1-00, A1-02, and A1-04 all Revision 2 dated 15 Jan 2020 and revision number 2 and A1-01 Revision 4, A1-03 Revision 4 and A1-03a Revision 1 dated 19 Feb 2020 but modified to show:
   a) All light/ ventilation shafts to basements at dwellings 1 and 2 to have a maximum height of 1.2 metres above natural ground level.
   b) Fence located between study at dwelling 1 and western side boundary to be removed and replaced with a fence which is at least 50% transparent and has a maximum height of 1 metre above finished floor level of utility area.
c) Fence located between study at dwelling 2 and eastern side boundary to be removed and replaced with a fence which is at least 50% transparent and has a maximum height of 1 metre above finished floor level of utility area.

d) Vehicle turntable specifications for dwellings 1 and 2.

e) Driveway grades to dwellings 1 and 2 to have a 1 in 10 grade over the top 2 metres, a 1 in 4.5 main grade and a 1 in 8 grade over the bottom 2 metres and a minimum headroom to the entrance to each basement of 2.1 metres in height to be maintained.

f) Garage doors to dwellings 1 and 2 to have a minimum width of 4.8 metres.

g) A schedule of construction materials, external finishes and colours including details of natural materials to be included for the gallery entries to dwellings 1 and 2.

h) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

i) A Landscaping Plan in accordance with Condition 10 of this permit.

j) A Tree Management Report in accordance with Condition 13 of this permit.

k) Provision of the development contributions fee in accordance with Condition 23 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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

7. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard 22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

**Water Sensitive Urban Design**

8. 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.

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, an 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 Wallbrink landscape architecture, reference 2116TP1 Revision B dated 27/11/2019 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) All trees to be planted a minimum of 1 metres from any boundary fence.

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 Report

13. Before the development starts, 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.

The applicant must undertake measures to ensure that all contractors, subcontractors and tradespersons operating on the site are aware of the contents of this report.

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 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 and.

e) Monitoring and certification by the project arborist of implemented protection measures.

The TPP must:

a) Be legible, accurate and drawn to scale.

b) Show the location of all tree protection measures to be utilised and.

c) Include a key describing all tree protection measures to be utilised.

14. 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.

15. All actions and measures identified in the Tree Management Report must be implemented.

16. 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 trees**

17. Before the development starts, tree protection fencing is to be established around the street trees to be retained 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 street tree. The tree protection zone is to be established and maintained in accordance with AS 4970-2009. During construction of any approved crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

18. 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 must be correctly pruned.

19. Any installation of services and drainage within the TPZ of any street tree must be undertaken using root sensitive non-destructive techniques.

**Drainage**

20. 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.

21. 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 Projects Department.
22. 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.

Development Contribution

23. Prior to endorsement of the plans 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.

Permit Expiry

24. 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.
- The redundant vehicle crossing must be removed.
- 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 north property boundary as indicated on the drawings provided. The plans indicate that paving and an intertenancy fence/wall shall be constructed over the easement. Any proposal to encroach into the easement will require a 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.”
• 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 – 17 Nautilus Street BEAUMARIS 3193
  Eastern Dwelling – 19 Nautilus Street BEAUMARIS 3193

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

• Before the vehicle crossing application will be approved, the applicant must pay $3,562.64 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 430262). 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 2017-2021

  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.

  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 15 Built Environment and Heritage
  • Clause 16 Housing
  • Clause 18 Transport
  • Clause 19 Infrastructure
  • Clause 21.03 Settlement and Housing
  • Clause 21.04 Environmental and Landscape Values
  • Clause 21.06 Built Environment and Heritage
  • Clause 21.09 Transport and Access
  • Clause 21.10 Infrastructure
- Clause 22.06  Neighbourhood Character Policy (Precinct H3)
- Clause 32.09  Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02  Vegetation Protection Overlay (Schedule 3)
- Clause 43.02  Design and Development Overlay (Schedule 1)
- 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 appropriate level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 4.

The proposed dwellings will be contemporary in style, constructed with a variety of materials including areas of painted render and natural stone cladding. The proposed materials, in combination with recessed and projecting portions to the front façade including feature gallery entries, will present as an interesting elevation within the streetscape. A condition is recommended requiring details of natural materials to be included within the detailing of the feature gallery entries to the dwelling to compliment the setting.

Basement car parking that the vehicle accesses to the dwellings will not dominate the appearance of the dwellings. The front fence will extend across the central portion of the site only ensuring that views into and out of the front gardens of the dwellings are maintained from the southeast and southwest. A garden bed located between the rendered front fence and pedestrian footpath will soften the appearance of the fence from the street.

The submitted landscape plan demonstrates that four large and four medium indigenous canopy trees will be planted which will enhance the number of indigenous trees on the site and the bushy garden character of the area. The ground floor side setbacks are such that there will be sufficient space around the dwellings for the planting of vegetation. A condition has been included in the recommendation requiring the rendered fences located above the planter boxes on either side of the dwellings to be removed. This will also contribute to enhancing the bushy garden character of the area.

The emerging character of Nautilus Street is of contemporary dwellings constructed with natural building materials and indigenous planting. Overall, the proposal would comply with the preferred neighbourhood character guidelines for the precinct and would respond appropriately to the emerging character of the streetscape.

6.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at Attachment 5. Those non-compliant standards are discussed below:

<table>
<thead>
<tr>
<th>Street setback (Standard B6)</th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
</table>
Nautilus Street | 8.5 metres | 8 metres | 0.5 metres

A street setback from Nautilus Street of 8 metres is proposed, when a setback of 8.5 metres is required to achieve this standard.

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 neighbouring property to the west is setback from Nautilus Street by 8.5 metres, however, the neighbouring property to the east is setback just 2 metres from Nautilus Street as this is its side setback. The proposed dwellings would be set back 8 metres from Nautilus Street. With consideration of the proximity of the built form at the neighbouring property to the street, the variation of 0.5 metres is considered to be minor in this instance and would be an appropriate transition between the two adjoining properties.

The standard allows for porches, pergolas and verandahs that are less than 3.6 metres high to encroach up to 2.5 metres into the prescribed street setback. The standard would therefore allow for the proposed gallery entries to be setback 6 metres from the street.

The proposed gallery entries to the dwellings are 3.6 metres in height in accordance with the standard but are set back just 5 metres from Nautilus Street. A variation of 1 metre is therefore sought for the proposed gallery entries.

The gallery entries will not be roofed and will be predominantly glazed with decorative patterns on the side elevations. A condition has been recommended requiring the construction materials and colours to be provided to Council and for natural materials to be incorporated into the design. The gallery entries would provide a level of interest to the dwellings and due to their lightweight construction would not dominate the appearance of the dwellings within the streetscape. Furthermore, ample space will be available within the front setback of the site for the planting of indigenous canopy trees and for substantial vegetation. It is therefore recommended that the application would make efficient use of the site and be in keeping with the existing and preferred character of the area. It is recommended that the variations are supported.

### Side and rear setbacks (Standard B17)

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>West (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>North (rear)</td>
<td>0m or 3m</td>
</tr>
</tbody>
</table>

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.

At ground floor level the side and rear setbacks accord with the standard. At first floor level the rear setbacks accord with the standard. Variations are sought to some of the first floor side setbacks as shown in the diagram below.
Bedroom 2 and the en-suites at dwelling 1 are setback approximately 3 metres from the western side boundary of the site. A setback of 3.7 metres is required to accord with the standard, and so a variation of 0.7 metres is sought. This part of the building is proposed to be constructed in dark coloured render, in contrast to the remainder of the first floor elevation of this wall which will be light coloured render. This will provide some interest to the elevation and break up the appearance of the building when viewed from the No. 15 Nautilus Street to the west.

Bedroom 1, located at the front of dwelling 1 is setback approximately 3.5 metres from the western side boundary of the site. A setback of 3.98 metres is required to accord with the standard, and so a variation of approximately 0.4 metres is sought. This part of the building is proposed to be located adjacent to the garage located on the boundary at No 15 Nautilus Street. As such, this is not considered to be a highly sensitive interface.

Bedroom 2 and the en-suites at dwelling 2 are setback between 3 metres and 3.6 metres from the eastern side boundary of the site. A setback of 3.7 metres is required to accord with the standard. Variations of between 0.1 and 0.7 metres are sought. As with the western elevation, this central section of the first floor eastern façade is proposed to be constructed in dark coloured render to break up the appearance of the wall when viewed from the neighbouring properties to the east. This part of the building is located adjacent to the garage on the boundary at No. 33 Reserve Road which is not considered to be a highly sensitive interface.

Bedroom 3 and the family room, located at the rear of dwelling 2 are setback between 3 metres and 3.75 metres from the eastern side boundary of the site. A setback of 3.86 metres is required to accord with the standard. Variations of between 0.1 metres and 0.7 metres are sought. This part of the building is located adjacent to the rear secluded private open space at 35 Reserve Road. Due to the orientation of the site, the nearest neighbouring windows at No. 35 Reserve Road are located more than 11 metres from the side elevation of dwelling 2. This separation distance will ensure that the section of the first floor of dwelling 2 does not appear overly dominant when viewed from the neighbouring property.

On balance, the first floor variations are considered to be acceptable in this instance. The variations would not result in undue overshadowing or overlooking impacts on the amenity of neighbouring properties and an appropriate rhythm of visual separation will be maintained between the proposed dwellings and neighbouring properties in accordance with the preferred character guidelines for the area. It is therefore recommended that the variations are supported in this instance.
Front Fences (Standard B32)

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nautilus Street</td>
<td>1.2m</td>
<td>1.7m</td>
</tr>
</tbody>
</table>

A rendered front fence of 1.7 metres in height is proposed to the front boundary of the site on Nautilus Street. Pursuant to Standard B32 a front fence to a maximum of 1.2 metres in height is preferred.

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

The proposed front fence would be constructed in solid render but would extend across the central section of the front boundary of the site for approximately half of the width of the front boundary with half of the front garden area and the driveway at each dwelling remaining open to the street.

The rendered front fence will be set back approximately 0.9 metres from the front of the site with a planter box located in front. The planter box is proposed to be planted with grasses which will soften the appearance of the solid fence.

On balance, with consideration of the high solid rendered front fence at the neighbouring property to the west, the variation to the height of the front fence is considered to be acceptable in this instance. The fence will reflect the height and materials of those within the streetscape whilst also maintain views into the front garden areas and maintaining the garden setting of the new dwellings.

### 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 19 trees from the site including 3 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.

<table>
<thead>
<tr>
<th>VPO3 protected trees</th>
<th>Trees that align with the NCP?</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>13,18,28</td>
<td>4,13,18,28</td>
<td>4</td>
<td>5,6,7,8,9,10,11,14,15,16,19,20,26,27,29</td>
</tr>
</tbody>
</table>

The arborist report submitted by the applicant has been included in Attachment 6. Trees identified in the arborist report submitted with the application as Tree No’s 12, 23 30, 33, 34, 35 and 36 are not classed as trees as these are palms and shrubs.

From an arboriculture perspective Council’s Arborist has reviewed the application and advises that all trees on site are supported for removal due to either low amenity and/or poor health or structure. Further details of each of the 3 native trees protected by the VPO are provided in Attachment 7.

An assessment against the decision guidelines of the VPO3 is provided at Attachment 8. 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.

Tree Nos. 17, 24 and 25 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 Management Report 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 acceptable subject to the re-location of some of the proposed canopy trees to ensure that these are set back at least 1 metre from any boundary fences. An amended landscape plan is recommended to be sought by a condition included in the recommendation.

6.4. Street tree
Tree No. 1, a Hybrid of Golden Locust and Tree No. 2, a Native Frangipani are located within the nature strip, adjacent to the site. Tree No. 1 is proposed for removal to allow for the construction of the proposed crossover to dwelling 2. Council’s Arborist has advised that Tree No. 1 can be removed in accordance with Clause 6.5 of the Street and Park Tree Management Policy. It is recommended that a note is included on the permit to advise that the cost of removal and replacement of this tree will be applicable to the applicant.

Tree No. 2 will remain and will require protection during demolition and construction. Conditions are recommended requiring street tree protection fencing to be installed around Tree No. 2.

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 2 car spaces per three or more bedroom dwellings.

Dwellings 1 and 2 each comprise 3 bedrooms and a study which could also be used as a bedroom. Each dwelling is afforded two car parking spaces in the form of basement parking. The proposed on site car parking meets the requirements of Clause 52.06-5.

The application was referred to Council’s Traffic Engineer who expressed no concern with the development subject to the inclusion of permit conditions. Council’s Traffic Engineer has advised that the basement ramp grades are required to be amended to accord with the Australian standard, and the garage doors are required to be increased in width to be at least 4.8 metres wide. Council’s Traffic Engineer has also requested the specific specification details of the proposed turntables including their dimensions are to be provided as the information provided with the application includes a number of turntable options. Conditions requiring these details have been included in the recommendation.

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 22.

Based on the proposed application and the recommendation, a payment of $2,088 is
required. The payment of the development contributions is included as a condition of permit.

Support Attachments

1. Development Plans ▼
2. Amended Plans ▼
3. Site and Surrounds ▼
4. Neighbourhood Character Assessment ▼
5. Clause 55 Assessment ▼
6. Arborist report ▼
7. VPO Trees ▼
8. VPO Assessment ▼
Attachment 3

Figure 1 Aerial overview of the site and surrounds

Legend

<table>
<thead>
<tr>
<th>Subject site</th>
</tr>
</thead>
</table>

Note: There have been no objections received from any properties within the above map area.
Figure 2 View towards the site from the southwest

Figure 3 View towards the site from the southeast
Figure 4 View towards the No’s 13 and 15 Nautilus Street immediately to the west of the site

Figure 5 View towards No. 33 Reserve Road immediately to the east of the site
Figure 6 View towards No. 18 Nautilus Street opposite the application site

Figure 7 View towards No. 16 Nautilus Street opposite the application site
**Attachment 4**

**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**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To strengthen the bushy garden character of the area through the planting of appropriate species.</td>
<td>• Retain large established trees and understory, 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 utilise appropriate native, preferably indigenous, vegetation. • Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings.</td>
<td>Lack of landscaping and substantial vegetation. Removal of large established trees. Planting of environmental weeds.</td>
<td>Responds The application has been accompanied by a landscape plan which proposes the planting of four large indigenous canopy trees and four medium indigenous canopy trees as well as predominantly indigenous shrubs and groundcovers. Whilst concrete vehicle ramps are proposed to provide access to the basement car parking area of each dwelling, vegetation is proposed to cover the majority of the front setback area such that the bushy garden character of the area will be appropriately maintained.</td>
</tr>
</tbody>
</table>

| 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. | • 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. | Loss of front garden space. | Responds The proposed front and side setbacks are considered to be sufficient to maintain an appropriate rhythm of visual separation between dwellings within the streetscape. At ground floor levels, the side setbacks comply with the standard allowing for space for the planting of vegetation around the dwellings. A condition is recommended requiring the rendered fences located above the planter boxes located either side |

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*Item 4.2 – Matters of Decision*
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To minimise the loss of front garden spaces and the dominance of car</td>
<td>• Locate garages and carports behind the line of the dwelling.</td>
<td>Car parking structures that dominate the façade or view of the dwelling.</td>
<td>Responds Basement parking is proposed to be provided. The vehicle access points to the basement garage at each dwelling will be located behind the front façade of the building. The garage doors will be lightweight glazing and will not dominate the appearance of the dwellings.</td>
</tr>
<tr>
<td>parking structures.</td>
<td>• Underground car parking accessed from the front of the site should only be</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>provided where other options are not possible due to site constraints, the</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>garage doors do not dominate the façade and the front setback area is retained as predominantly garden space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To minimise site disturbance and impact of the building on the landscape.</td>
<td>• Buildings should be designed to follow the contours of the site on sloping sites.</td>
<td>Major excavation works and site levelling. Buildings that protrude above the tree canopy height.</td>
<td>Responds The application site does not have a significant slope. The building height would not protrude above the mature heights of the proposed canopy trees.</td>
</tr>
<tr>
<td></td>
<td>• Minimise the use of retaining walls and battering of slopes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Design new buildings and extensions so as not to exceed the predominant tree</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>canopy height.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure that new buildings provide an articulated and interesting façade to the street.</td>
<td>• 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</td>
<td>Large, bulky buildings Poorly articulated front and side wall surfaces.</td>
<td>Responds The proposed dwellings would be contemporary in design. The built form is proposed to be appropriately articulated through the use of recessed and projecting portions to both the front and side facades. A variety of materials are proposed to be included on the building facades.</td>
</tr>
<tr>
<td></td>
<td>• Recess upper levels from the front façade.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
</tr>
<tr>
<td>------------</td>
<td>------------------</td>
<td>-------</td>
<td>----------------------------</td>
</tr>
<tr>
<td><strong>To use building materials and finishes that complement the natural setting</strong></td>
<td>• Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick</td>
<td>Period reproduction styles and detailing.</td>
<td>Responds The dwellings are proposed to be constructed in render, painted white and monument, and broken up with areas of stone cladding. Windows will be aluminium framed and feature front doors and galleries are proposed. A condition is recommended requiring the details of the colours and materials of the gallery entries to be provided to be natural to complement the natural setting to Council’s satisfaction. The proposed materials are considered to be in keeping with the emerging character of dwellings on Nautilus Street.</td>
</tr>
<tr>
<td><strong>To maintain the openness of the front garden to the street</strong></td>
<td>• Provide open style front fences, other than along heavily trafficked roads. • Use vegetation as an alternative where possible.</td>
<td>High or solid front fences.</td>
<td>Responds The front fence is proposed to be a 1.7 metre high rendered fence. The fence would extend across approximately half of the front boundary of each dwelling maintaining open views into the site via the driveway and adjacent to the neighbouring properties. A planter box proposed to be located in front of the rendered fence will break up and soften the solid render wall. This is considered to be an appropriate design response to maintain the openness of the garden to the street.</td>
</tr>
</tbody>
</table>
### Attachment 5

**ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)**

<table>
<thead>
<tr>
<th>Application type</th>
<th>Applicable clauses</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development); or To construct or extend a residential building.</td>
<td>All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).</td>
</tr>
</tbody>
</table>

### CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Complies</td>
<td>Refer to Attachment 4.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Complies</td>
<td>The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.</td>
</tr>
<tr>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Complies</td>
<td>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.</td>
</tr>
<tr>
<td>Provides appropriate utility services and infrastructure without overloading the capacity.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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.

**B5 Integration with the Street**  
Integrate the layout of development with the street

| Complies | The development will integrate appropriately with the street. Adequate vehicle and pedestrian links to each dwelling are proposed. Both dwellings are oriented to face the street with a 1.5 metre high front fence extending along part of the front boundary of the site, maintaining views into and out of the site.  
See Neighbourhood Character at Attachment 4 for further discussion. |

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**Clauses 55.03 SITE LAYOUT AND BUILDING MASSING**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **B6 Street Setback**  
The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. | Does not comply | Requirement: 8.5 metres.  
Proposed: 8 metres.  
Refer to the report for further discussion. |
| **B7 Building Height**  
Building height should respect the existing or preferred neighbourhood character. | Complies | Maximum: 9m.  
Design and Development Overlay, Schedule 1 also identifies a height of 2 storeys excluding an attic and basement.  
Proposed: 6.9 metres (2 storeys + basement)  
It is noted that the basement at no point rises above 1.2 metres above natural ground level and as such the proposal complies with this Standard and the Design and Development Overlay, Schedule 1. Light wells are proposed to be located along the site boundaries. A condition is recommended requiring these light wells to have a maximum height above natural ground level of 1.2 metre. |
| **B8 Site Coverage**  
Site coverage should respect the existing or preferred neighbourhood | Complies | Maximum: 50%  
Proposed: 49.7% |
<table>
<thead>
<tr>
<th>Character and respond to the features of the site.</th>
<th>B9 Permeability and stormwater management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complies</td>
<td>Minimum: &gt;20%</td>
</tr>
<tr>
<td></td>
<td>Proposed: 36.5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B10 Energy Efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B11 Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</td>
</tr>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B12 Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Layout to provide safety and security for residents and property.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B13 Landscaping</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide appropriate landscaping. To encourage:</td>
</tr>
<tr>
<td>Development that respects the landscape character of the neighbourhood.</td>
</tr>
<tr>
<td>Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</td>
</tr>
<tr>
<td>The retention of mature vegetation on the site.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B14 Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
</tbody>
</table>

| Subject to conditions, appropriate access off Nautilus Street to basement parking has been provided. Refer to 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 basement carparks. Refer to the report for further discussion.

---

### CLAUSE 55.04 AMENITY IMPACTS

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **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 | Areas of non-compliance are underlined in the table below. Refer to the report for further discussion. |

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Requirement</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>East (side)</td>
<td>3.74m, 3.86m, 3.98m</td>
</tr>
<tr>
<td>West (side)</td>
<td>3.74m, 3.86m, 3.98m</td>
</tr>
<tr>
<td>North (rear)</td>
<td>4.9m</td>
</tr>
</tbody>
</table>

### 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.

N/A

There are no ground or first floor walls proposed to be constructed on the boundary.

### 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 4 metres from the nearest neighbouring habitable window 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 3 metres of the shared boundary.
| B21 Overshadowing Open Space | Complies | Additional overshadowing will occur over the adjoining secluded private open space to the east and west and the adjoining. This overshadowing is marginal and will fall over areas which are not highly sensitive and will not therefore result in any undue amenity impacts. The overshadowing extends marginally beyond the shadow cast by the existing boundary fence line at the property. |
| B22 Overlooking | Complies | All first floor habitable room windows have been obscure glazed or 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 side and rear boundary fencing limits views to neighbouring areas of secluded private open space. |
| B23 Internal Views | Complies | All habitable room windows have been obscure glazed or 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 limits views between adjoining areas of secluded private open space within the 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. |

**CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B25 Accessibility</td>
<td>Complies</td>
<td>Entries are accessible for people with limited mobility with individual lifts provided from the basement car park at each dwelling to first floor level. The development could be further retrofitted to accommodate people with limited mobility in the future if required.</td>
</tr>
<tr>
<td>B26 Dwelling Entry</td>
<td>Complies</td>
<td>The development fronts Nautilus Street and includes a clearly identifiable entry with dedicated pedestrian pathway to each new dwelling. The entry points provide shelter, a sense of personal address and a transitional space around the dwellings.</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Complies</td>
<td>All habitable windows will open out onto a space clear to the sky.</td>
</tr>
<tr>
<td>B28 Private Open Space</td>
<td>Complies</td>
<td>Minimum: 25m(^2) secluded, 40m(^2) overall with a minimum dimension of 3 m; A balcony of 8m(^2) with a minimum width of 1.6m. Proposed: Both dwellings have been provided with sufficient secluded and private open space in accordance with the standard as set out in the table below.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling 1</td>
<td>181m(^2)</td>
</tr>
<tr>
<td>Dwelling 2</td>
<td>192m(^2)</td>
</tr>
</tbody>
</table>

| B29 Solar Access to Open Space | Complies | Secluded private open space areas at both dwellings are north facing, maximising solar access in accordance with the standard. |
| B30 Storage | Complies | Designated storage areas are provided within the basement of each dwelling with an area greater than 6 cubic metres. These storage areas are easily accessible from the basement garages. |

**CLAUSE 55.06 DESIGN DETAIL**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B31 Design Detail</td>
<td>Complies</td>
<td>Refer to Attachment 4 and the report for further discussion.</td>
</tr>
</tbody>
</table>
| **B32 Front Fences** | Does not comply | Required: 1.2 metres  
Proposed: 1.5 metres |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B33 Common Property</strong></th>
<th>N/A</th>
<th>No common property is proposed.</th>
</tr>
</thead>
</table>
| Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.  
Avoid future management difficulties in common ownership areas. |

| **B34 Site Services** | Complies | Mails boxes are shown to adjoin the pedestrian entry with waste provisions are located within the basement level.  
All other site services can be easily catered for on-site. |
|-----------------------|----------|---------------------------------------------------------------|
| 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. |
Amended Tree Assessment

Client: IKOS Group

Site: 17 Nautilus St, Beaumaris 3193

Date of Inspection: 2 October 2019 & 20 November 2019


Contact: Peter Kalimnakis, peter@ikosplanning.com.au

Brief: Inspect the trees growing at and adjacent to 17 Nautilus St, Beaumaris 3193, report on their health and structure in light of a proposed building replacement on this property.

Respond to comments from the planners in relation to the nature of the VPO3, that covers this property. I returned to the property to check on and small native trees I missed. I located one native, all amendments and comments in relation to those amendments are presented in the colour blue. Nothing of any consequence was discovered, except a dead stump, that has now been located as Tree 36 and Tree 35 a small native Syzygium smithii (Lilly pilly).
Introduction

I inspected the trees from ground level using non-invasive methods. Native trees of 2 metres in height and above have been detailed in this assessment, as well as exotics. Tree height (Hei.) was estimated, the width (Wid.) is an average of the north/south and the east/west axis, given in metres [m]. Trunk diameter at breast height (DBH) was measured at 1.4 m above ground level, unless otherwise stated; it is given in centimetres [cm]. All data is presented in the table ‘Observations of Trees’. This includes the following headings: ‘Hea.’ meaning health, ‘Stru.’ refers to the trees structure and ‘ULE’. Useful Life Expectancy (further illustrated in Appendix 1), and ‘Ret. Val.’ is for the Retention Value of the tree as per council specifications. Appendix 1 at the end of this document explains tree characteristics such as age, health and structure. Appendix 2 is a brief plan with approximate tree positions marked in relation to the proposed new houses. Appendix 3 gives details of my credentials and experience. Appendix 4 contains some photos of the trees detailed in this assessment.

The ‘Tree Protection Zone’ (TPZ) was calculated using the methodology described by Harris, Clark & Matheny (1999). This figure reads as a radius in metres from the trunk of the tree, to protect parts of the tree above and below ground. All measurements were taken in accordance with the position stated in the Australian standard. This corresponds with the current Australian Standard for trees on building sites. Some encroachment into this area is possible though it could be detrimental to the long-term health of a tree. It is recommended that a qualified arborist supervise any encroachment into tree protection zones.

Site

This is a typical rectangular property, with the narrow axis facing south onto Nautilus Street. There are no significant trees growing in the neighbouring properties, that would be directly affected by this building proposal on this property. There are no trees of significance to the immediate or wider landscape growing on this neglected property proposed for development.

Discussion

Due to site restrictions, it is often not possible or reasonable to retain all trees during a development. A realistic alternative is to retain non-significant, healthy trees in good condition and protect these well, rather than trying to retain all trees and decreasing the quality of their protection (Matheny & Clark 1998).
### Observations of Trees

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name</th>
<th>Age</th>
<th>Hel. x Wid.</th>
<th>DBH (cm)</th>
<th>TPZ (m)</th>
<th>SRZ (m)</th>
<th>ULE</th>
<th>Hea.</th>
<th>Stru.</th>
<th>Ret. Val.</th>
<th>Comments (Native or Exotic). 'BE': Building Envelope. ‘b.’: boundary</th>
</tr>
</thead>
</table>
| 1        | Gleditsia triacanthos  
Var | S   | 7.2x7       | 30       | 3.6     | 2       | Short | Fair | Fair | Low     | Exotic. 4.9m to east b. Inappropriate tree. Inside BE. Remove |
<p>| 2        | Hymenosporum flavum     | Sen | 4x1         | 4        | 0.8     | 0.4     | Short | Poor | Fair | Low     | Native Dying. Clear of BE. Retain                              |
| 3        | Cupressus sempervirens  | S   | 5x0.2       | 5        | 0.8     | 0.4     | Rem  | Poor | Fair | Low     | Exotic Possum damage Clear of BE. Remove                      |
| 4        | Cupressus sempervirens  | M   | 11x1.3      | 43       | 5.1     | 2.2     | Rem  | Fair | Fair | Low     | Exotic Possum Haven. Inside BE. Remove                         |
| 5        | Callistemon citrinus    | S   | 4.2x3       | 13       | 1.6     | 1       | Rem  | Poor | Fair | Low     | Native Possums damage. Inside BE. Remove                      |
| 6        | Pittosporum undulatum   | S   | 4.1x3       | 10       | 1.2     | 0.8     | Rem  | Fair | Fair | Low     | Native Weed Inside BE. Remove                                 |
| 7,8      | Pittosporum undulatum   | S   | 3.5x2       | 9        | 1.1     | 0.8     | Rem  | Fair | Fair | Low     | 2 Native Weeds Inside BE. Remove                               |
| 9        | Pittosporum undulatum   | S   | 3.8x3       | 14       | 1.7     | 1       | Rem  | Fair | Fair | Low     | Native Weed Inside BE. Remove                                 |
| 10,11    | Syzygium smithii        | S   | 3.6x2       | 10       | 1.2     | 0.8     | Rem  | Poor | Fair | Low     | 2 Natives Possums Inside BE. Remove                            |
| 12       | Camellia japonica       | Sen | 4.1x3       | 14       | 1.7     | 1       | Rem  | Poor | Fair | Low     | Exotic Possum damage. Inside BE. Remove                       |
| 13       | Acacia longifolia       | Sen | 5.7x6       | 29       | 2.5     | 2       | Rem  | Fair | Poor | Low     | Native On lean, Inside BE. Remove                              |
| 14       | Ficus carica            | S   | 4x3         | 13       | 1.5     | 1       | Rem  | Fair | Fair | Low     | Exotic Weed, Inside BE. Remove                                 |
| 15       | Camellia japonica       | S   | 4x1.8       | 10       | 1.2     | 0.8     | Rem  | Fair | Fair | Low     | Exotic Screen. Inside BE. Remove                               |
| 16       | Ligustrum lucidum       | S   | 4.1x2       | 9        | 1.1     | 0.8     | Rem  | Fair | Fair | Low     | Exotic Weed, Inside BE. Remove                                 |
| 17       | Cupressus sempervirens  | S   | 4.1x2       | 11       | 1.3     | 0.8     | Short| Fair | Fair | Low     | Exotic Possum. Inside BE. Clear of BE. Retain                 |
| 18       | Syzygium smithii        | Sen | 5.5x5       | 42       | 5       | 2.2     | Rem  | Poor | Poor | Low     | Native Termites. Clear of BE. Remove                           |
| 19       | Pittosporum undulatum   | S   | 5.7x4       | 15       | 1.7     | 0.9     | Rem  | Poor | Fair | Low     | Native Weed, Clear of BE. Remove                               |
| 20       | Acer negundo            | S   | 5.5x4       | 17       | 2       | 1.5     | Rem  | Fair | Fair | Low     | Exotic Weed, Clear of BE. Remove                               |
| 21       | Ligustrum lucidum       | S   | 4.8x2       | 11       | 1.3     | 0.8     | Rem  | Fair | Fair | Low     | Exotic Weed, Clear of BE. Remove                               |
| 22       | Ligustrum lucidum       | S   | 4.7x3       | 17       | 2       | 1.5     | Rem  | Fair | Fair | Low     | Exotic Weed, Clear of BE. Remove                               |</p>
<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name</th>
<th>Age</th>
<th>Hel. x Wid.</th>
<th>DBH (cm)</th>
<th>TPZ (m)</th>
<th>SRZ (m)</th>
<th>ULE</th>
<th>Hea.</th>
<th>Stru.</th>
<th>Ret. Val.</th>
<th>Comments (Native or Exotic), 'BE': Building Envelope, ‘b.’: boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Cordyline australis</td>
<td>M</td>
<td>4x0.4</td>
<td>8</td>
<td>1</td>
<td>0.7</td>
<td>Rem</td>
<td>Poor</td>
<td>Fair</td>
<td>Low</td>
<td>Exotic In decline. Clear of BE. Remove</td>
</tr>
<tr>
<td>24,25</td>
<td>Syagrus romanzoffiana</td>
<td>S</td>
<td>4x2.1</td>
<td>12</td>
<td>1.5</td>
<td>0.7</td>
<td>Short</td>
<td>Fair</td>
<td>Fair</td>
<td>Low</td>
<td>2 Exotics. 0.2m to b. Clear of BE. Retain</td>
</tr>
<tr>
<td>26,27</td>
<td>Ligustrum lucidum</td>
<td>S</td>
<td>4.7x2</td>
<td>11</td>
<td>1.3</td>
<td>0.8</td>
<td>Rem</td>
<td>Fair</td>
<td>Fair</td>
<td>Low</td>
<td>2 Exotic Weeds. Clear of BE. Remove</td>
</tr>
<tr>
<td>28</td>
<td>Pittosporum undulatum</td>
<td>S</td>
<td>8.6x7</td>
<td>21</td>
<td>2.5</td>
<td>1.7</td>
<td>Rem</td>
<td>Fair</td>
<td>Fair</td>
<td>Low</td>
<td>Native Weed. Inside BE. Remove</td>
</tr>
<tr>
<td>29</td>
<td>Ilex aquifolium</td>
<td>M</td>
<td>10x8</td>
<td>35</td>
<td>4.2</td>
<td>2</td>
<td>Rem</td>
<td>Fair</td>
<td>Poor</td>
<td>Low</td>
<td>Exotic weed. Inside BE. Remove</td>
</tr>
<tr>
<td>30</td>
<td>Camellia japonica</td>
<td>S</td>
<td>4.8x3</td>
<td>13</td>
<td>1.5</td>
<td>1</td>
<td>Rem</td>
<td>Poor</td>
<td>Fair</td>
<td>Low</td>
<td>Exotic Suppressed. Clear of BE. Remove</td>
</tr>
<tr>
<td>31</td>
<td>Ligustrum lucidum</td>
<td>Sen</td>
<td>4.7x</td>
<td>11</td>
<td>1.3</td>
<td>0.8</td>
<td>Rem</td>
<td>Poor</td>
<td>Fair</td>
<td>Low</td>
<td>Exotic weed. Clear of BE. Remove</td>
</tr>
<tr>
<td>32</td>
<td>Pittosporum undulatum</td>
<td>S</td>
<td>4x2.8</td>
<td>14</td>
<td>1.6</td>
<td>0.9</td>
<td>Rem</td>
<td>Fair</td>
<td>Fair</td>
<td>Low</td>
<td>Native Weed. Inside BE. Remove</td>
</tr>
<tr>
<td>33</td>
<td>Syagrus romanzoffiana</td>
<td>S</td>
<td>5.3x3</td>
<td>27</td>
<td>3.3</td>
<td>1.4</td>
<td>Rem</td>
<td>Poor</td>
<td>Fair</td>
<td>Low</td>
<td>Exotic In decline. Inside BE. Remove</td>
</tr>
<tr>
<td>34</td>
<td>Cordyline australis</td>
<td>S</td>
<td>3.7x1</td>
<td>13</td>
<td>1.5</td>
<td>0.8</td>
<td>Rem</td>
<td>Poor</td>
<td>Fair</td>
<td>Low</td>
<td>Exotic In decline. Inside BE. Remove</td>
</tr>
<tr>
<td>35</td>
<td>Syzygium smithii</td>
<td>Y</td>
<td>2.9x0.5</td>
<td>4</td>
<td>1</td>
<td>0.7</td>
<td>Rem</td>
<td>Fair</td>
<td>Fair</td>
<td>Low</td>
<td>Native Possum damage. Inside BE. Remove</td>
</tr>
<tr>
<td>36</td>
<td>Ligustrum lucidum</td>
<td>D</td>
<td>5.9x1</td>
<td>24</td>
<td>2.8</td>
<td>1.8</td>
<td>Rem</td>
<td>Dead</td>
<td>Haz.</td>
<td>Low</td>
<td>Exotic Weed Dead. Inside BE. Remove</td>
</tr>
</tbody>
</table>

Joe Kellett Arboriculture: 2019
Tree Assessment: 17 Nautilus St, Beaumaris 3193

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2019/597/1

Date: 17/01/2020
Tree Protection Zones can be breached, though it is recommended that any work within the TPZ be monitored and managed by a qualified arborist. Any roots that are damaged or have to be removed should be cut cleanly to assist the wound to repair. Supervision by an arborist can prevent catastrophic accidental damage to trees simply by making construction workers aware of the sensitivity of tree roots and methods of avoiding impact with them.

All pruning recommended is to be carried out to Australian Standards, 2007 ‘Pruning of Amenity Trees’ AS4373–2007. This work should be supervised or carried out by a qualified arborist.

Trees Proposed for Removal
Trees 3–16, 18–23, 26–34, 35 and 36 are marked for removal. The trees that have been marked for removal are of poor health, poor structure or weed species that do not contribute to the wider landscape. It would be best to remove these trees and replace them with healthy trees that will contribute to the wider landscape in the long-term.

Trees 3 and 4 are Cupressus sempervirens (Italian Cypress), this exotic tree can reach heights of 20 metres and is known to be a haven for possums to nest in. Tree 3 has been over grazed by the possums. While tree 4 has 4 possums nesting in its canopy. The possums have decimated most of the trees in this area, and will continue to do so, while they have a dry nesting site. These trees are unattractive and do not enhance the immediate landscape. They are inside the proposed building envelope and would have to be removed to allow it to proceed. They would not be missed. Tree 5 is a Callistemon citrinus (Crimson Bottlebrush), this native tree is being over grazed by possums, all tip growth has been stripped off. This small tree is of poor health and has been marked for removal to allow for the rejuvenation of this neglected landscape. This tree is inside the proposed building envelope and would have to be removed to allow it to proceed.

Trees 6–9, 19, 28 and 32 are Pittosporum undulatum (Sweet Pittosporum), this native is a problematic weed tree in our urban landscape. They have been marked for removal to reduce their spread throughout the area. Outside the proposed building envelope, others a clear; if they remain in position, they will spread further though this area, becoming more of an invasive problem in local gardens. Trees 10, 11 and 18 are Syzygium smithii (Lilly pilly), this type of tree is planted as a screen tree; it can reach more than 20 metres in height at full
maturity. These trees are all being over grazed by possums causing them to decline in health. Tree 18 has termites established in its base as well, it must be removed to reduce the activity of these invasive insects. These poor specimens will not be missed if removed and replaced with healthy trees.

Tree 12, 15 and 30 are *Camellia japonica* (Camellia), this is a common exotic screen tree in our urban landscape. These trees are all being grazed by possums, reducing their health and causing stress. These small trees would not be missed if removed and replaced with healthy trees. Tree 13 is an *Acacia longifolia* (Coast Wattle), this type of tree is a problematic tree in our urban landscape away from the coast. This tree has been cut severely away from the boundary, exposing its cluttered canopy, that is leaning on the existing house. This tree is short-lived and would not survive the demolition of this house. It has therefore been marked for removal.

Tree 15 is a *Ficus carica* (Common Fig), this exotic tree is a problematic weed tree in our urban landscape. This small tree would not be missed if removed as it cannot be seen from outside this property. Tree 16, 21, 22, 26, 27 and 31 are *Ligustrum lucidum* (Glossy Privet), this type of exotic tree is a problematic weed tree in our urban landscape. The pollen from its flowers causes severe irritation in some people. They have been marked for removal to reduce their spread through the local area and allow for the rejuvenation of this neglected landscape.

Tree 20 is an *Acer negundo* (Ash leaved Maple), this exotic tree is a problematic weed tree in our urban landscape. This tree has been previously lopped and has developed poor branch attachment as a result. This tree is clear of the proposed building envelope, it has been marked for removal to reduce its spread of this weedy tree through the local area. Trees 23 and 34 are *Cordyline australis* (Cordyline), this exotic palm like plant has a modest fibrous root system. These plants are decline due to the prolonged dry conditions; they will not recover from this poor health position. They have therefore been marked for removal, they are inside the proposed building envelope.

Tree 29 is an *Ilex aquifolium* (Holly), this exotic is a problematic tree in our urban landscape. It has sharp points on its leaves and causes pain to fingers and people moving near them. This tree is bifurcated near its base and has a high potential to fail in the future. In cooler and more mist conditions this tree is an invasive weedy tree. It is therefore not suitable to a confined urban garden setting, such as this.
It is inside the proposed building envelope and has been marked for removal. Tree 33 is a *Syagrus romanzoffiana* (Cocos Palm), this tree is growing on the western boundary of this property. It has been tied excessively tightly to the fence; this has restricted its stem development. This and the prolonged dry condition have reduced the health of this tree, it being of poor health. This exotic is inside the proposed building envelope and has been marked for removal.

Tree 35 is a *Syzygium smithii* (Lilly pilly), this small native tree is self-sewn and being grazed by possums. It would not be missed if removed, as it cannot be seen amongst the neglected weeds present here. This type of tree can reach heights in excess of 20 metres at full maturity, this is too large for a con fiend urban landscape. It is inside the proposed building envelope and would have to be removed to allow this proposal to proceed. Tree 36 is a *Ligustrum lucidum* (Glossy Privet), an exotic dead stump, see Appendix 4. It needs to be removed before it collapses; it is inside the building envelope and must be removed to allow it to proceed.

**Replacement Tree List**

*Trees of Modest size and attractive features:*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Mature Height/evergreen yes/no</th>
<th>Native: N or Exotic: E</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acacia boormanii</em></td>
<td>Snowy River Wattle</td>
<td>4m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Acacia floribunda</em></td>
<td>Gossamer Wattle</td>
<td>7m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Baeckea virgata</em></td>
<td>Tall Baecke</td>
<td>4m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Banksia integrifolia</em></td>
<td>Coast Banksia</td>
<td>8–16m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Brachychiton acerifolia</em></td>
<td>Illawarra Flame Tree</td>
<td>12–16m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Callitris oblonga</em></td>
<td>Tasmania Cypress Pine</td>
<td>6m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus woodwardii</em></td>
<td>Lemon Flowered Gum</td>
<td>10m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus dolichocarya</em></td>
<td>Fuchsia Gum</td>
<td>5m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus leucoxylon</em></td>
<td>‘Rosea’ Dwarf Yellow Gum</td>
<td>8m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus mannifera</em></td>
<td>Red Spotted Gum</td>
<td>10m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus pauciflora</em></td>
<td>Snow Gum</td>
<td>10m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus scoparia</em></td>
<td>Wallangarra White Gum</td>
<td>12m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Hakea laurina</em></td>
<td>Pincushion</td>
<td>2m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Leptospermum petersonii</em></td>
<td>Lemon Scented Tea Tree</td>
<td>5m/yes, N</td>
<td></td>
</tr>
<tr>
<td><em>Pistacia chinensis</em></td>
<td>Chinese Pistachio</td>
<td>10m/no, E</td>
<td></td>
</tr>
<tr>
<td><em>Magnolia grandiflora</em></td>
<td>CV ‘Little Gem’</td>
<td>7m/no, E</td>
<td></td>
</tr>
</tbody>
</table>
**Lagerstroemia indica**  Crepe Myrtle  8m/no, E  
**Acer buergerianum**  Trident Maple  10m/no, E  
**Acer platanoides CV**  Crimson Sentry  10m/ no, N  
**Jacaranda mimosifolia**  Jacaranda  15m/no, D (spring)  
**Citrus x limon**  Lemon  5m/no, E

**Trees to Be Retained**

Trees marked for retention are generally of good health and structure and have a greater impact on the wider landscape. Buildings and other infrastructure may be located within tree protection zones, at the discretion of the consulting arborist.

Tree 1 is a *Gleditsia triacanthos* Variety (Hybrid of Golden Locust), this exotic tree has been planted on the nature strip by a resident; it does not fit with the remainder of this native street-scape. It is a grafted variety, its root stock is recognised as being aggressive and disruptive to infrastructure. The large woody roots can already be seen above soil level, immediately next to the gutter. It is only a matter of time for displacement of the gutter to be obvious. It has been lifted considerably from the road and footpath (see Appendix 4); this type of tree is notorious for having a low wide spreading canopy, making it problematic in narrow nature strips such as here. This tree is the responsibility of the local council, it is their decision to retain or remove this exotic tree. The proposal has a new crossover through the TPZ of this tree. If this tree remains in this position, this proposal cannot proceed as it has been presented. The owners are prepared to pay for the cost of removal of this exotic and invasive tree and any replacement costs. Tree 2 is a *Hymenosporum flavum* (Native Frangipani), this tree is dying due to the prolonged dry conditions and long-term neglect. It is in severe decline due to its current position and the dry conditions that do not suit this drought sensitive tree. It cannot be revived from this position; it would be best to remove it and replace it with a healthy native tree. More suited to this dry and sandy soil. It is clear of the proposed building extension and I consider it to be safe by it. If it does remain in this position it would require temporary protective fencing around it to isolate it from the proposed works.

Tree 17 is a *Cupressus sempervirens* (Italian Cypress), this exotic tree is situated 0.5 metres inside the neighbouring property to the east. It is being over-grazed by possums, if this situation is not managed, this tree will decline towards a

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**Attachment 6**

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**Item 4.2 – Matters of Decision**

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**Bayside City Council**

**Planning & Amenity Committee Meeting - 10 March 2020**

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**Joe Kellett Arboriculture: 2019**

**Tree Assessment: 17 Nautilus St, Beaumaris 3193**

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**Planning Application No.: 5/2019/597/1**

**Date: 17/01/2020**

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**Item 4.2 – Matters of Decision**

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**Page 148 of 703**

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premature death. There are other trees growing on this side of the boundary fence, they will have prevented this tree from spreading and significant roots into this property. This tree will require an area of 0.5 of a metre free of any incursion into the existing soil level within its TPZ. This tree is mostly clear of the proposed building envelope and therefore would only require rudimentary care to fully protect it from any adverse impact, as the boundary fence will act as the front-line protection for this tree.

Trees 24 and 25 are *Syagrus romanzoffiana* (Cocos Palms), these 2 exotic palms are growing 0.2 of a metre inside the neighbouring property to the north. This type of plant has a root system that is entirely fibrous, and can tolerate major root pruning and not be adversely affected. These exotic palms are clear of the proposed building envelope and would not be affected by it. The boundary fence will be the front-line protection for these trees.

Methods that must be used and closely adhered to, to fully protect trees on and adjacent to building sites include:

- Employing a qualified arborist to oversee all works in and around Tree Protection Zones (TPZ), for Trees 2, 17, 24 and 25.
- Suspended walls, using pier and beam construction inside a TPZ.
- Hand digging footings for piers inside a TPZ.
- Use of cantilevered slabs over root zones to reduce the incursion into those areas.
- All services are to be routed outside ‘Tree Protection Zones’. If there is no alternative to passing through the protection zone, the consulting arborist must be advised on the need for boring beneath root zone.
- Tree Protection Zone for Tree 2 is to be fenced off with a 1.8 metres high temporary cyclone wire fence prior to the commencement of any works, clearly marked with signs indicating it as an exclusion zone (if this poor tree remains in position).
- The fenced protection zones for retained trees are to be set outside the critical root zone and should not interfere with the outer limits of optimal root zone. This will be done in consultation between the consulting arborist and site manager.
- Under no circumstances is a tree to be felled or substantially reduced without the consent of the consulting arborist.
- Under no circumstance is there to be any incursion into the Structural Root Zone (SRZ).
• No storage of building materials, waste or excess soils inside the Tree Protection Zone.
• No digging, trenching or other soil disturbance is allowed in the fenced area. This includes washing of tools or equipment or allowing the residue of any cleaning to wash into this zone.
• No fittings or fixtures are to be attached to the trees, including temporary services, wires, nails or screws during the construction phase of development.
• The Tree Protection Zone is to be mulched and irrigated to ensure the water needs of each tree during construction.

Conclusion
There are no trees in neighbouring properties that would be adversely affected by this building proposal on this property. None of the trees growing on the property are significant to the local or wider landscape, they therefore will not be a loss if removed.

Trees 3–16, 18–23, 26–34, 35 and 36 are marked for removal. These trees are mostly of poor health, poor structure or weed species that do not contribute to the wider landscape. Removal of these mostly small trees will allow rejuvenation of the immediate landscape and contribute to the improvement of the wider landscape in the long-term.

The point of uncertainty in this proposal is the removal or retention of Tree 1, a Gleditsia triacanthos Variety (Variety of Golden Locust) growing on the narrow nature strip, planted by some other than the local council. If removed and replaced at the cost of the owner of this property, this proposal can proceed and not adversely impact any trees of significance. If this tree were to remain, this proposal must be altered to allow for sufficient clearance for this tree, to prevent any adverse impact to it. In my understanding of the local council policy of this situation, this tree is unsuitable in this position, not native, of low retention value and not significant, it therefore would require a 10m buffer and replaced with a native tree or 2 in different positions, to enable this proposal to proceed as it has been presented. This would be at the expense of the current owners and is acceptable to them.
References
Australian Standard. 2007 Pruning of Amenity Trees

Australian Standard 2009 Protection of trees on development sites.
    AS 4970–2009

Harris R. Clark J. & Matheny N. 1999, Arboriculture

Matheny N. & Clark J. 1998 Trees and Development
    International Society of Arboriculture.

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2019/597/1
Date: 17/01/2020

Joe Kellett Arboriculture: 2019
Tree Assessment: 17 Nautilus St, Beaumaris 3193
## TREE DESCRIPTORS

### AGE

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young (Y)</td>
<td>Juvenile or recently planted tree.</td>
</tr>
<tr>
<td>Semi-mature (S)</td>
<td>Tree is actively growing.</td>
</tr>
<tr>
<td>Mature (M)</td>
<td>Tree has reached expected size in situation.</td>
</tr>
<tr>
<td>Senescent (Sen)</td>
<td>Tree is over mature and has started to decline.</td>
</tr>
</tbody>
</table>

### Health

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>Foliage of tree is entire, with good colour, very little pathogen damage and of good density. Growth indicators are good e.g., extension growth of twigs and wound wood development. There is minimal or no canopy dieback.</td>
</tr>
<tr>
<td>Fair</td>
<td>Tree is showing one or more of the following symptoms: &lt;25% dead wood, foliage generally with good colour, though some imperfections may be present. Minor pathogen damage present, with growth indicators such as leaf size, canopy density and twig extension growth typical for species in this location.</td>
</tr>
<tr>
<td>Poor</td>
<td>Tree is showing one or more of the following symptoms: &gt; 25% dead wood, canopy dieback is observable, discoloured or distorted leaves. Pathogen is present, stress symptoms are obvious e.g., small leaf size or small twig extensions; these could lead to decline of specimen.</td>
</tr>
<tr>
<td>Dying or Dead</td>
<td>Tree is in severe decline with greater than 55% dead wood; very little foliage that could mostly be epicormic shoots or no twig extension.</td>
</tr>
</tbody>
</table>

### Structure

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>Trunk and scaffold branches show good taper and attachment with minor or no structural defects. Tree is a good example of the species with a well-developed form showing no obvious root pests or diseases.</td>
</tr>
<tr>
<td>Fair</td>
<td>Tree shows some minor structural defects or minor damage to trunk e.g., bark missing, cavities could be present. Minimal damage to structural roots could be seen as typical for this species.</td>
</tr>
<tr>
<td>Poor</td>
<td>There are major structural defects, damage to trunk or bark missing. Co-dominant stems could be present and/or trunk neck failure, girdling or damaged roots obvious and structurally problematic.</td>
</tr>
<tr>
<td>Hazardous (Haz.)</td>
<td>Tree is an immediate hazard and must be dealt with promptly. Rectification must be rectified as soon as possible.</td>
</tr>
</tbody>
</table>
Useful Life Expectancy – ULE

**Long ULE:** Trees that appear to be retainable with an acceptable level of risk for more than 40 years.
1. Structurally sound trees located in positions that can accommodate future growth.
2. Storm damaged or defective trees that could be made suitable for retention in the long term by remedial tree surgery.
3. Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.

**Medium ULE (Med.):** Trees that appear to be retainable with an acceptable level of risk for 15–40 years.
1. Trees that may only live between 15–40 years.
2. Trees that may live for more than 40 years but would be removed to allow the safe development of more suitable individuals.
3. Trees that may live for more than 40 years but would be removed during the course of normal management for safety and nuisance reasons.
4. Storm damaged or defective trees that can be made suitable for retention in the medium term by remedial work.

**Short ULE:** Trees that appear to be retainable with an acceptable level of risk for 5–15 years.
1. Trees that may live for 5–15 years.
2. Trees that may live for more than 15 years but would be removed to allow the safe development of more suitable individuals.
3. Trees that may live for more than 15 years but would be removed during the course of normal management for safety and nuisance reasons.
4. Storm damaged or defective trees that can be made suitable for retention in the medium term by remedial work.

**Remove (Rem.):** Trees with a high level of risk that would need removal within the next 5 years.
1. Dead Trees,
2. Dying or suppressed and declining trees through disease or inhospitable conditions.
3. Dangerous trees through instability or recent loss of adjacent trees.
4. Dangerous trees through structural defects including decay, included bark, wounds or poor form.
5. Damaged trees that are considered unsafe to retain.
6. Trees that will become dangerous after removal of adjacent trees for safety or nuisance reasons.
Appendix 2  Plan of Site with Trees Numbered

Note: the 2 additional entries, Trees 35 and 36 are marked in red colour

Joe Kellett Arboriculture: 2019
Tree Assessment: 17 Nautilus St, Beaumaris 3193
Appendix 3 Qualifications, Experience and Area of Expertise

Professional Qualifications & Affiliations

- Advanced Certificate of Arboriculture
- Diploma of Applied Science (Arboriculture)
- Member International Society of Arboriculture

Professional Experience

2010 – present    Director of Joe Kellett Arboriculture; Sessional instruction at Melbourne Polytechnic in Arboriculture training
1986 – 2010    Director, Assured Tree Care, Pty ltd. Sessional instruction and teaching at Burnley College and Northern Metropolitan College of TAFE.

Areas of Expertise

- Management of trees in the urban environment, including environmentally and historically significant trees.
- Pruning, planting and transplanting of trees.
- Assessment of trees including risk (hazard) assessment, suitability for retention and in areas of proposed building development.
- Preparation of written tree reports for planning applications to local authorities.

Expertise to prepare this report

My experience includes the provision of tree assessments for both building permit applicants and objectors. All information contained within this report pertaining to the mentioned trees in relation to this property are within my expertise as an arborist. I believe that this report is complete and accurate in every respect.

Facts, matters and assumptions relied upon

- Inspection of subject site.
- Inspection of the trees, using non-invasive methods of data collection from ground level.
- Viewing of plans of proposed building.

Joe Kellett Arboriculture: 2019
Tree Assessment: 17 Nautilus St, Beaumaris 3193

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: S/2015/59771
Date: 17/01/2020
Appendix 4

Photos of Trees

Photo A shows Tree 2 in the background a Gleditsia triacanthos Variety (Variety of Golden Locust), as seen from the west. Illustrating its size in the landscape and lack of leaves or flowers at the time of my inspection. The red arrow indicates the stem of Tree 2 an Hymenosporum flavum (Native Frangipani), with few leaves remaining on it.

Photo B shows the base of Tree 3 a Cupressus sempervirens (Italian Cypress) as seen from the left of the right of shot are trees 6–8 a line of Pittosporum undulatum (Sweet Pittosporum), a native weed tree dominating this area of the garden.

Joe Kellett Arboriculture: 2019
Tree Assessment: 17 Nautilus St, Beaumaris 3193
Photo C shows Tree 3 a *Cupressus sempervirens* (Italian Cypress) as seen from the south east. This exotic tree is in poor health due to excessive possum grazing. It cannot be revived from this poor health position and has been marked for removal.

Photo D shows Tree 12 a *Camellia japonica* (Camellia), this exotic screen tree is being over grazed by possums and hardly has an entire leaf left on it. It is inside the building envelope and has been marked for removal.
an Acacia longifolia (Coast Wattle) as seen from the north. This native tree has been hacked from the eastern boundary by persons unknown and is leaning on the existing house. This type of tree is short-lived, less than 15 years, it has almost reached this age and has therefore been marked for removal.

19 a Pittosporum undulatum (Sweet Pittosporum) in the front of shot, its pale green foliage a sign of its poor stressed health status. This native is a problematic weed in our urban landscape and has been marked for removal. In the middle behind it is Tree 18 a Syzygium smithii (Lilly pilly), it has been decimated by possums over grazing its canopy and cannot be recovered from this poor health status.
Photo J shows the base of Tree 18 a *Syzygium smithii*, seen in the previous photo. The open wound revealed the presence of termites and fungal decay organisms. These have undermined its entire structure, making it unstable and liable to collapse; it has therefore been marked for removal and replacement.

Photo K shows a view of this neglected garden; with Tree 20 an *Acer negundo* (Ash-leaved Maple) shown by the red arrow. On the far left of shot is Tree 21 a *Ligustrum lucidum* (Glossy Privet) and on the right of it is Tree 23 a *Cordyline australis* (Cordyline), all creating an unattractive setting.
Photo L shows Tree 29 an _Ilex aquifolium_ (Holly), as seen from the north east and showing its thin canopy and heavy crop of red berries in the middle of this shot. Towards the right is Tree 28 a _Pittosporum undulatum_ (Sweet Pittosporum), with a dead spar emerging in its canopy. This view illustrates the overgrown nature of this neglected garden. The red arrow indicates T36 a dead stump of a _Ligustrum lucidum_ (Glossy Privet).

Photo M shows Tree 33 a _Syagrus romanzoffiana_ (Cocos Palm), an exotic palm seen from the south east. It is in poor health and unattractive in form.
Photo N shows Tree 35 a *Syzygium smithii* (Lilly pilly) as seen from the north; illustrating its small size and the overgrown nature of this garden.

Photo O shows the rear of northern boundary, illustrating the overgrown and neglected nature of this garden. With a garden seat swamped under weed trees and vines.

Joe Kellett Arboriculture, 2019
Tree Assessment: 17 Nautilus St, Beaumaris 3193
### Attachment 7

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>13</th>
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</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td><em>Acacia longifolia</em></td>
</tr>
<tr>
<td>Common Name:</td>
<td>Coast wattle</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>6x4</td>
</tr>
<tr>
<td>Trunk Circ.@1m:</td>
<td>95cm</td>
</tr>
<tr>
<td>Trunk <a href="mailto:DBH.@1.4m">DBH.@1.4m</a>:</td>
<td></td>
</tr>
<tr>
<td>Trunk DAB@0m:</td>
<td></td>
</tr>
<tr>
<td>Location 1</td>
<td>S10</td>
</tr>
<tr>
<td>Location 2</td>
<td>E1</td>
</tr>
<tr>
<td>Date of assessment</td>
<td>18/2/20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Origin:</th>
<th>Indigenous</th>
<th>Victorian</th>
<th>Australian</th>
<th>Exotic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age:</td>
<td>Young</td>
<td>Semi-mature</td>
<td>Mature</td>
<td>Over-mature</td>
</tr>
<tr>
<td>Health:</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Dead</td>
</tr>
<tr>
<td>Structure:</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Amenity Value:</td>
<td>High</td>
<td>Moderate</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years +</td>
<td>10-19 years</td>
<td>4-9 years</td>
<td>0-3 years</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High</td>
<td>Medium</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Habitat value:</td>
<td>High</td>
<td>Moderate</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Align with NCP:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree No.</td>
<td>18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>----</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Botanical Name:</td>
<td>Syzygium smithii</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Name:</td>
<td>Lilly pilly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>8x6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trunk Circ. @ 1m:</td>
<td>143cm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trunk DBH @ 1.4m:</td>
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<tr>
<td>Trunk DAB @ 0m:</td>
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<td></td>
</tr>
<tr>
<td>Location 1</td>
<td>E0</td>
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</tr>
<tr>
<td>Location 2</td>
<td>N10</td>
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<td></td>
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<tr>
<td>Date of assessment</td>
<td>18/2/20</td>
<td></td>
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</tbody>
</table>

<p>| 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 | None |
| Align with NCP | Yes | No |
| Support for removal: | Yes | No |</p>
<table>
<thead>
<tr>
<th>Tree No.</th>
<th>28</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td><em>Pittosporum undulatum</em></td>
</tr>
<tr>
<td>Common Name:</td>
<td>Sweet pittosporum</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>8x6</td>
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<tr>
<td>Trunk Circ.@1m:</td>
<td>75cm</td>
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<tr>
<td>Location 1</td>
<td>N10</td>
</tr>
<tr>
<td>Location 2</td>
<td>W5</td>
</tr>
<tr>
<td>Date of assessment</td>
<td>18/2/20</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Origin:</th>
<th>Indigenous</th>
<th>Victorian</th>
<th>Australian</th>
<th>Exotic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age:</td>
<td>Young</td>
<td>Semi-mature</td>
<td>Mature</td>
<td>Over-mature</td>
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<tr>
<td>Health:</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Dead</td>
</tr>
<tr>
<td>Structure:</td>
<td>Good</td>
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<td>Hazardous</td>
</tr>
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<td>Amenity Value:</td>
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<td>Moderate</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years +</td>
<td>10-19 years</td>
<td>4-9 years</td>
<td>0 - 3 years</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High</td>
<td>Medium</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Habitat value:</td>
<td>High</td>
<td>Moderate</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Align with NCP</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Definitions**

The retention value of a tree considers the tree as a whole including its health, structure, amenity value and life expectancy. The criteria for high, medium and low retention value trees are:

**H (High)**

The tree is generally in good health and structure, provides high levels of amenity and is likely to do so for more than 20 years. The tree may have historic or cultural significance.

**M (Medium)**

The tree is generally in fair to good health and structure, provides moderate levels of amenity and is likely to do so for up to 20 years.

**L (Low)**

The tree is generally in fair health and structure, provides low levels of amenity and may do so for up to 10 years. The tree may be juvenile or otherwise small and easily
replaced by advanced plantings or plantings that will provide similar amenity value in a reasonable timeframe.
## Attachment 8

**Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)**

<table>
<thead>
<tr>
<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The impact the vegetation removal would have on the character of the area</strong></td>
<td>The site comprises a combination of overgrown native and exotic species and includes one large canopy tree in the front setback. Tree No's 13, 18 and 28 are protected by the VPO and are proposed for removal. The removal of these trees would not be detrimental to the character of the area by virtue of a combination of their poor health or structure. All three of these trees have a low amenity value and their removal is therefore supported subject to replacement indigenous planting being provided.</td>
</tr>
<tr>
<td><strong>The impact the vegetation removal would have on the presence of indigenous species in the locality</strong></td>
<td>The vegetation removal on the site would include the removal of three native trees protected by the VPO. Council’s Arborist has advised that these trees have a low amenity value due to their poor health and/or structure. Their removal is therefore supported subject to appropriate replacement indigenous planting. The application proposes 80% of the replacement planting to be indigenous and includes the planting of 8 canopy trees.</td>
</tr>
<tr>
<td><strong>The impact the vegetation removal would have on the appearance of development.</strong></td>
<td>Tree No. 13 is located within the front setback and Tree No's 18 and 28 are located behind the existing dwelling on the site and are somewhat obscured from view from the street. The front setback of the existing dwelling is overgrown with a variety of native and exotic species. In order for the development to go ahead, most of the overgrown vegetation including those trees protected by the VPO would be required to be removed. In this instance, the proposed replacement species will be more in number and larger in their mature heights than the existing indigenous species on the site. The replacement planting would therefore enhance the indigenous canopy cover on the site and soften the appearance of the new dwellings within the streetscape and when viewed from surrounding properties.</td>
</tr>
<tr>
<td><strong>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</strong></td>
<td>Council’s Arborist has not raised any concerns in relation to the impact of the vegetation removal on flora or fauna.</td>
</tr>
<tr>
<td><strong>Any proposal to regenerate or plant indigenous vegetation on the site.</strong></td>
<td>The submitted landscape plan shows replacement planting of eight indigenous canopy trees comprising four Coast Banksia trees with a mature heights of 15 metres and four Lightwood trees with mature heights of 8 metres. This would significantly enhance the indigenous canopy cover on the site.</td>
</tr>
</tbody>
</table>
This matter is reported to the Committee to form a position on this planning permit application as the permit applicant has lodged an appeal with the Victorian Civil and administrative Tribunal under Section 79 of the Planning and Environment Act 1987 against Council’s failure to grant the planning permit within the prescribed time and Council Officers do not have delegation to form a position.

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Support the Grant of a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Contour Consultants Australia</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>29 August 2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>179</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td>Site area</td>
<td>649 square metres</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>45</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Purpose

To report on a planning permit application which is the subject of an appeal to the Victorian Civil and Administrative Tribunal (VCAT) pursuant to Section 79 (failure to determine) of the Planning and Environment Act 1987.

VCAT have listed the matter for a one day hearing commencing on 27 May 2020. The purpose of this report is to establish Council’s position on the application for the VCAT appeal.

Proposal

The application seeks the construction of two double storey dwellings, removal of native vegetation in a Vegetation Protection Overlay (Schedule 3) and creation of access to a road in a Road Zone, Category 1.

Key details of the proposal are as follows:
Two double storey dwellings with a building height of 6.23 metres

- Site coverage 49.95%
- Permeability 47.98%
- Garden Area 33.7%

Access is provided to Dwelling 1 via an amended crossover off Surf Avenue. A second access is proposed to Dwelling 2 off Beach Road (a Road Zone Category 1). Both dwellings pedestrian access is of Beach Road

- A total of four car spaces are provided with two car parking spaces allocated to each dwelling within a double garage.

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 2014/211/1 was issued at the direction of VCAT on 16 September 2015. The permit allows the removal of native vegetation (Tree nos. 1, 2, 5, 9 and 11) in a Vegetation Protection Overlay (Schedule 3). Plans have not been endorsed to date. This permit has recently been extended and is still valid.

An application for planning permit to develop the land for the purpose of two double storey dwellings and vegetation removal was lodged in 2018 (reference 2018/163/1). The proposal was refused by Council at the Planning and Amenity Committee Meeting of 30 October 2018.

The previous proposal was refused due to it not responding appropriately to neighbourhood character, failing to comply with several standards and objectives of Clause 55 and failing to respond to the objective of the vegetation protection overlay.

The previous application plans are provided at Attachment 5.

Although on face value the proposals have some similarities, the current application has a much higher level of compliance than that which was previously considered. Including compliant site coverage and street setbacks. The current application is only seeking a minor numeric variation to one standard under Clause 55 and Council’s Arborist is satisfied with the proposed tree removal.

It should also be noted that although Amendment C158 was abandoned in April 2018 with Council resolving not to proceed with a mid-century modern heritage study (of which the subject site was included) and to pursue a voluntary inclusion process, the voluntary process deadline had not passed when this previous application was considered by Council. The voluntary process concluded in March 2019 (the subject site was not included with any heritage protection proposal).

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot
- Clause 42.02-2 (Vegetation Protection Overlay) - Remove, destroy or lop any vegetation as specified in Schedule 3
• Clause 52.29-2 (Land adjacent to a Road Zone, Category 1) - Create or alter access to a road in a Road Zone, Category 1.

Note: Clause 32.09-4 requires that for the construction of a dwelling or residential building on a lot between 500 square metres and 650 square metres, a lot must provide a minimum of 30% garden area at ground floor level.

The submitted plans indicate a garden area of approximately 33.7% will be provided, this exceeds the minimum 30% garden area required by the Clause.

Demolition does not require a planning permit pursuant to the Bayside Planning Scheme, and as such, is not relevant consideration for the purpose of this assessment.

Planning Scheme Amendments

Planning Scheme Amendment C158

The property at 372 Beach Road was identified at Stage 3 of the City of Bayside Inter-War and Post-War Heritage Study in 2008 as of potential heritage significance and should be investigated further.

Interim heritage controls for this property were sought through Planning Scheme Amendment C158. The Minister for Planning did not support interim heritage controls until further work was done to accompany the interim application with permanent heritage controls.

At its Ordinary Meeting of 24 April 2018, Council resolved not to proceed with a mid-century modern heritage study, and to pursue a voluntary inclusion process, which concluded March 2019.

As a result, Council will not be pursuing heritage controls for 372 Beach Road at this time, and hence the demolition of the existing dwelling is ‘as of right’ and not relevant to this planning assessment.

Planning Scheme Amendment VC148

Deletes any application under Clause 52.29 (Land Adjacent to a Road Zone, Category 1) from notice and third party-review requirements of the Planning and Environment Act 1987. As such, this element of the application is exempt from public notice and Council cannot consider comments made in relation to this issue.

3. Stakeholder consultation

External referrals

The application was referred to the following authorities:

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>VicRoads</td>
<td>No objection, subject to standard conditions</td>
</tr>
</tbody>
</table>

Internal referrals

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

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
</table>
| Arborist                   | No objection, subject to conditions.  
  
  Note: Removal of Trees 1, 2, 5, 9 and 11 was approved on 16 September 2015 and is still valid. |
| Drainage Assets Engineer   | No objection, subject to conditions |
| Open Space Arborist        | No objection, Tree 11 can be removed at the cost |
Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 45 objections were received.
45 objections remain outstanding at the time of this report.
The following concerns were raised:
- Neighbourhood character
- Removal of a mid-century home
- Non-compliant side setbacks
- Overlooking
- Tree removal in a VPO.
The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting
The applicant declined a consultation meeting as they considered that most of the objections were raised, although not necessarily explicitly stated, were to do with the removal of the mid-century home which had been part of the previously discussed heritage amendment (rather than the development itself).

4. Recommendation
That Council resolve to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/484/1 for the land known and described as 372 Beach Road, Beaumaris, for the Construction of two double storey dwellings, removal of native vegetation in a Vegetation Protection Overlay (Schedule 3) and creation of access to a road in a Road Zone, Category 1 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 prepared by Orosvary Architects but modified to show:
   a) Crossover along Surf Avenue reduced to 4.8m width.
   b) The northern edge of the driveway to Dwelling 1 on Surf Avenue must be a minimum of 2.3m from the Saw Tooth Banksia (Bankzia serrata) located on the nature strip.
c) Adequate sight lines are to be provided where each driveway intersects with the footpath in accordance with the requirements of Clause 52.06 of the Bayside Planning Scheme to the satisfaction of the Responsible Authority.

d) A minimum 2m x 2m corner splay to be provided at the south-west corner of the property, with consequential changes to the satisfaction of the Responsible Authority.

e) Internal dimensions of each garage to be in accordance with Design Standard 2 of Clause 52.06-9 of the Bayside Planning Scheme.

f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

g) A Landscaping Plan in accordance with Condition 12 of this permit.

h) Water Sensitive Urban Design measures in accordance with Condition 10 of this permit.

i) Tree Management and Protection Plan in accordance with Condition 15.

j) Development Contribution to be paid in accordance with Condition 19.

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.

VicRoads

8. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

9. Vehicles must enter and exit the land in a forward direction at all times.
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 Bayview Landscaping, dated August 2019 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

   a) Condition 1 changes.

   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.
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.

**Tree Management and Protection Plan**

15. 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 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.

16. 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.

17. 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.

**Street tree protection**

18. Before the development starts tree protection fencing is to be established around the Saw-tooth Banksia (Banksia serrata) located along the Surf Avenue frontage and 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 fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

**Development Contributions**

19. 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

20. 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.

21. 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 Projects Department.

22. Council records indicate that there is a Council stormwater pit in the North East corner of the property. Council consider this asset to be protected by an implied easement. The plans indicate no proposals to encroach into the implied 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.

Permit Expiry

23. 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.

  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 development starts the applicant must pay $11,246.62 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.

- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

- The permit holder must obtain approval from the relevant authorities to build over the implied easement(s) / Council drainage pit.

- 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 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.

Bayside Planning Scheme

- Clause 10 Planning Policy Framework
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
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 H4. Subject to conditions, 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 area is characterised by a variety of built form, consisting of a mix of single and double storey render, face brick and weatherboard original housing stock and contemporary, mostly double storey infill dwellings. Front fences are generally high, especially fences along Beach Road due to its Road Zone, Category 1 classification.

The design response is contemporary and its general form, scale and building massing with appropriate side setbacks responds to the varied coastal residential feel of the streetscape and wider neighbourhood precinct.

The proposal will contribute positively to the preferred neighbourhood character objectives envisioned for this 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:

Side and rear setbacks (Standard B17)

<table>
<thead>
<tr>
<th></th>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m - 2m</td>
<td>1.1m – 2m</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West (side)</td>
<td>2m</td>
<td>2m</td>
</tr>
<tr>
<td>North (rear)</td>
<td>0m - 3m</td>
<td>0m – 3.0m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 6.4m</td>
</tr>
</tbody>
</table>

The western side boundary is on a corner abutting Surf Avenue, therefore side walls can be setback 2m.

There is an area of non-compliance along the ground floor eastern boundary for Dwelling 2. Both the garage and bedroom are setback 1.1m rather than 0m or 2m. A variation of 0.9m is not considered unreasonable. It abuts the service interface of 373 Beach Road and causes no amenity impacts. In addition this side setback allows service access to the rear courtyard to Dwelling 2 rather than going through the house. This is a fair and reasonable variation.

Dwelling 2 – Ground Floor showing areas of non compliance

There are non-compliant upper level rear setbacks for both Dwelling 1 and Dwelling 2. Dwelling 1 has the pedestrian entry off Beach Road however the vehicle entrance is off Surf Avenue. Due to the unusual orientation of this dwelling it is not unreasonable to consider this setback as a side setback. In addition, both dwellings are abutting the side boundary of 30 Surf Avenue to the north.
Nevertheless, 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. There are a variety of upper level setbacks along this boundary creating good articulation, this includes a large break between the two dwellings, allowing for the proposal to be read as two separate built forms along this aspect. A variety of materials and finishes further break up the proposal. It is considered that these features eliminate any concerns about unreasonable bulk and scale when viewed from the neighbouring and there are no unreasonable amenity impacts. Therefore this variation is acceptable.

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 applicant seeks permission to remove Trees 1, 2, 3, 5, 9 & 10 from the subject site and Street Tree 11.

<table>
<thead>
<tr>
<th>VPO3 protected trees</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for removal</td>
<td>Proposed for removal</td>
</tr>
<tr>
<td>1,2,3,5,9,10,11</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Trees 1, 2, 5, 9 & 11 are protected by Council’s Vegetation Protection Overlay (VPO), however their removal was approved by Council on 1 September 2015, (permit 2014/211/1 is still valid and can be acted upon), as such their removal is considered acceptable.

Trees 3 & 10 also require permission to be removed under the VPO. These trees have a low retention value due to their size, therefore their removal is also acceptable, in this instance.
It is further noted that construction is proposed in close proximity to existing vegetation located on adjoining properties. As such consideration must be given to the impact of the development upon these trees. An impact assessment is require for 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, the submitted landscape plan has been reviewed and is considered acceptable. It is generally in accordance with the Bayside Landscape Guidelines. Planting includes six coastal banksia capable of reaching a mature height of 15m with a tree canopy of 5m. A condition of permit will require that 80% of all planting is indigenous by count and species.

6.4. Street tree(s)

In respect of the Council street tree, Council’s Open Space Arborist has determined the crossover will impact two street trees along Surf Avenue to the north- a Coastal Banksia (*Banksia integrifolia*) and a Saw-tooth Banksia (*Banksia serrata*).

Council’s Open Space Arborist advises that the removal of the adjacent Costal Banksia can be supported. The Saw-tooth Banksia (*Banksia serrata*) is to be retained. A condition of permit will require there is no excavation within 2.3 metres from the base of the tree.

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.

Each dwelling will comprise 3 bedrooms with each afforded 2 car parking spaces within a double garage. The proposed on-site car parking provision satisfies the requirements of Clause 52.06-5.

The submitted plans were referred to Council’s Traffic Engineer who supported the proposal subject to conditions, which included reduction of the width of the crossovers as well as standard traffic conditions to comply with Clause 52.06 design requirements.

In addition, the plans were also referred to VicRoads for comment who support the development subject to the provision of vehicles being able to enter and exit the subject site in a forward direction.

It is considered that the proposed development will have no significant impact on traffic congestion and/or the existing on-street car parking network within Beach Road or surrounding streets and was not raised as a concern by Council’s Traffic Engineer.

6.6. Development contributions levy

The subject site is located within catchment area 22.

Based on the proposed application and the below recommendation, a payment of $2,088 is required. The payment of the development contributions will be recommended as a condition of permit.

6.7. Objector issues not already addressed

Removal of a mid-century home

Council decided to abandon its interim protection controls Amendment C158 at its Ordinary Council meeting held on 24 April 2018. As a result, the subject site is not protected, therefore concerns cannot be considered by the Planning Department as part of this application process. This is further discussed in the Planning Scheme Amendments chapter of this report.
Support Attachments

1. Advertised Plans ↓
2. Site and Surrounds ↓
3. Neighbourhood Character Assessment ↓
4. Clause 55 Assessment ↓
5. Previous Application Plans ↓
6. Landscape Plan and Arborist Report ↓
Site and Surrounds Imagery

Figure 1 Aerial overview of the site and surrounds (all other objectors are outside the aerial map area)

<table>
<thead>
<tr>
<th>Legend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
<tr>
<td>Objector(s)</td>
</tr>
</tbody>
</table>
Figure 2. Looking north towards the subject site (dwelling to the left) and 373 Beach Road (dwelling to the right).

Figure 3. Looking north towards the subject site from Beach Road.
Figure 4: Looking east to (subject site) and street tree from Surf Avenue.

Figure 4: Looking north-east to the subject site and Beach Road.
### Neighbourhood Character Precinct H4

**Preferred Future Character Statement**

The single and double storey dwellings sit within the topography and informal landscaped surrounds, including remnant and indigenous coastal trees. The variety of dwelling styles reflect the coastal setting through their design, details and finishes. An informal feel to the streetscapes is achieved by spaces around buildings, the lack of or unobtrusive style of front fencing and informal street treatments. Along Beach Road, development responds to its highly visible location on the edge of the coast by providing visually interesting forms and facades. Informal street treatments remain in those streets with no kerbing and remnant street tree planting is retained.

### Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To enhance the bayside vegetation character of the area through the planting of indigenous coastal species.</strong></td>
<td>• Prepare a landscape plan to accompany all applications for new dwellings that utilises indigenous coastal species.</td>
<td>Lack of a landscape plan. Removal of large established trees. Use of exotic species and planting of environmental weeds.</td>
<td><strong>Responds</strong>&lt;br&gt;The overall size and siting of the proposed building footprint allows reasonable landscaping opportunities within the front and rear setbacks to respect the coastal garden setting.</td>
</tr>
<tr>
<td><strong>To maintain the rhythm of spacious visual separation between buildings.</strong></td>
<td>• Dwellings should be sited to create the appearance of space between buildings and to accommodate substantial vegetation.</td>
<td></td>
<td><strong>Responds</strong>&lt;br&gt;The proposed ground and first floor elements facing Beach Road and Surf Avenue, including side setbacks are generally acceptable and maintain and respond to the rhythm of visual separation between buildings.</td>
</tr>
<tr>
<td><strong>To minimise the dominance of car parking structures and the loss of front garden space.</strong></td>
<td>• Locate garages and carparks behind the line of the dwelling. • Minimise paving in front garden areas including driveways and crossovers. • 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.</td>
<td>Car parking facilities that dominate the façade or view of the dwelling. Creation of new crossovers and driveways or wide crossovers. Front setbacks dominated by impervious surfaces.</td>
<td><strong>Responds</strong>&lt;br&gt;The location of the double garages is suitable. The garage for Dwelling 1 is accessed off Surf Avenue to the rear of the dwelling, the location of the garage to Dwelling 2 comes off Beach Road. This has helped reduce the dominance of the garages on the streetscape. There is adequate front garden for each dwelling to provide opportunity for meaningful landscaping.</td>
</tr>
<tr>
<td><strong>To ensure that new buildings and extensions do not</strong></td>
<td></td>
<td></td>
<td><strong>Responds</strong>&lt;br&gt;The dwellings are well</td>
</tr>
</tbody>
</table>

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*Page 1 of 3*
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>dominate the streetscape</td>
<td></td>
<td></td>
<td>articulated, with appropriate setbacks. They are well designed with strong vertical elements, appropriate use of materials and finishes</td>
</tr>
<tr>
<td>To encourage innovative architecture that reflects the bayside setting.</td>
<td>• New buildings should be individually designed to respond to the characteristics of the bay side location and the site.</td>
<td>Large, bulky buildings with poorly articulated front and side wall surfaces. Heavy design detailing (e.g. Masonry columns and piers). Highly reflective materials or glazing.</td>
<td>Responds The development has been well designed with modern innovative architecture, taking advantage of and responding to its location opposite the bay.</td>
</tr>
<tr>
<td>To use lighter looking building materials and finishes that complement the bayside setting.</td>
<td>• Use a mix of contemporary and traditional coastal materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</td>
<td>Period reproduction styles and detailing.</td>
<td>Responds The proposal uses a variety of material, textures and finishes. It has a contemporary response complementing the setting.</td>
</tr>
<tr>
<td>To maintain the openness of the streetscape and views to coastal garden settings.</td>
<td>• Provide open style front fencing, other than in exceptional circumstances.</td>
<td>High or solid front fencing.</td>
<td>Responds The proposal is on a corner facing a Road Zone Category 1, a high front fence is an appropriate response. The front fence has some clear elements to maintain openness.</td>
</tr>
<tr>
<td>To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting Beach Road and visible from the reserve.</td>
<td>• Where the properties front to both Beach Road and another street, ensure the dwellings present visually interesting elevations on all faces visible from the public domain.</td>
<td>Flat, poorly articulated roof forms and facades visible from the public domain. High, solid front fencing on Beach Road.</td>
<td>Responds The design has appropriately responded to both street frontages, creating interesting facades to both. The roof forms are well articulated and help create an interesting skyline. Landscaping proposed uses coastal planting with the front setback that contribute to the coastal character. Fencing is high but has clear elements along Beach Road.</td>
</tr>
</tbody>
</table>

Item 4.3 – Matters of Decision
### CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Complies</td>
<td>Refer to Attachment 3.</td>
</tr>
<tr>
<td>Design respects existing neighbour</td>
<td></td>
<td></td>
</tr>
<tr>
<td>development respects and contributes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to a preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development responds to features of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Complies</td>
<td>Refer to ‘Strategic Justification’ section of the report for an assessment of the proposal against the relevant policy context. The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.</td>
</tr>
<tr>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Complies</td>
<td>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.</td>
</tr>
</tbody>
</table>
**B5 Integration with the Street**
Integrate the layout of development with the street

Complies

The development will integrate appropriately with Beach Road and Surf Avenue. One proposed vehicle entrance is of Surf Avenue, in a similar spot to that which is existing, the other is a new one off Beach Road. Pedestrian access is designed to be connected with Beach Road and the existing pedestrian links which will maintain local accessibility.

The front fence to Beach Road is 2m, which is compliant and consistent with existing fence heights along the street. The fence along Surf Avenue is between 1.8m and 2m. The height is acceptable, consistent with the streetscape and replaces a similar height fence.

---

**CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B6 Street Setback</strong></td>
<td>Complies</td>
<td>Requirement: 7.5m – Beach Road</td>
</tr>
<tr>
<td>The setbacks of buildings from a</td>
<td></td>
<td>Proposed: Minimum of 7.5m.</td>
</tr>
<tr>
<td>street respect the existing or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>preferred neighbourhood character and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>make efficient use of the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B7 Building Height</strong></td>
<td>Complies</td>
<td>Maximum: 9m.</td>
</tr>
<tr>
<td>Building height should respect the</td>
<td></td>
<td>Proposed: 6.23m</td>
</tr>
<tr>
<td>existing or preferred neighbourhood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B8 Site Coverage</strong></td>
<td>Complies</td>
<td>Maximum: 50%</td>
</tr>
<tr>
<td>Site coverage should respect the</td>
<td></td>
<td>Proposed: 49.5%</td>
</tr>
<tr>
<td>existing or preferred neighbourhood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>character and respond to the features</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B9 Permeability</strong></td>
<td>Complies</td>
<td>Minimum: &gt;20%</td>
</tr>
<tr>
<td>Reduce the impact of stormwater run-</td>
<td></td>
<td>Proposed: 48%</td>
</tr>
<tr>
<td>off on the drainage system and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>facilitate on-site stormwater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>infiltration.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B10 Energy Efficiency</strong></td>
<td>N/a</td>
<td>N/a</td>
</tr>
<tr>
<td>Achieve and protect energy efficient</td>
<td></td>
<td></td>
</tr>
<tr>
<td>dwellings and residential buildings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure orientation and layout reduces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>fossil fuel energy use and makes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appropriate use of daylight and solar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>energy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B11 Open Space</strong></td>
<td>N/a</td>
<td>N/a</td>
</tr>
<tr>
<td>Integrate layout of development with</td>
<td></td>
<td></td>
</tr>
<tr>
<td>any public and communal open space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 4.3 – Matters of Decision Page 200 of 703</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>
| **B12 Safety**
Layout to provide safety and security for residents and property. | Complies
The pedestrian entries are clearly recognisable from the street.
Passive surveillance is achieve by the first floor living areas. |
| **B13 Landscaping**
To provide appropriate landscaping.
To encourage:
- 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
See main body 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
The access off Surf Avenue is in a similar position to the existing crossover.
A new crossover will be provided along Beach Road. VicRds are satisfied with the proposal. The driveway has been designed so that vehicles can exit the site in a forward direction.
See main body 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 provide via double garage for each dwelling.
Refer the main body of the report for further discussion. |

**CLAUSE 55.04 AMENITY IMPACTS**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **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
* The western boundary is on a corner bounding Surf Avenue, therefore side walls can be setback 2m |

| Ground floor | First Floor |
|---|---|---|---|
| Required | Proposed |
| Required | Proposed |
East (side) | 0m -2m | 1.1m - 2m | 3.34m, 3.25m | 3.34m, 3.34m
West (side) | 2m | 2m | 2m * | 2m - 2.7m
North (rear) | 0m - 3m | 0m-6.4m | 3.4m- 3.56 | 2.7m, 3m, 3.3m - 7.4m

**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
The garage for the Dwelling 1 (west) is constructed on the northern boundary. The length along the boundary is 6.51sqm, there is a maximum height of 3.25m, with an average of under 3.2m.

**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 of abutting properties in accordance with the standard.

**B20 North Facing Windows**
Allow adequate solar access to existing north-facing habitable room windows.
Complies
There are no north facing habitable room windows within 3m of the boundary.

**B21 Overshadowing Open Space**
Ensure buildings do not significantly overshadow existing secluded private open space.
Complies
Minor additional overshadowing will occur to the secluded private open space at 3pm only. The proposal fits comfortably within the standard.

**B22 Overlooking**
Limit views into existing secluded private open space and habitable room windows.
Complies
All windows and balconies within a horizontal distance of 9m are appropriately screened.

**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
Internal views have been limited by orientation or screening.

**B24 Noise Impacts**
Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.
Complies
There is no mechanical plant located immediately adjacent to existing dwellings.

**CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B25 Accessibility</td>
<td>Complies</td>
<td>Both dwellings have level entrances with bedrooms and bathrooms at ground level.</td>
</tr>
<tr>
<td><strong>B26 Dwelling Entry</strong></td>
<td>Complies</td>
<td>Each dwelling has a sense of address. Although there are high perimeter walls, there are glass pedestrian gates, providing for visible and easily identifiable entries from the street.</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>B27 Daylight to New Windows</strong></td>
<td>Complies</td>
<td>All habitable windows will open out onto a space clear to the sky.</td>
</tr>
<tr>
<td><strong>B28 Private Open Space</strong></td>
<td>Complies</td>
<td>Minimum: 25m² secluded, 40m² overall with a minimum dimension of 3 m; Balcony a minimum of 8sqm with a minimum width of 1.6m. <strong>Proposed:</strong> Both dwellings meet the requirement with generous seclude private open space to the rear at ground level and balconies exceeding the standard at first floor.</td>
</tr>
<tr>
<td><strong>B29 Solar Access to Open Space</strong></td>
<td>Complies</td>
<td>North facing secluded private open space is provided to the rear which receive excellent solar access. There are balconies facing south maximising the views over Port Philip Bay. These balconies are also dual access, to help achieve a reasonable level of solar access.</td>
</tr>
<tr>
<td><strong>B30 Storage</strong></td>
<td>N/A</td>
<td>Externally accessible storage facilities are provided.</td>
</tr>
</tbody>
</table>

**CLAUSE 55.06 DESIGN DETAIL**

<table>
<thead>
<tr>
<th><strong>Title and Objective</strong></th>
<th><strong>Complies with Standard?</strong></th>
<th><strong>Comments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B31 Design Detail</strong></td>
<td>Complies</td>
<td>The proposal responds well to the existing and preferred future character of the area. Refer to the report for discussion.</td>
</tr>
<tr>
<td><strong>B32 Front Fences</strong></td>
<td>Complies</td>
<td>Requirement: 2 metres in height along Beach Road. Proposed: 2m along Beach Road. The fence to Surf Avenue is considered to be a side boundary fence as the pedestrian dwelling entry to Dwelling 1 is accessed off Beach Road.</td>
</tr>
<tr>
<td><strong>B33 Common Property</strong></td>
<td><strong>N/A</strong></td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B34 Site Services</strong></th>
<th><strong>Complies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td>All appropriate site services have been shown on the plan.</td>
</tr>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
<td></td>
</tr>
</tbody>
</table>
ARBORICULTURAL REPORT
372 BEACH ROAD, BEAUMARIS

August 2019

PREPARED BY

Fiona Webber
Consultant Arborist
B.AppSci/AppSci
MasterUHort MELB

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2019/484/1
Date: October 2019
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<th>Table of Contents</th>
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<td>2 Objectives</td>
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<td>3 Methodology</td>
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<td>4 Observations</td>
</tr>
<tr>
<td>5 Tree Information</td>
</tr>
<tr>
<td>6 Discussion</td>
</tr>
<tr>
<td>7 Conclusion</td>
</tr>
<tr>
<td>Appendix 1:</td>
</tr>
<tr>
<td>Descriptors</td>
</tr>
</tbody>
</table>

**Bayside City Council**

**Planning and Environment Act 1987**

**ADVERTISED PLAN**

**Planning Application No.: 5/2019/484/1**

**Date: October 2019**

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**Item 4.3 – Matters of Decision**

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1 Introduction

1.1 John Patrick, consulting arborists, have been engaged by Seamus Taaffe to prepare an arboricultural report for 372 Beach Road, Beaumaris to accompany planning application 5/2019/484/1.

1.2 The subject site currently has a planning permit for removal of Trees 1, 2, 5, 9 and 11 in a Vegetation Protection Overlay Schedule 3 (Permit 5/2014/211/1), subject to a number of conditions.

2 Objectives

2.1 The intent of this report is to:

- Assess the condition of trees within the subject site and those neighbouring that may be impacted by the proposed development and estimate the extent of any impact.
- Identify any trees worthy of retention and provide preliminary arboricultural advice to assist in their protection and retention.

2.2 The report will include the following:

- Botanic / Common names
- Tree Location
- Canopy width and height
- DBH (trunk diameter)
- Tree health & structure condition
- Useful Life Expectancy (ULE)
- Tree Protection Zones (TPZ’s) in accordance with AS-4970
- Amenity value
- Arboricultural value
- Other tree characteristics of consideration.

3 Methodology

3.1 The site was visited on the 15th February 2018 and a visual assessment of the subject trees was undertaken from ground level. Each tree was assigned an identification number for reference purposes, denoted on the attached Tree Location Plan (Section 5) which is based on the existing features survey prepared for the site by Raven Land Surveyors. Ref no. 8428/01/4/8, undated.
3.2 Trees identified with a DBH of 150mm or less were not assessed in this report unless located in neighbouring properties, rare or of unusual attributes.

3.3 No aerial or diagnostic testing was undertaken as part of this assessment.

3.4 The DBH of trees was measured using a diameter tape measure at breast height according to AS-4970. In addition, trunk diameter was measured at 1.0m above the ground to allow assessment of permit requirements under planning scheme overlays.

3.5 Heights and widths of canopies were measured using a laser range finder.

3.6 Where access directly to the trees was not possible DBH, heights and widths were estimated.

4 Observations

EXISTING CONDITIONS

4.1 The subject site is located on the northern side of Beach Road. Currently it exists as a residential site with one double-storey masonry dwelling. The existing garden consists of lawn with several trees, generally around the boundary.

VEGETATION CONTROLS

4.2 An internet search of ‘Planning Maps Online’ reveals that the site and surrounds are covered by Schedule 3 to the Vegetation Protection Overlay (VPO3) of the Bayside Planning Scheme.

4.3 Under this overlay 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 (diameter of 15.9cm) at a height of 1 metre above ground level.

4.4 Bayside City Council Local Law No. 2 – Neighbourhood Amenity, April 2012 also applies to the site. Under this law a permit is required to remove or prune a tree with a single or combined trunk circumference greater than 155cm (49cm diameter) measured at one metre above ground level.

*Note: It is recommended that vegetation controls be confirmed with the local authority prior to any tree removal.
5 Tree Information

5.1 A total of 15 trees were assessed including 7 trees within or adjacent to the site, within neighboring properties or the road reserve.

5.2 No trees were assessed as having high arboricultural value. One site tree, a Coast Banksia, within the subject site was assessed as having medium arboricultural value.

Table 1: Trees assessed as having medium arboricultural value

<table>
<thead>
<tr>
<th>No.</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>TPZ (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>6.1</td>
</tr>
</tbody>
</table>

5.3 The remaining site trees of assessable size consisted of a Silky Oak, Southern Mahogany, three smaller Coast Banksia and a Willow Myrtle. These were all assessed as having low arboricultural value.

Table 2: Trees assessed as having low arboricultural value

<table>
<thead>
<tr>
<th>No.</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>TPZ (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>6.5</td>
</tr>
<tr>
<td>2</td>
<td>Eucalyptus botryoides</td>
<td>Southern Mahogany</td>
<td>7.0</td>
</tr>
<tr>
<td>3</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>3.4</td>
</tr>
<tr>
<td>4</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>3.4</td>
</tr>
<tr>
<td>5</td>
<td>Agonis flexuosa</td>
<td>Willow Myrtle</td>
<td>5.9</td>
</tr>
<tr>
<td>10</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>4.8</td>
</tr>
</tbody>
</table>

5.4 Three trees were assessed within the neighbouring property to the east, three within the neighbouring property to the north and two within the road reserve.

Table 3: Trees assessed as outside the site

<table>
<thead>
<tr>
<th>No.</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>TPZ (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Unidentified</td>
<td></td>
<td>2.0</td>
</tr>
<tr>
<td>7</td>
<td>Jacaranda minorifolia</td>
<td>Jacaranda</td>
<td>3.0</td>
</tr>
<tr>
<td>8</td>
<td>Jacaranda minorifolia</td>
<td>Jacaranda</td>
<td>3.0</td>
</tr>
<tr>
<td>11</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>5.4</td>
</tr>
<tr>
<td>12</td>
<td>Banksia serrata</td>
<td>Saw Banksia</td>
<td>3.9</td>
</tr>
<tr>
<td>13</td>
<td>Prunus cereifera 'Nigra'</td>
<td>Cherry Plum</td>
<td>2.0</td>
</tr>
<tr>
<td>14</td>
<td>Unidentified</td>
<td></td>
<td>2.4</td>
</tr>
<tr>
<td>15</td>
<td>Pseudotsuga menziesii</td>
<td>Princess Tree, Chopstick Tree</td>
<td>2.0</td>
</tr>
</tbody>
</table>
### TREE DATA

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanic Name</th>
<th>Common Name</th>
<th>Origin</th>
<th>Height x Width (m)</th>
<th>DBH (cm)</th>
<th>Trunk diameter @ 1m</th>
<th>TPZ (m)</th>
<th>Age</th>
<th>Health</th>
<th>Structural ( H )</th>
<th>Aesthetic ( \text{Val} )</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>Australian native</td>
<td>15 x 11</td>
<td>54</td>
<td>56</td>
<td>6.5</td>
<td>Mature</td>
<td>Fair</td>
<td>poor</td>
<td>Fair</td>
<td>0-10</td>
</tr>
<tr>
<td>2</td>
<td>Eucalyptus botryoides</td>
<td>Southern Mahogany</td>
<td>Victoria</td>
<td>15 x 8</td>
<td>58</td>
<td>58</td>
<td>7.0</td>
<td>Mature</td>
<td>Fair</td>
<td>poor</td>
<td>Fair</td>
<td>0-10</td>
</tr>
<tr>
<td>3</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>Indigenous</td>
<td>6 x 5</td>
<td>14, 14, 14, 15</td>
<td>20, 15, 15</td>
<td>3.4</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>20+</td>
</tr>
<tr>
<td>4</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>Indigenous</td>
<td>7.5 x 3.5</td>
<td>16, 15, 18</td>
<td>15, 15, 17</td>
<td>3.4</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>10-20</td>
</tr>
<tr>
<td>5</td>
<td>Agonis filicuroides</td>
<td>Willow Myrtle</td>
<td>Australian native</td>
<td>8 x 5.5</td>
<td>24, 23, 30, 20</td>
<td>26, 24, 32, 21</td>
<td>5.9</td>
<td>Mature</td>
<td>Fair</td>
<td>Poor</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Unidentified</td>
<td>Exotic</td>
<td></td>
<td>6 x 4</td>
<td>15</td>
<td>N/A</td>
<td>2.0</td>
<td>Mature</td>
<td>Fair</td>
<td>poor</td>
<td>0-10</td>
<td>Outside property</td>
</tr>
<tr>
<td>7</td>
<td>Jacaranda mimosa</td>
<td>Jacaranda</td>
<td>Exotic</td>
<td>7 x 6</td>
<td>25</td>
<td>N/A</td>
<td>3.0</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>0-10</td>
</tr>
<tr>
<td>8</td>
<td>Jacaranda mimosa</td>
<td>Jacaranda</td>
<td>Exotic</td>
<td>7 x 7</td>
<td>25</td>
<td>N/A</td>
<td>3.0</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>Indigenous</td>
<td>9 x 5.5</td>
<td>36, 36</td>
<td>37, 36</td>
<td>6.1</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>10-20</td>
</tr>
<tr>
<td>10</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>Indigenous</td>
<td>6 x 6</td>
<td>40</td>
<td>39</td>
<td>4.8</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>10-20</td>
</tr>
<tr>
<td>11</td>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>Indigenous</td>
<td>8 x 6</td>
<td>24, 22, 13, 28</td>
<td>N/A</td>
<td>5.4</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>10-20</td>
</tr>
<tr>
<td>12</td>
<td>Banksia serrata</td>
<td>Saw Banksia</td>
<td>Victoria</td>
<td>6 x 4</td>
<td>21, 17, 18</td>
<td>N/A</td>
<td>3.9</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>10-20</td>
</tr>
<tr>
<td>13</td>
<td>Prinus cerasifera 'Nigra'</td>
<td>Cherry Plum</td>
<td>Exotic</td>
<td>3.5 x 2</td>
<td>15</td>
<td>N/A</td>
<td>2.0</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>0-10</td>
</tr>
<tr>
<td>14</td>
<td>Unidentified</td>
<td></td>
<td></td>
<td>6.5 x 3</td>
<td>20</td>
<td>N/A</td>
<td>2.4</td>
<td>Semi-mature?</td>
<td>Fair</td>
<td>poor</td>
<td>Fair</td>
<td>20+</td>
</tr>
<tr>
<td>15</td>
<td>Ficus microcarpa</td>
<td>Chopstick Tree</td>
<td>Exotic</td>
<td>6 x 2.5</td>
<td>15</td>
<td>N/A</td>
<td>2.0</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>20+</td>
</tr>
</tbody>
</table>
Figure 1: Tree 1, Silky Oak, of low arboreal value.

Figure 2: Canopy dieback of Tree 1, Silky Oak.
Figure 3: Tree 2, Southern Mahogany has a dead central leader and canopy dieback.

Figure 4: Trees 3 (left) and 4, Coast Banksia
Figure 6: Tree S, Wilket Myrtle, has low arboricultural value.

Figure 8: Base of Tree S showing trunk structure and regrowth from lopping sites.

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2019/484/1
Date: October 2019
Figure 7: Tree 6, unidentified shrub in neighbouring property to the east (approximate centre of frame).

Figure 8: Tree 7, Jacaranda adjacent to boundary in neighbouring property to east.
Figure 9: Tree 14, unidentified tree in the neighbouring property to the north.

Figure 19: Tree 8, Jacaranda in the neighbouring property to the north.
Figure 11: Tree 9, Coast Banksia of medium arboricultural value.

Figure 12: Tree 10, Coast Banksia has been topped multiple times for powerline clearance.
Figure 13: Tree 11, Coast Banksia has been topped multiple times for powerline clearance.

Figure 14: Tree 12, Saw Banksia has been previously topped.

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2019/484/1
Date: October 2019
6 Discussion

6.1 A development of two townhouses is proposed for the site under planning. This report has been included on the basis of the following impact assessment:

- Proposed Site Plan TP-02 Rev H, August 2019
- Proposed Basement Floor Plan, TP-10, Rev. J, August 2019
- Proposed Ground Floor Plan, TP-03 Rev. J, 23 August 2019
- Proposed Garden Plan, TP-08, Rev. G, August 2019
- Prepared by Oroszvary Architects Pty. Ltd.

6.2 This report assumes that the levels, dimensions and drawings provided by the surveyors and architects named within this report are correct as these have been used as the basis for this impact assessment.

6.3 Trees 13 and 15 were not shown on the survey provided, their location on the Tree Location Plan and Impact Assessment Plan is therefore based on a visual estimation of their location. Any comments regarding the impact on these trees are approximate only.

SITE TREES

6.4 Trees 1 Silky Oak (Grevillea robusta), 2 Southern Mahogany (Eucalyptus botryoides), 5 Willow Myrtle (Agonis flexuosa) and 3, 4, 9 & 10 Coast Banksia (Banksia integrifolia) are to be removed under the proposal.

6.5 The majority of site trees requiring removal were assessed as having low arboricultural value. Tree 1, Silky Oak, contains extensive dead wood and dieback. Tree 2, Southern Mahogany, has extensive crown dieback with a large proportion of the canopy consisting of epicormic growth and is in only fair-poor health. Epicormic growth generally has poor attachment to the main stems and can often be prone to failure. Tree 3, Coast Banksia, is in fair condition but provides low amenity at its current size. Tree 4, Coast Banksia has fair-poor structure with a reduced useful life expectancy. Tree 5, Willow Myrtle, has poor structure as it is multi-stemmed from the base with basal decay. This tree has been lopped previously and the majority of the canopy is epicormic growth. This tree is likely to experience major trunk failure due to the basal decay present. Tree 10, Coast Banksia, has previously been lopped multiple times for powerline clearance, resulting in the entire canopy consisting of epicormic regrowth. Tree 10 is of an indigenous taxon, however this is not a specimen which is likely to provide high amenity or landscape value in the future as the poor structure indicates it will not develop well.

6.6 Among the site trees requiring removal is Tree 9, Coast Banksia, the only site tree assessed as having medium arboricultural value. This indigenous tree has a modified form, possibly due to previous pruning required for powerline clearance. It has codominant stems, however the union is wide, indicating that the structural stability of these stems is not compromised. This tree is to be removed under the proposal as it is within the proposed driveway of Unit 1 and removal is also required to accommodate the proposed built form. Realignment of the proposed driveway will not allow this tree to be retained as the lean of the main stems toward the south places the majority of the canopy within the first floor of the proposed building.
6.7 Under VPO3 and Bayside City Council’s Local Law no. 2 (2012), a permit will be required to remove Trees 1, Silky Oak (Grevillea robusta), 2 Southern Mahogany (Eucalyptus oreades), 3 Black Banksia (Banksia integrifolia) and 5 Willow Myrtle (Agonis flexuosa). A permit is required under VPO3 to remove Trees 4 and 10, Coast Banksia.

NEIGHBOURING TREES

Tree 6

6.8 The TPZ of Tree 6 (unidentified) within the neighbouring property to the east (373 Beach Road) extends minimally into the subject site. No impact on this tree is expected.

Tree 7

6.9 The portion of the TPZ of Tree 7, Jacaranda (Jacaranda mimosifolia) within the neighbouring property to the east (373 Beach Road), extends into a proposed side setback. Existing grade must be maintained within the portion of the TPZ of Tree 7 within the subject site.

6.10 Requirements for construction of a boundary wall within the TPZ of Tree 7 set out below in para. 6.19 must be adhered to.

Tree 8

6.11 A portion of the proposed garage of Unit 1 encroaches approximately 4% into the TPZ of Tree 8, a Jacaranda (Jacaranda mimosifolia) within the neighbouring property to the north (30 Surf Avenue). As this is less than the 10% defined as a minor encroachment under AS4970-2009 Protection of trees on development sites, this encroachment is not expected to prevent the healthy retention of Tree 8. Excavation must be limited to the footprint of the garage. Prior to soil excavation, a trench delineating the edge of the proposed garage must be dug non-destructively (by hand, hydro or air spade) under the supervision of a qualified Arborist. Any affected tree roots must be pruned back beyond the edge of excavation by the Arborist in compliance with AS 4373 (2007) Pruning of Amenity Trees. Please note that machinery will rip and pull tree roots, tearing and damaging them well beyond the point of excavation. This must be avoided.

6.12 A small portion of a proposed garden shed extends into the TPZ of Tree 8. This very small additional encroachment of less than 1% is not expected to impact on Tree 8. The remainder of the TPZ of Tree 8 within the site must be retained at existing grade. No garden bed edging which requires excavation for installation is to be used within the TPZ.

6.13 Requirements for construction of a boundary wall within the TPZ of Tree 8 set out below in para. 6.19 must be adhered to.

Tree 11

6.14 Tree 11, Coast Banksia, a street tree on Surf Avenue requires removal to allow construction of the new driveway to Unit 1. Removal of this tree will require negotiation with the Responsible Authority as it is outside site ownership. A permit would be normally be required under VPOS and the Local Law to remove this tree.
Tree 12

6.15 The TPZ of Tree 12 (Saw Banksia, Banksia serrata) is a street tree in Surf Avenue, extends minimally into the subject site. A proposed new vehicular crossover enlargement with associated works are not expected to impact on this tree, provided it is fenced for protection.

Tree 13

6.16 The location of Tree 13, a Cherry Plum (Prunus cerasifera 'Nigra') within the neighbouring property to the east, shown on the attached plans is approximate, based on site observation. Provided the portion of the TPZ within the subject site is maintained at existing grade, and requirements set out below for construction of a boundary wall within the TPZ are adhered to, works are not expected to impact on the viability of this tree.

Tree 14

6.17 The portion of the TPZ within the subject site of Tree 14, a proposed rear courtyard, must be maintained at existing grade. The requirements for a boundary wall set out below must be adhered to.

Tree 15

6.18 Based on the estimated location of Tree 15 (a developing Princess Tree/Chopstick Tree (Pseudowintera tomentosa) within neighbouring property 30 Surf Avenue), the calculated TPZ encroachment of a proposed wall on the boundary is approximately 14%. As this is a high growing and tolerant of root disturbance it is not expected that proposed works will prevent the healthy retention of this tree. It is recommended that any roots encountered during excavation for footings are cleanly cut by the Project Arborist.

Boundary wall within the TPZ of Trees 7, 8, 13 and 14

6.19 Boundary walls are proposed on the northern and eastern site boundaries. These walls are well within the TPZ of Trees 7, 8, 13 and 14 and the following requirements must be adhered to. The portion of the walls within the TPZs must be of lightweight construction (e.g. compressed board) installed above existing grade using root-sensitive footings (e.g. pier and beam). Pier or post-hole locations must be determined by exploratory hand digging under the supervision of the Project Arborist and be relocated if necessary to avoid major roots. Open trenching for strip footings is not to be undertaken within the TPZs of these trees.
7 Conclusion

7.1 A total of 15 trees were assessed, comprising 7 within the boundary and 8 outside the boundary of the neighbouring properties.

7.2 Site Trees 1, 2, 3, 4, 5, 9 and 10 will require removal to accommodate the proposed development. These have been assessed as having low arboricultural value, with the exception of Tree 9 which has medium arboricultural value.

7.3 Under VPO3 and Bayside City Council’s Local Law no. 2 (2012), a permit will be required to remove Trees 1, 2, 3, 5 and 9. A permit is required under VPO3 to remove Trees 4 and 10, Coast Banksia.

7.4 Tree 11, Coast Banksia, a street tree on Surf Avenue requires removal. This must be negotiated with the Responsible Authority.

7.5 Provided measures detailed in this report are adopted, the proposed works are not expected to negatively impact any neighbouring trees. The requirements set out in this report for the proposed boundary wall within TPZs of Trees 7, 8, 13 & 14 are vital to the ongoing viability of neighbouring trees.
### Appendix 1: Descriptors

<table>
<thead>
<tr>
<th><strong>Descriptor</strong></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tree Number:</strong></td>
<td>Refers to location of tree as per the plan at Appendix 1.</td>
</tr>
<tr>
<td><strong>Botanical Name:</strong></td>
<td>Botanical name of species, based on nomenclature and spelling used by Spencer in <em>Horticultural Flora of South Eastern Australia</em> (vol 1-5). Where <em>Eucalyptus</em> spp. are not found in this source, nomenclature is based on <em>Eucalyptus of Australia</em> (2006). Eucalypt subspecies information is also based on this source. While accurate tree identification is attempted, and uncertainties are indicated, some inaccuracies in tree identification may still be present — especially in certain, difficult to determine, genera (e.g. <em>Cotoneaster</em> and <em>Ulmus</em>) and with cultivars which can have similar characteristics. Where a doubt as to exact species is indicated, the common name and origin are based on the listed species, and would change if the species were found to be incorrect. From time to time taxonomists revise plant classification, and name changes are assigned. If it is known names have been revised post the publication of the relevant above listed source, the new nomenclature has been used.</td>
</tr>
<tr>
<td><strong>Common Name:</strong></td>
<td>Common names are based primarily on names and spelling used by Spencer in <em>Horticultural Flora of South Eastern Australia</em> (vols 1-5). The source of common names is taken in the following order: 1. Single name supplied in <em>Horticultural Flora of South Eastern Australia</em>; 2. First in list of names supplied in <em>Horticultural Flora of South Eastern Australia</em>, unless another name in the list is deemed more appropriate; 3. As per name supplied in <em>Trees of Victoria and Adjoining Areas</em>; 4. Then by best known common name if not available in either source. Common names are provided for thoroughness, the botanical name should be used when referring to the tree taxon.</td>
</tr>
<tr>
<td><strong>Origin:</strong></td>
<td>Exotic: Tree origin is from outside the Australian mainland, Tasmania or near islands. Australian Native: Origin is from within the Australian mainland or near islands, but outside Victoria. Victorian Native: Origin is from within Victoria but outside the Melbourne region. This includes trees whose native range extends beyond Victoria into other states.</td>
</tr>
</tbody>
</table>
Melbourne: Origin is from within Melbourne, as defined by plants listed in the Flora of Melbourne. This includes trees also found in the Region and those only within the area at the far extent of their range.

Locally Indigenous: Tree's range includes the local area.

Weed: Trees known to show tendencies to weasiness within Victoria. Based on the City of Knox weed list, Department of Primary Industries (Victoria) weed list and past experience. Trees with the addition of "(nox)" indicate a declared noxious weed; refer to the Department of Primary Industries website for further information.

Type:
- Broadleaf: Tree is a dicotyledon flowering plant.
- Conifer: Tree is a cone bearing non-flowering plant.
- Palm: Tree is a monocotyledon palm (that is Araceae).
- Palm Like: Tree is a monocotyledon, but is not a palm (that is not Areaceae).

Deciduous: Tree seasonally loses its leaves in Victoria.

Evergreen: Tree maintains its leaves throughout the year.

Semi-deciduous: Tree may or may not lose its leaves, or may only partially lose them.

Age:
- Juvenile: Tree is actively growing and is still in its establishment phase. Tree currently makes little contribution to the amenity of the landscape. Trees of this age are possible candidates for relocation during development.

Semi-mature: Tree is still actively growing but has reached an age and size where it is starting to make a contribution to the landscape. The size of the tree would still be expected to increase considerably given no significant changes to the current situation.

Mature: Tree growth has slowed, and the size of the tree would not be expected to increase considerably without significant changes to the current situation (e.g., vegetation removal). Tree is not exhibiting any major signs of health or structural weakness as a result of age.

Over mature: Tree is no longer actively putting out extension growth, and is starting to show decline in health or structural stability as a result of age.

Senescent: Tree is senescing. Trees in this category may not be especially large or old, but are reaching the end of their expected life, often indicated by extreme poor health.

Height: Estimate of the tree's height in metres
DBH: The tree’s trunk Diameter at Breast Height (1.4m above ground) unless specified as having been taken lower. This can be either DBH or DBH+ as specified in the report.

Stems of multi-stemmed trees may be listed individually, or a measurement given at a lower point where the tree still has one stem. In both cases typically where trees are not considered worthy of retention or stems are too numerous the DBH may simply be listed as “multi-stemmed”.

Health: The tree’s health is rated as Good, Fair and Poor as listed below. Tree ratings of Fair-Good and Fair-Poor indicate that the tree falls between the two categories. Dead trees are not given a rating, but are listed as Dead.

Ratings generally meet the following descriptions:

Good: Tree is showing no obvious signs of poor health or stress with a dense canopy that is free of dieback. Rot or pathogens are not obvious or are not considered to be a threat to the tree. Growth rates are acceptable.

Fair: Tree is showing signs of reduced health or stress. This is apparent through moderate foliage density, minor dieback, moderate stress response growth, minor to moderate rot, moderate pathogen infestation, stunted growth or a combination of the above symptoms.

Poor: Tree is showing signs of poor health and/or severe stress. This is apparent through either low foliage density, moderate to large-scale dieback, severe stress response growth, severe rot, severe pathogen infestation, failure of wounds to heal, overall tree decline or a combination of the above symptoms.

Note on Deciduous Species: Assessment of deciduous species can be problematic and results may vary depending on the time of year of assessment. Descriptor comments in relation to foliage density do not apply to deciduous trees assessed when dormant or entering or exiting dormancy. Time of leaf drop or bud burst and extent of bud swell may be considered in the health rating of these trees.

The ratings indicate that certain characteristics listed have, or have not been observed. Inspections do not assess the whole tree in detail for each characteristic. The comments category should be referred to for further information.

Structure: The tree’s structure is rated as Good, Fair and Poor. Tree ratings of Fair-Good and Fair-Poor indicate that the tree falls between the two categories.

As a general rule, the structure rating is based on the tree’s likelihood of failure. However, it must be noted that this is not a full hazard or failure assessment of the tree.
Good: Tree has no obvious structural defects and is therefore not considered likely to fail.

Fair: Tree has at least one obvious structural defect that is considered to be manageable and of only moderate failure risk or the pieces likely to fail may be small. Structural defects that may contribute to a fair rating are as follows:

- Poor branch attachment (including deadwood and large epicormics);
- Bifurcated, but with a join that is considered to be solid;
- Moderate trunk lean but without other defects;
- Minor damage to the trunk base;
- Rot or other damage starting to compromise the structure;
- History of shedding minor branches.

Poor: Tree has at least one structural defect that is severe and considered to have a relatively high risk of failure. If targets are present then defect(s) require treatment, or alternatively the tree should be removed. In some cases removal may be the only option for these trees. Structural defects that may contribute to a poor rating are as follows:

- Poor branch attachment (including deadwood and large epicormics);
- Bifurcated with swelling and/or included bark;
- Severe trunk lean associated with other defects such as injury in the plane of lean of root plate lift;
- Major damage to the trunk base or root system;
- Rot or other damage severely compromising the structure;
- History of shedding large branches.

The ratings indicate that certain characteristics listed have, or have not been observed. Inspections do not assess the whole tree in intense detail for each characteristic. The comments category should be referred to for further information.

Crown class: Symmetrical: For the most part canopy received light from all four sides and has to potential for even foliage distribution. Canopy may or may not be symmetrical, but is not suppressed.

Asymmetrical: Canopy is shaded or suppressed with one or more sides and dominant when compared to the remainder of the tree. Also includes crowns damaged by previous shading.

Intermediate: Canopy is only receiving light from top, and while shape may be even the upper portions of the canopy dominate over the lower.
Suppressed: Canopy is completely shaded by surrounding vegetation, buildings etc.

Regrowth: Canopy comprised of regrowth. This can be from the base, but also includes branches covered with moss, lichen or algae.

Trained: Canopy has been specifically trained. This includes trees that are pollarded, coppiced or espaliered.

Trees may exhibit a combination of the characteristics above (e.g. a symmetrical canopy of basal regrowth), or may fall between two categories. The characteristic listed is considered to be the best fit at the time.

Amenity value:

Very Low: Tree makes little or no contribution to the amenity value of the site or surrounding area. In some cases the tree may be detrimental to the area's amenity value (e.g. unsightly, risk of weed spread).

Low: Tree makes some contribution to the amenity value of the site, but makes no contribution to the amenity value of the surrounding area. Removal of the tree would 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.

Medium: Tree makes a moderate contribution to the amenity of the site and/or may contribute to the amenity of the surrounding area.

High: Tree makes a significant contribution to the amenity value of the site, or tree makes a moderate to significant contribution to the amenity value of the larger landscape.

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

Comments:

Any additional comments in relation to the above categories.

SULE:

The Safe, Useful, Life Expectancy of the tree from a health, structure, amenity and wellness viewpoint given no significant changes to the current situation. This category is difficult to determine, and should be taken as an estimate only, in addition to this, factors not observed at the time of inspection can lead to tree decline.

0: Tree is a hazard or a weed and should be removed immediately.

0-10: Estimated SULE of less than 10 years.

10-20: Estimated SULE of 10 to 20 years.
Recommendation: Remove: Tree is either not worthy of retention or requires removal (e.g. weed species).

Retain or Remove: Tree does not require retention or has a low retention value.

Retain if practical: Tree has a moderate retention value and should be retained if possible during any development of the site.

Notes: Dead: Tree is dead and should therefore be removed.

Good condition: Tree is worthy of retention based on its condition. Trees may still have some structural or health problems, but are generally worth retaining.

Good development potential: Tree is of a small size, but is considered to have a high potential to develop well. Retention of these trees should be considered as they should develop more quickly than new plantings.

Hazardous: Trees should be removed as it is hazardous.

Heritage tree: Tree is of heritage significance. Refer to the introduction for further information on any trees of heritage significance.

High landscape contribution: Tree is worthy of retention based on its contribution to the site or landscape (associated with amenity value).

Inappropriate location: The tree is not in an appropriate location for its species, size etc. Includes trees too large for their current location.

Juvenile – simple to replace: Tree does not have a high retention value as a similarly sized replacement specimen could be obtained. Alternatively, the tree is a candidate for relocation.

Limited life expectancy: Tree is in decline, or is expected to start to decline within a relatively short time period. As a result, it is not sensible to implement extensive tree protection measures to save the tree unless there are extenuating circumstances (e.g. outside ownership).

Low Amenity Value: Tree is unsightly, or has little potential to add to site amenity (e.g. a non-canopy fruit tree).

Outside ownership: Tree is located outside the subject site, and is therefore owned by another party. The tree may be in a neighbouring private property or fall within the council managed nature strip/road reserve.

It is assumed that the owner of the tree wishes to retain it, and the trees are listed as retain for that reason. The owner should be contacted for discussions if the removal
of the tree is wanted. Recommendation of retention of any of these trees is based solely on the above mentioned reason, and also takes into account the general worthiness for retention.

**Poor condition:** Tree’s poor condition makes it unworthy of retention.

**Rare / unusual species:** Tree is of a species, cultivar or form (trained or otherwise) which is unusual, at least in the local area, and which has some retention value (usually amenity value). Trees of this nature may also classify as a ‘heritage tree’.

**Remnant Indigenous:** The tree is a remnant indigenous specimen and therefore has environmental value. Trees of this nature, in reasonable condition are usually recommended for retention.

**Senescent:** Tree should be removed as it is dying.

**Significant tree:** The tree has been declared a significant tree by the local council, and retention is likely to be a permit requirement.

**Unlikely to develop well:** Tree is immature with a severe defect which will prevent its form developing as it should or tree has a severe defect, the correction of which will result in a tree shape that is unlikely to redvelop well.

**Weed species:** Tree should be removed due to weedy nature of the species.

**TPZ:** The Tree Protection Zone of the tree, measured as a radial distance in metres from the centre of the trunk. The TPZ is calculated using the method specified in *Australian Standard AS4970-2009 Protection of trees on development sites*.

TPZs are not listed for trees that are recommended for removal.
4.4 11 ALICIA STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2019/440/1 WARD: CENTRAL

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/43716

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Keen Planning</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>1 July 2017</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>20 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>General Residential Zone (Schedule 2)</td>
</tr>
</tbody>
</table>
| Overlays | Design and Development Overlay (Schedule 12)  
Development Contributions Overlay (Schedule 1) |
| Site area | 815.98sqm |
| Number of outstanding objections | 21 |
| Is a Development Contribution Levy applicable? | Yes - $5220 |
| Is the site located within an area of cultural heritage sensitivity? | Yes, but a cultural heritage management plan is not required. |

Proposal
The application seeks six dwellings on a lot. Key details of the proposal are as follows:

- Six Apartments – Three with 3 bedrooms and three with 2 bedrooms
- Three storeys with roof deck above (maximum height of 10.9m)
- Basement car park – Two car spaces per dwelling plus one visitor space
- Roof Deck with swimming pool
- Site coverage 56.1%
- Permeability 22.4%

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 for this site.

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.
- Clause 43.02-2 (Design and Development Overlay Schedule 12) - Construct a building or construct or carry out works not otherwise exempt.

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:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Open Space Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Drainage</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Waste</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 21 objections were received.

All objections remain outstanding at the time of this report.

The following concerns were raised:

- Neighbourhood character
- Overlooking
- Overshadowing
- Height (4\textsuperscript{th} storey/roof deck/transitional zone)
- Parking / Traffic
- Poor amenity of subterranean apartments
- Non-compliant setbacks
- Lack of landscaping
- Noise from plant equipment
- Adequacy of existing infrastructure to accommodate the proposed development.

The number of objections received for this application is consistent across Council’s
Consultation meeting

A drop in information session was held on 18 December 2019 attended by the permit applicant and 10 objectors. As a result of this meeting no objections were withdrawn. However the applicant took the comments on board and amended the plans to address some of the concerns. These changes were as follows:

**Basement**
- Relocation of a storage area to allow for larger soil volume for a canopy tree adjacent to the dwelling to the west
- Introduction of a Plant Room to accommodate plant and equipment.

**Ground Floor**
- Minor increased side boundary setbacks.

**First Floor**
- Increased boundary setback to western wall of bedroom 2 (Apartment C), from 2.0m to 2.42m
- Indent section of western wall of Apartment D to 3.45m.

**Second Floor**
- The size of the main balcony facing the street decreased to increase western side boundary setback from 2m to 2.42m
- Western balcony separated into two smaller balconies
- Increased setback of eastern balcony
- Addition of planters to the balconies with obscure glazing.

**Roof Deck**
- Cut back of north western section of the roof
- Setback to western property boundary increased from 3m to 4.42m-5.02m.

These changes have generated:
- A minor reduction of site coverage, which has led to increased garden area and permeability
- Reduction of building bulk that present to adjoining dwellings
- Increased compliance with B17
- Reduced the extent of overshadowing to the private open space of 9 Alicia Street
- Increased area for deep soil planting.

The amended plans did not undergo readvertising as the changes served only to reduce amenity impact rather than create any new issues.

4. **Recommendation**

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/232/1 for the land known and described as **11 Alicia Street, Hampton**, for the **Construction of a three storey apartment building** 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 amendment) prepared by Wolf Architects, date 10 February 2020, but modified to show:

   a) Plans amended to show full compliance with Standards B6 and B17 of ResCode.
   b) Aisle width and length of bays annotated on the plan, showing full compliance with clause 52.06.
   c) All column locations within the basement annotated on the plan, showing full compliance with clause 52.06.
   d) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
   e) Submission of Water Sensitive and Sustainability report submitted with the application (no changes required).
   f) A Landscaping Plan in accordance with Condition 9 of this permit.
   g) Provision of an Arboricultural Impact Assessment Report in accordance with Condition 12 of this permit.
   h) Tree Management and Protection Plan in accordance with Condition 13 of this permit.
   i) Waste Management Plan is accordance with Condition 19.
   j) A Construction Management Plan in accordance with Condition 20 of this permit.
   k) Development contributions in accordance with Condition 24 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 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.

Water Sensitive and Sustainable Urban Design

8. The water sensitive and sustainable urban design methods / treatments as detailed in the Sustainable Design Assessment, Report 2019-1804-SDA, prepared by Ecoresults must be implemented and maintained at all times.

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 concept plans drawn by John Patrick, reference LTP01 and LTP02 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) Changes to the development plans submitted under section 57A.
   b) The Acer and Pyrus trees to be replaced with indigenous sandbelt trees.
   c) Walls in front setback are to be of root sensitive design.
   d) 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.
   e) 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.
   f) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
   g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
   h) Details of surface finishes of pathways and driveways.

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


   The report will explain design and construction methods proposed to minimize impacts on trees to be retained trees (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

   These outcome of this report will inform the following provision:

Tree Management Plan and Tree 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.

The applicant must undertake measures to ensure that all contractors, subcontractors and tradespersons operating on the site are aware of the contents of this report.

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 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.

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.

14. Any modification to the Tree Management Report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

15. All actions and measures identified in the Tree Management Report must be implemented.

16. 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

17. 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. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

18. 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 the any 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.

**Waste Management Plan**

19. Before the endorsement of plans, a 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, and include:

   a) Dimensions of storage waste areas.
   b) Storm water drains in storage areas should be fitted with a litter trap.
   c) The number and size of bins to be provided.
   d) Facilities for bin cleaning.
   e) Method of waste and recyclables collection.
   f) Types of waste for collection, including colour coding and labelling of bins.
   g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
   h) Method of hard waste collection.
   i) Method of presentation of bins for waste collection.
   j) Sufficient headroom within the basement to accommodate waste collection vehicles.
   k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
   l) Strategies for how the generation of waste and recyclables will be minimised.
   m) Compliance with relevant policy, legislation and guidelines.

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**

20. Prior to commencement of any building works a Construction Management Plan (CMP) prepared 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 form part of this permit. The plan must provide for (but not limited to):

   a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
   b) Works necessary to protect road and other infrastructure.
   c) Remediation of any damage to road and other infrastructure.
   d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
   e) Facilities for vehicle washing, which must be located on the land.
f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.

g) Site security.

h) Management of any environmental hazards including, but not limited to:
   i) contaminated soil and ground water;
   ii) materials and waste;
   iii) dust;
   iv) stormwater contamination from run-off and wash-waters;
   v) sediment from the land on roads;
   vi) washing of concrete trucks and other vehicles and machinery;
   vii) spillage from refuelling cranes and other vehicles and machinery.

i) The construction program.

j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.

k) Parking facilities for construction workers.

l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan.

m) An outline of requests to Council/Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services.

n) 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 experienced.

o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
   i) using lower noise work practice and equipment;
   ii) the suitability of the land for the use of an electric crane;
iii silencing all mechanical plant by the best practical means using current technology;
iv fitting pneumatic tools with an effective silencer;
v other relevant considerations; and
vi any site-specific requirements.

During the construction:
q) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.
r) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.
s) Vehicle borne material must not accumulate on the roads abutting the land.
t) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.
u) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority

Drainage

21. 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.
22. 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 Projects Department.
23. 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.

Development Contributions

24. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of $5220 in accordance with 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.

Undergrounding of all Basic Services
25. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

**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 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'.
- 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 2017-2021**

   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 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
- Ensure new development responds to preferred neighbourhood character in activity centres.

**Bayside Planning Scheme**

- Clause 11 Settlement
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.07 Economic Development
- Clause 21.09 Transport and Access
- Clause 21.10 Infrastructure
- Clause 21.11 Local Areas (Hampton Street Major Activity Centre)
- Clause 22.06 Neighbourhood Character Policy (Precinct F1)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.08 General Residential Zone (Schedule 2)
- Clause 43.02 Design and Development Overlay (Schedule 12)
- Clause 45.05 Development Contributions Plan Overlay
- 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. **Strategic Justification**

State Planning Policy Framework supports the intensification of development in and around public transport nodes and in activity centres.

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’.

Subsection 1 of Clause 21.03 relates specifically to Activity Centres, of which Hampton Street Major Activity Centre is identified as one of four 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:

- Encourage redevelopment of larger sites for higher density residential dwellings.
- Discourage the replacement and construction of single dwellings.

The Local Areas policy (Clause 21.11-4) contains a subsection relating specifically to the Hampton Street Major Activity Centre. Policy seeks to increase the number, and variety of dwelling types through the redevelopment of sites for higher density living. The subject site is designated for three storeys in Map 1 to Clause 21.11-4.

The themes contained in Clause 21 are further reinforced through 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)

6.2. Design and Development Overlay Schedule 12

The subject site is covered by Schedule 12 to the Design and Development Overlay, that 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 E in Map 1 at subsection 5, where the maximum building height is 12m (3 storeys). Evidence of this is detailed below:

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Preferred building height</th>
<th>Maximum building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>18.5m (6 storeys)</td>
<td>-</td>
</tr>
<tr>
<td>B</td>
<td>13.5m (4 storeys)</td>
<td>-</td>
</tr>
<tr>
<td>C</td>
<td>11.0m (3 storeys)</td>
<td>-</td>
</tr>
<tr>
<td>E</td>
<td>-</td>
<td>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</td>
</tr>
<tr>
<td>E1</td>
<td>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</td>
<td>-</td>
</tr>
<tr>
<td>F</td>
<td>-</td>
<td>11.0m (3 storeys) The 3rd storey level must be an attic</td>
</tr>
</tbody>
</table>

With a maximum height of 10.9m and three storeys, the proposed development complies with the maximum height requirements as stipulated under the overlay. Due to the slope of the site being greater than 2.5 degrees the maximum height allowed is 12m.

Under this schedule a roof deck means an area designed and used as private open space and is located above the upper storey of a building. Consequently the roof deck and associated access structure are not considered a fourth storey.
In addition to the maximum height requirements, under the heading ‘Residential Precincts’ at section 2.0, there is a requirement for development to comply with the setback requirements of Clause 55, except for the second floor that should be setback 4.0m behind the front wall of the floor immediately below.

With regard to the 4.0m second floor setback, the proposed building has been setback 4m which complies with the standard requirement (in fact it well exceeds this requirement at the western half of this level)

The roof deck meets the requirements set out within the schedule. It is designed to integrate with the style and form of the building. The roof deck is setback a minimum of 2m from the roof below, being a minimum of 7.1m from the western boundary, 6.4m from the eastern boundary, 8m from the rear boundary and 14.9m from the street frontage. In light of these generous setbacks, it will have negligible visual impact. The roof deck access structure has no enclosed useable floor space and does not exceed 2.4m.

The proposal is on the edge of the General Residential Zone (GRZ), with the dwellings on the south side of Alicia Street being in the Neighbourhood Residential Zone (NRZ). The Map to DDO12 shows the northern part of Alicia Street as hatched representing “Transitional Building Heights”. It is important to note that this transition is not to suggest that only two levels should be proposed, as two levels are already allowed (and are common place) in the NRZ itself.

The proposal appropriately achieves this transition through its two storey presentation at the rear, and generous setbacks from the front boundary (further noting strong compliance with side setbacks requirements). The slope and cut of the land has minimised the building height, where the maximum height allowed is 12m, the proposal is only 10.9m (which is to the centre of the site). Generous areas of soil volume exist within the front and rear setbacks, allowing for a variety of plantings including numerous canopy trees to soften the proposed built form.

All things considered, the proposed building has been adequately designed so as not to unreasonably overwhelm the streetscape when viewed from the south (and other neighbouring interfaces), achieving the intended transition envisaged under this overlay.

6.3. Neighbourhood character

As a starting point, it must be acknowledged that the site is located within the Hampton Street Major Activity Centre and is covered by the DDO12, where high density development is encouraged.

In achieving the objectives of the relevant policies that seek more intense development on this site (as has been discussed previously), there will clearly be a blatant contrast in character between those buildings constructed under the current planning controls (or those being assessed like this current proposal) and the existing housing stock that was built many years ago under a very different planning regime.

This is acknowledged at the introductory sections of Council’s Neighbourhood Character Policy (Clause 22.06), including:

Objective points 3 and 4 at clause 22.06-2 that state:

- To recognise the need for change around activity centres while respecting the desired future character of the area.
- To recognise the need for new or additional Design Objectives and Design Responses for areas affected by structure planning outcomes and Melbourne 2030 housing objectives.

Furthermore, at the Policy section in Clause 22.06-3 (headed ‘Exercising Discretion’), it is stated that (underlined for emphasis):
Where a permit is required to develop or subdivide land in residential areas it is policy to take into account:

- **The preferred future character and the precinct guidelines including objectives, design responses and avoid statements for each precinct as described in this policy.**

- **The extent to which the characteristics of the built and natural environment in the immediate vicinity of the site may determine a preferred future character that is different from that applying to the remainder of the precinct in which the site is located.**

- **Whether the site is located within a residential opportunity area as shown on the Strategic Framework Plan of the Municipal Strategic Statement and the extent to which this may alter the relevance of the design responses to consideration of the proposal.**

The underlined section above applies to the development under consideration, and the relevance of the Neighbourhood Character Precinct F1 is diminished by the site’s inclusion in the Hampton Street Activity Centre and the DDO12.

Failure to acknowledge such a contradiction would result in an assessment whereby one would effectively ‘have one foot on the accelerator and one foot on the break’. i.e., the intensive development sought under the DDO12 (and various other State and Local Policy) would be severely restricted by the objectives of Clause 22.06 (Neighbourhood Character Policy) that effectively requires development to respect the surrounding, largely single and double storey housing stock.

Notwithstanding the above, an assessment has been undertaken against Neighbourhood Character Precinct F1, and a high level of compliance has been achieved with the preferred future character statement and precinct guidelines as contained in **Attachment 3.**

The proposed development contains generous areas of landscaping for a development of this type, allowing for an appropriate natural frame of the building. Car parking is located at basement level and would be largely hidden from the public realm. The building contains good levels of articulation and would not unreasonably overwhelm any of the adjacent properties.

6.4. **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)**

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor</td>
<td>8.3m</td>
<td>8.8m – 10.8m</td>
<td>No variation</td>
</tr>
<tr>
<td>First Floor</td>
<td>8.3m</td>
<td>8.2m – 9.2m</td>
<td>0.1m</td>
</tr>
</tbody>
</table>

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 area of noncompliance is in the southwest corner of the building. This is an architectural feature, the wall and glazing is behind that. The variation of only 0.1m is considered insignificant, particularly given the remainder of the building that well exceeds the required setback.
Notwithstanding the above, a condition has been placed on the permit to achieve full compliance with this standard.

**Side and Rear Setbacks (Standard B17)**

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
<th>Second Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Proposed</td>
<td>Required</td>
</tr>
<tr>
<td>East (side)</td>
<td></td>
<td>East (side)</td>
</tr>
<tr>
<td>F to B</td>
<td>1m, 1m, 1m</td>
<td>1m, 2.2m, 1.82m, 2.4m</td>
</tr>
<tr>
<td>West (side)</td>
<td></td>
<td>West (side)</td>
</tr>
<tr>
<td>F to B</td>
<td>1m, 1m, 0m</td>
<td>1m, 1.2m, 3.6m, 0.1m</td>
</tr>
<tr>
<td>North (rear)</td>
<td></td>
<td>North (rear)</td>
</tr>
<tr>
<td>L to R</td>
<td>1m, 1m, 1m</td>
<td>1m, 3.8m, 3.5m, 3.9m</td>
</tr>
</tbody>
</table>

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

As can been seen from the table above the majority of the building well exceeds the minimum setbacks, in some instance the building is setback almost 2-3m further back than that which is required.

There are two areas of negligible non-compliance, in both instances by only 30cm. There is a small element on the south western corner along the side and to the rear it is a small portion of the north eastern corner. It is not considered that they would not cause any material detriment.

The proposed setbacks are overall very generous, exceeding requirements, again emphasising how the proposal appropriately and respectfully transitions from the Neighbourhood Residential Zone to the south.

Notwithstanding the above, a condition has been placed on the permit to achieve full compliance with this standard.

**6.5. Landscaping**

The application plans show the removal of 15 trees from the site, including 13 native trees. All trees on site are of low quality, by way of poor health, structure, species or a combination of these factors. The application does not propose to remove any trees protected by the Local Law, and any other planning mechanism such as Council’s Neighbourhood Character Policy.

<table>
<thead>
<tr>
<th>Trees that align with the NCP?</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
<td>Proposed for removal</td>
</tr>
<tr>
<td>Proposed for retention</td>
<td>Proposed for retention</td>
<td>Proposed for retention</td>
</tr>
</tbody>
</table>
N.B. The row of eight banksia were not assigned a number. Council’s Arborist refers to this group of trees as ‘X’.

The table below identifies trees that align with the Neighbourhood Character Policy (NCP), protected by the Local Law and those which are not protected by any statutory mechanism. Removal of all site trees is supported as they are not protected by Local Law mechanisms and/or have low amenity.

Tree Nos. 3, 13, 14, 15 and 16 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 Arboricultural Impact Assessment Report is required which will inform the provision of a Tree Management Report and Tree Protection Plan and to be submitted to ensure these trees remain viable both during and post construction. Conditions to this effect are 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 acceptable. The landscape plan is in generally in accordance with the Bayside Landscape Guidelines, however the Acer and Pyrus trees should be replaced with indigenous sand belt trees to be more in line with neighbourhood character. Furthermore the proposed walls which are to be setback 3m from the street frontage need to be of a root sensitive design. These can be dealt with by Conditions of permit if one is to issue.

### 6.6. Street tree(s)

Council’s Street Tree Arborist has advised that the street tree will not be affected by the design but will require protection during the demolition and construction. Protection of street tree asset can be dealt with by condition of permit if one is to issue.

### 6.7. 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.

The development comprises 3 x three bedroom dwellings and 3 x two bedroom dwelling. A total of 9 car parking spaces are therefore required for the dwellings (and one visitor space). Two car spaces have been provided for each dwelling totalling 12 car spaces and one visitor space exceeding the statutory requirements.

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 aisle width length of bays and column location annotated on the plans. These will be included as conditions if a permit was granted.

Concerns have been raised in relation to increased car parking congestion however it is considered that the proposed development will not unreasonably impact on the car parking network in the street. In addition, car parking congestion was not raised as a concern by Council’s Traffic Engineer.

### 6.8. Cultural Heritage Management Plan

The subject site is located within an area of cultural heritage sensitivity. However, pursuant to Section 10 of the Aboriginal Heritage Regulations 2018, the construction of three or more dwellings is an exempt activity if the lot is not within 200 metres of the
coastal waters of Victoria, any sea within the limits of Victoria or the Murray River and the lot is less than 0.11 hectares in area. As the site is more than 200 metres from the coastal waters of Victoria and less than 0.11 hectares in area, the construction is an exempt activity. Therefore, a cultural heritage management plan is not required in this instance.

6.9. Development contributions levy

The subject site is located within catchment area 12.

Based on the proposed application and the below recommendation, a payment of $5220 is required. The payment of the development contributions is included as a condition of permit.

6.10. Objector issues not already addressed

Poor amenity of subterranean dwellings

Apartments A and B are built partially below natural ground level, this is mainly to do with the fall of the land. See elevations below, the red dotted line represents the natural ground level.

As part of the request for further information, prior to advertising, Council Officers required a Day Light Assessment to be provided to demonstrate that the ground floor apartments (Apartments A and B) exceed minimum best practice. Following the initial assessment the applicant amended the plans accordingly.

The requirement is for 80% of rooms to exceed Sustainable Design Assessment in the Planning Process (SDAPP) daylight factor requirements. Dwelling A and B now have 88% compliance.

Both secluded private open space areas for these apartments receive satisfactory levels of solar access on equinox.
Adequacy of existing infrastructure to accommodate the proposed development

Concerns were raised in the objections the impact of the development on infrastructure. The site owner will be required to address infrastructure servicing demands of the additional dwelling as stipulated by service agencies at the time of either subdivision or connection of the development including any service authority requirements to contribute to the cost of upgrading trunk infrastructure.

Support Attachments

1. Decision Plans ↓
2. Site and Surrounds ↓
3. Neighbourhood Character Assessment ↓
4. Clause 55 Assessment ↓
Item 4.4 – Matters of Decision
Item 4.4 – Matters of Decision

Attachment 1

Preliminary Issue for Town Planning Application

Apartment B shadows 9am on 21st September

Apartment B shadows 10am on 21st September

Apartment B shadows 11am on 21st September

Apartment B shadows 12pm on 21st September

Apartment B shadows 1pm on 21st September

Apartment B shadows 2pm on 21st September

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ATTACHMENT 2
Site and Surrounds Imagery

Figure 1. Aerial Overview of subject site.

<table>
<thead>
<tr>
<th>Legend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
<tr>
<td>Objectors</td>
</tr>
</tbody>
</table>

NB: Remaining objectors locate beyond this map.
Figure 2: The subject site as viewed from Alicia Street
Figure 3: Properties at 9 Alicia Street
Figure 4: Property at 13 Alicia Street
**Neighbourhood Character Precinct F1**

**Preferred Future Character Statement**

The dwellings, including a continued frequent presence of pre WWII dwellings, sit within garden settings. Buildings are occasionally built to the side boundary, however the impression of the streetscape is of informality and openness due to the open front fencing, and well articulated building designs. Buildings and gardens are clearly visible from the street despite the presence of front fences, and these are appropriate to the building era. Buildings fronting the foreshore reflect their setting and provide a visually attractive built form interface with the reserve.

**Precinct Guidelines**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals. | • Attempt to retain wherever possible intact and good condition dwellings that contribute to the valued character of the Precinct in designing new development.  
• Alterations and extensions should retain the front of these dwellings and be appropriate to the building era. | Demolition of dwellings that contribute to the valued character of the Precinct. | Responds Comments  
The application does not propose to remove any heritage building. |
| To maintain and enhance the garden settings of the dwellings, and enhance the bayside vegetation character. | • Retain established trees and vegetation.  
• Replace any trees removed with species that will grow to a similar height.  
• Encourage replanting of indigenous sandbelt vegetation.  
• Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs, and indigenous coastal vegetation. | Lack of landscaping and substantial vegetation.  
Removal of trees.  
Planting of environmental weeds. | Responds Comments  
The proposed provision of landscaping would be adequate including substantial trees and shrubs. The application has demonstrated that sufficient space will be available for the planting of canopy trees around the building, within the side and rear setbacks. |
| To ensure the building setbacks reflect the existing spacious visual separation of buildings and contribute to the informality of the dwelling setting. | • 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. | Loss of front garden space. | Responds Comments  
The proposed building layout including sufficient spaces around the building for planting in order to maintain the rhythm of spacious visual separation between buildings. |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To minimise the loss of front garden spaces and the dominance of car parking structures. | • 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 dominate the façade and the front setback area is retained as predominantly garden space. | Car parking structures that dominate the façade or view of the dwelling.                                                                                                                                 | Responds  
Comments  
It is noted that car parking is proposed to be located at basement level, accessed from Alicia Street which only provides one vehicular crossover per typical site frontage, it is encouraged by current policy. |
| To ensure that new buildings and extensions do not dominate the streetscape.     | • Recess second storey elements from the front façade.                                                                                                                                                        | High pitched or mansard roof forms with dormer windows.                                                                                                                                               | Responds  
Comments  
The subject site is covered by DDO12 which provide design guidelines for future developments in the area. Whilst the proposal’s first floor overhangs the ground it is well articulated breaking up the bulk. The proposed second floor has been designed with a 4m front setback which complies with the preferred neighbourhood character. |
| To respect the identified heritage qualities of adjoining buildings.         | • Where adjoining an identified heritage building, respect the height, building forms, siting and materials, in the new building design.  
• Incorporate a variety of timber or other non-masonry wall materials where possible.  
• Heavy materials and design detailing (e.g. Large masonry columns and piers). | Large bulky buildings with flat, poorly articulated front wall surfaces.                                                                                                                                 | Responds  
Comments  
No heritage building adjoins subject site.  
The proposed development adopts a number of materials including renders, concrete finish, brick and other metal claddings. The proposed colour scheme is light and simple with appropriate material verifies which respects the existing neighbourhood character. |
<p>| To reflect the tightness of the streetscape created through the use of a mix of appropriate building materials and finishes. |                                                                                                                                                                                                            |                                                                                                                                                                                                       |                                                                                                                                                                           |</p>
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain the openness of the streetscape and views to the dwellings.</td>
<td>- Provide open style front fences, other than along heavily trafficked roads.</td>
<td>High, solid front fencing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>- Front fence style should be appropriate to the building era.</td>
<td></td>
<td>Comments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The proposed 1.5m high front fence respects the existing fences along the street. The proposed fence is open style and setback 3m from the front setback to allow for substantive planting.</td>
</tr>
<tr>
<td>To create a visually interesting and attractive built form interface with the foreshore reserve.</td>
<td>- 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.</td>
<td>Buildings that have no relationship to the foreshore setting. Poorly articulated roof and building forms. Highly reflective materials or glazing.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>- Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, non-masonry sheeting, glazing, stone and brick.</td>
<td></td>
<td>Comments</td>
</tr>
<tr>
<td></td>
<td>- Provide articulated roof forms to create an interesting skyline when viewed from the beach.</td>
<td></td>
<td>The proposed development does not have any adjoining interface with any foreshore reserve.</td>
</tr>
<tr>
<td>Title and Objective</td>
<td>Complies with Standard?</td>
<td>Comments</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Complies</td>
<td>Refer to Attachment 2.</td>
<td></td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Complies</td>
<td>Refer to ‘Strategic Justification’ section of the report for an assessment of the proposal against the relevant policy context. The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.</td>
<td></td>
</tr>
<tr>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Complies</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Provides appropriate utility services and infrastructure without overloading the capacity.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **B6 Street Setback**                                    | Variation                | Requirement: 8.3m  
Proosed: 8.8m – 10.8m at ground floor and 8.2m – 9.2m at first floor.  
See section 6.4 of the Report |
| **B7 Building Height**                                   | Complies                 | Maximum: 12m.  
Design and Development Overlay,  
Schedule 12 also identifies a height of 3 storeys excluding an attic and basement.  
Proposed: 10.9 metres (3 storeys) |
| **B8 Site Coverage**                                     | Complies                 | Maximum: 60%  
Proposed: 56.7% |
| **B9 Permeability**                                      | Complies                 | Minimum: >20%  
Proposed: 22.4% |
| **B10 Energy Efficiency**                                | N/a                      | N/A |
| **B11 Open Space**                                       | N/a                      | N/A |

The development will integrate appropriately with Alicia Street. The proposed vehicle entrance to basement and pedestrian access is designed to be connected with Alicia Street and the existing pedestrian links which will maintain local accessibility.  
The proposed open style front fence height at 1.5m (which is setback 3m from the street) is an acceptable height which respects to existing fence heights along the street.
<table>
<thead>
<tr>
<th>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</th>
<th>Complies</th>
<th>The pedestrian entry point to the lobby is clearly recognisable from the street. The central lobby provides access to all apartments, not only is there passive surveillance from the street but it will be overlooked by numerous windows from the apartments above.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B12 Safety</strong> Layout to provide safety and security for residents and property.</td>
<td>Complies</td>
<td>See main body of the report for further discussion.</td>
</tr>
</tbody>
</table>
| **B13 Landscaping** To provide appropriate landscaping. To encourage:  
  - 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 | An appropriate access off Alicia Street to basement parking has been provided. Standard traffic conditions are included as permit conditions. See main body 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 | On site car parking is provided in the form of a basement carpark. Standard traffic conditions are included as permit conditions. Refer the main body of the report for further discussion. |

**CLAUSE 55.04 AMENITY IMPACTS**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B17 Side and Rear Setbacks</strong> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</td>
<td>Variation</td>
<td>Refer to the report.</td>
</tr>
<tr>
<td>Ground floor</td>
<td>First Floor</td>
<td>Second Floor</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Required</td>
<td>Proposed</td>
<td>Required</td>
</tr>
<tr>
<td>East (side)</td>
<td>1m, 1m, 1m</td>
<td>1m, 1.2m, 1.82m, 2.4m</td>
</tr>
<tr>
<td>West (side)</td>
<td>1m, 1m, 0m</td>
<td>1.2m, 3.8m, 0.1m</td>
</tr>
<tr>
<td>North (rear) L to R</td>
<td>1m, 1m, 1m</td>
<td>3.9m, 3.5m, 3.9m</td>
</tr>
</tbody>
</table>

**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

The wall of Master Bedroom of Apartment A is on the western boundary. The length of the wall is 4.2m which complies, the maximum length allowable is 19.5m.

Due to the cut of the site the boundary wall only has a maximum height of 1.5m above ground level, which is fully compliant.

**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 of abutting properties in accordance with the standard.

**B20 North Facing Windows**

Allow adequate solar access to existing north-facing habitable room windows.

Complies

There are no north facing habitable room windows within 3m of the boundary.
### B21 Overshadowing Open Space

Ensure buildings do not significantly overshadow existing secluded private open space.

| Complies | Some additional overshadowing will occur over the adjoining lots to the west and east. By 10am on 21st September the overshadowing will only have marginally increased from that which exists, to the west. From 11am there is no increase of overshadowing. To the east there is no increased overshadowing until 2pm, it then is only marginal to the driveway and front garden area, as well as a very small area of deck to the rear. By 3pm there is a slight increase in overshadowing to the rear SPOS, which includes the pool, which was already substantially in shadow, and a portion of the verandah. However, this is still fairly insignificant in comparison to the actual area of open space and the existing conditions. There is no substantial increase of overshadowing to the abutting dwellings and it fits comfortably within the standard. |

### B22 Overlooking

Limit views into existing secluded private open space and habitable room windows.

| Complies | All windows and balconies within a horizontal distance of 9m are appropriately screened. Deep planter boxes have also been used along the eastern and western boundaries to improve privacy and soften the edge of the building. |

### 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 | Internal views have been limited by orientation or screening. |

### B24 Noise Impacts

Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.

| N/A | N/A to apartment application |

---

### CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B25 Accessibility</td>
<td>N/A</td>
<td>N/A to apartment application</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Consider people with limited mobility in the design of developments.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B26 Dwelling Entry</th>
<th>N/A</th>
<th>N/A to apartment application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a sense of identity to each dwelling/residential building.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B27 Daylight to New Windows</th>
<th>Complies</th>
<th>All habitable windows will open out onto a space clear to the sky.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow adequate daylight into new habitable room windows.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B28 Private Open Space</th>
<th>Complies</th>
<th>Minimum: 25m² secluded, 40m² overall with a minimum dimension of 3m; or A Balcony of 8sqm with minimum width of 1.6m; or A roof top area of 10sqm with a minimum width of 2m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide reasonable recreation and service needs of residents by adequate private open space.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Apartment</th>
<th>Garden</th>
<th>Balcony/Roof Deck</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>96sqm</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>111sqm</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>30sqm</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>44sqm</td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>8sqm</td>
<td></td>
</tr>
<tr>
<td>F</td>
<td>200sqm</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B29 Solar Access to Open Space</th>
<th>Complies</th>
<th>Dwellings A and B at ground level have north facing SPOS as well as terraces to the east and west respectively and to the south. Apartment C has a balcony, D and E have terraces either to the east or west. Apartment D has a large terrace and 2nd floor level which faces south, however has open aspect to the east and west. In addition Apartment D has a roof deck/terrace. All apartment deliver a good level of solar access to their secluded private open space.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow solar access into the secluded private open space of new dwellings/buildings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B30 Storage</td>
<td>N/A</td>
<td>N/A to apartment application (dealt with at Standard B44)</td>
</tr>
<tr>
<td>-------------</td>
<td>-----</td>
<td>---------------------------------------------------------</td>
</tr>
</tbody>
</table>

**CLAUSE 55.06 DESIGN DETAIL**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B31 Design Detail</td>
<td>Complies</td>
<td>Refer report for discussion.</td>
</tr>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B32 Front Fences</td>
<td>Complies</td>
<td>Requirement: 1.5 metres in height. Proposed: 1.5 metres in height and setback 3m from the front boundary.</td>
</tr>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B33 Common Property</td>
<td>Complies</td>
<td>All areas of common property have been designed to clearly delineate public, communal and private areas. Common property is functional and capable of efficient management.</td>
</tr>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B34 Site Services</td>
<td>Complies</td>
<td>All appropriate site services have been shown on the plan.</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CLAUSE 55.07 APARTMENT DEVELOPMENTS**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard B35 Energy efficiency objectives</td>
<td>Complies</td>
<td>The living areas and private open space have been located to maximise solar access. Due to the north south orientation of the site there has been limited impact in regard to the energy efficiency of existing dwellings. All dwelling are rated below the maximum cooling load in Table B4 of 21MJ/sqm The NathHERS star rating is 7 stars for this development with 6 Stars being the benchmark for this climate zone</td>
</tr>
<tr>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard B36 Communal open space</td>
<td>N/A</td>
<td>This standards relates to developments with 40 or more dwellings.</td>
</tr>
<tr>
<td>To ensure that communal open space is accessible, practical, attractive,</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
easily maintained and integrated with the layout of the development.
Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 sq metres per dwelling or 250 sq metres, whichever is lesser.

<table>
<thead>
<tr>
<th>Standard B37 Solar access to communal outdoor open space</th>
<th>N/A</th>
<th>There is no communal outdoor open space provided within this development.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Standard B38 Deep soil areas and canopy trees objective</th>
<th>Complies</th>
<th>5% of the site area with a minimum dimension of 3 metres has been provided. Trees are proposed within the front and rear setbacks as well as along the western boundary.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Standard B39 Integrated water and stormwater management</th>
<th>Complies</th>
<th>The supporting SMP Report demonstrates that the proposal has a 100% STORM rating.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Standard B40 Noise impacts</th>
<th>Complies</th>
<th>A plant and equipment room is provided in the basement of the development, to protect existing residents for external and internal noise sources.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Standard B41 Accessibility</th>
<th>Complies</th>
<th>Requirement: 50 per cent of dwellings should have:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>• A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• A main bedroom with access to an adaptable bathroom.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.</td>
</tr>
</tbody>
</table>

---
<table>
<thead>
<tr>
<th>Standard B42 Building entry and circulation</th>
<th>Proposed: 4 of 6 (66%) of the proposed dwellings meet this standard.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide each dwelling and building with its own sense of identity.</td>
<td></td>
</tr>
<tr>
<td>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</td>
<td></td>
</tr>
<tr>
<td>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</td>
<td></td>
</tr>
<tr>
<td>Complies</td>
<td>The building entry and foyer area provides a clearly identifiable area which benefits from direct solar access and natural ventilation. Stair access is provided internally to the dwellings.</td>
</tr>
</tbody>
</table>

| Standard B43 Private open space above ground floor | Requirement: An area of 16 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or a balcony with an area of 12m² with a minimum dimension of 2.4 metres. |
| Complies | Proposed: Only Apartments C and F have above ground SPOS, they both comply with standard in terms of size. |
| To provide adequate private open space for the reasonable recreation and service needs of residents. |

| Standard B44 Storage | Each dwelling provides at least 18 cubic metres of storage with at least 12 cubic metres located within the apartment |
| Complies | |
| To provide adequate storage facilities for each dwelling. |

| Standard B45 Waste and recycling | The proposal provides for appropriate and conveniently located areas for waste collection on site. A waste management will be conditioned for implementation of on-site private waste collection services. |
| Complies | Requirement: Bedrooms should provide for a main bedroom with a minimum dimensions of 3mx 3.4m. All other bedrooms should have a minimum dimension of 3m x 3m. 2 or more bedroom dwellings should have a minimum living area width of 3.6m with a minimum area of 12m². |
| Proposed: All apartments comply with the minimum widths and area. |
| To ensure dwellings are designed to encourage waste recycling. |
| To ensure that waste and recycling facilities are accessible, adequate and attractive. |
| To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. |

| Standard B46 Functional layout | Requirement: Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. |
| Complies | Proposed: Many rooms have double aspects but all single aspect rooms |
| To ensure dwellings provide functional areas that meet the needs of residents. |

| Standard B47 Room depth | Requirement: Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. |
| Complies | Proposed: Many rooms have double aspects but all single aspect rooms |
| To allow adequate daylight into single aspect habitable rooms. |
**Standard B48 Windows**
To allow adequate daylight into new habitable room windows.  
Complies  
**Requirement:** Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:  
- A minimum width of 1.2 metres.  
- A maximum depth of 1.5 times the width, measured from the external surface of the window.  
**Proposed:** All rooms have a window in an external wall of the building.

**Standard B49 Natural ventilation**
To encourage natural ventilation of dwellings.  
To allow occupants to effectively manage natural ventilation of dwellings.  
Complies  
**Requirement:** At least 40 per cent of dwellings should provide effective cross ventilation that has:  
- 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.  
**Proposed:** All dwellings are provided with natural ventilation.
This matter has been reported to the Planning and Amenity Committee for a decision as a result of the removal of two (2) or more trees within a Vegetation Protection Overlay, Schedule 3.

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Lowe Design and Build</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>24 September 2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>112 days (due to Arborist investigations and detailed review)</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay, Schedule 1 (DCPO1)</td>
</tr>
<tr>
<td>Site area</td>
<td>766m² (approx.)</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Two (2)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes - $2,088</td>
</tr>
<tr>
<td></td>
<td>Catchment area 20</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, however is exempt.</td>
</tr>
</tbody>
</table>

Proposal

The application seeks the construction of two (2) dwellings and vegetation removal within a Vegetation Protection Overlay, Schedule 3. Key details of the proposal are as follows:

- Two (2) dwellings, both containing four bedrooms, in a side-by-side arrangement
- Two (2) storeys in height with a maximum height of 6.9 metres above natural ground level
- Site coverage is 50.9%
- Permeability is 35.54%
- Both dwellings are provided with double garages accessed via separate driveways
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):
  - Construction of two or more dwellings on a lot.
- Clause 42.02-2 (Vegetation Protection Overlay):
  - Removal of native vegetation.

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:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act, 1987 and two (2) objections were received.

Two (2) objections remain outstanding at the time of this report.

The following concerns were raised:

- Questioning the retention value assessments of trees Nos. 18 and 24 within the permit applicant’s Arborist Report
- Rear setback of the alfresco areas and disturbance of backyard character
- Removal of existing vegetation.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting

The number of objections did not trigger the need for a consultation meeting in this instance.
4. Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/517/1 for the land known and described as 34 Ardoyne Street, Black Rock, for the Construction of two (2) dwellings and vegetation removal 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 Lowe Design and Build dated 21 October 2019 and revision number TP1-10) but modified to show:

   a) Notation on the elevations and material schedule that the obscure glazing (‘obs’) to be fixed to a height of 1.7 metres above finished floor level with no greater than 25% transparency in accordance with Standard B22.

   b) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

   c) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

   d) A Landscaping Plan in accordance with Condition 10 of this permit.

   e) Tree Management Report 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.

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.

Water Sensitive Urban Design

8. 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.

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 advertised landscape concept plan 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) Nomination of the following replacement planting:

- At least one (1) large canopy trees (minimum two metres tall when planted and able to reach, and maintain, a height of at least 15 metres) in the front setback area of Dwelling 1;

- At least one (1) large canopy trees (minimum two metres tall when planted and able to reach, and maintain, a height of at least 8 metres) in the front setback area of Dwelling 2; and

- Two (2) large canopy trees (minimum two metres tall when planted) in the secluded private open space areas (one for each dwelling).

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.

Provision of Tree Management Report

13. Before the development starts, 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.

The applicant must undertake measures to ensure that all contractors, subcontractors and tradespersons operating on the site are aware of the contents of this report.

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:

- 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 where any part of the Tree Protection Zone falls within the subject site;
- Investigation of root sensitive design measures in relation to Tree 24;
- Protection measures to be utilised and at what stage of the development they will be implemented;
- Appointment of a project arborist detailing their role and responsibilities;
- Stages of development at which the project arborist will inspect tree protection measures; and
- Monitoring and certification by the project arborist of implemented protection measures.

The TPP must:

- Be legible, accurate and drawn to scale;
- Show the location of all tree protection measures to be utilised; and
- Include a key describing all tree protection measures to be utilised, including ground protection measures (rumble boards and/or mulch) within the TPZ of Tree 24.

14. 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.

15. All actions and measures identified in the Tree Management Report must be implemented.

16. 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.
Drainage

17. 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.

18. 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 Projects Department.

Drainage Contributions Levy

19. 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 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.

Permit Expiry

20. 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 2017-2021

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 neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place
- With village-style activity centres, combining retail at ground floor with increased opportunities for apartment-style living above
- 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.

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18 Transport
- Clause 19 Infrastructure
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.06 Built Environment and Heritage
- Clause 21.09 Transport and Access
- Clause 21.10 Infrastructure
- Clause 22.06 Neighbourhood Character Policy (Precinct H1)
- 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 H1. The proposal is considered to demonstrate an acceptable level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 5.

The area has continued to develop with new single dwellings and multi-unit development. New large dwellings and multi-unit developments with a variety of different styles have more recently been constructed. Although there is a variety of building styles and forms, the detached nature of buildings from side boundaries and pitched roofs remain a common characteristic of this area, with dwellings constructed in a mix of materials, including brick, concrete and render with (mainly) tiled roofs.

The width and proportion of the proposal is reflective of the grain size of the adjoining dwellings and the utilisation of side setbacks, particularly at first floor. It is considered that the heights and setbacks proposed will result in a built form which will not be overbearing upon other buildings in the streetscape. It is considered that the proposed built form is well articulated in comparison to the existing dwellings in the surrounding area and that the proposed building height and side setbacks are appropriate to the site context.

The built form is a contemporary style, to provide a modern interpretation of the original housing stock of rendered and brick dwellings in the area. Materials and finishes evident within the character area have also been utilised in this proposal by the use of rendered brickwork and cladding throughout the development.

Roof forms in the street are generally hipped or pitched tiled roofs, however the use of a flat roof form is not considered to be an unacceptable departure from the character of the area (noting emerging trends).

Due to the orientation of the site, the private open spaces will be primarily located on the southern sides of the dwellings, which is considered to be acceptable given that it will allow the private open spaces to be secluded. Further secluded areas locate to the east and west. The setbacks will also allow for appropriate landscaping throughout the site, which will not only provide screening to the proposed dwellings but reflect an integral character feature of the area.

6.2 Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at Attachment 6. Those non-compliant standards are discussed below:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground floor</strong></td>
<td><strong>First Floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
<td>1.65, 2.0, 3.8m</td>
<td>3.9m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(*Dwelling 2, Bed 3)</td>
<td></td>
</tr>
<tr>
<td>West (side)</td>
<td>0m or 2m</td>
<td>0, 2.1, 2.5, 2.8m</td>
<td>3.7m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(*Dwelling 1, Bed 2 &amp; Bathroom)</td>
<td></td>
</tr>
</tbody>
</table>
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. There are three (3) non-compliances with this Standard, being:

- At ground floor, Dwelling 2 eastern setback associated with Bedroom 1 and ensuite wall
- At First floor, Dwelling 1 western setback associated with Bed 2 & Bathroom wall; and
- At first floor, Dwelling 2 eastern setback associated with Bed 3 wall.

**Dwelling 1: western setback associated with Bed 2 & Bathroom wall (first floor)**

The non-compliant setback, of 500mm, will be located adjacent to a solid wall, side service courtyard and non-habitable room windows of No. 2/32 Ardoyne Street. It is noted that the secluded private open space of this property is located within its southern setback, separated and not adjacent to this wall.

The wall is limited in length (approximately 7.2 metres in length) with the remainder of the western first floor articulated and varied in setbacks which are compliant with Standard B17. Further, the façade will include varied materiality, including cladding and render finishes. As such, the first floor will be appropriately articulated and includes elements of visual depth, and therefore will not result in an unacceptable visual bulk to the adjoining property.
Item 4.5 – Matters of Decision

Dwelling 2: Eastern setbacks associated with Bedroom 1 and ensuite wall (ground floor) and eastern setback associated with Bed 3 wall

The non-compliant section of the walls, non-compliant by 350mm at ground floor and 320mm at first floor, will be located adjacent to the northern section of the private open space of No. 36 Ardoyne Street.

The non-compliance of 320-350mm are considered reasonable given the façade will be well articulated, with varied materiality proposed utilised. It is noted that the existing tree (Liquidambar) located on the adjoining property, adjacent to these setbacks, will be retained which will soften the form when viewed from the adjoining property.

Further, it is noted that the secluded private open space of the adjoining property is substantial, at approximately 230m² in size, therefore these non-compliances will not result in overbearing or unreasonable visual bulk to this space. As such, these partial non-compliances are considered acceptable.

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 23 trees from the site including two (2) 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. Indigenous trees are marked with a ‘*’.

<table>
<thead>
<tr>
<th>VPO3 protected trees</th>
<th>Trees that align with the NCP?</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>21, X</td>
<td>18</td>
<td>18</td>
<td>3,4,5,6, 7-17,19, 20,22,23,</td>
</tr>
</tbody>
</table>

(X= a Dicksonia antarctica that was not surveyed in the submitted Arborist Report however identified by Council’s Arborist).

The trees for removal as triggered by the Vegetation Protection Overlay, Schedule 3 are shown highlighted below:

![Diagram showing trees highlighted for removal](image_url)

The remainder of trees for removal on the site do not trigger a planning permit.

From an arboriculture perspective Council’s Arborist has reviewed the application and advises that removal of the following vegetation is supported: 3,4,5,6, 7-17, 18, 19, 20, 21, 22, 23, X. These trees are considered to be of low amenity and retention value. Further detail of each tree is provided in Attachment 4.

An assessment against the decision guidelines of the VPO3 is provided at Attachment 7. 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.

Tree No. 24 (Liquidambar) is located on the adjoining site to the east with its Tree Protection Zone (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, specifically investigating root sensitive design measures within the TPZ of Tree No. 24. A condition to this effect is included in the recommendation.

Tree No. 18 (Liquidambar) located within the site adjacent to the western boundary is proposed for removal, which is an exotic tree not protected by the Vegetation Protection Overlay. Whilst the tree is nominated as a mature tree in fair health and structure, Council’s Arborist notes that the tree has a low habitat value, a life expectancy of 4-9 years and medium retention value and, as such, has supported its removal subject to the replacement planting of native and indigenous species which are more aligned with the purposes of the VPO3.

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 seven (7) canopy trees (trees with mature heights of 8m or greater) in the front and rear setbacks. A condition should be included in the event of approval requiring the species selection revised so as to consist of at least 80% native vegetation.

6.4 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 four bedrooms and are afforded two car parking spaces in the form of double garages. The proposed on site car parking meets the requirements of Clause 52.06-5.

It is considered that the proposed development, of one additional net dwelling on site, will not unreasonably impact on the car parking network in the street.

6.5 Cultural Heritage management plan

The site is located within an area of cultural heritage sensitivity, however based on the Aboriginal heritage planning tool questionnaire, a cultural heritage management is not required.

6.6 Development contributions levy

The subject site is located within catchment area H1.

Based on the proposed application and the below recommendation, a payment of $2,088 is required. The payment of the development contributions is included as a condition of permit.

6.7 Objector issues not already addressed

Questioning the retention value assessments of trees Nos. 18 and 24 within the permit applicant’s Arborist Report

As outlined within this report, Council’s Arborist has reviewed the lodged Arborist Report and has also attended the site for an independent, expert review of the vegetation on the site for removal and also the impact to the adjacent trees (specifically Tree no. 24).
Council’s Arborist has determined that the removal of Tree no’s. 21 and ‘X’ (both triggered by the VPO3) are acceptable, subject to the appropriate replacement planting of indigenous species throughout the site as required by Condition and a Landscape Plan. Further, tree no. 24 can be appropriately protected via conditions of permit requiring tree protection measures.

Rear setback of the alfresco areas and disturbance of backyard character

Standard B17 of ResCode applies to the walls of new dwellings, with architectural features such as verandahs able to encroach within the setbacks. The rear walls of the dwellings will be setback between 5.4 and 6.4 metres, with the open sided alfresco and decking area setback 1.9 metres from the rear boundary. The setback of the dwellings from the rear boundary is compliant with, and exceeds, the ResCode requirement. The alfresco areas are not considered to unacceptable disturb the backyard spine of the adjoining properties.

Support Attachments

1. Site and Surrounds ↓
2. Architectural Plans ↓
3. Landscape Plan ↓
4. Arborist Referral ↓
5. Neighbourhood Character Assessment (Precinct H1) ↓
6. Clause 55 (ResCode) Assessment ↓
7. Vegetation Protection Overlay, Schedule 3 Assessment ↓
8. Applicants Arborist Report ↓
ATTACHMENT 2
Site and Surrounds Imagery

Figure 1. Aerial Overview of subject site.

Legend

| Subject site | ⭐ |
Figure 2: The subject site as viewed from Ardoyne Street

Figure 3: Nos. 2/32 (left) and 1/32 (right) Ardoyne Street, adjoining the site to the west.
Figure 4: No. 36 Ardoyne Street.

Figure 8: No. 33 Ardoyne Street (opposite the subject site).
Figure 9: Dual occupancy development at Nos. 30A (right) and 30B (left) Ardoyne Street
<table>
<thead>
<tr>
<th>TO</th>
<th>Arborist</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td>Felicity Barnwell</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>34 Ardoyne Street BLACK ROCK</td>
</tr>
<tr>
<td>APPLICATION NO.</td>
<td>5/2019/517/1</td>
</tr>
<tr>
<td>PROPOSAL</td>
<td>Construction of 2 double storey dwellings and vegetation removal</td>
</tr>
<tr>
<td>TRIM REFERENCE</td>
<td>TMP DOC/19/255008 - (PP 5/2019/517/1 - 34 Ardoyne Street BLACK ROCK VIC 3193 - Tree Management Plan - Ms T Lowe Design</td>
</tr>
<tr>
<td></td>
<td>Arborist Report DOC/19/255006 - (PP 5/2019/517/1 - 34 Ardoyne Street BLACK ROCK VIC 3193 - Arborist report - Ms T Lowe Design</td>
</tr>
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<td></td>
<td>Plans DOC/19/255009 - (PP 5/2019/517/1 - 34 Ardoyne Street BLACK ROCK VIC 3193 - Architectural Plans - Ms T Lowe Design</td>
</tr>
<tr>
<td></td>
<td>Landscape Plan DOC/19/255007 - (PP 5/2019/517/1 - 34 Ardoyne Street BLACK ROCK VIC 3193 - Landscape plan - Ms T Lowe Design</td>
</tr>
<tr>
<td>STATUS</td>
<td>Under assessment</td>
</tr>
<tr>
<td>COMMENTS</td>
<td>An assessment against the following is required:</td>
</tr>
<tr>
<td></td>
<td>• Vegetation Protection Overlay</td>
</tr>
<tr>
<td></td>
<td>They are proposing the eastern dwelling to encroach within the TPZ of the tree of the adjoining property (No. 36 Ardoyne street), but it looks as though the existing dwelling footprint already encroaches into the TPZ.</td>
</tr>
<tr>
<td></td>
<td>The existing encroachment is being reduced, can you please review the documents and provide some comments on this?</td>
</tr>
<tr>
<td></td>
<td>There are also a few trees for removal, including Tree 18, if you could please comment on those which are triggered by the VPO.</td>
</tr>
<tr>
<td></td>
<td>Thank you!</td>
</tr>
<tr>
<td>DATE OF REFERRAL</td>
<td>1 October 2019</td>
</tr>
</tbody>
</table>

**ARBORIST COMMENTS / CONDITIONS:**

**Landscape character of the site:** One large exotic canopy tree in the front setback with small canopy trees (indigenous and exotic) in the rear.

**Landscape character of adjacent area:**

Similar to the subject site.
The requirements of NCP are:

- Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate traditional coastal and native species.
- Retain established large trees and native and traditional coastal vegetation and provide for the planting of new native coastal trees (locate footings outside root zone).
- Buildings should be sited to allow space for the planting of significant trees and shrubs.
- Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation.
- Minimise impervious surfaces particularly in front garden areas.

Are there any trees on the subject site or adjoining properties that need protection?

Yes ☒ No ☐

The following trees are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site:

- Tree No. 24

The current tree management plan by Sustainable Tree Management August 2019 is lacking some need information. See below for requirements.

There is no ground protection measures (rumble boards and/or mulch) within the TPZ of Tree 24.

There is no Tree Protection Plan (TPP). This must be in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

a) Be legible, accurate and drawn to scale

b) Show the location of all tree protection measures to be utilised and;

c) Include a key describing all tree protection measures to be utilised

Modifications to the Tree Management Report
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.

Adherence to Tree Management Report
All actions and measures identified in the Tree Management Report must be implemented.

Contact for Implementation of Tree Management Report
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.

*Recommendations in Impact Assessment Report to be annotated on floor plan.
BAYSIDE CITY COUNCIL - STATUTORY PLANNING DEPARTMENT - INTERNAL REFERRAL

Landscape plan

Has a landscape plan has been submitted

Is the landscape plan in accordance with NCP

Is the landscape plan in accordance with BLG?

Indigenous species type is ~70% and indigenous count type is ~53%. Both must be at least 80%. I recommend all proposed trees are 2m minimum height when planted.

Does the built form and/or surface treatments need to be reduced/modified to improve post construction landscaping opportunities?

Arborist report

Has an arborist report been submitted?

Does the arborist report cover the following topics?
- Tree inventory
- Impact assessment
- Tree protection method
- Is more information required?

See above re: TPP.

Is this information required prior to the application being determined? Yes No

Does the built form and/or surface treatments need to be reduced to protect trees?

Root sensitive design in TPZ of Tre No. 24 as per arborist recommendations.

Proposed tree removal

The application plans show the removal of 23 items of vegetation from the site, including 2 protected by the Vegetation Protection Overlay (VPO). The table below identifies trees that are protected by the VPO, align with the Neighbourhood Character Policy (NCP), protected by the Local Law and those which are not protected by any statutory mechanism.

<table>
<thead>
<tr>
<th>VPO3 protected trees</th>
<th>Trees that align with the NCP?</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for removal</td>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
</tr>
<tr>
<td>21, X</td>
<td>18</td>
<td></td>
<td>3,4,5,6,7-17,19,20,22,23,</td>
</tr>
</tbody>
</table>

X= a Dicksonia antarctica that was not surveyed in the arborist report.
Removal of the following vegetation is supported: 3, 4, 5, 6, 7-17, 18, 19, 20, 21, 22, 23, X.

Tree 18 - The precinct guidelines say that large established trees should be retained and to avoid the removal of large trees. The tree removal is considered to be acceptable on the basis of suitable replacement planting of indigenous coastal trees that will enhance the vegetation character of this neighbourhood.

All other trees have either low amenity or ow retention value.

<table>
<thead>
<tr>
<th>Tree No</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td>Dicksonia antarctica</td>
</tr>
<tr>
<td>Common Name:</td>
<td>Tree fern</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>5x2</td>
</tr>
<tr>
<td>Trunk Circ.@1m:</td>
<td>72cm</td>
</tr>
<tr>
<td>Trunk <a href="mailto:DBH.@1.4m">DBH.@1.4m</a>:</td>
<td></td>
</tr>
<tr>
<td>Trunk DAB@8m:</td>
<td></td>
</tr>
<tr>
<td>Location 1</td>
<td>N10</td>
</tr>
<tr>
<td>Location 2</td>
<td>W7</td>
</tr>
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<td>7/2/20</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Origin:</th>
<th>Indigenous</th>
<th>Victorian</th>
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<th>Exotic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age:</td>
<td>Young</td>
<td>Semi-mature</td>
<td>Mature</td>
<td>Over-mature</td>
</tr>
<tr>
<td>Health:</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Dead</td>
</tr>
<tr>
<td>Structure:</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Amenity Value:</td>
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<td>Moderate</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years +</td>
<td>10-19 years</td>
<td>4-9 years</td>
<td>0 - 3 years</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High</td>
<td>Medium</td>
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<td>Habitat value:</td>
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<td></td>
</tr>
<tr>
<td>Align with NCP:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree No</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>----</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Botanical Name:</td>
<td><em>Pittosporum undulatum</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Name:</td>
<td>Sweet pittosporum</td>
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</tr>
<tr>
<td>Align with NCP:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
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<tr>
<td>Support for removal:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
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<tr>
<td>Tree No</td>
<td>18</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Botanical Name</td>
<td>Liquidambar styraciflua</td>
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<td></td>
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<td>Common Name</td>
<td>Liquidambar</td>
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<td>Height / Canopy</td>
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<td>Trunk Circ. @ 1m</td>
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<td>Trunk DBH @ 1.4m</td>
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<td></td>
<td></td>
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<tr>
<td>Trunk DAB @ 0m</td>
<td>76cm</td>
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<tr>
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<tr>
<td>Structure</td>
<td>Good</td>
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</tr>
<tr>
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<td>Moderate</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
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<td>20 years</td>
<td>10-19 years</td>
<td>4-9 years</td>
<td>0 - 3 years</td>
</tr>
<tr>
<td>Retention Value</td>
<td>High</td>
<td>Medium</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Habitat value</td>
<td>High</td>
<td>Moderate</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Align with NCP</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support for removal</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| SIGNATURE | Ronan Hamill |
| DATE      | 14/2/20      |
ATTACHMENT 3
Neighbourhood Character Policy (Precinct H1)

Preferred Future Character Statement
The diverse dwelling styles are set within well-vegetated streetscapes dominated by large native and exotic canopy trees within the public and private domains. Trees and other vegetation species reflect the coastal location of the area. The dwellings are set within spacious gardens to accommodate the trees. Streetscapes appear as a mixture of single and double storey dwellings, however individual buildings respect adjoining dwellings and do not dominate the streetscape. Low or open style front fences are usually provided, in order to retain the openness of the front garden to the street.

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain and enhance the garden settings of the dwellings.</td>
<td>• Prepare a landscape plan to accompany all applications for new dwellings, that utilises appropriate traditional coastal and native species</td>
<td>Lack of landscaping and substantial vegetation</td>
<td>A schematic landscape plan has been prepared to accompany the application, which nominates appropriate replacement planting of traditional coastal and native species.</td>
</tr>
<tr>
<td>To enhance the bayside vegetation character of the area through the retention and planting of appropriate coastal species.</td>
<td>• Retain established large trees and native and traditional coastal vegetation and provide for the planting of new native coastal trees (locate footings outside root zone).</td>
<td>Removal of large canopy trees. Planting of environmental weeds</td>
<td>The proposed site layout plan demonstrates there are sufficient areas of open space in which to include canopy plantings. The proposed setbacks to the built form will ensure sufficient opportunities for deep soil plantings. The proposed landscaping design response continues to maintain and enhance the landscape character of the area.</td>
</tr>
<tr>
<td>To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided</td>
<td>• Buildings should be sited to allow space for the planting of significant trees and shrubs.</td>
<td>Lack of front garden space.</td>
<td>Adequate visual separation and space within the front setback is provided to promote landscaping opportunities across the site. Articulation along the sides to</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>around buildings for the retention and planting of vegetation.</td>
<td>• Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. • Minimise impervious surfaces particularly in front garden areas.</td>
<td></td>
<td>these facades offer visual interest and work to alleviate any perception of visual bulk when viewed from public vantage points and adjoining dwellings. The recessed upper level ensures the built form presents as a recessed first floor and sits comfortably with the streetscape. The modularisation of the front façade maintains the street rhythm.</td>
</tr>
<tr>
<td>To minimise the loss of front garden space and the dominance of car parking structures.</td>
<td>• Locate garages and carports behind the line of the dwelling.</td>
<td></td>
<td>Each dwelling is proposed to have a double garage. Basement car parking will remove all car parking from grade level and ensure that car parking structures do not dominate the site in favour of generous side setbacks and opportunities for landscaping. This is considered to be a positive design response to the site constraints while balancing the direction of State and Local Policies to utilise larger sites for medium density housing. The proposed crossover will not be dominant to the streetscape given the site width. The extent of proposed vegetation will assist in softening the presentation to the streetscape and ensuring the leafy character of the area is retained.</td>
</tr>
<tr>
<td>To ensure that new dwellings and extensions do not dominate the streetscape.</td>
<td>• Recess upper storey elements from the front façade. • Use pitched roof forms.</td>
<td></td>
<td>The proposal offers a contemporary form, responsive to the mix of old and modern architectural styles featured in the area. The recessing of the upper storey will ensure the building does not unreasonably dominate the streetscape.</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>To use building materials and finishes that complement the</td>
<td>• Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</td>
<td>Period reproduction styles and detailing.</td>
<td>There are no heritage properties in close proximity to the subject site on Well Street. Whilst it is noted that the properties adjoining to the site to the north-east are within a Heritage Overlay (being Nos 166 and 168 Church Street), the proposal will not obscure, detract or obstruct views to these properties. It is noted that the proposal is respectful of the prevailing neighbourhood character and provides a suitable transition in height coupled with setbacks to ensure the proposal does not dominate the streetscape.</td>
</tr>
<tr>
<td>natural setting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To maintain the openness of the front garden to the street</td>
<td>• Provide open style front fences, other than along heavily trafficked roads.</td>
<td>High, solid front fencing.</td>
<td>Whilst a fence within the frontage is proposed, this will be setback beyond 3.0 metres from the frontage and therefore does not classify as a front fence. Notwithstanding this, the fence is reflective of other fence profiles featured along Well Street and within the area. The setback of the fence will allow for landscaping to its frontage and is responds to the contemporary characteristic of fences in the streetscape.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## ATTACHMENT 4
### ResCode (Clause 55) Assessment

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer Attachment X.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Yes</td>
<td>The application is generally supported by State and Local planning policy framework.</td>
</tr>
<tr>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>Yes</td>
<td>The application has proposed a variety of dwelling types and styles.</td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Yes</td>
<td>Any upgrades required will be the responsibility of the developer. A recommended condition of the planning permit requires that a drainage levy is paid prior to the endorsement of the plans.</td>
</tr>
<tr>
<td>Provides appropriate utility services and infrastructure without overloading the capacity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B5 Integration with the Street</strong></td>
<td>Yes</td>
<td>The primary entrances of the dwellings appropriately address the street.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **B6 Street Setback**                | Yes                     | Required: 9 metres  
Proposed: 9.5 – 9.9 metres  
It is noted that the front entry porches are setback 7.6-8.6m from the front boundary. These porches are less than 3.6m in height and do not encroach more than 2.5m into the required Standard. |
| The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. |
**B7 Building Height**  
Building height should respect the existing or preferred neighbourhood character  
**Yes**  
**Required:** 9 metres (slope of the land is greater than 2.5 degrees) and two storeys.  
**Proposed:** 6.9 metres maximum, two (2) storeys

**B8 Site Coverage**  
Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.  
**No**  
**Maximum:** 50%  
**Proposed:** 50.9%

**B9 Permeability**  
Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.  
**Yes**  
**Minimum:** 20%  
**Proposed:** 35.5%

**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.  
**Yes**  
The development has been designed to take advantage of north, east or west facing aspects where possible.

**B11 Open Space**  
Integrate layout of development with any public and communal open space provided in or adjacent to the development.  
**N/A**

**B12 Safety**  
Layout to provide safety and security for residents and property.  
**Yes**  
The entrance to the dwellings are not obscured from the street.

**B13 Landscaping**  
To provide appropriate landscaping. To encourage:  
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.  
**Yes, subject to condition**  
A landscape plan has been submitted with the application. The landscape plan has proposed an acceptable palette of species with a recommended condition will require an updated Landscape Plan be submitted for endorsement.
### 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.

- **Yes**
- **Proposed:** 32.8% of street frontage
- **Maximum:** 40% of street frontage

### 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.

- **Yes**
- **Proposed** car parking areas are appropriately located within garages.

### B17 Side and Rear Setbacks

Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impact on existing dwellings.

- **No**
- **Refer table below and section 6.2 of the report.**

#### Ground Floor

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>First Floor</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>East</strong> (side)</td>
<td>2m</td>
<td>1.65, 2.0, 3.8m</td>
<td>3.9m</td>
<td>3.58*, 4.2, 4.6, 5.7m (*Dwelling 2, Bed 3)</td>
</tr>
<tr>
<td><strong>West</strong> (side)</td>
<td>2m</td>
<td>0, 2.1, 2.5, 2.8m</td>
<td>3.7m</td>
<td>3.2*, 3.7, 4.0, 4.8m (*Dwelling 1, Bed 2 &amp; Bathroom)</td>
</tr>
<tr>
<td><strong>South</strong> (rear)</td>
<td>3m</td>
<td>5.4m</td>
<td>4.6m</td>
<td>9.2m</td>
</tr>
</tbody>
</table>

### 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.

- **Yes**
- **Length max:** 18m
- **Proposed:** 6.6m
- **Height:** 3.3m (max) and 3.17m (average)

### B19 Daylight to Existing Windows

Allow adequate daylight into existing habitable room windows.

- **Yes**
- **The proposal is setback from property boundaries to ensure daylight to existing windows is maintained.**

### B20 North Facing Windows

Allow adequate solar access to existing north-facing habitable room windows.

- **Yes**
- **There is one north-facing window within 3.0m of the common boundary, being the first floor window of No. 2/32 Ardoyne Street. Setbacks along the western interface with this property Street are sufficient to achieve the standard within**
**City Planning and Amenity – Statutory Planning**  
**Delegate Officer Report**

<table>
<thead>
<tr>
<th><strong>B21 Overshadowing Open Space</strong></th>
<th>3.0m of either side of the window.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure buildings do not significantly overshadow existing secluded private open space.</td>
<td>Yes, subject to condition</td>
</tr>
<tr>
<td>Overshadowing will occur to the adjoining properties, however will fall predominantly on the roof of No. 2/32 Ardoyne Street. The property at No. 36 Ardoyne Street will receive approximately 22.49m² of additional shadow to the SPOS at 3:00pm. It is noted that an excess of 184m² of this property’s SPOS will continue to receive uninterrupted solar access. The shadow cast to the south, to No. 35 Stanley Street, will fall entirely within the shadow cast by the existingombo boundary fence. As such, the requirements of this Standard are compliant.</td>
<td></td>
</tr>
</tbody>
</table>

| **B22 Overlooking** | Yes |
| Limit views into existing secluded private open space and habitable room windows. | All habitable room windows and most outdoor balconies with potential for overlooking have been treated appropriately and comply with Standard B22 of the Bayside Planning Scheme. It is recommended that a condition be included on any permit ensuring compliance with this Standard. |

| **B23 Internal Views** | Yes |
| Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development. | Views are limited into the secluded private open space and habitable room windows of the adjacent dwelling within the development. |

| **B24 Noise Impacts** | Yes |
| Protect residents from external noise and contain noise sources in developments that may affect existing dwellings. | The development will not generate any noise above that typically expected from a residential building. Any construction impacts will be contained within this period and will not result in unreasonably detrimental impacts. |

| **B25 Accessibility** | Yes |
| Consider people with limited mobility in the design of developments. | The dwelling entries are accessible for people with limited mobility. |

| **B26 Dwelling Entry** | Yes |
| Provide a sense of identity to each dwelling. | The dwellings provide a sense of address to the street and include first floor windows that provide passive surveillance to the Ardoyne Street streetscape. |

| **B27 Daylight to New Windows** | Yes |
| Allow adequate daylight into new habitable room windows. | All windows above ground are located to face adequate daylight. |

| **B28 Private Open Space** | Yes |
| Provide reasonable recreation and service needs of residents by adequate pos. | Refer to the table below. |

<table>
<thead>
<tr>
<th>Total POS</th>
<th>SPOS</th>
<th>Compliant?</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>98m²</td>
<td>77m²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>D2</td>
<td>124m²</td>
<td>101m²</td>
</tr>
<tr>
<td><strong>B29 Solar Access to Open Space</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allow solar access into the secluded private open space of new dwellings/buildings.</td>
<td>Yes</td>
<td>Whilst the application has sought secluded private open space that is within the southern setback of the site, the setbacks provided are compliant with Standard B29. It is noted that the Standard speaks to walls and does not make reference to open sided alfresco structures. 4.7m needed for GF: 5.4m proposed 7.7m needed for FF: 9.2m proposed</td>
</tr>
<tr>
<td><strong>B30 Storage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide adequate storage facilities for each dwelling.</td>
<td>Yes</td>
<td>An appropriate level of internal and external storage has been provided for both dwellings.</td>
</tr>
<tr>
<td><strong>B31 Design Detail</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td>Yes</td>
<td>Refer Attachment 3.</td>
</tr>
<tr>
<td><strong>B32 Front Fences</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td>N/A</td>
<td>No front fences are proposed.</td>
</tr>
<tr>
<td><strong>B33 Common Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>B34 Site Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td>Yes</td>
<td>Site services and facilities are proposed and are accessible and adequate.</td>
</tr>
</tbody>
</table>
### Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

<table>
<thead>
<tr>
<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The impact the vegetation removal would have on the character of the area</td>
<td>The removal of the two (2) trees on site, with replacement planting of nine (9) canopy trees, will not have a detrimental impact on the vegetated character of the area. The trees will not be discernible from the public realm nor have a detrimental impact to the character of the area.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>Whilst 23 trees on site are proposed for removal, only two (2) of which are native and protected by the Vegetation Protection Overlay. Council’s Arborist has considered that on balance with the replacement planting of seven large native canopy trees throughout the site, it is considered that the proposal will not have an unreasonable impact on the indigenous species in the locality, rather result in an increase of native and indigenous species in the locality.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development</td>
<td>Tree no. 21 is located adjacent to the rear boundary and will not have any unreasonable impact on the development or be visible from the streetscape. The tree fern, whilst located within the front setback, is low in height and does not have a prominence to the street. Their removal will have a negligible impact when viewed from the public realm.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors</td>
<td>When considered on balance with the seven (7) replacement large, indigenous canopy trees throughout the site, there is no evidence to suggest that the removal of the tree fern and the Sweet Pittosporum would impact on local fauna. The replacement planting throughout the site would improve the existing conditions, given a net benefit of canopy trees will contribute to the wildlife corridor.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site</td>
<td>As a condition of approval, a Landscape Plan nominating replacement planting throughout the site will be required for endorsement. At a minimum, seven (7) replacement canopy trees will be planted throughout the site and all to be Indigenous species to Council’s satisfaction.</td>
</tr>
</tbody>
</table>

### Tree profiles

<p>| Tree No. | X |
| Botanical Name: | Dicksonia antarctica |
| Common Name: | Tree fern |
| Height / Canopy: | 3x2 |
| Trunk Circ.@1m: | 72cm |</p>
<table>
<thead>
<tr>
<th>Trunk <a href="mailto:DBH.@1.4m">DBH.@1.4m</a>:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trunk DAB@0m:</td>
<td></td>
</tr>
<tr>
<td>Location 1</td>
<td>N10</td>
</tr>
<tr>
<td>Location 2</td>
<td>W7</td>
</tr>
</tbody>
</table>

| Date of assessment | 7/2/20 |

<table>
<thead>
<tr>
<th>Origin:</th>
<th>Indigenous</th>
<th>Victorian</th>
<th>Australian</th>
<th>Exotic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age:</td>
<td>Young</td>
<td>Semi-mature</td>
<td>Mature</td>
<td>Over-mature</td>
</tr>
<tr>
<td>Health:</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Dead</td>
</tr>
<tr>
<td>Structure:</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Hazardous</td>
</tr>
<tr>
<td>Amenity Value:</td>
<td>High</td>
<td>Moderate</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years +</td>
<td>10-19 years</td>
<td>4-9 years</td>
<td>0 - 3 years</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High</td>
<td>Medium</td>
<td>Low</td>
<td>None</td>
</tr>
<tr>
<td>Habitat value:</td>
<td>High</td>
<td>Moderate</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Align with NCP:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support for removal</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree No.</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>----</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Botanical Name:</td>
<td><em>Pittosporum undulatum</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Name:</td>
<td>Sweet pittosporum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>6x3</td>
<td></td>
<td></td>
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<tr>
<td>Trunk Circ.@1m:</td>
<td>68cm</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Trunk <a href="mailto:DBH.@1.4m">DBH.@1.4m</a>:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trunk DAB@0m:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location 1</td>
<td>S0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location 2</td>
<td>W5</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Date of assessment</td>
<td>7/2/20</td>
<td></td>
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<tr>
<td>Origin:</td>
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<td></td>
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</tr>
<tr>
<td>Age:</td>
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<td></td>
<td></td>
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<td></td>
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<td>Yes</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Not protected by the VPO:**

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td><em>Liquidambar styraciflua</em></td>
</tr>
<tr>
<td>Common Name:</td>
<td>Liquidambar</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>14x10</td>
</tr>
<tr>
<td>Trunk Circ.@1m:</td>
<td>230cm</td>
</tr>
<tr>
<td>Trunk <a href="mailto:DBH.@1.4m">DBH.@1.4m</a>:</td>
<td>68cm</td>
</tr>
<tr>
<td>Trunk DAB@0m:</td>
<td>76cm</td>
</tr>
<tr>
<td>----------------</td>
<td>------</td>
</tr>
<tr>
<td>Location 1</td>
<td>W0</td>
</tr>
<tr>
<td>Location 2</td>
<td>N11</td>
</tr>
<tr>
<td>Date of assessment</td>
<td>7/2/20</td>
</tr>
</tbody>
</table>

<table>
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<td>Moderate</td>
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<td></td>
</tr>
<tr>
<td>Align with NCP:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Definitions**

The retention value of a tree considers the tree as a whole including its health, structure, amenity value and life expectancy. The criteria for high, medium and low retention value trees are:

**H (High)**

The tree is generally in good health and structure, provides high levels of amenity and is likely to do so for more than 20 years. The tree may have historic or cultural significance.

**M (Medium)**

The tree is generally in fair to good health and structure, provides moderate levels of amenity and is likely to do so for up to 20 years.

**L (Low)**
SUSTAINABLE TREE MANAGEMENT

PRELIMINARY ARBORICULTURAL ASSESSMENT

Site Address:
34 Ardoyne Street, Black Rock

Report Prepared for:
Colin Smale

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: 5/2019/517/1
Date: November 2019

Prepared by:
Luke Sturgess
Sustainable Tree Management
Arboricultural Consultant

Prepared April 2019
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Reference: 34 Ardoyne Street, Black Rock

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1. INTRODUCTION

The report has been prepared for Colin Smaile to help guide a likely development application within the Bayside City Council to construct new dwellings on the site. This report should not be made available to any other parties other than those who are involved with the likely development proposal at 34 Ardoyne Street, Black Rock.

This report is a formal assessment of twenty four (24) high, medium and low retention trees that are located on the site and adjacent boundaries. The Preliminary Arboricultural Report identifies the key tree features. This report is not intended to be a comprehensive tree protection report. The information provided is to be used by planners, architects and designers in conjunction with planning controls and other legislation, to help design a suitable layout in such a way that trees selected for retention are provided with enough space to remain viable.

An assessment is provided based on the identification of the current health, structure and overall condition characteristics. The report also provides comment on the potential loss of visual/ landscape or amenity and, where relevant, the environmental significance of the trees based on their contribution to the local environment.

Trees have been divided into high, medium and low retention categories. No trees assessed on the site are considered to have high retention value. Any recommendations given are based on the condition of the trees and the sustainable life expectancy in relation to their current and future growing environment. Recommendations are not driven by a development proposal.

These guidelines do not constitute a Tree Management or Protection Plan (as per the Australian Standard AS 4970 - 2009 - Protection of Trees on Development Sites).
2. SCOPE AND REPORT OBJECTIVES

Sustainable Tree Management was engaged by Colin Smale to prepare a Preliminary Arboricultural Report (as per Australian Standard AS4970 - 2009 - Protection of Trees on Development Sites) on the trees within the subject site and surrounds known as 34 Ardyne Street, Black Rock.

The report objectives are:

- To comment on the health, structure and overall condition of trees on the site and surrounds;
- To assess tree condition and suitability for preservation based on the characteristics observed of the subject trees;
- To provide up-to-date tree data including Structural Roots Zones (SRZ) and Tree Protection Zones (TPZ) of trees categorised as being high, medium or low retention; and
- To group existing trees into high, medium and low retention categories.

3. SITE ANALYSIS AND SURVEY METHODOLOGY

3.1. PLANNING AND LOCAL LAW CONSIDERATIONS

The entire site known as 34 Ardyne Street, Black Rock is within a Neighbourhood Residential Zone (NR23) of the Bayside City Council.

The following Vegetation Protection Overlay affects this land.

- Vegetation Protection Overlay (VPO3)

3.2. COUNCIL PROPERTY NUMBER 296922

[Diagram showing property boundaries and references]

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: 5/2019/517/1
Date: November 2019

Reference: 34 Ardyne Street, Black Rock
3.3. **Survey Methodology**

The collection of data was undertaken by Luke Sturgess on Tuesday 26th March, 2019. The data was captured on site of the characteristics of each tree and is recorded in this report in detailed individual tables. A digital image of each tree assessed as being of high, medium and low retention has also been included. The tree location plan is provided in Appendix 10.1. These plans are not to scale.

Each high, medium and low retention tree was assessed and the genus/ species, estimated height, canopy spread, current health, structure, age class, significance, retention value, diameter at breast height (DBH) TPZ and SRZ was recorded using the abbreviations as set out in the explanation of terms in Appendix 10.2.

The survey and assessment undertaken of all of the study site trees was made from a visual inspection from ground level only. No trees were climbed and no samples of soil, plant material or pest and disease infestation (if present) were taken for analysis. Species identification was carried out in the field and is considered as common; no samples have been taken to the National Herbarium of Victoria for accurate analysis and identification.

Defects not apparent from this ground-based visual inspection are excluded from the discussion within this report. Additionally, this report is based upon the condition of the trees at the time of assessment only.

3.4. **Current Site Conditions**

No trees or vegetation on the site or growing within close proximity to boundaries are remnant, which are considered vital for fauna conservation. All trees assessed on the site and with close proximity to boundaries are planted.

3.5. **Documents Viewed in Preparation of this Report**

The following documents were viewed in preparation of this report:

- Aerial photography of the site (Near Maps);
- Plan of Survey (REF1351 LFA);
- Bayside City Council Planning Scheme; and
- Planning Property Report (dated 05/04/2019)
4. ARBORICULTURAL ASSESSMENT

The formal assessment of twenty-four (24) trees within the site assessment area revealed that:

- Three (3) trees are of high retention value (all third party assets);
- One (1) tree is of medium retention value; and
- Twenty (20) trees growing on the site are of low retention value.

The following trees have been assessed as being of high medium and low site significance categories due to their overall age, health and structure. DBH (cm) is the Diameter at Breast Height measured 1.4m from natural ground level. SRZ (m) is the structural root zone in metres in a radius from the centre of the trunk and TPZ (m) is the tree protection zone in metres in a radius from the centre of the trunk. Any proposed encroachment of greater than 10% of the TPZ or inside the SRZ of tree(s) being retained, the project Arborist must demonstrate the tree(s) will remain viable by means of a detailed root investigation. These measurements and distances are derived from the Australian Standard AS4970 - 2009 - Protection of Trees on Development sites. The encroachment percentages can be calculated and provided once detailed plans showing the layout and location of underground infrastructure are provided for the planning application.

5. TREE DATA AND IMAGES: HIGH RETENTION VALUE TREES

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genus/Species</td>
<td>Corymbia ficifolia</td>
<td>Corymbia ficifolia</td>
</tr>
<tr>
<td>Common Name</td>
<td>Red Flowering Gum</td>
<td>Red Flowering Gum</td>
</tr>
<tr>
<td>Origin</td>
<td>Aus Native</td>
<td>Aus Native</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>16</td>
<td>22</td>
</tr>
<tr>
<td>Height (m)</td>
<td>0.5</td>
<td>4</td>
</tr>
<tr>
<td>Spread NS (m)</td>
<td>0.5 x 0.5</td>
<td>2 x 2</td>
</tr>
<tr>
<td>Health</td>
<td>Fair</td>
<td>Fair</td>
</tr>
<tr>
<td>Structure</td>
<td>Fair</td>
<td>Fair</td>
</tr>
<tr>
<td>Age Class</td>
<td>New Planting</td>
<td>Young</td>
</tr>
<tr>
<td>Significance</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Retention Value</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>1.5</td>
<td>1.6</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>2</td>
<td>2.6</td>
</tr>
</tbody>
</table>

Street trees, New Planting, New crossovers to be constructed outside of the TPZ.

Tree growing 4m from property boundary. New crossovers wouldn’t impact the TPZ.

---

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Date: November 2019

Sustainable Tree Management Reference: 34 Ardoyne Street, Black Rock
## Proposed siting of new dwelling(s).

The existing dwelling at 34 Ardoyne Street has been constructed on stumps and any new dwelling proposed adjacent to the tree 24 within the nominated TPZ would need to be constructed using a similar technique with the same or similar eastern boundary setbacks. Prior to design plans being finalised and construction commencing a tree root excavation may be considered necessary by the Local Authority. This generally includes hand digging all piers/stumps within the nominated TPZ to a depth of 600mm. If tree roots are found within the preferred pier locations, the offending pier(s) must be relocated to a spot where no tree roots are found. The project arborist must be on site during these excavation works within the TPZ.

**Liquidambar styraciflua** is considered to have a moderate tolerance to construction disturbance and if the above construction recommendations are undertaken and successfully achieved I am confident tree 24 will remain viable into the future.

Tree pruning will also ensure that there is sufficient clearance from any possible mechanical damage during demolition and construction. If scaffolding is required to be located with the nominated TPZ the Project Arborist must inspect any potential interference with the tree canopy and tie back or prune branches where necessary.

All pruning work should be done to the minimum extent necessary to provide clearance and be undertaken by a qualified Arborist experienced in tree pruning (AQF5). All pruning must be completed to the Australian Standard AS4373 Pruning of amenity trees.

### Table of Tree Information

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>24</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Species</td>
<td><em>Liquidambar styraciflua</em></td>
</tr>
<tr>
<td>Common Name</td>
<td><em>Liquidambar</em></td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>60</td>
</tr>
<tr>
<td>Height (m)</td>
<td>15</td>
</tr>
<tr>
<td>Spanned NS (m)</td>
<td>10 x 8</td>
</tr>
<tr>
<td>Health</td>
<td>Fair</td>
</tr>
<tr>
<td>Structure</td>
<td>Fair/Poor</td>
</tr>
<tr>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Significance</td>
<td>Medium</td>
</tr>
<tr>
<td>Retention Value</td>
<td>High</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>3</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>9.6</td>
</tr>
</tbody>
</table>

Tree growing 1.3m from the eastern boundary.
6. TREE DATA AND IMAGES: MEDIUM VALUE TREE

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genus/ Species</td>
<td>Liquidambar styraciflua</td>
</tr>
<tr>
<td>Common Name</td>
<td>Liquidambar</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>86</td>
</tr>
<tr>
<td>Height (m)</td>
<td>14</td>
</tr>
<tr>
<td>Spread NB (m)</td>
<td>10 x10</td>
</tr>
<tr>
<td>Health</td>
<td>Fair</td>
</tr>
<tr>
<td>Structure</td>
<td>Poor</td>
</tr>
<tr>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Significance</td>
<td>Medium</td>
</tr>
<tr>
<td>Retention Value</td>
<td>Medium/Low</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>2.0</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>6.2</td>
</tr>
</tbody>
</table>

Large mature tree with poor structure.

Tree Structure 18:

The Liquidambar is surrounded by an existing concrete driveway to the east and dwelling to the west. This impacts nominated Structural Root Zone and Tree Protection Zones within 2 metres from the base of the tree. *Liquidambar styraciflua* are commonly known to have large and extensive root systems and lifting and cracking of the existing driveway adjacent to the tree is evident.

The tree appears to be in fair health but has developed a poor structure with a trifurcated stem at 4m. (Image 2). The level of included bark that is present within the stem structure is not considered typical for the species and due to the overall size of the tree and its location to existing dwellings increases the level of risk.

Parts of the canopy of tree 18 have been poorly pruned or lopped in the past. Lopping is considered and unacceptable practice under the Australian Standard Pruning of Amenity Trees – AS4973-2007. Lopping leaves wounds susceptible to decay and also promotes epicormic growth which is fast growing and poorly attached growth. This combination of fast growth and poor attachment at areas of decay increases the risk of limb shed.

A large branch from a recent failure within the northern section of the canopy is currently 'hung up'. (Image 3). This branch has left a large gap within the canopy structure and has opened the internal canopy up to prevailing winds. To avoid probable damage to the existing dwelling and capture the 'hung up' branch should be removed as a priority.
### 7. Tree Data and Images: Low Value Trees

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genus/Species</td>
<td>Betula Pendula Pfastigate</td>
<td>Alnus serrulata</td>
</tr>
<tr>
<td>Common Name</td>
<td>Silver Birch</td>
<td>Lily Pity</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Native</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Height (m)</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Spread NS (m)</td>
<td>2 x 2</td>
<td>2 x 2</td>
</tr>
<tr>
<td>Health</td>
<td>Fair</td>
<td>Poor</td>
</tr>
<tr>
<td>Structure</td>
<td>Fair</td>
<td>Poor</td>
</tr>
<tr>
<td>Age Class</td>
<td>Young</td>
<td>Young</td>
</tr>
<tr>
<td>Significance</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Retention Value</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>1.5</td>
<td>1.5</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Low valued row of tree. Not worth incorporating into a development proposal.

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genus/Species</td>
<td>Pittosporum Tenuifolium</td>
<td>Pittosporum Tenuifolium</td>
</tr>
<tr>
<td>Common Name</td>
<td>Silver Sheen</td>
<td>Silver Sheen</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Exotic</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Height (m)</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Spread NS (m)</td>
<td>1 x 1</td>
<td>1 x 1</td>
</tr>
<tr>
<td>Health</td>
<td>Poor</td>
<td>Poor</td>
</tr>
<tr>
<td>Structure</td>
<td>Poor</td>
<td>Poor</td>
</tr>
<tr>
<td>Age Class</td>
<td>Juvenile</td>
<td>Juvenile</td>
</tr>
<tr>
<td>Significance</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Retention Value</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>1.5</td>
<td>1.5</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Low valued row of tree. Not worth incorporating into a development proposal.
### Tree Number 7/17

<table>
<thead>
<tr>
<th>Genus/Species</th>
<th>Pittosporum tenuifolium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Silver Sheen</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>Av 10</td>
</tr>
<tr>
<td>Height (m)</td>
<td>Av 3</td>
</tr>
<tr>
<td>Spread NS (m)</td>
<td>Av 1x1</td>
</tr>
<tr>
<td>Health</td>
<td>Poor</td>
</tr>
<tr>
<td>Structure</td>
<td>Poor</td>
</tr>
<tr>
<td>Age Class</td>
<td>Juvenile</td>
</tr>
<tr>
<td>Significance</td>
<td>Low</td>
</tr>
<tr>
<td>Retention Value</td>
<td>Low</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>1.5</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>2</td>
</tr>
</tbody>
</table>

Low valued row of trees. Not worth incorporating into a development proposal.

### Tree Number 19

<table>
<thead>
<tr>
<th>Genus/Species</th>
<th>Phunus spp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Weeping Cherry</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>15</td>
</tr>
<tr>
<td>Height (m)</td>
<td>2</td>
</tr>
<tr>
<td>Spread NS (m)</td>
<td>2x2</td>
</tr>
<tr>
<td>Health</td>
<td>Poor</td>
</tr>
<tr>
<td>Structure</td>
<td>Poor</td>
</tr>
<tr>
<td>Age Class</td>
<td>Juvenile</td>
</tr>
<tr>
<td>Significance</td>
<td>Low</td>
</tr>
<tr>
<td>Retention Value</td>
<td>Low</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>1.5</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>2</td>
</tr>
</tbody>
</table>

Low valued row of tree. Not worth incorporating into a development proposal.

### Tree Number 26

<table>
<thead>
<tr>
<th>Genus/Species</th>
<th>Dead Tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>NA</td>
</tr>
<tr>
<td>Origin</td>
<td>NA</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>NA</td>
</tr>
<tr>
<td>Height (m)</td>
<td>NA</td>
</tr>
<tr>
<td>Spread NS (m)</td>
<td>NA</td>
</tr>
<tr>
<td>Health</td>
<td>NA</td>
</tr>
<tr>
<td>Structure</td>
<td>NA</td>
</tr>
<tr>
<td>Age Class</td>
<td>NA</td>
</tr>
<tr>
<td>Significance</td>
<td>NA</td>
</tr>
<tr>
<td>Retention Value</td>
<td>NA</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>NA</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>NA</td>
</tr>
</tbody>
</table>

Low valued row of tree. Not worth incorporating into a development proposal.

### Tree Number 21

<table>
<thead>
<tr>
<th>Genus/Species</th>
<th>Pittosporum undulatum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Sweet Pittosporum</td>
</tr>
<tr>
<td>Origin</td>
<td>Native</td>
</tr>
<tr>
<td>DBH (cm)</td>
<td>Mulb = 30</td>
</tr>
<tr>
<td>Height (m)</td>
<td>6</td>
</tr>
<tr>
<td>Spread NS (m)</td>
<td>4x3</td>
</tr>
<tr>
<td>Health</td>
<td>Fair</td>
</tr>
<tr>
<td>Structure</td>
<td>Poor</td>
</tr>
<tr>
<td>Age Class</td>
<td>Semi mature</td>
</tr>
<tr>
<td>Significance</td>
<td>Low</td>
</tr>
<tr>
<td>Retention Value</td>
<td>Low</td>
</tr>
<tr>
<td>SRZ (m)</td>
<td>2</td>
</tr>
<tr>
<td>TPZ (m)</td>
<td>3.6</td>
</tr>
</tbody>
</table>

Low valued row of tree. Not worth incorporating into a development proposal.
Tree 24 is assessed as having high retention value and is growing adjacent to the site and must be considered during the design phase of the development and protected during construction of the site. Regardless of the health condition and species selection of third party owned vegetation assets, they must always be considered high retention due to their growth locations.

Tree 18 is assessed as having medium retention value due to the overall size of the tree. Unfortunately the tree has developed poor overall structure. After much consideration in my opinion tree 18 is not considered worth trying to manage and incorporating into a likely side by side development of the site.

Trees that are considered to be of low retention value are not worthy of long term retention on the site. This is due to a number of factors such as species, a decline in stem health, structure that cannot be improved via pruning techniques or current site conditions. These structural defects and the overall health and condition limit the long term retention of a number of these trees. Low retention value is also based on the longevity of a tree and or its landscape value.

All the trees located on the site that may be affected by a proposed development and earth works have been planted. No trees that have been assessed are remnant or locally indigenous to the area. The removal of the low valued trees will allow for a more strategic indigenous design and landscape plan that will provide a greater net benefit to the local landscape in the long term.
Should you have any questions with regards to the assessment please don’t hesitate to make contact.

Yours sincerely,

Luke Sturgess  
Director and Arborist

m: 0422 143 275  
e: luke@sustainabletm.com.au  
w: sustainabletm.com.au

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Bayside City Council  
Planning and Environment Act 1987  
ADVERTISED PLAN  
Planning Application No.: 5/2019/517/1  
Date: November 2019
Tree Protection Guidelines

9. BACKGROUND

Sustainable Tree Management assesses individual tree protection requirements based upon the Australian Standard AS4970 – 2009 ‘Protection of Trees on Development Sites’. Tree protection requirements are calculated based upon trunk diameter of the tree at breast height. These calculations produce what is referred to in this report as the Tree Protection Zone (TPZ) and is provided as a measurement in metres in a radius from the centre of the trunk.

The TPZ is the zone in which protective measures should be applied in order to protect the tree(s) whilst maintaining the current levels of health and vigour.

Determination of the structural root zone or the zone of rapid tapper is provided as the Structural Root Zone (SRZ). The structural root zone calculations (may also be referred to as the Root Plate Radius (RPR)) of the tree, based upon the Australian Standard AS4970 - 2009. The SRZ determines the minimum distance around the tree in which the structural stability of the tree is able to be maintained.

It is important to note that the SRZ only determines the root plate area or the zone of rapid tapper. Excavation within this area will not only cause a decline in tree vigour but may also cause catastrophic tree failure (Coder, 1996).

Often it is difficult to protect the entire TPZ due to site constraints. In such events it is imperative that condition and species tolerance to disturbance are evaluated in conjunction with the site characteristics. Hellwell (1985) and Harris (1999) identified that a healthy tree may tolerate removal of up to one-third of its roots and possibly up to 50% in some cases, although stability may be compromised at this level.

In situations where the TPZ of a tree to be retained will be in close proximity to a proposed development or where there will be encroachment into the TPZ of a tree, a specific tree management plan should be developed. This plan provides prescriptive measures to protect trees on development sites.

Extract from Australian Standard AS 4970 - 2009 Protection of trees on Development sites
9.1. **General Tree Protection Requirements**

The following requirements are only provided for basic guidance with the design phase for a project. These guidelines do not constitute a specific tree management plan.

- A tree protective fence should be installed at the recommended distance allocated for each tree to be retained. The fence should be located at the TPZ distance provided.

- The protection fence should be rigid (chain link or similar) and should not be less than 1.8 metres in height. Fencing should be firmly attached to a removable concrete or similar base. Alternatively, star pickets (1.5 metre spacing) and para-webbing may be used to define the tree protection area. Fencing should be in accordance with the Australian Standard for Temporary Fencing AS 4687.

- In cases where the TPZ cannot be entirely fenced, it is recommended that ground protection is used. Specific ground protection requirements will form part of a tree management plan that should be developed for each tree to be retained.

- No soil levels should be altered within the fenced TPZ area, no heavy machinery should be allowed to pass within this area and no spoil, chemicals, building materials or refuse should be stored within this area. Nothing whatsoever should be attached to the tree (excluding tape to identify a tree to be protected).

- The area within the tree protection fence should be covered with a layer of organic mulch (woodchips) to a depth of 100mm prior to the commencement of the project. Mulch material should comply with Australian Standard AS 4454.

- The tree protective fencing should be installed prior to any works (including demolition) commencing on site and should remain in place until all site development work is completed. The protective fencing should be located at the prescribed distances and clearly signed **TREE PROTECTION ZONE**. The sign should be similar to the following (**as recommended by the Australian Standard AS4970**) and should be of a size no smaller than 600mm x 400mm:
An area should be designated on site, which is at least 10 metres distance from any optimal tree protection zone of the trees to be retained, where all building materials, chemicals etc. can be stored throughout the proposed development.

Open trenching for underground services located within the recommended tree protection zone (TPZ) must be avoided. Should there be no alternative for service location; the services must be bored underneath the area designated as the tree protection zone. No trenching whatsoever should be used to install services within the protected area.

Soil moisture during construction should be maintained at not less than 50% of field capacity (usually 10 litres of water per 10mm of each tree DBH per week). Irrigation may be applied by hand, automatic or manual irrigation system, or by fine spray from water tanker located outside the previously submitted exclusion zones. Water is to be applied at a volume and frequency required so as to maintain turgor and leaf retention and encourage healthy root development. The consultant Arborist should discuss variations to the amount of water to be supplied with the site or Project Manager.

Remedial pruning works recommended to be undertaken on the subject trees must be carried out to Australian Standard AS4373 (2007) – Pruning of Amenity Trees, by a qualified Arborist. If pruning works are to be undertaken then these works should be carried out prior to any construction works beginning on site.

Documentation should be provided to the site manager by the consultant Arborist for each inspection during the development process which details the consultant Arborist name, date and time of inspection, the stage of development, and provides comments of what actions are required.
9.1.3 Bibliography and Cited References

Coder, K.D., 1996, Construction Damage Assessments: Trees and Sites, The University of Georgia, SC, USA.


Helliwell, D.R., 1985, Trees on Development Sites, Arboricultural Association, Romsey, England

Hitchmough, J.D., 1994, Urban Landscape Management, Inkata Press, Sydney


10. Qualifications and Experience of Consultant

Qualifications
Diploma Arboriculture (AQF Level 5)
Advanced Diploma Business Management

Experience
Director Sustainable Tree Management (eleven years)
Senior Vegetation Officer City of Kingston (eleven years)
10.1. APPENDICES – SITE PLAN EXISTING TREES
10.2. EXPLANATION OF TERMS

Amenity
Although difficult to quantify, the term as used in this report relates to the contribution given to the landscape or streetscape in terms of visual aesthetics. It may also relate to the contribution in terms of shade or protection from the elements.

Bifurcation
Forked or divided into two or more parts or branches. Used to describe a union point.

Branch Bark Ridge
Swelling of bark tissue on the upper side of the branch junction or union. Considered the normal pattern of development in contrast to included bark (from Matheny & Clark, 1994).

Branch collar
Trunk tissue that forms around the base of a branch between the main stem and the branch. As the branch decreases in vigour or begins to die, the branch collar becomes more pronounced. (AS4373).

Structural Root Zone (SRZ)
The Structural Root Zone (SRZ) is the calculated distance based on DBH only. The SRZ identifies the minimum radius at which the root plate cannot be disturbed. This measure only relates to the trees' stability and does not take into account the implications of a decline in health. The measurement is given in metres in a radius from the tree trunk. (Coder, 1996). This area may also be referred to as the Root Plate Radius (RPR).

Chlorotic
Discolouration of the leaves, yellow in colour resulting from a lack of chlorophyll

Codominant
Generally relates to trunks/ stems (although it may relate to scaffold branches within the crown) of two or more and of equal or similar size and relative importance (from Matheny & Clark, 1994).

Compartmentalisation
Physiological process which creates the chemical and mechanical boundaries that act to limit the spread of disease and decay organisms (from Matheny & Clark, 1994).

Decay
Degeneration and de-lignification of plant tissue, including wood, by pathogens or micro-organisms (AS4373).

Diameter at Breast Height (DBH)
DBH is measured at 1.4m above ground level. In cases where the tree has up to three stems the diameter is calculated by taking the area of each stem at 1.4 metres and calculating the combined diameter. In trees with more than three stems the measurement is provided as ‘Multi-stemmed’, however in some cases the diameter will be taken at the point below the multi-stemmed union.

Epicormic Shoots
Shoots which arise from adventitious or latent buds (usually dormant). They are generally produced in response to environmental stress.

Included Bark
The pattern of development at a branch union where bark is turned inward rather than outward or pushed out. Relates to the branch bark ridge. (from Matheny & Clark, 1994)

Live Crown Ratio
Relative proportion of healthy crown in proportion to overall tree height. Often not used in isolation due to the different natural forms of many species.
Preliminary Arboricultural Assessment

Lateral
A branch arising from another branch or stem (AS4373)

Lopping
Cutting back a limb or stem at any point with no regard to natural target pruning. Random cutting of branches or stems between branch unions or at internodes on young trees. Not considered an acceptable practice as part of the Australian Standard AS4373: Pruning of Amenity Trees.

Tree Protection Zone (TPZ)
The Tree Protection Zone (TPZ) (referenced from Australian Standard AS 4970 - 2009 - Protection of Trees on Development Sites; is the calculated distance based on the DBH of the tree. The TPZ addresses the physiological implications by retaining enough area around the tree not only to minimise the potential for complete tree failure but for the tree to survive in the landscape on a long-term basis. The measurement is given in metres in a radius from the centre of the trunk.

Senescence
The organic process of age and the deterioration of tissue within the tree.

Stem bark ridge
The ridge of bark that forms in the union between two codominant stems (AS4373).

Wound wood
Lignified, partially differentiated tissue which develops from the callus associated with wound or pruning cuts.

9.3.1 Origin
Origin is given as Indigenous (the trees' natural range is within the study area), Native (the trees natural range is within Australia) or Exotic (the tree originates from outside of Australia).

9.3.2 Health
Health relates to the tree vigour, live crown ratio and canopy density.

Health is rated according to the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>Crown is excurrent or decurrent with greater than 50% live crown ratio. Foliage density is greater than 70% at optimal growth. There is less than 10% canopy dieback present and foliage has no or very minor tip dieback. Tree may also have acceptable extension growth if it is in active growth and is showing no symptoms of nutrient deficiency. The tree also has good wound wood development.</td>
</tr>
<tr>
<td>Fair</td>
<td>Crown is excurrent or decurrent with 30-50% live crown ratio. Foliage density is between 50-70% at optimal growth for the species. There may be 10-30% canopy dieback present and foliage may have minor tip dieback. Tree maybe showing signs of normal growth but it is not consistent throughout the crown. Some foliage discolouration maybe present from possible nutrient deficiency or other cause.</td>
</tr>
<tr>
<td>Poor</td>
<td>The tree may have less than 30% live crown ratio and the canopy may be codominant or suppressed. There may be greater than 30% canopy dieback present and foliage density is below 50%. Stunted growth through leaf size or petiole extension and discolouration of the leaf may be present. Tree may be producing epicormic shoots as a stress response. Nutrient deficiency, lack of resources (water, light etc.) or pathogens may be the causal agent in the tree’s decline</td>
</tr>
</tbody>
</table>

Sustainable Tree Management
Reference: 34 Ardoyne Street, Black Rock
9.3.3 SIGNIFICANCE (SITE OR ENVIRONMENTAL)

Site significance pertains to the significance of the individual tree to its surroundings. It should be noted that site 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. Neither hazard nor appropriateness nor factors other than significance are taken into account. Significance does not relate to retention value.

Site significance is rated according to the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>The tree may be of large size (height and/or spread) or located on neighbouring land. The tree may be of unusual and attractive form. The tree may be listed as a &quot;Significant Tree&quot; on one or more of several 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 contributes extensively to the landscape and may be worthy of extensive efforts of preservation.</td>
</tr>
<tr>
<td>Medium</td>
<td>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 contributes moderately to the landscape and dependant of the situation could be recommended for retention or removal.</td>
</tr>
<tr>
<td>Low</td>
<td>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 contributes little to the landscape and may be worthy of little attention or care.</td>
</tr>
</tbody>
</table>
9.3.4. STRUCTURE

Structure relates to the physical form of the tree, including the trunk(s), main scaffold branches and roots. Structure includes the attributes that may influence the probability of major trunk, limb or root failure.

Structure is rated according to the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>The form of the tree is typical for the species and exhibits good symmetrical form. Major limbs are well formed with acceptable branch taper and unions appear to be strong with no signs of defects. The tree has minimal defects throughout the trunk and limbs. There is no sign of root plate heave or damage to the root system. The tree is unlikely to suffer branch or trunk failure under normal environmental conditions.</td>
</tr>
<tr>
<td>Fair</td>
<td>Tree has a fairly consistent form for the species. Tree may exhibit minor structural defects that may be managed through formative pruning. Only minor wounds are present that do not affect the overall stability or structural integrity of the tree. Minor root damage may have occurred in the past. Defects present are likely to cause only minor branch failure under normal environmental conditions.</td>
</tr>
<tr>
<td>Poor</td>
<td>Tree has a poorly formed crown that is not symmetrical. Branch and or trunk taper may be unacceptable and scaffold limbs may be overextended. Branch unions may exhibit significant defects that cannot be managed through formative pruning. Major root damage may have occurred and there may be evidence of root plate heave. Defects that are present may result in catastrophic failure of branches or trunk under normal environmental conditions.</td>
</tr>
</tbody>
</table>

9.3.5 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

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Planting</td>
<td>Planted within approximately 2 years</td>
</tr>
<tr>
<td>Juvenile</td>
<td>Generally less than 5 years old</td>
</tr>
<tr>
<td>Young</td>
<td>Estimated as less than 15 years old</td>
</tr>
<tr>
<td>Semi-mature</td>
<td>Estimated at between 15 – 25 years old, however, this may be species dependant</td>
</tr>
<tr>
<td>Mature</td>
<td>Estimated at over 25 years old or in a life stage that is considered at the peak of growth for the species.</td>
</tr>
<tr>
<td>Senescent</td>
<td>In the declining phase of the trees lifespan</td>
</tr>
</tbody>
</table>
10. Terms and Conditions

1. The author 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. The author is not responsible for verifying or ascertaining any of these issues.

2. The author contracts with you on the basis that your promise that all affected property complies with all applicable statutes and legislation.

3. The author has taken reasonable care to obtain necessary information from reliable sources and to verify data. However the author neither guarantees nor is responsible for the accuracy of information provided by others.

4. If, after delivery of this report, you later require a representative to attend court to give evidence or to assist in the preparation for a hearing because of this report, you must pay an additional fee at the current rate for expert evidence.

5. Alteration of this report invalidates the entire report.

6. The author 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 the author.

7. The contents of this report represent the professional opinion of the consultant. The 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.

8. 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.

9. Unless expressly stated otherwise:

   (a) 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 only.

   (b) The inspection is limited to visual examination of accessible components without dissection, excavation or probing. There is no warranty or guarantee, expressed 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.

10. This agreement supersedes all prior discussions and representations between the author and the client on the subject, and is the entire agreement and understanding between the two parties.
4.6 129-135 MARTIN STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDED PERMIT
APPLICATION NO: 2017/586/2  WARD: NORTHERN

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/31112

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant an Amended Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Acorn Planning</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>18/09/2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>132 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Commercial 1 Zone</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 18)</td>
</tr>
<tr>
<td></td>
<td>Heritage Overlay (Schedule 749)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>1,011 square metres</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>7</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>$1,044 for each additional apartment = $11,484.00</td>
</tr>
<tr>
<td></td>
<td>$543 per 100 square metres of site area = $3,008.22</td>
</tr>
<tr>
<td></td>
<td>Requiring a total amount of $14,492.22.</td>
</tr>
<tr>
<td></td>
<td>NB: Figure may alter dependant on further information from applicant detailing current floor area and land use of existing building to be demolished.</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Proposal

The application seeks approval to amend the permit pursuant to Section 72 of the Planning and Environment Act 1987.

The list of the proposed amendments are as follows:

- Reducing the previously approved 15 dwellings to 11 dwellings
• Deletion of the lower basement level, and associated reduction in the number of spaces from 39 to 29
• Internal rearrangements including changes to setbacks
• Ground floor previously approved as mix of office and retail (3 tenancies); amended to be just retail (2 tenancies)
• Front façade amended to include a curved element and change in material.

The application plans are provided at Attachment 1.

Previous decision plans Attachment 2.

An aerial image is provided at Attachment 3.

History

Planning Permit 2017/586/1 was refused by Council under delegation on 27 February 2018 for the following reasons:

1. The proposed development of the land does not comply with the purposes of the Commercial 1 Zone (C1Z) as the density proposed is not complimentary to the role and scale of the Martin Street Major Activity Centre due to the excessive proposed height.

2. The proposed development of the land does not comply with the purposes of the Design and Development Overlay Schedule 18 (DDO18) as:
   a) The proposed height and reduced upper level setbacks are not compatible with the preferred future role and character of the Martin Street Neighbourhood Activity Centre.
   b) The visual bulk and dominant form as a result of the excessive height does not conserve or enhance the valued heritage character.

3. The proposed development of the land does not comply with the purposes of the Heritage Overlay (HO) as:
   a) The visual bulk and dominant form as a result of the excessive height does not conserve or enhance the valued heritage character and will adversely affect the significance of the heritage place.

4. The proposed reduction in car parking fails to respond to the purpose of Clause 52.06 (Car Parking) of the Bayside Planning Scheme, in particular:
   a) The proposal fails to provide the number of car parking spaces required in accordance with Clause 52.06 and as a result will impact on the amenity of the locality by negatively impacting surrounding areas.

Planning Permit 2017/586/1 was appealed at VCAT by the applicant. Pursuant to Section 127 and clause 64 of Schedule 1 of the Victorian Civil and Administrative tribunal Act 1998, the permit application was amended by substituting permit application plans, these were prepared by Finnis Architects, Drawing Numbers TP04 – TP05 Revision H and TP06-TP12 – Revision F, dated 19 June 2018. The changes included:

• Construction of an additional level of basement car parking, increasing the number of car spaces from 33 to 39 (and associated reduction in the parking shortfall from 7 spaces to 1 space)
- Removal of all car stackers. Previously 28 of the 33 spaces were in car stacker arrangement
- Relocation of storage bays, bin store and bicycle parking across the two levels of basement
- Minor change to ground floor layout to reflect the relocation of storage and bicycle parking to the basement
- ‘Squaring off’ of the previously curved terrace/canopy areas at each floor to better respond to the adjacent heritage building
- Maximum building height reduced by 300mm (maximum building height now 14m).

The application was heard at a Compulsory Conference on the 26 June 2018, where the Council planners consented to the changes made, subject to ratification from Councillors. The application was then heard and granted at the Planning and Amenity Committee on 17 July 2018 to endorse the consent order.

Planning Permit 2017/586/1 was granted on the 24 July 2018. A copy of the permit is at Attachment 4.

The permit allows the use and development of land for dwellings, construction of a four storey mixed use building plus basement parking, demolition and construction in a Heritage Overlay and reduction of car parking.

No plans have been endorsed.

2. Planning controls

Pursuant to Section 72 of the Planning and Environment Act 1987, the ambit of discretion is limited to the proposed changes sought by the applicant. Consideration cannot be given to elements already approved as part of the original application but not sought to be amended.

Planning permit requirements associated with amendments

A planning permit is required pursuant to:

- Condition 2 of Planning Permit 2017/586/1 states ‘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.’

Original planning permit requirements

- Clause 34.01-1 (Commercial 1 Zone) Use of land for accommodation
- Clause 34.01-4 (Commercial 1 Zone) Buildings and works
- Clause 43.01-1 (Heritage Overlay) Demolition and buildings and works
- Clause 43.02-2 (Design and Development Overlay, Schedule 18) Buildings and works
- Clause 52.06 -3 (Car Parking) Reduction of car parking.
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:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection.</td>
</tr>
<tr>
<td>Waste</td>
<td>No objection.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objections, subject to conditions.</td>
</tr>
</tbody>
</table>

Public notification

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

Seven objections remain outstanding at the time of this report.

The following concerns were raised:

- The waste bins should be relocated to the basement, as previously approved
- Proposal is not consistent with the C152 Amendment, with regards to storeys, height and setbacks
- Proposal requires partial demolition of 139 Martin Street front façade
- Overlooking from the level 2 and 3 eastern windows to 139 Martin Street
- Reduced daylight and additional overshadowing to 139 Martin Street
- Trees on the boundary of 139 Martin Street will be removed
- Construction impacts – basement may result in differential movement and cracking, proposal may undermine footings at 139 Martin Street, vibration may cause cracking to 139 Martin Street, unreasonable noise and dust.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting

The applicant declined a consultation meeting.

4. Recommendation

That Council resolve to issue a **Notice of Decision to Grant an Amended Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/586/2 for the land known and described as **129-135 Martin Street, Brighton**, for the **Use and development of land for dwellings, construction of a four storey mixed use building plus basement parking, demolition and construction in a Heritage Overlay and reduction of car parking** in accordance with the endorsed plans and subject to the following conditions from the standard
conditions:

1. Before the use and 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 prepared by Finnis Architects referenced TP04 – TP05 Revision H and TP06 – TP12 Revision F, dated 19 June 2018 but modified to show:
   
a) Details of the lighting and paving of the setback area adjacent to the carriageway easement.

b) 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 adjoining properties habitable rooms.

c) An updated landscaping plan in accordance with condition 10.

d) Deleted.

e) Payment of Development contributions in accordance with condition 22.

f) Water Sensitive Urban Design measures in accordance with condition 8.

g) Planter Boxes in accordance with condition 10 a).

h) Sustainability report in accordance with condition 14.

i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

j) The basement re-designed so that the access and car space dimensions comply with Clause 52.06 (Car parking) of the Bayside Planning Scheme and that the required amount of residential car parking (21 spaces) is retained and number of commercial spaces are not reduced from that currently proposed.

k) Columns in the basement to be located to ensure that clearance to parking spaces is maintained in accordance with Diagram 1 of Clause 52.06 of the Bayside Planning Scheme.

l) 1 bicycle space located on the ground floor available for retail staff.

m) Details of plant screen to be nominated and shown on relevant plans and elevations.

n) Enclose the commercial bin storage facility and provide ventilation in accordance with the relevant Australian Standards.

o) Improved variety of building materials such as timber battens or glazed balconies to the front façade (to the satisfaction of the Responsible Authority).

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 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

7 Waste collection must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

8 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.

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 drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) Planter boxes to be located on the inside of each north and south facing balcony.
   b) A survey, including, botanical names of all existing trees to be removed from the site.
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 vegetation within the planter boxes including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

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.

Heritage

13 Before demolition begins, an annotated photographic study of archival quality of the building prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority as a record of the building. The survey must include:

a) Each elevation of the building;

b) The interior of the building;

c) Architectural design detailing of the building;

d) A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.

Sustainability

14 Prior to the endorsement of plans pursuant to condition 1, a Sustainability Report to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by Sustainable Development Consultants dated September 2017 but updated to reflect design revisions.

15 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.

Construction Management Plan

16 Before the commencement of works, 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.
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.

Drainage
17 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.
18 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 Projects Department.
19 Council records indicate that there is 3.05 metre wide carriageway easement along the north property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structure of note. Proposals to be built over the easement will
require Build Over Easement consent from the Responsible Authority/Authorities.

**Waste Management**

20 Before the endorsement of plans, a 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, and include:

a) Dimensions of storage waste areas.

b) Storage waste areas for the office and shop use to be in the basement area.

c) Storm water drains in storage areas should be fitted with a litter trap.

d) The number and size of bins to be provided.

e) Facilities for bin cleaning.

f) Method of waste and recyclables collection.

g) All waste (including shops and office waste) to be collected from the ground floor level with no kerbside collection.

h) Types of waste for collection, including colour coding and labelling of bins.

i) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).

j) Method of hard waste collection.

k) Method of presentation of bins for waste collection.

l) Sufficient headroom within the basement to accommodate waste collection vehicles.

m) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.

n) Strategies for how the generation of waste and recyclables will be minimised.

o) Compliance with relevant policy, legislation and guidelines.

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.

**Basement Construction**

21 Following completion of the construction of the basement and prior to commencement of the next level, a report prepared by a licensed surveyor certifying the overall internal dimensions and levels have been achieved shall be submitted to and approved by the Responsible Authority.

**Development Contributions**

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 Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

23 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.

c) The use is not started within five years of the date of this permit.

d) The use is discontinued for a period of two years or more.

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.

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 March 2020</td>
<td>Amendment to the permit under Section 72 of the Planning and Environment Act 1987 as follows:</td>
</tr>
<tr>
<td></td>
<td>• Addition of conditions 1 j), k), l), m), n) and o)</td>
</tr>
<tr>
<td></td>
<td>• Deletion of Condition 1d)</td>
</tr>
<tr>
<td></td>
<td>• Amendment to wording of condition 20 g)</td>
</tr>
<tr>
<td></td>
<td>• Update the plans to include:</td>
</tr>
<tr>
<td></td>
<td>o Reducing the previously approved 15 dwellings to 11 dwellings</td>
</tr>
<tr>
<td></td>
<td>o Deletion of the lower basement level, and associated reduction in the number of spaces from 39 to 29</td>
</tr>
<tr>
<td></td>
<td>o Internal rearrangements including changes to setbacks</td>
</tr>
<tr>
<td></td>
<td>o Ground floor previously approved as mix of office and retail (3 tenancies); amended to be just retail (2 tenancies)</td>
</tr>
<tr>
<td></td>
<td>o Front façade amended to include a curved element and change in material.</td>
</tr>
</tbody>
</table>

5. Council Policy

Council Plan 2017-2021

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 neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.

With village-style activity centres, combining retail at ground floor with increased opportunities for apartment-style living above.

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.

Bayside Planning Scheme

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- 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 21.06 Built Environment and Heritage
- Clause 21.07 Economic Development
- Clause 21.11 Local Areas (Martin Street, Gardenvale)
- Clause 22.05 Heritage Policy
- Clause 22.08 Water Sensitive Urban Design
- Clause 34.01 Commercial 1 Zone
- Clause 43.01 Heritage Overlay (Schedule 749)
- Clause 43.02 Design and Development Overlay (Schedule 18)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- 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.
6.1 Assessment of amendments

**Basement Level**

The proposed amendment includes the following:

- The deletion of the lower basement level
- The basement level is proposed to retain its total area of 862.38 square metres and provides 24 residential car spaces (previously 19 residential spaces)
- Retain the central location of the lift, lobby and stairs access area
- The basement also includes internal reconfiguration of 13 storage units (all a minimum of 6 cubic metres)
- The retention of the location of the vehicular ramp along the western side boundary and no change to the ramp grades
- The addition of a garage door at entrance
- The increased provision of bicycle storage from 8 to 10 bicycles.

The obvious ramification resulting from the basement changes relate to parking spaces and dimensions. These are discussed further at Section 5.5 of this report.

**Ground level**

The proposed amendment includes the following:

- Deletion of the office space (198 square metres) on the northern (rear) side of the site
- Both commercial spaces towards the front of the site, amended to both be retail, where previously they were approved as a mix of office and retail
- Due to the amended ground floor, the rear setbacks have been increased from 5.5m to 9.3m from the northern boundary to accommodate the rearrangements. An assessment of the setbacks against the Design and Development Overlay, Schedule 18 is within Section 5.4 of this report
- Retail 1 is a total area of 191.15 square metres (previously 192 square meters) including disabled toilet
- Retail 2 a total area of 232.50 square metres (previously 145 square metres) including disabled toilet
- Separated access to the shops from the residential lobby, increasing the safety and security for residents of the apartment complex
- The introduction of at grade car parking to the rear, containing 5 car spaces including a disabled car space, has been included for the use by the retail premises. Further discussion surrounding car parking is in Section 5.5 of this report
- The relocation of commercial and residential waste from the basement has been proposed to the ground level, separating residential and retail facilities. Further discussion surrounding waste is discussed in Section 6.6 of this report.

**First Floor**

The proposed amendment includes the following:

- The first floor previously accommodated seven dwellings, but has now been amended to comprise of 5 dwellings, consisting of 1 two bedroom apartments and 4 three bedroom apartments
• The northern elevation retains a zero setback in part but have varied setbacks increased from 1.9m to 2.1 metres
• The maximum northern rear setback has been increased from 2.1 metres to 4.17 metre at the eastern and western edge to accommodate amended balcony designs
• The southern (street) frontage articulated through increased setbacks ranging from 1.2m to 4m, previously was flat across the front with a 2 metre street setback. An assessment of the setbacks against the Design and Development Overlay, Schedule 18 is within Section 6.4 of this report
• The length of the eastern wall on boundary to Unit 104 has been reduced from 11.39m to 7.46m. The reduction of this wall will improve the amenity impacts to the adjoining properties
• The retention of the western side setback opposite the light court on the neighbouring property, however the length of the balcony is reduced from 10.4m to 10.1m. A 300ml reduction will not be consequential to allowing light to adjoining properties light court.

Second Floor
The proposed amendment includes the following:
• The addition of a curved element to the balconies on the Martin Street frontage, adding visual interest and articulation to the built form. The balconies also include planter boxes, softening and articulating the development
• The minimum front setback has been reduced from 5 metres to 4 metres
• The dwellings on the second floor have increased in size from 113 – 122 square metres to 123 -145 square metres, providing a higher level of amenity. The increased size of dwellings has not resulted in a reduction to the setbacks
• The terraces are proposed to be different dimensions and shapes, differing from previously approved as all rectangular
• The northern (rear) setbacks have been increased from 2.4 metres to 4.17 metres
• The eastern and western sides (at the rear) have been increased from on the boundary to 3.75m to accommodate the amended balcony designs. An assessment of the setbacks against the Design and Development Overlay, Schedule 18 is within Section 5.4 of this report.

Third Floor
The proposed amendment includes the following:
• Includes 2 three bedroom dwellings, previously approved 4 two bedroom dwellings
• The front setbacks on the third floor have been proposed to be reduced from 7.2 metres to 5.3 metres
• The western side setback towards the front of the building was previously approved as 2.25m but has been proposed to be reduced to 1.75m
• The eastern side setback was 2m and has been reduced to 1.75m
The eastern side setbacks towards the rear of the building have been increased from 2.25m-2.58m to 3.5m. The proposed setbacks do not unreasonably impact the adjoining properties. The reduced side setbacks to the walls presenting to the Martin Street will provide the front face with further articulation from what was previously approved. An assessment of the setbacks against the Design and Development Overlay, Schedule 18 is within Section 5.4 of this report.

Other

The proposed materials and finishes have been amended from grey timber batten cladding, grey brick, concrete and glass balustrade to render, and brick. As there has been a reduction of variety of building materials, a condition requiring additional timber cladding or glazed balconies to the front façade has been included to break up the built form to the streetscape.

6.2 Compliance with Clause 58 (Apartment Developments)

An assessment against the requirements of Clause 58 is provided at Attachment 5. The proposed amendments are fully compliant with all of the requirements.

6.3 Heritage Overlay

The subject site is located within Heritage Overlay Schedule 749, which relates to the Martin Street Heritage Precinct.

The full demolition of the existing building on the site covered by the Heritage Overlay has been approved as part of the original Planning Permit. The proposed amendments do not alter this outcome.

An objection received from 139 Martin Street has raised concerns that the proposal requires partial demolition of their façade, however this is not the case and this approval only relates to the demolition of buildings on the subject site itself.

6.4 Design and Development Overlay, Schedule 18

The subject site is within the Martin Street Neighbourhood Activity Centre. One of the design objectives is to ensure the scale and form of new development is compatible with the future role of the centre and provides an appropriate transition to existing low scale residential areas.

The subject site is located within Precinct C which includes a preferred maximum building height of 11 metres (3 storeys). The previously approved maximum building height is 14 metres, the proposed amendments does not amend the building height. An objection received from 139 Martin Street Brighton has raised concerns that the development does not comply with the preferred heights and storeys, however pursuant to Section 72 of the Planning and Environment Act 1987, the ambit of discretion is limited to the proposed changes sought by the applicant and consideration cannot be given to elements already approved as part of the original application but not sought to be amended.

The below table outlines the required setbacks pursuant to Clause 43.02. As detailed below, the proposed setbacks align with the requirements.

<table>
<thead>
<tr>
<th></th>
<th>Preferred</th>
<th>Proposed</th>
<th>Previously approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>North (rear)</td>
<td>1m</td>
<td>9.3m</td>
<td>5.5m</td>
</tr>
<tr>
<td>East</td>
<td>0m</td>
<td>0m</td>
<td>0m</td>
</tr>
<tr>
<td>West</td>
<td>0m</td>
<td>0m</td>
<td>0m</td>
</tr>
</tbody>
</table>
The Design and Development Overlay Schedule 18 seeks to ensure the scale and form of new development is compatible with the future role of the centre and provides an appropriate transition to existing low scale residential areas. As shown in the tables above, the side setbacks comply with the preferred setbacks or include increased setbacks from the previously approved application. The rear setbacks go well beyond the preferred setbacks, noting that the rear of the site is adjoining residential properties. Increased setbacks to this side reduces the amenity impacts incurred by the development.

The overlay also seeks to retain the amenity of the existing low scale residential areas that adjoining the site by minimising visual bulk, overshadowing and overlooking. As noted above, increased rear setbacks adequately minimise the visual bulk to the adjoining residential property. Overshadowing diagrams submitted with the application show that they extend marginally beyond the existing overshadowing lines cast by the previously approved application. No additional amenity impacts are incurred by the additional overshadowing as the shadows are cast over public areas such as streets and nature strips.

The application plans show that there is no screening on the windows on the south, west and east elevations, consistent with the previously approved application. The north elevation (Rear) adjoining the residential properties includes screening to 1.7m along the entire first floor and to the balconies on the second floor. Section plans indicate that there is no overlooking from the second or third floor, therefore do not require screening. An objection received from 139 Martin Street has raised concerns regarding overlooking to their property from the level 2 and 3 eastern windows. As noted before, Section C-C on the subject plans indicate there is no overlooking from the level 2 or 3 windows and balconies as the line of sight is obstructed by the boundary fence.
An objection received from 139 Martin Street Brighton has raised concerns regarding reduced daylight and overshadowing. As noted above, the overshadowing diagrams are marginally greater than what was previously approved (in part – some areas are reduced), however they do not incur further amenity impacts upon sensitive areas.

6.5 Car parking

<table>
<thead>
<tr>
<th></th>
<th>Previously Approved</th>
<th>Proposed Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>19 (standard met)</td>
<td>24 (surplus 3)</td>
</tr>
<tr>
<td>Retail</td>
<td>1 (reduction 4)</td>
<td>5 (reduction 9)</td>
</tr>
<tr>
<td>Office</td>
<td>13 (standard met)</td>
<td>N/A</td>
</tr>
<tr>
<td>Visitor</td>
<td>3 (standard met)</td>
<td>0 (standard met)</td>
</tr>
<tr>
<td>Surplus (shared)</td>
<td>3</td>
<td>N/A</td>
</tr>
<tr>
<td>Total</td>
<td>39</td>
<td>29</td>
</tr>
<tr>
<td>Required</td>
<td>40</td>
<td>21 (residential)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14 (retail)</td>
</tr>
<tr>
<td>Reduction</td>
<td>1 (retail)</td>
<td>9 (retail)</td>
</tr>
</tbody>
</table>

The proposed amendment includes the deletion of the lower basement level. The proposed basement includes 24 residential spaces and an introduction of 5 car spaces including a disabled car space has been included at ground level for the use by the retail premises.

The Planning Scheme requires 21 spaces for residents and 14 spaces for a shop (retail). The proposal includes a surplus of 3 spaces for residential and a shortfall of 9 spaces for the shops. Traffic engineering has considered that the reduction of car parking for the shops is satisfactory as the site is within the Principle Public Transport Network (PPTN) area which identified sites within close proximity to public transport networks and allowed a reduced rate of car parking requirements based on the proximity to public transport modes in the area. Importantly, the 5 spaces are considered to accommodate for staff parking, which is the reasonable expectation in activity centres (with visitors to rely on the surrounding parking network similarly to all other shops within the area). Developments within the PPTN are no longer required to provide residential visitor parking spaces.

Whilst the overall reduction to 9 spaces (from the previous 1 space) reads as potentially problematic, it must be acknowledged that the previously proposed office spaces have been removed from the application. Office spaces in Activity Centres demand additional parking spaces over and above retail, as employees would likely require all day parking and hence it is not reasonable for them to rely on the surrounding network (which is heavily restricted). With the office area now being removed from the application, the overall parking spaces would naturally decrease.

An objection received from 139 Martin Street Brighton, has raised concerns that the car parking rate should not be reduced. As mentioned above, the provision of residential spaces complies and the shortfall of the car spaces for the retail component of the proposal is considered to be acceptable as previously discussed.

Council’s traffic department raised concerns with the circular columns surrounding the shop car spaces to the rear of the site and that they may impact vehicle access to the car spaces. The applicant has provided swept path diagrams that indicate that vehicles can safely move between the poles and are not obstructions.
Council’s traffic department have also raised concerns that the proposed car space dimensions are not in accordance with the design standards in Clause 52.06 of the Planning Scheme.

The proposed spaces are 2.4m wide by 5.4m long, where they are required to be 2.6m wide by 4.9m long. The applicant has acknowledged that the proposal falls short of the Planning scheme requirements but complies with the Australian Standard. However, the planning scheme specifically states that the Australian Standards should not be relied upon for basements being assessed under the planning scheme, and hence a condition will be placed on the permit to rearrange the basement spaces such that the dimensions comply with the relevant requirements. Whilst this may lead to the loss of 2 (potentially 3 spaces), a surplus of resident parking spaces are already provided and the removed spaces would be taken from this allocation (full compliance must still be achieved with respect to resident parking).

Council’s traffic department have also raised concerns that columns should be located to ensure that clearance to parking spaces is maintained in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme. A condition to this effect has been included.

Council’s traffic department have also raised concerns with the functionality of the waste collection location. The location of waste collection was previously proposed to be within the basement level, but has now been moved to the ground floor level, relying on use of two retail parking spaces for periods of waste collection. The waste management plan indicates that waste collection would occur outside of usual retail hours (i.e. 7am to 8am on a weekday), and this plan would be endorsed which would ratify this requirement.

### 6.6 Bicycle parking

The proposal includes the provision of 10 vertical bicycle spaces within the basement car park. The proposal is required to have 5 bicycle spaces, including 2 resident spaces, 2 visitor spaces and 1 staff space. The proposal includes 5 additional spaces than required, however the provision of all of the bicycle spaces within the basement is not suitable for visitors, as they would not have access through the security gate. The previous plans approved by VCAT included 12 bicycle spaces within the basement level and no spaces on the ground floor level.

A condition requiring 1 bicycle space on the ground floor level for retail staff has been included. As the ground floor is built to the front boundaries there are no reasonable and functional spaces for a residential visitor bicycle parking.

### 6.7 Waste Management

The relocation of commercial and residential waste from the basement has been proposed to the ground level, separating residential and retail facilities. The waste collection was previously from the basement as the site is not suitable for a Council waste collection service and must engage a private contractor.

The revised Waste Management Plan was referred to the Waste Management Coordinator and no objection was received to relocate the waste to the ground floor level.

Objections received from 4/83, 6/83, 11/83, 12/83 Asling Street Brighton, 13 The Park Hillside, 8 Weatherly Grove Brighton have objected to the amended location of the waste collection and that it should remain in the basement and not on the ground floor level. For the reasons mentioned above, the waste location is in an acceptable location.

The applicant has agreed to enclose the commercial bin storage facility and provide ventilation in accordance with the BCA and the relevant Australian Standards. A condition to this effect has been included. The applicants Waste Management Plan is provided at Attachment 6.
6.8 Landscaping

Arborist

The amendment application was submitted to Council's Arborist and was determined to be satisfactory. An objection received from 139 Martin Street has raised concerns regarding the removal of trees on their boundary. The tree removal is the same as the previously approved.

6.9 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 report is required.

A Cultural Heritage Assessment was submitted with the application and was determined that the proposal is a high impact activity but the activity area does not contain an area of cultural heritage sensitivity.

6.10 Development contributions levy

Based on the proposed application and below recommendation, a development contributions levy is applicable. $1,044 for each additional apartment ($11,484.00) and $543 per 100 square metres of site area ($3,008.22), requiring a total amount of $14,492.22. [NB: Figure may alter dependant on further information from applicant detailing current floor area and land use of existing building to be demolished.]

6.11 Objector issues not already addressed

An objection received from 139 martin Street Brighton has raised concerns regarding the construction impacts including the noise, dust, vibration and the undermining of footings to their property. Pursuant to Section 72 of the Planning and Environment Act 1987, the ambit of discretion is limited to the proposed changes sought by the applicant. Consideration cannot be given to elements already approved as part of the original application but not sought to be amended. It is considered that the proposed amendments as outlined in Section 5.1 of this report do not alter the construction. Condition 16 as per the Planning Permit also requires a Construction Management Plan, managing the impacts during construction.

Support Attachments

1. Application Plans ↓
2. Previous Decision Plans ↓
3. Aerial Imagery ↓
4. Planning Permit 5/2017/586/1 ↓
5. Clause 58 Apartment Development Assessment ↓
6. Applicants Waste Management Plan ↓
MIXED-USE DEVELOPMENT - 129-135 MARTIN STREET, BRIGHTON
Figure 1 Aerial overview of the site and surrounds

Legend

<table>
<thead>
<tr>
<th>Subject site</th>
<th>🟡</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objector(s)</td>
<td>⚪</td>
</tr>
</tbody>
</table>

- 2 objections not shown on map* - 13 The Park, Hillside and 8 weatherly Grove, Brighton
PLANNING PERMIT

Application No.: 5/2017/586/1
Planning Scheme: Bayside
Responsible Authority: Bayside City Council

ADDRESS OF THE LAND:
129-135 Martin Street BRIGHTON

THE PERMIT ALLOWS:
Use and development of land for dwellings, construction of a four storey mixed use building plus basement parking, demolition and construction in a Heritage Overlay and reduction of car parking in accordance with the endorsed plans and subject to the following conditions:

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1 Before the use and 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 prepared by Finnis Architects referenced TP04 – TP05 Revision H and TP06 – TP12 Revision F, dated 19 June 2018 but modified to show:
(a) Details of the lighting and paving of the setback area adjacent to the carriageway easement;
(b) 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 adjoining properties habitable rooms;
(c) An updated landscaping plan in accordance with condition 10;
(d) Any update to the basement bin store area to allow for compliance with 20(g).
(e) Payment of Development contributions in accordance with condition 22.
(f) Water Sensitive Urban Design measures in accordance with condition 8.
(g) Planter Boxes in accordance with condition 10(a).
(h) Sustainability report in accordance with condition 14.
(i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

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.

Date issued: 24 July 2018
Signature for the Responsible Authority

Michael Kalleskar
Planning and Environment Regulations 2016 Form 4
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 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

7 Waste collection must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

### Water Sensitive Urban Design

8 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:

   - The type of water sensitive urban design stormwater treatment measures to be used.
   - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
   - 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.

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 drawn to scale with dimensions and three copies must be provided. The plan must show:

   - Planter boxes to be located on the inside of each north and south facing balcony.
   - A survey, including, botanical names of all existing trees to be removed from the site.
Application No.: 5/2017/586/1

PLANNING PERMIT
Planning Scheme: Bayside
Responsible Authority: Bayside City Council

(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 vegetation within the planter boxes including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

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.

Heritage

13 Before demolition begins, an annotated photographic study of archival quality of the building prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority as a record of the building. The survey must include:

(a) Each elevation of the building;
(b) The interior of the building;
(c) Architectural design detailing of the building;
(d) A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.

Sustainability

14 Prior to the endorsement of plans pursuant to condition 1, a Sustainability Report to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by Sustainable Development Consultants dated September 2017 but updated to reflect design revisions.

15 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.

Construction Management Plan

16 Before the commencement of works, 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.

Michael Kelleher
Date issued: 24 July 2018
Signature for the Responsible Authority

Planning and Environment Regulations 2016 Form 4
(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 reasonably 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.


(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.

Drainage

17 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.

Michael Kallesoe

Date issued: 24 July 2018
Signature for the Responsible Authority

Planning and Environment Regulations 2016 Form 4
18. 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 Projects Department.

19. Council records indicate that there is 3.05 metre wide carriageway easement along the north property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structure of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.

**Waste Management**

20. Before the endorsement of plans, a 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, and include:

- (a) Dimensions of storage waste areas.
- (b) Storage waste areas for the office and shop use to be in the basement area.
- (c) Storm water drains in storage areas should be fitted with a litter trap.
- (d) The number and size of bins to be provided.
- (e) Facilities for bin cleaning.
- (f) Method of waste and recyclables collection.
- (g) All waste (including shops and office waste) to be collected from the basement with no kerbside collection.
- (h) Types of waste for collection, including colour coding and labelling of bins.
- (i) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
- (j) Method of hard waste collection.
- (k) Method of presentation of bins for waste collection.
- (l) Sufficient headroom within the basement to accommodate waste collection vehicles.
- (m) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
- (n) Strategies for how the generation of waste and recyclables will be minimised.
- (o) Compliance with relevant policy, legislation and guidelines.

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.

---

Date issued: 24 July 2018

Signature for the Responsible Authority

**Planning and Environment Regulations 2015 Form 4**
Application No.: 5/2017/586/1

PLANNING PERMIT
Planning Scheme: Bayside
Responsible Authority: Bayside City Council

Basement Construction
21 Following completion of the construction of the basement and prior to commencement of the next level, a report prepared by a licensed surveyor certifying the overall internal dimensions and levels have been achieved shall be submitted to and approved by the Responsible Authority.

Development Contributions
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 Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry
23 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.
(c) The use is not started within five years of the date of this permit.
(d) The use is discontinued for a period of two years or more.

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 July 2016</td>
<td>As per Victorian Civil Administrative Tribunal Order P557/2018, dated 24 July 2018</td>
</tr>
</tbody>
</table>

Signature for the Responsible Authority

Michael Kelleher

Date issued: 24 July 2018

Planning and Environment Regulations 2015 Form 4
FORM 4

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?
The Responsible Authority has issued a permit.
(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?
The responsible authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

A permit operates:
- from the date specified in the permit; or
- if no date is specified, from
  (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?
1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
   - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   - the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?
- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2015
<table>
<thead>
<tr>
<th>Standard</th>
<th>Complies with Standard</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1 Urban context objectives</td>
<td>N/A</td>
<td>The proposed amendment does not change the previously approved number of storeys.</td>
</tr>
<tr>
<td>D2 Residential policy</td>
<td>Yes</td>
<td>The proposed amendment reduces the amount of dwellings from 15 to 11.</td>
</tr>
<tr>
<td>D3 Dwelling diversity</td>
<td>Yes</td>
<td>A range of apartment sizes is proposed, with a variation in the number of bedrooms.</td>
</tr>
<tr>
<td>D4 Infrastructure</td>
<td>Yes</td>
<td>The site is located in an area with existing infrastructure. This will be the responsibility of the developer.</td>
</tr>
<tr>
<td>Standard D5 Integration with the street</td>
<td>Yes</td>
<td>The ground floor retail elements front onto the street with high levels of glazing and a clear entrance for both retail and residential.</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>-----</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Standard D6 Energy efficiency</td>
<td>Yes</td>
<td>Where possible apartments are orientated to be north facing. Where not, sufficient access to east and west facing light is provided.</td>
</tr>
<tr>
<td>To achieve and protect energy efficient dwellings and buildings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure dwellings achieve adequate thermal efficiency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D7 Communal open space</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D8 Solar access to communal outdoor open space</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>To allow solar access into communal outdoor open space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D9 Safety</td>
<td>Yes</td>
<td>Clear entryways are provided from Martin Street (central courtyard area) with a centralised lift and stairwell within the building.</td>
</tr>
<tr>
<td>To ensure the layout of development provides for the safety and security of residents and property.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D10 Landscaping</td>
<td>Yes</td>
<td>The site is located within a commercial activity centre. Where a higher level of site coverage is considered appropriate. Retail uses are provided at ground floor level.</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>To encourage development that respects the landscape character of the area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To provide appropriate landscaping.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To encourage the retention of mature vegetation on the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D11 Access</td>
<td>N/A</td>
<td>The existing vehicle access from Asling Street will be utilised. No new access is proposed.</td>
</tr>
<tr>
<td>To ensure the number and design of vehicle crossovers respects the urban context.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D12 parking location</td>
<td>Yes</td>
<td>Basement and ground floor level parking is provided with sufficient parking for residents and retail.</td>
</tr>
<tr>
<td>To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D13 Integrated water and stormwater management</td>
<td>Yes</td>
<td>A Sustainable Design Assessment has been submitted as part of the application. Rainwater will be collected from the roof areas and directed into a tank.</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>Description</td>
<td>Yes/No</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>--------</td>
</tr>
<tr>
<td>D14</td>
<td>Building setback&lt;br&gt;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. To limit views into habitable room windows and private open space to new and existing dwellings. To provide a reasonable outlook from new dwellings. To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</td>
<td>Yes</td>
</tr>
<tr>
<td>D15</td>
<td>Internal views&lt;br&gt;To limit views into the private open space and habitable room windows of dwellings within a development.</td>
<td>Yes</td>
</tr>
<tr>
<td>D16</td>
<td>Noise impacts&lt;br&gt;To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.</td>
<td>Yes</td>
</tr>
<tr>
<td>D17</td>
<td>Accessibility&lt;br&gt;To ensure the design of dwellings meets the needs of people with limited mobility.</td>
<td>Yes</td>
</tr>
<tr>
<td>Standard D18 Building entry and circulation</td>
<td>Yes</td>
<td>Each dwelling has its own sense of identity. The layout of the building is appropriate and sufficient daylight is provided.</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>To provide each dwelling and building with its own sense of identity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D19 Private open space</td>
<td>Yes</td>
<td>All dwellings are provided with adequate open space that meets the requirements.</td>
</tr>
<tr>
<td>To provide adequate private open space for the reasonable recreation and service needs of residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard 020 Storage</td>
<td>Yes</td>
<td>Information submitted shows sufficient internal and external storage is being provided.</td>
</tr>
<tr>
<td>To provide adequate storage facilities for each dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard 021 Common property</td>
<td>Yes</td>
<td>Clearly delineated within the plans.</td>
</tr>
<tr>
<td>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To avoid future management difficulties in areas of common ownership.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard D22 Site services</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>To ensure that site services can be installed and easily maintained.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure that site facilities are accessible, adequate and attractive.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard 023 Waste and recycling</td>
<td>Yes</td>
<td>Council's Waste Coordinator is satisfied that the submitted Waste Management Plan is appropriate and provides acceptable facilities and collection.</td>
</tr>
<tr>
<td>To ensure dwellings are designed to encourage waste recycling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure that waste and recycling facilities are accessible, adequate and attractive.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard 024 Functional layout</td>
<td>Yes</td>
<td>All dwellings comply with the minimum standards in relation to room sizes.</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>To ensure dwellings provide functional areas that meet the needs of residents.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 025 Room depth</th>
<th>Yes</th>
<th>The rooms comply as the ceiling height is 3.2m, therefore required depth is 8m.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To allow adequate daylight into single aspect habitable rooms.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 026 Windows</th>
<th>Yes</th>
<th>All habitable rooms have windows in external walls.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To allow adequate daylight into new habitable room windows.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 027 Natural ventilation</th>
<th>Yes</th>
<th>10 of the 11 dwellings provide adequate cross ventilation.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To encourage natural ventilation of dwellings.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>To allow occupants to effectively manage natural ventilation of dwellings.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Proposed Mixed Use Development

129-135 Martin Street, Brighton

9 August 2019

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2017/586/2

Date: October 2019
ratio:consultants
8 Gwynne Street
Cronulla VIC 3121
ABN 93 963 380 225

Prepared for:
EBG Developments
Our reference: 16256W REP1.0

Planning and Environment Act, 1987

ADVERTISED PLAN

Planning Application No.: 5/2017/586/2

Date: October 2018

ratio:consultants pty ltd

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Appendices:

Appendix A : Plans Assessed
Appendix B : Swept Path Assessment
Executive Summary:

Address
129-135 Martin Street, Brighton

Local Council
Bayside City Council

Proposal
Land use type: Mixed Use
Number of levels: Four storeys + basement car park
Number of residential dwellings: 11
Size of retail tenancies (non-food):
  — Retail Tenancy 1: 191.24 square metres
  — Retail Tenancy 2: 232.5 square metres

Weekly Waste Generation

<table>
<thead>
<tr>
<th>Use</th>
<th>Garbage Generation</th>
<th>Recycling Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Dwellings</td>
<td>1,300 L/week</td>
<td>1,300 L/week</td>
</tr>
<tr>
<td>Retail Tenancy 1</td>
<td>669 L/week</td>
<td>669 L/week</td>
</tr>
<tr>
<td>Retail Tenancy 2</td>
<td>816 L/week</td>
<td>814 L/week</td>
</tr>
</tbody>
</table>

Bayside City Council Planning and Environment Act 1987
Proposed Bin Schedule

<table>
<thead>
<tr>
<th>Use</th>
<th>Bin Stream</th>
<th>Bin Quantity</th>
<th>Collection Frequency</th>
<th>Bin Storage Location</th>
<th>Collection Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Dwellings</td>
<td>Garbage</td>
<td>2 1100</td>
<td>Weekly</td>
<td>Residential bin room</td>
<td></td>
</tr>
<tr>
<td>Recycling</td>
<td></td>
<td>Hard waste</td>
<td>2.0m² storage area</td>
<td>As required</td>
<td>On-site collection using retail car parking spaces</td>
</tr>
<tr>
<td>Retail Tenancies</td>
<td>Garbage</td>
<td>2 1100</td>
<td>Weekly</td>
<td>Commercial bin area</td>
<td></td>
</tr>
<tr>
<td>Recycling</td>
<td></td>
<td>Hard waste</td>
<td>2.0m² storage area</td>
<td>As required</td>
<td></td>
</tr>
</tbody>
</table>

Collection Summary
A private waste contractor shall be engaged to collect residential and commercial waste on-site using the retail car parking spaces.
1.1 The Proposed Development

The site of the proposed mixed use development is located at 129-135 Martin Street, Brighton.

The proposal involves the construction of a four-storey mixed use development plus basement car park. More specifically, the development comprises:

- 11 apartments, including:
  - 1 x two-bedroom apartment; and
  - 10 x three-bedroom apartments.
- Two retail tenancies on ground level fronting Martin Street, with floor areas as follows:
  - Retail Tenancy 1: 191.24 square metres; and
  - Retail Tenancy 2: 232.5 square metres.
- Ground and basement level parking, accessed via Asling Street.

At the time of the preparation of this Waste Management Plan, the Architectural Plans show a residential bin room and commercial bin area located within the ground level car park. Refer to Appendix A for a copy of the proposed floor plans used in the preparation of this Waste Management Plan.

1.2 Limitations

This Waste Management Plan has been prepared to accompany the Planning Permit application of the proposed development.

While Waste Management arrangements relating to the construction and fit-out stages of the development, and ongoing operation and monitoring of the waste management arrangements for the development following the occupancy of the development are outside the scope of this Waste Management Plan.

Planning Application No.: 5/2017/586/2

1.3 Applicable Standards and References

Relevant guidelines and publications considered as part of the preparation of this Waste Management Plan include:

- Bayside City Council – Consolidated Local Law No. 2 Neighbourhood Amenity” (2014)
2.1 Garbage Generation

At the time of preparation of this Waste Management Plan, Bayside City Council has no published waste generation rates for residential and commercial land uses. As such, the waste generation rates provided within Sustainability Victoria’s ‘Better Practice Guide for Waste Management and Recycling in Multi-Unit Developments’ have been adopted for the purposes of this assessment.

The adopted garbage generation rates are outlined below:

- Two-bedroom dwelling: 100 L/dwelling/week
- Three-bedroom dwelling: 120 L/dwelling/week
- Shop (non-food): 50 L/100m² floor area/day

It is assumed that retail tenancies will be in operation for seven days per week.

Applying the above garbage generation rates, the garbage generation estimate for the development is outlined in Table 2.1 below.

### Table 2.1: Garbage Generation Estimate

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Dwellings / Floor Area</th>
<th>Garbage Generation Rate</th>
<th>Garbage Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-bedroom</td>
<td>1 dwelling</td>
<td>100 L/dwelling/week</td>
<td>100 L/week</td>
</tr>
<tr>
<td>Three-bedroom</td>
<td>10 dwellings</td>
<td>120 L/dwelling/week</td>
<td>1,200 L/week</td>
</tr>
<tr>
<td>Shop</td>
<td>200 m²</td>
<td>50 L/100 m² floor area/day</td>
<td>1,000 L/week</td>
</tr>
<tr>
<td>Total Residential Garbage Generation</td>
<td></td>
<td></td>
<td>2,469 L/week</td>
</tr>
<tr>
<td>Retail - Shop 1</td>
<td>166.24 m²</td>
<td>50 L/100 m² floor area/day</td>
<td>814 L/week</td>
</tr>
<tr>
<td>Retail - Shop 2</td>
<td>232.5 m²</td>
<td>50 L/100 m² floor area/day</td>
<td>1,483 L/week</td>
</tr>
<tr>
<td>Total Commercial Garbage Generation</td>
<td></td>
<td></td>
<td>2,783 L/week</td>
</tr>
<tr>
<td>Total Garbage Generation</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2.2 Recycling Generation

Applying a consistent approach, the recycling generation rates have also been sourced from Sustainability Victoria’s ‘Better Practice Guide for Waste Management and Recycling in Multi-Unit Developments’.

The adopted recycling generation rates are outlined below:

- Two-bedroom dwelling: 100 L/dwelling/week
- Three-bedroom dwelling: 120 L/dwelling/week
- Shop (non-food): 50 L/100m² floor area/day

Applying the above recycling generation rates, the recycling generation estimate for the development is outlined in Table 2.2 below.

**Table 2.2: Recycling Generation Estimate**

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Dwellings / Floor Area</th>
<th>Recycling Generation Rate</th>
<th>Recycling Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-bedroom dwellings</td>
<td>1 dwelling</td>
<td>100 L/dwelling/week</td>
<td>100 L/week</td>
</tr>
<tr>
<td>Three-bedroom dwellings</td>
<td>10 dwellings</td>
<td>120 L/dwelling/week</td>
<td>1,200 L/week</td>
</tr>
<tr>
<td>Total Residential Recycling Generation</td>
<td></td>
<td></td>
<td>1,300 L/week</td>
</tr>
<tr>
<td>Retail Tenancy 1</td>
<td>191.24 m²</td>
<td>50 L/100m² floor area/day</td>
<td>669 L/week</td>
</tr>
<tr>
<td>Total Retail Recycling Generation</td>
<td></td>
<td></td>
<td>814 L/week</td>
</tr>
<tr>
<td>Total Recycling Generation</td>
<td></td>
<td></td>
<td>1,483 L/week</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2,783 L/week</td>
</tr>
</tbody>
</table>
3.1 System for Managing Waste

The collection arrangements for the various waste streams are summarised as follows:

— Garbage: for collection purposes, garbage shall be stored within garbage collection bins;
— Recycling: for collection purposes, all recyclables shall be commingled into recycling collection bins (for plastic coded 1-7, paper including magazines and newspaper, cardboard in small amounts and folded down, PET, glass, aluminium, tin cans, milk and juice cartons, steel and HDPE containers);
— Green Waste: it is proposed that all common area landscaping will be managed via a landscaping contractor who will be responsible for the removal and transportation of green waste off-site;
— Litter trap: litter traps should be fitted in the storm water drains on ground level; and
— Hard Waste: hard waste shall be stored within the nominated storage area within the appropriate bin storage area. A private contractor shall be engaged to collect hard waste on an as-required basis; and
— E-Waste: it is understood that e-waste has been banned from landfill. As such, a portion of the area dedicated to hard waste within the bin storage areas be allocated for the storage of e-waste. A private contractor shall be engaged to collect e-waste on an as-required basis.

3.2 Garbage and Recycling Storage Facilities

The garbage and recycling collection system consists of the following facilities:

— Waste receptacles for garbage and recycling located within individual apartments;
— Waste receptacles for garbage and recycling located within the retail area;
— A residential bin room, accommodating shared residential collection bins and a dedicated hard waste storage area, located within the ground floor car park; and
— Shared commercial bins and a commercial hard waste storage area located within the ground floor car park.

Based on the current site layout, bin lifting equipment is not expected to be required, subject to the appointed waste collection contractor conducting a Safe Work Method Statement Assessment. Should additional bin transfer equipment be deemed necessary, the appointed waste collection contractor can liaise with the Owners Corporation to arrange for necessary equipment and storage arrangements.

It is recommended that the following considerations be made for the residential bin room and commercial bin areas:

**General Requirements**

— Comply with Building Code of Australia (BCA) and all relevant Australian Standards;
— Allow storage of all waste and recycling bins on site at all times;
— Allow easy access for users of the bins;
— Allow easy, direct and convenient transfer of bins to the collection point; and
— Artificial light shall be provided where necessary outside the bin room to enable occupiers of the site to dispose of waste safely and appropriately at all times.

**Space and Facilities Requirements**

— The bin room / area shall be sized to accommodate all garbage and recycling or other waste arising on the premises together with any associated equipment for handling the generated waste. The area designated for bin storage is based on the number of bins and the physical dimensions of the bins. The number of bins and bin sizes required for the development is outlined in Section 4.1.

— The bin room / area shall be maintained to ensure that the aesthetics of the development are not compromised;

— Each bin shall be accessible and manoeuvrable in and out of the bin room / area with minimum handling of other bins;

— The floor of the bin room / area shall be constructed of concrete (or similar), graded and drained to an approved drainage outlet connected to the sewer, and shall be finished to a smooth even surface covered at the intersection of walls and plinths.

**Ventilation Requirements**

— The bin room / area shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668.2;

— Ventilation openings shall be protected against flies and vermin; and

— Doors shall be tight fitting (where provided).

---

**Bin Colour Requirements**

— All bins shall be provided by a private supplier. The below bin colours are specified by Australian Standard AS4123.7 2006, however due to the private nature of the collection, these are only recommendations and are not mandatory.

• Garbage bins with a dark green or black body and red lid;
• Recycling bins with a dark green or black body and yellow lid.

**NOTICE:** Private collection contractors often supply their own bins for collection.

---

**Signage Requirements**

— Bins shall be clearly marked and signed with the industry standard signage approved by Sustainability Victoria or equivalent; and

— The bin room will be provided with signs showing correct disposal of general garbage and commingled recycling.

The typical Sustainability Victoria signage is shown in Figure 3.1.
Figure 3.1: Sustainability Victoria Signage

Bayside City Council
Planning and Environment Act 1987

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4.1 Bin Requirements and Collection Frequency

Based on the garbage and recycling generation estimates calculated in Sections 2.1 and 2.2, it is considered that the use of 1100L bins for will be appropriate for the development.

The bins that shall be utilised are detailed in Table 4.1.

Table 4.1: Bin Details

<table>
<thead>
<tr>
<th>Bin (L)</th>
<th>Height (mm)</th>
<th>Width (mm)</th>
<th>Depth (mm)</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>1330</td>
<td>1240</td>
<td>1070</td>
<td>1.3</td>
</tr>
</tbody>
</table>

Based on Sulo bins.

Table 4.2 summarises the number and size of bins required, as well as the proposed collection frequencies.

Table 4.2: Proposed Bin Schedule

<table>
<thead>
<tr>
<th>Use</th>
<th>Waste Stream</th>
<th>Bin Quantity</th>
<th>Bin Size (L)</th>
<th>Collection Frequency</th>
<th>Bin Storage Location</th>
<th>Collection Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Dwellings</td>
<td>Garbage</td>
<td>2</td>
<td>1100</td>
<td>Weekly</td>
<td>Residential bin room</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recycling</td>
<td>2</td>
<td>1100</td>
<td>Weekly</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hard waste</td>
<td></td>
<td>2.0m² storage area</td>
<td>As required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Tenants</td>
<td>Garbage</td>
<td>2</td>
<td>1100</td>
<td>Weekly</td>
<td>Commercial bin area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recycling</td>
<td>2</td>
<td>1100</td>
<td>Weekly</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hard waste</td>
<td></td>
<td>2.0m² storage area</td>
<td>As required</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above schedule will provide a capacity of:

- Residential Garbage: 2,200 L/week.
- Residential Recycling: 2,200 L/week.
- Commercial Garbage: 2,200 L/week.
- Commercial Recycling: 2,200 L/week.

This capacity is sufficient to allow for the estimated waste generation for the development calculated in Sections 2.1 and 2.2.

Should the waste volume generated exceed the calculated volume in Tables 2.1 and 2.2, additional bins or more frequent waste collections may be provided.

The areas allocated for bin storage shown on the Architectural Plans are sufficient to store the required number of bins outlined above.
5.1 Collection Arrangements

Given the proposed bin sizes and quantities, collections shall be undertaken on-site by a private waste contractor using retail car parking spaces #1 and #2.

Mini rear-lift waste trucks will be utilised for the collection of waste. The waste trucks are 6.4 metres long, 2.1 metres high, 6.2 tonnes in gross vehicle mass, and require an operational height clearance of 2.4 metres when collecting 1100L bins.

Retail car parking spaces #1 and #2 shall be time-restricted to ensure they are vacant during waste collection times. In order for the nominated waste collection vehicle to turn around and exit the site in a forward direction.

Once the waste collection time is determined with feedback from the appointed waste collection contractor, the Building Manager shall advise retail tenants or issue a notice in relation to the time restriction applicable to the car parking spaces for the waste collection vehicle to turn around. Parking signage shall be arranged by the Building Manager and installed to ensure the time restriction is clearly displayed.

A swept path assessment has been prepared using Autodesk Vehicle Tracking Software demonstrating that the nominated waste collection vehicle can access the site, conduct waste collection and exit the site in a forward direction (refer to Appendix B). The collection contractor will be responsible for the transfer of garbage and recycling bins from the designated storage location to the waste collection vehicle, returning the bins to the designated storage location immediately.

Residential and commercial hard waste shall be collected by a private contractor on an as-required basis. Hard waste and e-waste items can also be deposited at the Waste Transfer and Recycling Centre at 144 Talinga Road, Cheltenham, where fees and charges may apply. Bins shall not be left in a manner that block access to any doorways, service entryways or public pathways at any time.

The loaded waste collection vehicle shall be fully secured with contained loads to prevent spillage and leak of dust or odour.

The collection of waste and recyclables must be in accordance with Council’s Consolidated Local Laws.

5.2 Collection Times

Due to the site’s proximity to residential properties, private waste collection shall only occur during daytime hours, as stipulated in the Environment Protection (Residential Noise) Regulations 2008.

All private waste collection shall occur during the following time-period:

- Between 7:00am and 8:00pm, Monday to Friday, and
- Between 9:00am and 8:00pm, Weekends and Public Holidays.

Further to the above, it is recommended that private waste collection activities occur outside of retail business hours to ensure the retail car parking spaces are vacant for collection (i.e. between 7:00am-8:00am and 7:00pm-8:00pm, Monday to Friday).
6.1 Waste Disposal and Sorting Responsibilities

Garbage shall be placed within tied plastic bags prior to disposal into the appropriate collection bins.

Recycling containers shall be uncapped, drained and rinsed prior to disposal into the appropriate collection bins. Bagged recycling is not permitted.

Residential and commercial hard waste and e-waste shall be stored within the nominated location within the appropriate bin room.

6.2 Owners Corporation Responsibilities

The Owners Corporation shall be responsible for the following:

— Ongoing management of the waste system including the maintenance of all waste areas to the satisfaction of users, staff and the relevant authority, and in accordance with relevant manufacturer specifications. When required, the Owners Corporation shall engage an appropriate contractor to conduct services, replacements or upgrades.

— Engage and manage the waste collection contractor, including frequency of waste and recyclables removal, and the transfer of bins between the bin room and the collection vehicle.

— Advise retail tenants to not park in the nominated car parking spaces during waste collection times;

— Provide time restriction signs for the car parking space to be utilised on this waste collection day.

— Provide and maintain adequate safe operating procedures (including the preparation of Safe Work Method Statements).

— Securing the waste areas and labelling numbering the bins according to the waste type used to protect the equipment from theft and vandalism.

— Informing tenants and visitors of the regular keeping and removal of litter on a regular basis.

— Publish a Notice of information or ‘house rules’ to ensure that residents and other users are familiar about the waste management system, the locations of waste and recycling disposal, information of hard and green waste collection services and the storage location onsite for hard waste prior to collection.

— Preventing overfilled bins by keeping lids closed and bungs leak free.

— Inform residents that bagged recycling is not permitted.

— Ensure that bins provided for use at the designated site are not removed.

6.3 Commercial Tenant Responsibilities

The occupiers of the retail tenancies shall be responsible for the following:

— Ensure that any container used for the storage of commercial waste is:
  • Constructed of approved impervious materials so as to prevent the escape by leakage of the contents;
  • Thoroughly cleaned after each emptying of the contents;
  • Kept at all times in good order and in a clean and sanitary condition;
  • Constructed to be water tight, fly and vermin proof; and
6.4 Waste system User Education

The Owners Corporation shall publish / distribute rules / information / educational material to:

— Inform users about the waste management system.
— Improve facility management results, to reduce equipment damage, reduce littering, and to achieve better cleanliness.
— Advise users to sort and recycle waste with care to reduce contamination of recyclables.

6.5 Arrangements for Bins / Equipment Labelling

— The appointed waste collection services contractor shall provide recycling labels in accordance with the Planning and Environment Act 1987. Refer to Sustainability Victoria’s “Away from Home” Waste Signage Guidelines for further information.
— The Owners Corporation, in conjunction with the Owners Corporation shall publish / distribute rules / information / educational material to:

  • Inform users / staff about the waste management system and the use / location of the associated equipment.
  • Improve facility management results, to reduce littering, and to achieve better cleanliness.
  • Advise users / staff to sort and recycle waste with care to reduce contamination of recyclables.
6.6 Waste Management Plan Revisions

From time to time, due to changes in legislative requirements, changes in the development’s needs and/or waste patterns (such as waste composition, volume, or distribution), or to address unforeseen operational issues, the Owners Corporation and/or appointed contractor shall be responsible for coordinating the necessary Waste Management Plan revisions, including (on an as-required basis):

— A waste audit and new waste management strategy.
— Revision of the waste system (bin size / quantity / waste streams / collection frequency / update of equipment).
— Re-education of users.
— Revision of the services provided by the waste collection contractor(s).
— Any necessary statutory / regulatory requirements / approvals.

Bayside City Council
Planning and Environment Act 1987

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7.1 Victoria’s Getting Full Value Strategy

The Victorian Government’s “Getting Full Value: The Victorian Waste and Recovery Policy” was released in 2013, which sets out a strategy to reduce the amount of waste generated in Victoria, and increase the amount of materials for recycling and reprocessing to reduce damage to the environment caused by waste.

Ongoing education, and dedicated ongoing management services are critical factors in encouraging residents to continue to use the services and systems as intended. The future Owners/Occupiers of the development shall promote the above strategy where practicable and encourage residents to participate in minimising the impact of waste on the environment. In particular, consideration shall be made to the following:

Consideration of the Towards Zero Waste’s Hierarchy:

— Waste avoidance
— Reuse – Recycle
— Recover / Treat / Contain
— Disposal

Establishment of waste reduction and recycling targets, including conducting periodic waste audits, keeping records of waste streams, and monitoring of the quantity of recyclables found in landfill-bound bins. The results of such audits shall be shared with users to encourage further reductions in waste where possible.

Bayside City Council
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8.1 Contact Information

Table 8.1 below includes a complimentary listing of contractors and equipment suppliers. The Project Principal shall not be obligated to procure goods / services from these companies. Ratio Consultants does not warrant or make representations for the goods / services provided by these contractors and suppliers.

<table>
<thead>
<tr>
<th>Service</th>
<th>Contractor / Supplier</th>
<th>Phone</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleanaway</td>
<td></td>
<td>13 13 39</td>
<td><a href="http://www.cleanaway.com.au">www.cleanaway.com.au</a></td>
</tr>
<tr>
<td>JJ Richards</td>
<td></td>
<td>02 9799 6722</td>
<td><a href="http://www.jjrichards.com.au">www.jjrichards.com.au</a></td>
</tr>
<tr>
<td>Premier Waste</td>
<td></td>
<td>1300 219 001</td>
<td><a href="http://www.premierwaste.com.au">www.premierwaste.com.au</a></td>
</tr>
<tr>
<td>Veolia Environmental Services</td>
<td></td>
<td>132 955</td>
<td><a href="http://www.veolia.com/anz">www.veolia.com/anz</a></td>
</tr>
<tr>
<td>Wastewise Environmental</td>
<td></td>
<td>1300 650 408</td>
<td><a href="http://www.wastewise.com.au">www.wastewise.com.au</a></td>
</tr>
<tr>
<td>Kartaway</td>
<td></td>
<td>1300 362 362</td>
<td><a href="http://www.kartaway.com.au">www.kartaway.com.au</a></td>
</tr>
<tr>
<td>Bin Wastewise</td>
<td></td>
<td>1300 219 001</td>
<td><a href="http://www.premierwaste.com.au">www.premierwaste.com.au</a></td>
</tr>
<tr>
<td>Sulo Australia</td>
<td></td>
<td>1300 364 388</td>
<td><a href="http://www.sulo.com.au">www.sulo.com.au</a></td>
</tr>
<tr>
<td>Bin Wastewise</td>
<td></td>
<td>1300 768 123</td>
<td><a href="http://www.wastebuffers.com.au">www.wastebuffers.com.au</a></td>
</tr>
<tr>
<td>Sulo Australia</td>
<td></td>
<td>1300 219 015</td>
<td><a href="http://www.sulo.com.au">www.sulo.com.au</a></td>
</tr>
<tr>
<td>Bin Waste Collection</td>
<td></td>
<td>03 9834 7381</td>
<td><a href="http://www.baysidecouncilplan.waste.com.au">www.baysidecouncilplan.waste.com.au</a></td>
</tr>
<tr>
<td>WBCM Environmental Australia</td>
<td></td>
<td>1300 800 621</td>
<td><a href="http://www.wbcom-aust.com.au">www.wbcom-aust.com.au</a></td>
</tr>
<tr>
<td>Odour Control</td>
<td></td>
<td>1300 135 039</td>
<td><a href="http://www.eco-safe.com.au">www.eco-safe.com.au</a></td>
</tr>
<tr>
<td>WBCM Environmental Australia</td>
<td></td>
<td>1300 800 621</td>
<td><a href="http://www.wbcom-aust.com.au">www.wbcom-aust.com.au</a></td>
</tr>
</tbody>
</table>
Appendix A: Plans Assessed

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2017/586/2
Date: October 2019
Appendix B: Swept Path Assessment

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2017/586/2
Date: October 2019
Item 4.6 – Matters of Decision
This matter has been reported to the Planning and Amenity Committee for a decision as the proposed building exceeds two storeys in the Design and Development Overlay (Schedule 3).

1. Application Details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Brighton Grammar School</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants</td>
</tr>
<tr>
<td>Date application received</td>
<td>24 September 2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>143 statutory days (as of 10 March 2020)</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Heritage Overlay (Schedule 323)</td>
</tr>
<tr>
<td></td>
<td>Heritage Overlay (Schedule 350)</td>
</tr>
<tr>
<td>Site area</td>
<td>4.0174 hectares.</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Two.</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>No.</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No</td>
</tr>
</tbody>
</table>

Proposal
The application seeks part demolition and the construction of a three storey multi-purpose building with basement car parking and roof top tennis courts. Key details of the proposal are as follows:

- Partial demolition of the western portion of the post-war school buildings that front St Andrews Street, as well as the tennis courts and associated structures.
- Construction of a three storey multi-purpose building with basement levels providing science and robotics laboratories, creative arts and product design classrooms, a multipurpose space and school/parish offices on the ground and first floors.
- Three roof top tennis courts on the first floor roof, plus tennis court fencing and light towers with an additional height of 5.1 metres and 7 metres above the first floor height, respectively.
- Second floor consisting of the club room and amenities for the tennis club (set
behind the tennis courts away from the street frontage).

- Basement consisting of three levels and containing 67 car parking spaces, an auditorium and associated amenities, storage space and mechanical plant equipment.
- Building height of 8.334 metres to the top of the first floor and a maximum building height of 11.234 metres to the top of the second floor roof.
- Vehicle access to the basement car parking via a new crossover to the south-east of the St Andrews Street frontage.
- Materials and finishes including architectural precast concrete, exposed architectural concrete finish, flush faced structural clear double glazing, glass balustrade, flush faced structural clear double-glazing with interstitial layer, integrated facade louvres with frameless vertical Mullions, acoustic plant screen louvres, paint finished 10mm plate mild steel, paint finished mild steel automated pivoting gates, vertical tensile cables and 1.5mm wire stainless steel net mesh.

The application plans are provided at Attachment 1.

The 3D perspectives are provided at Attachment 2.

An aerial image and photographs of the site and surrounds are provided at Attachment 3.

**History**

Planning permit P.4157 was issued by the City of Brighton on 18 February 1994 and allowed the construction of tennis court lights for the St Andrews tennis club. This planning permit restricts the operation of the light towers to between 7:00am and 11:00pm.

Planning permit application 5/2017/6/1 sought approval for additions and alterations to an existing education facility, including the construction of a first and second floor, the construction of a synthetic running track and associated demolition. The construction of a first and second floor related to the land at 29-39 Grosvenor Street, while the synthetic running track related to land at 37 St Andrews Street, in the north-west corner of the property with a frontage to New Street. The Tribunal ordered that a planning permit be granted in its order of 13 April 2018.

A Section 72 amendment application was lodged to planning permit 5/2017/6/1 and sought to relocate the main stairwell and lift core, add doors to the southern façade, internal layout changes and the deletion of condition 12 relating to drainage. The amended planning permit was issued on 9 April 2019.

Planning permit application 5/2017/283/1 sought approval for the construction of four light towers associated with the soccer pitch located at 37 St Andrews Street, in the north-west corner of the site with a frontage to New Street. This planning permit was issued on 25 September 2017.

Planning permit application 5/2018/271/1 sought approval for alterations, including partial demolition, to an existing front fence located on Outer Crescent. This planning permit was granted on 24 May 2018.

**2. Planning Controls**

**Planning Permit Requirements**

A planning permit is required pursuant to:

- Clause 32.09-9 (Neighbourhood Residential Zone) – To construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.
- Clause 43.01-1 (Heritage Overlay) – To demolish or remove a building and to
construct a building or construct or carry out works.

- Clause 43.02-2 (Design and Development Overlay) – To construct a building or construct or carry out 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:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space arborist</td>
<td>Objected to the removal of three of the four street trees proposed to be removed along St Andrews Street. This is discussed in further detail in Section 6.5 of this report.</td>
</tr>
<tr>
<td>Heritage advisor</td>
<td>No objection.</td>
</tr>
<tr>
<td>Traffic engineer</td>
<td>Raised the following relevant concerns:</td>
</tr>
<tr>
<td></td>
<td>- If there is in fact no change in numbers, why is there a need for 67 on-site car spaces to be allocated to staff? Where do they park now?</td>
</tr>
<tr>
<td></td>
<td>- Is the large auditorium and multi-purpose space to be made available for use by the public, and if so, would they be granted access to the on-site car parking?</td>
</tr>
<tr>
<td></td>
<td>- The car park levels are inadequately detailed in terms of dimensions, levels, grades and headroom. There are no sections of the ramps. Some of the claims in Table 4-1 of the traffic report cannot be substantiated based on the plans in their current form.</td>
</tr>
<tr>
<td></td>
<td>- The relocation of some existing activities to the proposed building has the potential to change existing traffic patterns.</td>
</tr>
<tr>
<td>Drainage assets engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public Notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and three objections were received. Two objections remain outstanding at the time of this report. The following concerns were raised:

- Out of character
- Streetscape impacts
- Loss of trees
- Loss of amenity
• Light spill from tennis court flood lights
• Increase in noise
• Overshadowing
• Increased traffic congestion.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation Meeting

A consultation meeting was held on 4 December 2019 attended by the permit applicant and one objector. As a result of this meeting and subsequent discussions between the permit applicant and an objector, one objection was withdrawn.

4. Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/515/1 for the land known and described as 37 St Andrews Street, Brighton, for the part demolition and the construction of a three storey multi-purpose building with basement levels and roof top tennis courts in accordance with the endorsed plans and subject to the following conditions:

Amended Plans

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 Architectus, date 19 September 2019, but modified to show:

   a) The retention of street trees 63, 205 and 206, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.

   b) All relevant dimensions, levels, grades, headroom clearance and sections of the basement ramps, car parking spaces and accessways.

   c) Water sensitive urban design measures in accordance with condition 7 of this planning permit.

   d) The retention of trees 200 and 201 and any modifications to the proposed landscaping and furniture below, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.

   e) A landscaping plan in accordance with condition 9 of this planning permit.

   f) A tree management and protection plan in accordance with condition 12 of this planning permit.

   g) Any changes required by the acoustic report in accordance with condition 24 of this planning permit.

   h) A public works plan in accordance with condition 28 of this planning 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 the building/s herein approved must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

**Water Sensitive Urban Design**

7. 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 plans 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.

8. 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**

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 report prepared by Oculus Landscape Architecture, dated 5 September 2019 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.

d) Landscaping and/or planting within all areas of the development site not covered by buildings or hard surfaces.

e) Details of surface finishes of pathways and driveways.

f) The retention of trees 200 and 201 and any modifications to the proposed landscaping and furniture below, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.

g) The retention of street trees 63, 205 and 206, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.

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.

Tree Management and Protection Plan

12. 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.

c) The retention of street trees 63, 205 and 206, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.

13. 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.

14. 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.

15. 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

16. There is to be no soil excavation within 3 metres of any street tree to be retained, measured from the edge of the trunk, unless the public works plan required by condition 28 demonstrates the soil excavation as a result of undergrounding services will not unreasonably impact on the health of the street tree.

17. 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. 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, tree protection zone fencing may be reduced to the edge of the new crossover to facilitate works.

18. Prior to soil excavation for a Council approved crossover within the tree protection zone of a street tree to be retained, 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.

19. Any installation of services and drainage within the tree protection zone of any street tree to be retained must be undertaken using root sensitive non-destructive techniques.

Lighting

20. Prior to the endorsement of plans pursuant to condition 1, the Tennis Court Lighting Calculations Report prepared by Erbas, dated December 2019 must be submitted and endorsed by the Responsible Authority.

21. Prior to the certificate of occupancy, certification of the installed tennis court lighting must be undertaken by a qualified lighting engineer, assessed against the Tennis Court Lighting Calculations report prepared by Erbas, dated December 2019.

22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

23. The roof top tennis court lights must only operate between 7:00am and 10:30pm.
Acoustic Report

24. Prior to the endorsement of plans pursuant to condition 1, an amended acoustic report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the acoustic report will be endorsed and will form part of this permit. The acoustic report must be generally in accordance with the tennis court noise emissions report prepared by Acoustic Consulting Australia and dated 30 August 2019, the correspondence from Acoustic Consulting Australia and dated 18 October 2019 and the tennis court noise emissions ambient noise assessment report prepared by Acoustic Consulting Australia and dated 20 December 2019 and assess the following:

a) Residences that are more distant from the courts and are currently screened from the tennis play noise may be subject to slightly higher relative noise levels due to a reduced degree of screening by intervening buildings. This exception must be examined via modelling using the data already collected to examine tennis play noise outside more distant residences.

The acoustic report must make recommendations to limit the noise impacts in accordance with the relevant guidelines or requirement to the satisfaction of the Responsible Authority.

25. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

Traffic and Car Parking Management

26. Prior to the endorsement of plans pursuant to condition 1, a traffic and 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 car parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include:

a) The number and location of car parking spaces allocated to each use, where relevant.

b) The location of all areas on-and/or off-site to be used for staff car parking and occasional church events car parking.

c) The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site, if any.

d) Measures to discourage staff and patron car parking in residential streets.

e) Staffing and other measures to ensure the orderly departure and arrival of patrons associated with occasional church events especially any large groups departing at closing time, if required.

f) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system, etc.

g) Servicing of the drainage and maintenance of car parking areas.
27. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

Public Works Plan

28. 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 St Andrews Street.

b) Details of new or upgraded vehicle crossovers and roads/laneways.

c) Details of new street furniture, including seats, rubbish bins, etc.

d) Details of new bicycle parking facilities.

e) Details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new or removed vehicle crossings.

f) Details of the relocation of any existing street parking signs.

g) Details of any public lighting.

h) Undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the building works on the St Andrews Street site frontage.

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

29. 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 and Council. The cost of all works associated with the endorsed plan must be borne by the developer/owner(s) of the land.

Drainage

30. 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.

31. 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 Projects Department.

32. 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.

Construction Management Plan

33. Prior to commencement of any building works (including demolition works in a Heritage Overlay), a construction management plan (CMP) prepared 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 form part of this permit. The plan must provide for (but not limited to):
a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.

b) Works necessary to protect road and other infrastructure.

c) Remediation of any damage to road and other infrastructure.

d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.

e) Facilities for vehicle washing, which must be located on the land.

f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.

g) Site security.

h) Management of any environmental hazards including, but not limited to:
   i) contaminated soil and ground water;
   ii) materials and waste;
   iii) dust;
   iv) stormwater contamination from run-off and wash-waters;
   v) sediment from the land on roads;
   vi) washing of concrete trucks and other vehicles and machinery; and
   vii) spillage from refuelling cranes and other vehicles and machinery.

i) The construction program.

j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.

k) Parking facilities for construction workers.

l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.

m) An outline of requests to Council/public authorities to occupy public footpaths or roads, or anticipated disruptions to local services.

n) 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 experienced.

o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

p) Include details of bus movements throughout the precinct during the construction period.

q) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate
compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:

i  using lower noise work practice and equipment;
ii  the suitability of the land for the use of an electric crane;
iii  silencing all mechanical plant by the best practical means using current technology;
iv  fitting pneumatic tools with an effective silencer;
v  other relevant considerations; and
vi  any site-specific requirements.

During the construction:

r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.
s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.
t) Vehicle borne material must not accumulate on the roads abutting the land.
u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.
v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the construction management plan may be approved in stages. Construction of each stage must not commence until a construction management plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

Permit Expiry

34. 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 Council’s infrastructure department prior to the commencement of the connection to the Council drain/kerb/channel.
- Subsurface water must be treated in accordance with Council’s policy for Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- 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. Unless specific approval regarding groundwater is obtained from Melbourne Water accepting this from a direct connection to their asset.
- Before the vehicle crossing application will be approved, the applicant must pay $2,481.37 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 751232). 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 2017-2021

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 neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- With village-style activity centres, combining retail at ground floor with increased opportunities for apartment-style living above.
- 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.
• Ensure new development responds to preferred neighbourhood character in activity centres.

**Bayside Planning Scheme**

• Clause 11 Settlement
• Clause 12 Environmental and Landscape Values
• Clause 13 Environmental Risks
• Clause 15 Built Environment and Heritage
• Clause 17 Economic Development
• Clause 18 Transport
• Clause 19 Infrastructure
• 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 21.07 Economic Development
• Clause 21.09 Transport and Access
• Clause 21.10 Infrastructure
• Clause 22.05 Heritage Policy
• Clause 22.06 Neighbourhood Character Policy (Precinct B2)
• Clause 22.07 Discretionary Uses in Residential Areas
• Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
• Clause 43.01 Heritage Overlay (Schedule 323 and Schedule 350)
• Clause 43.02 Design and Development Overlay (Schedule 3)
• Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
• Clause 52.06 Car Parking
• Clause 52.34 Bicycle Facilities
• Clause 53.18 Stormwater Management in Urban Development
• Clause 65 Decision Guidelines.

6. **Considerations**

   In considering this application, regard has been given to the Planning Policy Framework and the Municipal Planning Strategy, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. **Heritage Impacts**

   **Demolition**

   In terms of demolition, Clause 22.05-3.2 seeks to retain significant and contributory heritage elements and discourage the demolition of significant and contributory heritage buildings. The application seeks the part demolition of the western portion of the post-
war school buildings that front St Andrews Street that are of no identified heritage value, as well as the tennis courts and associated structures.

Council’s heritage advisor noted that the ‘demolition of the existing building is not problematical’ and is therefore considered acceptable and supported.

Built Form

The subject site is affected by both Schedule 323 and Schedule 350 of the Heritage Overlay, as shown in Figure 1 below. Schedule 350 applies to the St Andrews Church precinct, which is identified as being on the Victorian Heritage Register under the Heritage Act 2017. Pursuant to Clause 43.01-2, a heritage place which is included in the Victorian Heritage Register is subject to the requirements of the Heritage Act 2017 and, pursuant to Clause 43.01-3, no planning permit is required under the Heritage Overlay to develop a heritage place which is included in the Victorian Heritage Register.

As such, the proposed works in the portion of the site affected by Schedule 350 does not trigger a planning permit under the Heritage Overlay. Therefore, an assessment of those elements against heritage policy is not required as it will be assessed as part of an application to Heritage Victoria.

However, Schedule 323 applies to the Brighton Grammar School, which is not listed on the Victorian Heritage Register. Therefore, an assessment against the relevant heritage policies within the Bayside Planning Scheme is warranted for those elements.

The citation describes the main building of the Brighton Grammar School as a double storey building in the Collegiate Gothic style. Walls are a roughcast render with smooth rendered quoins, whilst the three storey castellated tower is of clinker brick with red brick quoining. The hipped roof is clad in terracotta tiles and windows are timber framed with double hung and hopper windows.

The proposed construction of a three storey multi-purpose building with basement levels and roof top tennis courts are partially located with Schedule 323 of the Heritage Overlay. The Heritage Impact Statement prepared to address the Heritage Victoria application requirements briefly but rationally addresses the decision guidelines of Clause 43.01-8 and the relevant provisions of the heritage policy at Clause 22.05, in terms of scale,
setbacks and relationship to context and adjacent buildings and notes that the proposal replaces a mediocre existing building with one of similar scale, but superior architectural qualities.

In relation to the significant heritage buildings of Schedule 323, Council’s heritage advisor noted that ‘there is no appreciable impact’ on them from the proposed development. Further, it was commented that ‘the “arcade” extension of the “Cloisters” approaches the south-west end of the 1920s school building at a similar height, but is separated from it by lesser existing buildings and is clearly and appropriately distinguished by the radical difference in style and design of the new structure, which unifies the edge of the interior space between the school building and the church’.

On St Andrews Street, ‘the buildings to the north-east of the proposed development are of no heritage significance’, as noted by Council’s heritage advisor. The canted boxes of the proposed first floor provide a recessed street edge that complements the variations of the existing buildings to the north-east and have a deepening recess towards the south of the St Andrews Street frontage, allowing the hall located to the south-west to retain its prominence.

Council’s heritage advisor also commented that ‘the loss of the tennis courts as open space (or gap) in the street edge is off-set by the introduction of an appropriate built form edge, a very different, but equally acceptable outcome’.

The proposed height of the main structure is only two storeys. However, the 2.9 metre high vertical tensile cables with planting and 5.1 metre high fence surrounding the roof top tennis courts adds a further built form, almost equivalent to that of a third floor. As acknowledged by Council’s heritage advisor, this ‘is not necessarily problematical, but the applicant's reports tend to down play its likely prominence’.

The tennis court fence is described as transparent. However, as noted by Council’s heritage advisor, ‘with a substantial structure framing it and successful plant growth on the tensile cabling, it will add considerably to the visual bulk’. Council’s heritage advisor opined that this ‘is not an issue for the street edge generally and its setbacks against the parish hall are probably adequate given that the low slung roof of the hall provides a greater volume to the separation than the limited dimension of the narrow passage way between the buildings’. Additionally, the setback of the proposed first floor also reflects that of the major roof form of the hall.

The ground floor interface with St Andrews Street is mainly glazed. Council’s heritage advisor commented that ‘a good connection to the street is maintained and the open side of the car park ramp provides further oblique views to the side of the hall’.

Overall, Council’s heritage advisor commented that the proposed development ‘does satisfy the general objectives under Clause 22.05-2 in that it produces “complementary new development” in a Heritage Overlay and achieves “design excellence that supports its ongoing significance”’. Moreover, under the Heritage Overlay decision guidelines at Clause 43.01-8, ‘the proposal does not adversely impact on any important aspect of the heritage place’.

On balance, the location, form and appearance of proposed three storey multi-purpose building with basement car parking and roof top tennis courts would be in keeping with the nearby heritage buildings including the Brighton Grammar School and would ensure that the heritage significance of the place is not adversely affected.

While not relevant to the consideration of this application, Council’s heritage advisor has noted that ‘the Heritage Impact Statement required for HO350 is comprehensive and finds that there are no unacceptable heritage impacts on the significant elements contained within it’. As such, it is considered that there will also be no unreasonable impacts on the St Andrews Church precinct.
6.2. Neighbourhood Character

The site is located within the Neighbourhood Residential Zone where the maximum building height for a dwelling or residential building is 9 metres. However, the proposed development is for an education facility, not a dwelling or residential building and therefore the maximum height does not apply in this instance.

The decision guidelines for non-residential use and development in the Neighbourhood Residential Zone require consideration of the following in the local neighbourhood context:

- Whether the use or development is compatible with residential use
- Whether the use generally serves local community needs
- The scale and intensity of the use and development
- The design, height, setback and appearance of the proposed buildings and works
- The proposed landscaping
- The provision of car and bicycle parking and associated accessways
- Any proposed loading and refuse collection facilities
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

The use of the land for an education centre is an existing use, has been operating for a substantial length of time and has co-existed with the surrounding residential uses in relative harmony for that period. The use of the land as an education centre is also considered to generally serve the needs of the local community.

The scale and intensity of the proposed development is considered to be appropriate for the local context, including the existing school buildings, the surrounding heritage precinct and the residential properties within the Church Street major activity centre on the opposite side of St Andrews Street. Similarly, the design, height, setback and appearance of the proposed buildings and works will sit comfortably within this section of St Andrews Street where there will an influx of three storey forms, specifically on the opposite side of the street located within the activity centre’s boundary.

Landscaping, car and bicycle parking, loading and refuse collections and traffic are all discussed in more detail later in this report. Nevertheless, an assessment of these elements results in a finding that the proposed development represents an acceptable outcome on all fronts.

In terms of Council’s local policy relating to neighbourhood character, it is noted that the policy section of Clause 22.03-6 relating to exercising discretion states:

*Where a permit is required to develop or subdivide land in residential areas it is policy to take into account:*

- *The preferred future character and the precinct guidelines including objectives, design responses and avoid statements for each precinct as described in this policy.*

- *The extent to which the characteristics of the built and natural environment in the immediate vicinity of the site may determine a preferred future character that is different from that applying to the remainder of the precinct in which the site is located.*

- *Whether the site is located within a residential opportunity area as shown on the Strategic Framework Plan of the Municipal Strategic Statement and the extent to which this may alter the relevance of the design responses to consideration of the proposal.*
The underlined section above applies to the development given the site of the proposed works are located within the Brighton Grammar School complex and the St Andrews church precinct, both of which contain buildings of a larger scale. The site is also immediately opposite land within the Church Street major activity centre where three storeys is encouraged by the Design and Development Overlay (Schedule 11). The relevance of the policies applicable to the Neighbourhood Character Precinct B2 is therefore diminished somewhat. Nevertheless, the design must be responsive to the neighbourhood character.

An assessment has therefore been undertaken against the Neighbourhood Character guidelines for the precinct (B2) and the proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines for the following reasons:

- As noted by Council’s heritage advisor, the buildings to the north-east of the proposed development are of no heritage significance.
- The applicant submitted a landscape plan that includes vegetation within the generous front setback to St Andrews Street, as well as throughout the development site and has agreed to retain trees 200 and 201 within the front setback to St Andrews (that were originally sought to be removed).
- The proposed three storey multi-purpose building will be set sufficiently away from the neighbouring building to the south-west and the church building to the west, separated by vehicle/pedestrian accessway on both sides.
- The proposal incorporates basement car parking and the basement ramp requires a new double width crossover adjacent to the south-western boundary of the site. This minimises the appearance of vehicle access and structures on the streetscape and ensures car parking facilities do no dominate.
- The proposed development presents as a contemporary built form, which is responsive to other developments evident within the street and is considered appropriate.
- The second floor is significantly recessed from the ground and first floors front façade as the development presents to the street.
- The proposal is considered to be respectful of the prevailing neighbourhood character and provides a suitable transition in height, coupled with appropriate setbacks to avoid dominating the streetscape.
- The use of various materials ensures the proposed development provides visual interest in the streetscape and reflects the wider mixed-use neighbourhood character of this section of St Andrews Street.

A more detailed assessment against the neighbourhood character precinct guidelines is contained in Attachment 4.

6.3. Off-Site Amenity Impacts

Light Spill

The proposed development includes the relocation of the existing ground level tennis courts to the second floor of the proposed building. The roof top tennis courts will include light towers that reach 7 metres in height above the first floor height of the proposed building.

The lighting proposal comprises fifteen light poles with a total of eighteen lights oriented towards the three tennis courts. Given that the tennis courts are located on the first floor roof, the overall height of the light poles will be up to 15.334 metres above natural ground level as a result.
Whilst it is noted that the proposed tennis court lights are to be oriented towards the courts, as the lights are elevated and proposed to be located on and close to the St Andrews Street boundary of the site, opposite residential properties, there is the potential for light spill to impact on those residential properties.

The information provided to support the application includes a report assessing impact of the tennis court lights on nearby residential properties and refers to the Australian Standard for the Control of Obtrusive Lighting Effects of Outdoor Lighting (AS4282:2019). The assessment notes that the approximate distance from a proposed light tower to the nearest residential property is 41.6 metres. The assessment then details that the lux levels at the building line of the residential properties on the opposite side of St Andrews Street are an average of less than 10 lux, complying with the Australian Standard.

Nevertheless, a condition contained within the recommendation section of this report requires the lighting to be baffled to ensure that light spill to neighbouring properties is minimised. Additionally, conditions in the recommendation section of this report require the tennis court lighting calculations report to be endorsed and a subsequent assessment undertaken to certify the installed tennis court light are in accordance with the initial report. The permit applicant requested these conditions be placed on the planning permit to address concerns raised in objections.

A further condition contained within the recommendation section of this report will restrict the hours of use to between 7:00am and 10:30pm. It is noted that these hours of operation are more restrictive than the hours contained in planning permit P.4157 issued on 18 February 1994, which allowed the construction of ground level tennis court lights for the St Andrews tennis club. This was requested by the permit applicant to further address concerns raised in objections.

Subject to these conditions, the proposed tennis court lights are considered to be reasonable to enable the efficient use of the site, whilst ensuring that the use of the lights does not have an undue impact on the amenity of nearby residential properties.

It is noted that these proposed hours are consistent with

**Noise**

Clause 13.05-1S seeks to manage the control of noise effects on sensitive land uses. This is to be achieved by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design and land use separation techniques as appropriate to land use functions of the area.

Council’s local policy a Clause 22.07-3 relating to discretionary uses in residential areas is also relevant to the consideration of noise from the proposed development. It is policy that nearby residential properties not be subjected to unreasonable levels of noise.

The applicant’s acoustic consultant undertook an assessment of the existing noise levels generated by the existing tennis courts in a report prepared by Acoustic Consulting Australia and dated 30 August 2019. It was found that the similarities between the existing and proposed tennis facilities means that the noise levels measured during the August 2019 assessment are representative of the noise levels that will occur outside most existing residences in Black Street, when the new facilities are used.

There are two exceptions that require separate comment. The approved medium density residential developments located on the opposite side of St Andrews Street closest to the proposed courts and dwellings that are more distant from the proposed courts and are currently screened from the existing tennis courts.

The medium density residential developments located on the opposite side of St Andrews Street closest to the proposed courts will likely experience slightly higher relative noise from the proposed tennis courts at their upper levels, according to the applicant’s acoustic consultant. This increase in level is expected to be small. As noted
by the applicant’s acoustic consultant, ‘transient noise from traffic would continue to be the dominant transient noise source at these locations’.

The applicant submitted a further ambient noise assessment prepared by Acoustic Consulting Australia and dated 20 December 2019 which further considered the medium density residential developments located on the opposite side of St Andrews Street closest to the proposed courts.

The ambient noise assessment concluded that both traffic and tennis noise level maxima would exceed the typical lower ambient noise level (LA90). Therefore, ‘both traffic and tennis play noise is, and would remain, audible outside future and existing apartments’, as noted by the applicant’s acoustic consultant.

At more elevated apartment locations, the traffic noise maxima would be slightly but not substantially lower. The proposal to elevate the tennis courts to the roof of the proposed building is expected to ensure that tennis noise levels at elevated apartments is similar to that currently measured at ground level directly across from the existing tennis courts.

In relation to dwellings that are more distant from the courts and are currently screened from the tennis court noise, they may be subject to slightly higher relative noise levels due to a reduced degree of screening by intervening buildings. It is noted that noise from tennis play is notably lower at these more distant locations and that only dwellings that are genuinely screened from the existing tennis courts need be examined in relation to this exception.

The acoustic consultant’s August 2019 assessment results demonstrated a clear reduction in tennis court noise as the distance to the courts increased even though line of sight to the court activity was maintained. This exception can be more fully examined via modelling using the data already collected to examine tennis play noise outside more distant residences. A condition contained within the recommendation section of this report requires this modelling to be undertaken prior to the commencement of the use of the tennis courts. In the unlikely event that additional acoustic treatment measures are required to account for this, full details would be required prior to the endorsement of development plans.

The noise levels generated by the development, will not be significantly above that of the surrounding area and the measures proposed to restrict the hours of the tennis courts and undertake further modelling prior to the use of the tennis courts will ensure that the development will not unreasonably impact the amenity of the surrounding dwellings and businesses with respect to noise.

6.4. Landscaping

Existing Vegetation on Site

The subject site is not affected by any overlays to protect vegetation nor are there any tree protection controls in either of the Heritage Overlays that apply to the site. Additionally, it is noted that none of the trees proposed to be removed as part of this application are native to Victoria. Therefore, although the site is larger than 0.4 hectares, a planning permit is not required to remove any of the vegetation proposed to be removed under Clause 52.17 relating to native vegetation.

This application to construct three storey multi-purpose building with basement levels seeks the removal of fourteen of trees from the site. Of the fourteen trees proposed to be removed, twelve trees have either a low or moderate retention value and their removal is therefore supported. As discussed in more detail later in this report, the proposed landscaping adequately compensates for the loss of these trees.

The two remaining trees are both Lophostemon confertus and are considered to have a high retention value. These two trees are both located within the front setback of the existing school building fronting St Andrews Street, to the north-east of the existing tennis
courts. These two trees are located in front of part of the existing school building that is proposed to be demolished to allow the construction of the proposed development.

The arborist report submitted with the application (included at Attachment 5) identifies these trees as number 200 and 201, with no part of the proposed building or basement encroaching into the structural root zone of either tree and less than 1 per cent and 9.7 per cent encroachment into the tree protection zones, respectively. The arborist report concludes that generally these two trees could be retained.

However, both trees were sought to be removed as part of this application. The arborist report submitted with the application indicates these two trees will be impacted upon by the proposed landscaping works outside of the proposed building as well as seating located within the structural root zone of tree 200. On further review and at the suggestions of Council officers, the applicant has agreed to retain these two trees to maintain the existing landscape setting along St Andrews Street. A condition contained within the recommendation section of this report requires amended plans showing their retention, with the proviso that the trees would remain viable after the undergrounding of powerlines required with the submission of the public works plan.

A condition contained within the recommendation section of this report requires a tree management and protection plan to be prepared that details the remaining trees to be retained on site and the measures to be implemented to ensure their ongoing health and longevity.

Proposed Landscaping

The landscape report submitted with the application details the concept design for landscaping within and around the proposed development. The proposed landscaping includes ground level landscaping within the St Andrews Street front setback and around the perimiter of the proposed building. Landscaping is also proposed around the perimeter of the roof top tennis courts.

The level of landscaping proposed is considered to adequately compensate for the loss of the trees previously mentioned in this report. However, a condition contained within the recommendation section of this report requires a detailed landscape plan to be submitted for assessment.

6.5. Street Trees

The application sought the removal of four street trees in front of the site within the St Andrews Street nature strip. Council’s open space arborist reviewed the application and was not supportive of the removal of three of the street trees, noting that the three trees do not meet the criteria for removal outlined in the Street and Park Tree Management Policy.

The exception to this is the removal of the one street tree for the construction of the proposed crossover on St Andrews Street. As such, the recommendation section of this report includes a condition to retain and protect three street trees, as well as conditions relating to the removal of one street tree, on the provision that the trees retained would remain viable after the undergrounding of powerlines required with the submission of the public works plan.

6.6. Car Parking and Traffic

Car Parking

Pursuant to table at Clause 52.06-5, a primary school requires one car parking space to each employee that is part of the maximum number of employees on the site at any time, while a secondary school requires 1.2 car parking spaces to each employee that is part of the maximum number of employees on the site at any time. As the number of
employees is not proposed to be increased as part of this proposed development, the application does not seek a reduction in the car parking requirement.

However, the proposal incorporates an additional 67 car parking spaces within the basement levels of the proposed development. The proposed car parking will accommodate current staff members, tennis club patrons and parishioners who currently park in the surrounding streets. The proposed car parking within this proposed development will therefore assist in alleviating some of the car parking pressures felt within the surrounding area.

**Car Parking Layout**

The application was referred to Council’s traffic engineer, who raised concerns that the plans are insufficiently detailed in terms of dimensions, levels, grades and headroom, while sections of the ramps have not been provided. As such, conditions contained within the recommendation section of this report require the relevant dimensions, levels, grades, headroom and sections to be provided and ensure they are complaint with the relevant standards.

**Traffic and Access**

According to the applicant’s traffic report, the proposed development is anticipated to generate approximately 43 inbound trips and one outbound trip during the morning peak periods, equivalent to a peak of one trip per 1.4 minutes and is considered low in traffic engineering terms.

During the afternoon peak periods, the proposed development is anticipated to generate approximately two inbound trips and 39 outbound trips, equivalent to a peak of one trip per 1.55 minutes and is also considered low in traffic engineering terms.

Accordingly, the proposed development is expected to have minimal impact on the traffic movements in the surrounding road network. While Council’s traffic engineer raised concerns that the relocation of some existing activities to the proposed development has the potential to change existing traffic patterns, the additional traffic movements are considered low and will not unreasonably impact on the surrounding road network.

The applicant’s traffic consultant undertook a queueing analysis for the critical inbound movements to the basement access ramp. The queueing analysis established that the 98th percentile queue for inbound movements is two vehicles (5.5 metres), including the one being serviced and that the probability that more than two vehicles would arrive at any time is 0.6 per cent.

Given the above, an inbound vehicle queue storage provision of 11 metres is able to accommodate the forecast 98th percentile queue and is therefore considered to be appropriate. It is noted that the car park will be used for church events occasionally. The applicant’s traffic report indicates that a traffic management plan report will be provided separately if required.

As such, a condition contained within the recommendation section of this report requires the submission of a traffic management plan to detail the traffic management measures for the range of events that will be accommodated by the proposed development.

**Waste Management and Loading**

The existing waste collection activities and loading activities will remain unchanged as a result of this application. Bins from the proposed waste room, located on the ground floor of the proposed building, will be wheeled out to the existing loading areas to the east of the subject site during the off-peak hours. Delivery vehicles will continue to utilise the existing off-street parking bays provided around the subject site.

**6.7. Stormwater Management**

Clause 53.18 of the Scheme aims to ensure that stormwater in urban development,
including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The proposed development incorporates, extensive landscaping areas, rain water tanks within the basement and on-site detention tanks within the laneway to the south-west of the proposed development. However, a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance has not been submitted. A condition contained within the recommendation section of this report requires this report to be submitted.

6.8. 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.

6.9. Development Contributions Levy

Based on the proposed application, no development contribution is required as the application is exempt under Section 7.1 of the Bayside Development Contributions Plan. Under the Ministerial Direction on the Preparation and Content of Development Contribution Plans Part A, dated 11 October 2016, the development contributions plan does not apply to a non-government school.

6.10. Objector Issues not already Addressed

Outstanding concerns raised in the objections and not addressed previously in this report are discussed below, and relate to:

Overshadowing

The shadow diagrams indicate that there will be no additional overshadowing on any residential property between 9:00am and 3:00pm on the Equinox as a result of the proposed development. While additional shadow will be cast on the parish hall to the south-west and the footpath in front of the site along St Andrews Street, these are non-sensitive interfaces and retain sunlight at other times throughout the day.

Support Attachments

1. Advertised plans
2. 3D perspectives
3. Site and surrounds
4. Neighbourhood character assessment
5. Arborist report
BRIGHTON GRAMMAR SCHOOL - St Andrews EXCHANGE

90 OUTER CRESCENT
BRIGHTON 3186, VICTORIA

ARCHITECTURAL DRAWINGS

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<td>TP303</td>
<td>Sun Study September 22 3pm</td>
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Brighton Grammar School
St Andrews EXCHANGE

Cover Sheet
TP0000
TOWN PLANNING
Rev A
19/08/2019

Drawing
Drawing No
Issue
Scale @ As
Date

architectus

Architectus Melbourne
Level 23
301 Bourke Street
Melbourne VIC 3000
melbourne@architectus.com.au

Bayside Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: PP 5/2019/516/1
Date: 21 October 2019
Item 4.7 – Matters of Decision
Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: PP 20/19/16/1
Date: 21 October 2019
VIEW DOWN LANEWAY TO CHURCH SPIRE

Brighton Grammar School redevelopment Exchange: Architects
Attachment 2: Site and Surrounds

Figure 1 Aerial overview of the site and surrounds. Please note, not all objectors are located within the confines of the above map.

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<tr>
<td>Objector(s)</td>
<td>⭕</td>
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<tr>
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Figure 2: View towards the existing tennis courts on the subject site from the east on the opposite side of St. Andrews Street.
Figure 3: View towards the existing double storey school buildings on the subject site from the south on the opposite side of St. Andrews Street.
Figure 4: View towards the adjoining parish hall building to the south-west.
Neighbourhood Character Precinct B2

Preferred Future Character Statement

The diverse dwelling styles, with a continued presence of pre WW2 dwellings, sit within established gardens with occasional tall canopy trees. Side setbacks on both sides, and the setting back of car ports/garages from the dwelling, allows for vegetation to flow around the dwellings. New buildings blend with the existing, through using a variety of materials or colours within front façades, and by respecting the older building styles and scales without replicating them. Open style front fencing improves the visual connection between the dwelling and the street. Street tree planting consistency is improved to provide a unifying element to the area.

Precinct Guidelines

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<th>Design Responses</th>
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<tbody>
<tr>
<td>To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals.</td>
<td>• To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals.</td>
</tr>
<tr>
<td>To maintain and enhance the garden settings of the dwellings.</td>
<td>• Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs.</td>
</tr>
<tr>
<td>To maintain the rhythm of spacious visual separation between buildings and provide space for front gardens.</td>
<td>• 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.</td>
</tr>
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<thead>
<tr>
<th>Avoid</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Demolition of dwellings that contribute to the valued character of the Precinct.</td>
<td>There are no dwellings currently on the site of the proposed development. Furthermore, as noted by Council's heritage adviser, the buildings to the north-east of the proposed development are of no heritage significance.</td>
</tr>
<tr>
<td>Lack of landscaping and substantial vegetation. Removal of large canopy trees.</td>
<td>The proposed development is located on a semi-island site that does not include dwellings. Therefore, the site is not within a garden setting of dwellings. However, the applicant submitted a landscape plan that includes vegetation within the generous front setback to St. Andrews Street, as well as throughout the development site. Refer to Section 6.4 of this report for further discussion.</td>
</tr>
<tr>
<td>Lack of front garden space.</td>
<td>The proposed three storey multi-purpose building will be set sufficiently away from the neighbouring building to the south-west and the church building to the west, separated by vehicle/pedestrian accessway on both sides.</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
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</table>
| To minimise the loss of front garden space and the dominance of car parking facilities. | • Locate garages and carports behind the line of the dwelling.  
• Provide only one vehicular crossover per typical site frontage.  
• 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. | Car parking facilities that dominate the façade or view of the dwelling.  
Dominance of crossovers and driveways | The multi-purpose building will also be set back from the front of the site at varying distances, and trees and shrubs will be planted in front of the building adjacent to St. Andrews Street. The design of the proposed multi-purpose building includes vertical cable planting around the roof top tennis courts which will allow for climbing shrubs to soften the appearance of the building from the street. The proposed building will be set back within the site, a minimum of 8.288 metres at ground floor, so that it does not appear dominant within the streetscape. |
| To ensure new development respects the dominant buildings forms and scale of buildings in the Precinct, through the use of innovative architectural responses. | • Articulate the form of buildings and elevations, particularly front facades.  
• Recess upper storey elements from the front façade. | Large bulky buildings with flat, poorly articulated wall surfaces. | The proposed basement ramp requires a new double width crossover adjacent to the south-western boundary of the site. The basement car parking minimises the appearances of vehicle access on the streetscape and ensures car parking facilities do not dominate the streetscape.  
Refer to Sections 6.4 and 6.6 of this report for further discussion.  
The proposed development presents as a contemporary built form, which is responsive to other development evident within the street and the emerging character of three storey built form on the opposite side of St. Andrews Street.  
The proposed double-storey presentation to St. Andrews Street includes a variety of materials ensuring that it does not |
<table>
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<th>Avoid</th>
<th>Comments</th>
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<tbody>
<tr>
<td>To respect the identified heritage qualities of adjoining buildings.</td>
<td>• Where adjoining an identified heritage building, reflect the dominant building form, height, materials and massing of the heritage building(s), of the heritage building(s) in the new building design.</td>
<td></td>
<td>Imitation or reproduction of historic building styles and detailing. The site is located within two separate Heritage Overlays that relate to the St. Andrews Church precinct and the Brighton Grammar School. Refer to Section 6.1 of this report for further assessment against the relevant heritage policies. However, the proposal is considered to be respectful of the prevailing neighbourhood character and provides a suitable transition in height, coupled with appropriate setbacks to avoid dominating the streetscape and the surrounding heritage buildings.</td>
</tr>
<tr>
<td>To use a variety of building materials and finishes that provide visual</td>
<td>• Incorporate a variety of building materials such as brick, render, timber and non-masonry into the building design.</td>
<td></td>
<td>Excessive use of render on external walls. The proposed development utilises a range of materials, with the front facade including architectural precast</td>
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<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Comments</td>
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<tr>
<td>interest in the streetscape.</td>
<td>• Use simple building details.</td>
<td>concrete, exposed architectural concrete finish, paint finished 10mm plate mild steel and flush faced structural clear double glazing. The use of these various materials ensures the proposed development provides visual interest in the streetscape and reflects the wider mixed-use neighbourhood character.</td>
<td></td>
</tr>
<tr>
<td>To improve the visual connection between the dwellings and the streetscape and encourage views to front gardens.</td>
<td>• Provide open style front fences, other than along heavily trafficked roads. • Front fence style should be appropriate to the building era.</td>
<td>High, solid front fencing. No front fence is proposed along the St. Andrews Street frontage.</td>
<td></td>
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</table>
Greenwood Consulting p/l

Address: PO Box 130 Emerald Vic 3782
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Fax: (03) 8669 4302
Mobile: 0419 581 058
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Web: www.rgc.net.au

For

Harding Architects Pty Ltd

Site location

Brighton Grammar School
90 Outer Crescent
Brighton

Report type

Arboricultural Construction Impact Assessment

Prepared by

Daniel van Kollenburg
Dip. App. Sci. (Hort)

Monday, 2 September 2019

Ref: 4988 190902 CIR HA Outer Brighton 90 Cr.Docx
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1. Summary

This report was commissioned by Mr Sam Harding of Harding Architects Pty Ltd to evaluate the impacts of the proposed development of the site on four specified trees located on or adjacent to Brighton Grammar School, 90 Outer Crescent, Brighton.

Of those trees assessed:

- Three trees are located on the subject site.
  - One of these trees (Tree 68) could be retained within the proposed development provided that the recommendations contained in this report are implemented and the site around this tree is managed during demolition, construction and post-construction.
  - Two of these trees (Trees 200 and 201) will be impacted by the landscaping works outside of the proposed building and it is unlikely that these trees cannot be retained.

- One tree (Tree 63) is located in the council road reserve. Although works encroach into the Tree Protection Zone of this tree, it is likely that this tree could be retained provided that the recommendations contained in this report are successfully implemented.
2. Document control

<table>
<thead>
<tr>
<th>File reference</th>
<th>File type</th>
<th>Modifications</th>
<th>Date</th>
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<tr>
<td>4744 180626</td>
<td>PAR</td>
<td>Original document – Preliminary arboricultural assessment of sixty-two trees.</td>
<td>26/06/2018</td>
</tr>
<tr>
<td>4988 181203</td>
<td>CIR</td>
<td>Original document – Construction impact assessment for thirty-three trees.</td>
<td>03/12/2018</td>
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<tr>
<td>4988 190514</td>
<td>PAR</td>
<td>Preliminary arboricultural assessment of two-hundred and four trees.</td>
<td>14/05/2019</td>
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<tr>
<td>4988 190516</td>
<td>PAR</td>
<td>Amendment to site plans to show Tree 124.</td>
<td>16/05/2019</td>
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<tr>
<td>4988 190808</td>
<td>CIR</td>
<td>Arboricultural Construction Impact Assessment of four trees.</td>
<td>08/08/2019</td>
</tr>
<tr>
<td>4988 190902</td>
<td>CIR</td>
<td>Arboricultural Construction Impact Assessment of four trees – modifications based on amended plans.</td>
<td>02/08/2019</td>
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</table>

3. Introduction

This report was commissioned by Mr Sam Harding of Harding Architects Pty Ltd to evaluate the impacts of the proposed development of the site on four trees located on or adjacent to Brighton Grammar School, 90 Outer Crescent, Brighton.

Specifically, this report addresses the following issues:

- The health and structural condition of the trees.
- The suitability of these trees for retention on the site in light of the proposed development.
- The impact of the development on these trees.
- Recommendations for the protection of these trees.

This report is based, in part, on the plans provided and the accuracy of these plans is assumed. Inaccuracies in the plans provided may invalidate all or parts of this report.

The location of services within the site is not known and the possible impact of any services installation on the retained trees at this site is not included within this report.

The site was inspected by Dan van Kollenburg of this office on Monday, 25 June 2018, Monday, 3 December 2018 and Thursday, 9 May 2019.
4. Documents reviewed

The following documents were reviewed in the preparation of this report.

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Author</th>
<th>Company</th>
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<tbody>
<tr>
<td>20/06/2017</td>
<td>Re-establishment, feature &amp; level survey</td>
<td>Not stated</td>
<td>Peter Mulcahy and Associates</td>
</tr>
<tr>
<td>02/09/2019</td>
<td>Ground floor plan (TP1005)</td>
<td>Not stated</td>
<td>Architectus</td>
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<td>02/09/2019</td>
<td>Basement B1 Plan (TP1004)</td>
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<td>Architectus</td>
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<tr>
<td>02/09/2019</td>
<td>Basement B2 Plan (TP1002)</td>
<td>Not stated</td>
<td>Architectus</td>
</tr>
</tbody>
</table>

5. Scope

Only those trees as specified by Mr Sam Harding of Harding Architects Pty Ltd are discussed in this report.

No discussion has been provided in this report for other trees located either on or adjacent to the subject site.

6. Site context

This site is located within a Neighbourhood Residential Zone – Schedule 3 (NRZ3) within the municipal area of Bayside.

The following town planning overlays are applicable to this site:

   
   a. There are no tree controls attached to this overlay.

Under the City of Bayside’s Local Law No. 2, a person must not, without a permit, destroy, damage or remove or allow to be destroyed, damage or removed on any private property any significant tree or any other protected tree. A protected tree is defined as any tree with a single trunk circumference or combined trunk circumference greater than 155 centimetres measured at 1 metre above ground level. Tree species that have been declared a ‘noxious weed’ are exempt.

7. Notes

1. The tree numbering used in this report is the same as used by Greenwood Consulting for previous reporting on the site.

2. The column label "ID" is used in all the tables throughout this report. This refers to the tree identification number and to the tree numbering found on the “Site plan”. This number is the same as the "Tree ID" found in the “Tree data” section of the report.
8. Methodology

Each tree was assessed using the Visual Tree Assessment (VTA), as devised by Claus Mattheck. The assessment consists of 3 stages and compares the tree being inspected to a notionally healthy, vigorous and defect free tree.

The 3 stages of VTA are

1. Visual inspection of the tree for defect symptoms and overall vitality. If there are no signs of any problems the assessment is concluded.

2. If a defect is suspected on the basis of the symptoms, the presence or absence of that defect must be confirmed by thorough examination.

3. If the defect is confirmed, it must be quantified and the strength of the remaining part of the tree evaluated.

It should be noted that a visual tree assessment is visual only. The quantification and evaluation (stage 3) may be beyond the scope of a visual inspection and require further investigation including a separate climbing assessment.

Tree heights were measured using a laser range finder (TruPulse 360).

Trunk diameter (DBH) was measured using a surveyor’s diameter tape at 1.4 m above ground level.

If a tree could not be accessed, the height and DBH were estimated.

The photography used in this report was captured using a Fujifilm Finepix HS 20 Digital camera.
9. Site plan

9.1. Context
9.2. Section A
9.4. Section C

161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 18 184 185

CHURCH

STREET
9.7. Proposed Basement (B1)
9.8. Proposed ground floor
10. Tree summary data

This table contains a summary of data pertaining to all trees shown and numbered on the enclosed feature and levels survey.

*Underlined and italicised* species names have not been assessed. Generally these trees are <5m tall, not found or stumps. The construction impact values are blank for these records.

1. **Retention value**: The retention value of the tree to the site.
   a. Tree number and species name are **Bold** for High and Very high values trees.

2. **Retained**: Indicates whether the tree is proposed to be retained on the site.

3. **Construction impact**: Indicates the impact of the proposed development on the tree.
   a. **None**: Works do not intrude onto the tree’s TPZ.
   b. **Low**: Construction intrusion is less than 10% of TPZ and contiguous area exists to compensate for any loss.
   c. **Moderate**: Construction intrusion exceeds 10% of TPZ but construction methods or other factors make tree retention possible.
   d. **High**: Construction intrusion is excessive and tree retention is not possible within the development as currently proposed.
   e. **Blank**: Tree has not been assessed.

4. **Location**: Whether the tree is located on the site or adjacent to the site.
   a. **Site**: the tree is located on the site.
   b. **Off site**: the tree is located on land adjoining the site.

   i. Trees in this category should generally be preserved without significant impact.

<table>
<thead>
<tr>
<th>ID</th>
<th>Genus / Species</th>
<th>Retention Value</th>
<th>Retained</th>
<th>Construction Impact</th>
<th>Location</th>
<th>SRZ</th>
<th>TPZ</th>
<th>Height (m) / Trunk Circ (cm)</th>
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<tbody>
<tr>
<td>63</td>
<td>Agonis flexuosa</td>
<td>Moderate</td>
<td>Retained</td>
<td>Low</td>
<td>Off site</td>
<td>2.9</td>
<td>8.2</td>
<td>6/214</td>
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<tr>
<td>68</td>
<td>Liquidambar styraciflua</td>
<td>High</td>
<td>Retained</td>
<td>Moderate</td>
<td>Site</td>
<td>3</td>
<td>9.2</td>
<td>16/242</td>
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<tr>
<td>200</td>
<td>Lophostemon confertus</td>
<td>High</td>
<td>Retained</td>
<td>High</td>
<td>Site</td>
<td>1.9</td>
<td>3.4</td>
<td>10/88</td>
</tr>
<tr>
<td>201</td>
<td>Lophostemon confertus</td>
<td>High</td>
<td>Retained</td>
<td>High</td>
<td>Site</td>
<td>2.3</td>
<td>4.7</td>
<td>13/123</td>
</tr>
</tbody>
</table>

Total number of tree’s referred to in this report (Total): 4
11. Construction impact

The following trees are regarded as being suitable for retention and are located within close proximity to elements of the proposed development. The successful retention of those trees that are proposed to be retained may require additional care and the adoption of the following recommendations.

Note: **Construction Proximity** of 0.1 indicates construction over or immediately adjacent to the tree.

11.1. Proposed works

The existing tennis courts and part of an existing school building are to be demolished. A multipurpose building to be used by the church and grammar school is proposed in the area of the tennis courts and existing school building.

As part of these works, significant excavation is required on site to construct a three-level basement.

11.2. Tree 63

<table>
<thead>
<tr>
<th>Tree ID:</th>
<th>63</th>
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</thead>
<tbody>
<tr>
<td>Genus / species:</td>
<td><em>Agonis flexuosa</em></td>
</tr>
<tr>
<td>Evergreen</td>
<td>West Australian Willow Myrtle</td>
</tr>
<tr>
<td>Height (m):</td>
<td>6</td>
</tr>
<tr>
<td>Structure:</td>
<td>Fair</td>
</tr>
<tr>
<td>Width (m):</td>
<td>9</td>
</tr>
<tr>
<td>Health:</td>
<td>Good</td>
</tr>
<tr>
<td>DBH (cm):</td>
<td>68</td>
</tr>
<tr>
<td>Measured Maturity:</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin:</td>
<td>Australian</td>
</tr>
<tr>
<td>ULE (years):</td>
<td>15 - 25</td>
</tr>
<tr>
<td>Retained?:</td>
<td>Retained</td>
</tr>
<tr>
<td>Form:</td>
<td>Fair</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>Moderate</td>
</tr>
<tr>
<td>Rec reason:</td>
<td>Road reserve</td>
</tr>
<tr>
<td>Amenity value:</td>
<td>Moderate</td>
</tr>
<tr>
<td>Works Required:</td>
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</tr>
</tbody>
</table>

| SRZ (m): | 2.9 |
| TPZ (m): | 8.2 |
| Construction Proximity: | 6.7 |

Tree 63 is a mature *Agonis flexuosa* (West Australian Willow Myrtle). This tree exhibits good health and fair structure and it is likely that this tree will have a useful life expectancy of approximately 20 years.

This tree is located in the Council road reserve on St Andrews Street, adjacent to the subject site.
There are no encroachments into the Structural Root Zone (SRZ) of Tree 63 (Figure 1). It is highly unlikely that the structural roots of Tree 63 will be impacted by the proposed development.

The proposed basement will occupy 4.4% of the Tree Protection Zone (TPZ) of Tree 63 (Figure 1). This level of encroachment is unlikely to impact on the health and longevity of Tree 63.

This level of encroachment also conforms to Australian Standard 4970-2009 – Protection of trees on development sites (AS 4970) as the level of encroachment is less than 10% of the TPZ area and there is sufficient area contiguous to the TPZ of this tree that can compensate for the loss of TPZ area.

Battering of the basement wall should be avoided so that there are no additional encroachments into the TPZ of Tree 63. All other works between the basement footprint and the property boundary should be avoided. The area between the basement and the property boundary as well as those parts of the TPZ within the naturestrip should be adequately protected during the demolition and construction phases of the project.

The successful retention of Tree 63 is highly likely.

### 11.3. Tree 68

<table>
<thead>
<tr>
<th>Tree ID:</th>
<th>68</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genus / species:</td>
<td>Liquidambar styraciflua</td>
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<tr>
<td>Deciduous:</td>
<td>Liquidambar</td>
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<tr>
<td>Height (m):</td>
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<td>Fair</td>
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<td>Width (m):</td>
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<td>DBH (cm):</td>
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<td>Mature</td>
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<tr>
<td>Origin:</td>
<td>Exotic</td>
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<tr>
<td>ULE (years):</td>
<td>15 - 25</td>
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<td>Retained?:</td>
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<tr>
<td>Form:</td>
<td>Good</td>
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<tr>
<td>Retention Value:</td>
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<tr>
<td>Rec reason:</td>
<td>N/A</td>
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<tr>
<td>Amenity value:</td>
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</tr>
<tr>
<td>Works Required:</td>
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</tr>
<tr>
<td>SRZ (m):</td>
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</tr>
<tr>
<td>Works priority:</td>
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<tr>
<td>TPZ (m):</td>
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<tr>
<td>Construction Proximity:</td>
<td>1.9</td>
</tr>
<tr>
<td>mTPZ (m):</td>
<td>= TPZ</td>
</tr>
</tbody>
</table>

Tree 68 is a mature *Liquidambar styraciflua* (Liquidambar) that is of high retention value. This tree exhibits good health and fair structure and it is likely that this tree will have a useful life expectancy of approximately 20 years.

This tree is located within the ground of St. Andrew's church, to the North-west of the existing tennis courts.

A concrete root barrier has previously been installed 2.5 metres to the South-east of Tree 68. Excavation for the root barrier occurred to a depth of 1 metre and the trench was...
approximately 13 metres long. All roots located along the trench alignment are likely to have been severed.

A report was commissioned from Homewood Consulting in October 2013 by the St Andrews Tennis Club to assess the likely impacts on Tree 68 from the excavation required to install the root barrier. The Homewood Consulting investigations found that no structural roots were exposed during the excavation for the root barrier. The report concluded that as there were no structural roots exposed during the root barrier excavation it was therefore unlikely that the structural integrity of Tree 68 was compromised by the construction of the root barrier.

The Homewood Consulting report noted that numerous small roots (with a diameter of less than 5 mm and many roots with a diameter of between 10-30 millimetres were exposed in the root barrier trench. The report concluded that the installation of the root barrier would not impact on the structural stability of Tree 68 however it is likely to impact on the overall health of Tree 68.

A three-level basement and a is proposed 2.5 metres to the South-west of Tree 68.

The basement will encroach into the SRZ of Tree 68 by 0.4 metres (Figure 2). The basement will be constructed along the alignment of the existing concrete root barrier. Provided that excavation for the basement does not extend beyond the root barrier in the direction of Tree 68, then it is unlikely that the structural stability of Tree 68 will be impacted by the proposed basement.

The basement will occupy 18.2% of the TPZ of Tree 68 (Figure 2). All works for the basement will be located within the shadow of the root barrier. As the root barrier was constructed to prevent roots from growing under the existing tennis court, it is unlikely that there are roots from Tree 68 in the area of the proposed basement. It is therefore unlikely that Tree 68 will be impacted by the construction of the basement provided that the area around Tree 68 is adequately managed throughout demolition, construction and post-construction works.

If the existing root barrier is demolished, then a qualified arborist should be present to supervise the demolition of the root barrier.

The proposed building, covered cloister and the basements will occupy 37.0% of the Tree Protection Zone of Tree 68 (Figure 3). This level of encroachment is excessive under AS 4970.

The ground floor section of the proposed building will occupy a smaller area than the proposed basement. It is likely that the construction of the proposed building will have
minimal impact on Tree 68, provided that the demolition, construction and post-construction works are managed around Tree 68.

Part of the cloister will encroach into the SRZ of Tree 68 by 0.5 metres. Provided that there is no excavation for the cloister within the SRZ of Tree 68, then it is unlikely that the structural stability of Tree 68 will be impacted by the proposed cloister.

The covered cloister will occupy an additional 18.2% of the TPZ of Tree 68. This level of encroachment is considered to be excessive under AS 4970. Provided the cloister is constructed at above grade with excavation limited to pier hole then it is likely that the construction of the cloister will have minimal impact on the long-term viability of Tree 68 as the majority of the soil volume below the cloister will still be available to Tree 68 and there is sufficient area contiguous to the TPZ to compensate for the loss of TPZ area. No footings for the cloister should occupy any part of the SRZ of Tree 68.

The area below the canopy of Tree 68 should be mulched to a depth of 150 millimetres for the life of the tree and regularly irrigated, especially in the period of late spring to early autumn.

The successful retention of Tree 68 is likely.

11.4. Tree 200

Tree ID: 200
Genus / species: Lophostemon confertus
Evergreen: Queensland Brush Box
Height (m): 10 Structure: Good
Width (m): 7 Health: Good
DBH (cm): 28 Measured Maturity: Mature
Origin: Australian ULE (years): > 50
Retained?: Retained Form: Good
Retention Value: High
Rec reason: N/A
Amenity value: Moderate
Works Required: N/A.

SRZ (m): 1.9 Works priority: N/A
TPZ (m): 3.4 Construction Proximity: 3.4
mTPZ (m) = TPZ

Tree 200 is a mature Lophostemon confertus (Queensland Brush Box) that is of high retention value. This tree exhibits good health and structure and it is likely that this tree will have a long useful life expectancy.

This tree is located in a garden bed, adjacent to St Andrews Road, within the subject site.

The school building to the North-west of Tree 200 is to be demolished and a building with basement is proposed 3.4 metres to the North-west of Tree 200.

No part of the building or basement encroaches into the SRZ of Tree 200 (Figure 4).
The proposed building and basement will occupy less than 1% of the TPZ of Tree 200 (Figure 5). This level of encroachment conforms to Australian Standard 4970-2009 – Protection of trees on development sites (AS 4970) as the level of encroachment is less than 10% of the TPZ area and there is sufficient area contiguous to the TPZ of this tree that can compensate for the loss of TPZ area.

The proposed basement will be located further away from Tree 200 than the existing building. The footings of the existing school building are likely to have prevented roots from Tree 200 from growing in the area of the basement. It is likely that there are no roots from Tree 200 located within the footprint of the proposed basement and provided that there is no batter for the construction of the basement then it is highly unlikely that Tree 200 will be impacted by the proposed construction works.

No part of the ground floor of the proposed building will occupy either the SRZ or TPZ of Tree 200 (Figure 5). The ground floor plans show that there is seating within the SRZ and TPZ of Tree 200. If excavation is required for the footings of the seating, then it is likely that these works will result in significant damage to the roots of Tree 200. If Tree 200 is to be retained then the proposed seating should be located outside of the SRZ of Tree 200, preferably outside of the TPZ.

If seating is required within the TPZ of Tree 200 then the seating should be constructed outside of the SRZ and on footings that occupy less than 10% of the TPZ of Tree 200.

The demolition of the existing building should be done with care and when these demolition works are undertaken within 5 metres of Tree 200 then these works should be supervised by a qualified arborist (Minimum Level 5). All other works between the basement footprint and the property boundary should be avoided. The area between the basement and the property boundary as well as those parts of the TPZ within the naturestrip should be adequately protected during the demolition and construction phases of the project.

The successful retention of Tree 200 is unlikely within the current scope of works.
11.5. Tree 201

Tree ID: 201
Genus / species: Lophostemon confertus
Evergreen: Queensland Brush Box
Height (m): 13 Structure: Good
Width (m): 7 Health: Good
DBH (cm): 39 Measured Maturity: Mature
Origin: Australian ULE (years): > 50
Retained?: Retained Form: Good
Retention Value: High
Rec reason: N/A
Amenity value: Moderate
Works Required: N/A.

SRZ (m): 2.3 Works priority: N/A
TPZ (m): 4.7 Construction Proximity: 3.3
mTPZ (m) = TPZ

Tree 201 is a mature Lophostemon confertus (Queensland Brush Box) that is of high retention value. This tree exhibits good health and structure and it is likely that this tree will have a long useful life expectancy.

This tree is located in a garden bed, adjacent to St Andrews Road, within the subject site.

No part of the building or basement encroaches into the SRZ of Tree 201 (Figure 6).

The proposed building and basement will occupy less than 9.7% of the TPZ of Tree 201 (Figure 6). This level of encroachment conforms to Australian Standard 4970-2009 – Protection of trees on development sites (AS 4970) as the level of encroachment is less than 10% of the TPZ area and there is sufficient area contiguous to the TPZ of this tree that can compensate for the loss of TPZ area.

The proposed basement will be located further away from Tree 201 than the existing building. The footings of the existing school building are likely to have prevented roots from Tree 201 from growing into the area where the basement is proposed. It is likely that there are no roots from Tree 201 located within the footprint of the proposed basement and provided that there is no batter for the construction of the basement then it is highly unlikely that Tree 201 will be
impacted by the proposed basement construction.

No part of the ground floor of the proposed building encroaches into the SRZ or TPZ of Tree 201 (Figure 7).

The ground floor plans show that a seat will be constructed over the Trunk of Tree 201 (Figure 7). Tree 201 cannot be retained if the seating is located where shown on the ground floor plans. If Tree 201 is to be retained, then there should be no works in the SRZ and works within the TPZ should conform to AS 4970. All other works should be avoided within the TPZ of Tree 201.

If Tree 201 is retained, then the demolition of the existing building should be done with care and when these demolition works are undertaken within 5 metres of Tree 201 then these works should be supervised by a qualified arborist (Minimum Level 5). All other works between the basement footprint and the property boundary should be avoided unless discussed above. The area between the basement and the property boundary as well as those parts of the TPZ within the naturestrip should be adequately protected during the demolition and construction phases of the project.

Tree 201 cannot be retained within the current scope of works.

12. Recommendations

The following recommendations should be adopted to ensure the successful retention of those trees that are proposed to be retained.

1. A services plan should be created for this site and this construction impact report should be revised as required to ensure that services installation impacts on retained trees are avoided.

2. A Tree Management Plan should be created for this site to inform tree management guide construction within the Tree Protection Zones for retained trees.

12.1. Tree 63

1. No works in the SRZ.

2. Battering of the basement wall should be avoided within the TPZ of Tree 63.

3. All works between the basement footprint and the property boundary should be avoided.

4. The area between the basement and the property boundary as well as those parts of the TPZ within the naturestrip should be adequately protected during the demolition and construction phases of the project.

12.2. Tree 68

1. No works, especially excavation works are to extend beyond the footprint of the existing concrete root barrier in the direction of Tree 68.

   a. No batter for the basement within the TPZ of Tree 68.

2. If the existing root barrier is demolished, then a qualified arborist should be present to supervise the demolition of the root barrier.

3. No excavation for the covered cloister within the SRZ.
4. The cloister should be constructed above grade utilising screw pile or pier for footings.
   a. No footing for the cloister in the SRZ.

5. The area below the canopy of Tree 68 should be mulched to a depth of 150 millimetres and regularly irrigated, especially in the period of late spring to early autumn.
   a. The mulch should be reapplied below the canopy of Tree 68 for the life of the tree.

12.3. Trees 200 and 201
1. No works in the SRZs.
2. The demolition of the existing building should be done with care.
   a. Demolition works are undertaken within 5 metres of Trees 200 and 201 should be supervised by a qualified arborist (Minimum Level 5).
3. All other works [including landscaping] between the basement footprint and the property boundary should be avoided.
4. The seating in the TPZs should be moved outside of the SRZs and re-evaluated by a qualified arborist.
5. The area between the basement and the property boundary as well as those parts of the TPZ within the naturestrip should be adequately protected during the demolition and construction phases of the project.

13. Works required
The following section pertains to those trees that are recommended for retention (Retention recommendation).

If any of these trees are retained then the listed works should be performed as per the Priority section of the Explanation of Terms. The recommended works are of a general nature only and should be reviewed following the completion of the project.

No works are recommended on the trees to be retained on this site.
14. References
Coder, K.D 1996, Construction Damage Assessments, University of Georgia.  
http://www.forestry.ua.edu/warnell/service/library/for96-039a/index.html
Harris, R.W., Clark, J.R. & Matheny, N.P. 2004, Arboriculture: Integrated management of 
landscape trees, shrubs and vines, 4th edn., Prentice Hall, New Jersey, USA.
Hitchmough, J. D. 1994, Urban Landscape Management, Inkata Press, Chatswood, NSW.
Society for Growing Australian Plants Maroondah, 1991, Flora of Melbourne, a guide to the 
indigenous plants of the greater Melbourne area, Society for Growing Australian 
Plants, Maroondah.
UK.
Standards Australia, 2009, AS 4970 - 2009 Protection of trees on development sites, 
Standards Australia, Sydney.

15. Appendix 1 - Tree protection guidelines
The following tree protection guidelines should be observed as appropriate. Where it is not 
possible to comply with these recommendations alternative arrangements should be 
decided with a qualified arborist.

1. A site specific Tree Protection Report should be commissioned prior to the 
   commencement of construction to guide construction activity around any retained trees 
on or adjacent to the site.

2. Clearly marked as being retained on the site to avoid confusion during the tree removal 
   phase.

3. The stumps of removed trees should be ground out rather than pulled to avoid injury to 
   adjacent trees.

4. Construction specifications should include the plan location of those trees that are to be 
   retained.

5. Penalties should be included in the construction specifications for damage to trees that 
   are to be retained.

6. The trees to be retained should be enclosed with a 1.8 meter high chain link fence 
   supported on steel posts driven 0.6 meters into the ground.

   6.1. Tree protection fencing should be established as shown.

   6.1.1. If tree protection fencing is not detailed in the report it should enclose, at a 
   minimum, the entire Structural Root Zone and as much of the Tree Protection 
   Zone as possible.

6.2. Access should be provided by a single gate that should be kept locked at all times 
   except when required for tree inspection or maintenance.

6.3. Tree protection fencing should be installed following the removal of trees and prior 
   to any other works being commenced.

6.4. The area inside the fence should be mulched to a depth of 0.15 meters with general 
arboricultural wood chip mulch or similar.
7. Where construction clearance is required and areas of the Tree Protection Zone cannot be fenced the ground in these areas should be protected from compaction with **Ground Protection**.

7.1. **Ground Protection** can consist of any constructed platform that prevents point loads on the soil within the **Tree Protection Zone**. These could include:

7.1.1. Industrial pallets joined together to form a platform.
7.1.2. 12 mm plywood joined together to form a platform.
7.1.3. Planks of timber joined together to form a platform.

7.2. **Ground Protection** should be constructed with sufficient strength to allow it to survive the entire construction process.

7.3. **Ground Protection** should be installed following the removal of trees and prior to any other works being commenced.

8. Excavation within the **Structural Root Zone** should be avoided unless absolutely necessary.

8.1. Any excavation within the **Structural Root Zone** should be performed by hand.

8.2. Any excavation within or tunnelling under the **Structural Root Zone** should be supervised by a qualified arborist.

8.3. Any roots encountered from the retained trees should be pruned carefully and cleanly, preferably back to a branch root.

8.4. Before any roots are pruned the effect of such pruning on the health and structural stability of the tree should be evaluated by a qualified arborist.

9. Excavation within the **Tree Protection Zone** should be avoided where possible.

9.1. Any excavation within the **Tree Protection Zone** should be performed carefully to minimise root injury.

9.2. Any roots encountered from the retained trees should be pruned carefully and cleanly, preferably back to a branch root.

9.3. Before any excavation occurs the effect of such excavation on the health and structural stability of the tree should be evaluated by a qualified arborist.

10. Concrete and other washout or waste disposal areas should be kept well away from trees to be retained.

11. Where automatic irrigation systems are installed the amount of irrigation that is applied should be checked against the requirements of the existing trees on the site.

12. Any pruning works that are required to facilitate construction should be performed by a qualified arborist.

Adapted from Harris, Clark and Matheny (2004)
16. Appendix 2 – Arboricultural information

The following sections are presented to provide an introduction to the process of tree root system protection. A tree’s root system is the critical element to be protected during the development process and if the trees roots are adequately protected then the rest of the tree will generally survive without significant injury.

16.1. Root plate estimation

One of the primary purposes of this report is to estimate the impact of the development on the trees on this site. This is mainly achieved by estimating the extent of the root plate area of the trees that are proposed to be retained and the proportion of this area that is likely to be excised or affected during the construction process.

In this report two elements of the tree root area are described. These are:

16.1.1. Structural Root Zone

This is an estimate of the radius that is likely to encompass the major scaffold roots of the tree. These roots are critical to anchoring the tree and damage to these roots will increase the risk of entire tree failure (i.e. uprooting). This radius is based on AS 4970-2009.

16.1.2. Tree Protection Zone

This is an estimate of the radius that is likely to encompass enough of the smaller absorbing roots to allow the tree to obtain sufficient nutrients and water to allow it to survive in the long term. This radius is based on AS 4970-2009 and is based on the size of the tree.

Estimation of the likely root plate radius for both methods are based on the DBH (Diameter at Breast Height) of each tree. This is usually measured but where the tree is inaccessible or has numerous trunks a visual estimation may be used. Whether the DBH is estimated or measured is noted within the “Tree Data” section of the report.

The two elements of each trees’ root zone is transposed over the site survey and building footprint and the degree of root injury is calculated from this.

16.2. Tree rooting patterns

Contrary to common belief, trees usually have a broad flat plate of roots that may extend 1.5 – 3 times the radius of the canopy (Harris, Matheny & Clark, 1999; Coder, 1996; Hitchmough, 1994). Relatively few trees have deep roots and Harris, Matheny and Clark (2004) note that most tree roots will be found in the top 1.0 metre of the soil profile.

While the models used to approximate the size of tree root plates assume a uniformly radial root system, in highly disturbed urban soils root systems often develop in a highly asymmetric manner (Matheny & Clarke, 2004). This may require the modification of the models used where it is likely that the root system is asymmetric.
16.3. Construction impacts

Construction in the vicinity of trees can have several negative impacts on their health, longevity and structural stability. Harris, Matheny and Clark (2004) note that some level of tree root injury or root zone change is almost inevitable during construction around trees and maintain that the goal of tree preservation is to reduce the injury or change to a level that will enable the long term preservation of the retained trees.

Negative impacts can include:

- Root severance from trenching and grading activities. Damage to the transport and absorbing root system may deprive the tree of the ability to absorb nutrients and water and damage to the structural scaffold roots that support the tree may result in instability and uprooting. Depending on the percentage of the root plate affected and proximity to the tree, the affects can range from minor degradation of health through to total root plate failure (i.e. uprooting).

- Compaction and root injury. Most trees require a well aerated and friable soil to allow normal physiological processes to occur and to allow root growth. Soil compaction from pedestrian or vehicular traffic can result in direct injury to the roots, indirect injury through soil drainage changes, reduced soil aeration or decreased soil penetrability. If severe enough soil compaction can lead to a rapid decline in many tree species and may eventually result in instability and uprooting.

- Changes in drainage patterns. Changes in drainage patterns may result from hard surfacing, trenching, land shaping and other construction activities. These can result in either drought stress or waterlogging, both of which can cause a rapid decline in trees and may result in instability and uprooting.
17. **Appendix 3 - AS 4970 -2009**

This report generally conforms to *AS 4970 – 2009 Protection of Trees on Development Sites* except in the following areas.

1. *AS 4970* notes that the project arborist should verify the accuracy of feature survey for the subject site.
   
   a. This is generally not feasible and the feature survey is taken as being an accurate representation of the features of the site.
   
   b. However if trees are found on the site that are not represented in the feature survey then these trees will be added to the report plans based on a visual estimation of their location.
      
      i. Accordingly the location of these trees may not be sufficiently accurate for the purposes of the report.
      
      ii. The location of these trees should verified by a qualified surveyor where appropriate.

2. *AS 4970-2009 Protection of Trees on Development Sites* makes no differentiation between the Tree Protection Zone (TPZ) derived from the trees DBH and the modified TPZ derived from the trees canopy where it extends past the DBH derived TPZ. As the two forms of TPZ are independent a differentiation between the two forms of TPZ needs to be made. In this report:

   a. "TPZ" refers to the DBH derived Tree Protection Zone (12 x DBH) and "mTPZ" pertains to the TPZ where it is modified to account for a canopy that extends beyond the DBH derived TPZ.
   
   b. The modified Tree Protection Zone (mTPZ) for all trees is taken as being identical to the Tree Protection Zone (TPZ) except where the canopy of the tree extends beyond the TPZ. Where this is the case the TPZ is shown on the site plans and any tree canopy impacts are addressed as required within the report. Otherwise the mTPZ is recorded within this report as "= TPZ".
18. Appendix 4 - Explanation of terms

The assessment of Health, Structure, Condition, U.L.E. (Useful Life Expectancy), Origin, Maturity, Form and Retention value are based on the following definitions. In the case of health and structure these definitions encompass only the more common indicators for these assessments. Other indicators not included in these definitions may lead to the ascribing of a particular health or structure category.

18.1. Origin

The notation of “Origin” is based on the following categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne</td>
<td>Native to the greater Melbourne metropolitan area as defined by Flora of Melbourne (S. G. A. P. M., 1991).</td>
</tr>
<tr>
<td>Victorian</td>
<td>Native to Victoria but not the greater Melbourne Metropolitan area.</td>
</tr>
<tr>
<td>Australian</td>
<td>Native to Australia but not Victoria.</td>
</tr>
<tr>
<td>Exotic</td>
<td>Not native to Australia.</td>
</tr>
</tbody>
</table>

18.2. Maturity

The notation of “Maturity” is based on the following categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immature</td>
<td>Less than 20% of the life expectancy for that tree.</td>
</tr>
<tr>
<td>Mature</td>
<td>20 – 80% of the life expectancy for that tree.</td>
</tr>
<tr>
<td>Over mature</td>
<td>&gt; 80% of the life expectancy for that tree.</td>
</tr>
</tbody>
</table>

18.3. Works required

The works required listed in this report are of a general nature only and should be reviewed following the completion of any works on the site.

Where a tree is recommended for removal (Recommendation) it is not listed in the Works required section of the report.
18.4. Priority
The priority accorded particular works is based on a projected increased site usage following the completion of a development on the site. The priority is of a general nature only and should be reviewed following the completion of any works on the site.

"Priority" is based on the following categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A.</td>
<td>No tree works are required</td>
</tr>
<tr>
<td>Very low</td>
<td>Tree works are optional and could be performed at any time.</td>
</tr>
<tr>
<td>Low</td>
<td>Works should be performed within five years.</td>
</tr>
<tr>
<td>Moderate</td>
<td>Works should be performed within 3 years.</td>
</tr>
<tr>
<td>High</td>
<td>Works should be performed within 12 months.</td>
</tr>
<tr>
<td>Urgent</td>
<td>Works should be performed immediately.</td>
</tr>
</tbody>
</table>

18.5. Retention value (RV)
The Retention value ascribed to each tree in this report is not definitive and should be used as a guide only. Many factors influence the comparative value of a tree and a number of these factors are outside the scope of arboricultural assessment. These factors cannot therefore be addressed in a single rating system.

Retention value is comprised of two parts. These are the Amenity Value of the tree rated as Very Low to Very high and the Useful Life Expectancy (ULE) of the tree.

The Amenity Value of the tree relates to the contribution of the tree to the aesthetic amenity of the area. The primary determinants of amenity value are tree health, size and form.

The Amenity Value is then modified by the ULE of the tree with short ULE values reducing the RV of the tree and long ULE values increasing the RV of the tree.

Trees that are listed on a register of heritage or significant trees are not accommodated within this rating system as these values are often independent from the arboricultural attributes of the tree. Heritage and significant trees may be ascribed a very low retention value despite their listing on any register. Where known, any heritage or significant register listing it will be noted in the report.

RV is assessed on each tree as a single entity. The value of a group of trees is not considered in this context and each tree within the group will be assessed as an individual.
Amenity value is based on the following categories and is ascribed an Amenity Value
Value (AVV) ranging from 2 - 10.

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
<th>AVV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very high</td>
<td>Generally a very large tree that exhibits excellent health and/or form or a tree that is listed on a heritage or significant tree register.</td>
<td>10</td>
</tr>
<tr>
<td>High</td>
<td>Generally a large tree that exhibits good health and/or form.</td>
<td>8</td>
</tr>
<tr>
<td>Medium</td>
<td>Generally a medium tree that exhibits good health and/or form.</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>May be a large tree that exhibits fair health and/or form.</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td>Generally a small tree that exhibits good health and/or form.</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>May be a large or medium tree that exhibits fair or poor health and/or form.</td>
<td></td>
</tr>
<tr>
<td>Very low</td>
<td>Generally a small tree that exhibits poor health and/or form.</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>May be a large or medium tree that exhibits poor, or worse, health and/or form.</td>
<td></td>
</tr>
</tbody>
</table>

U.L.E. is based on the following categories each of which have a modifier (ULEM) ranging from 0 – 25.

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
<th>ULEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>The tree is dead or almost dead or constitutes an immediate and unacceptable hazard.</td>
<td>0</td>
</tr>
<tr>
<td>0 – 5</td>
<td>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 a level of maintenance disproportionate with its' value.</td>
<td>4</td>
</tr>
<tr>
<td>5 – 15</td>
<td>The tree is unlikely to provide useful amenity for longer than 15 years. The tree may be in serious decline, be a very short lived species, present a moderately elevated hazard and/or require high levels of maintenance.</td>
<td>7</td>
</tr>
<tr>
<td>15 – 25</td>
<td>The tree is unlikely to provide useful amenity for longer than 25 years. The tree may be in moderate decline, a short lived species, present a slightly elevated hazard and/or require moderate levels of maintenance.</td>
<td>10</td>
</tr>
</tbody>
</table>
The tree is likely to provide useful amenity for up to 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 is likely to provide useful amenity for greater than 50 years.
The tree may be in good to excellent condition, a long lived species, present a low level of hazard and/or require low levels of maintenance.

RV is then derived from the multiplication of AVV by ULEM and the resulting score is categorised as Very high to Very low.

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
<th>RV value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very high</td>
<td>Every effort should be made to preserve trees in this category</td>
<td>96 - 120</td>
</tr>
<tr>
<td>High</td>
<td>These trees should be retained if at all possible</td>
<td>72 - 95</td>
</tr>
<tr>
<td>Moderate</td>
<td>These trees should be retained if they do not overly constrain development on the site.</td>
<td>48 - 71</td>
</tr>
<tr>
<td>Low</td>
<td>These trees should not create a material constraint on development of the site. These trees should be removed where they conflict with development of the site.</td>
<td>24 - 47</td>
</tr>
<tr>
<td>Very low</td>
<td>Generally a small tree that exhibits poor health and/or form. May be a large or medium tree that exhibits poor, or worse, health and/or form. These trees should generally be removed.</td>
<td>1 – 23</td>
</tr>
<tr>
<td>Remove</td>
<td>These trees are not suitable for retention within the site and are recommended to be removed.</td>
<td>0</td>
</tr>
</tbody>
</table>
18.6. Health

Pertains to the health and growth potential of the tree.

The notation of “Health” is based on the following categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>➢ Good</td>
<td>Crown full, with good foliage density. Foliage is entire with average colour, minimal or no pathogen damage. Above average growth indicators such as extension growth, leaf size and canopy density. Little or no canopy die-back. Generally no dead wood on the perimeter of the canopy. Good wound wood development. Tree exhibits above average health and no works are required.</td>
</tr>
<tr>
<td>➢ Fair</td>
<td>Tree may have more than 30% dead wood, or may have minor canopy dieback. Foliage density may be slightly below average for the species. Foliage colour may be slightly lower than average and some discolouration may be present. Typical growth indicators, e.g. extension growth, leaf size, canopy density for species in location. Average wound wood development. The tree exhibits below average health and remedial works may be employed to improve health.</td>
</tr>
<tr>
<td>➢ Poor</td>
<td>Tree may have more than 30% dead wood and canopy die back may be present. Leaves may be discoloured and/or distorted, often small, and excessive epicormic growth may be present. Pathogens and/or stress agents may be present that could lead, or are leading to, the decline of tree. Poor wound wood development. The tree exhibits low health and remedial works or removal may be required.</td>
</tr>
<tr>
<td>➢ Very poor</td>
<td>The tree has more than 30% dead wood. Extensive canopy die back is present. Canopy is very sparse. Pathogens and/or stress agents are present that are leading to the decline of the tree. Very poor wound wood development. The tree exhibits very low health and remedial works or removal are required.</td>
</tr>
<tr>
<td>➢ Dead</td>
<td>Tree is dead and generally should be removed.</td>
</tr>
</tbody>
</table>
18.7. 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.

The notation of “Structure” is based on the following categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
</tr>
</thead>
</table>
| ➤ Good   | The tree has a well-defined and balanced crown. 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. The crown may be slightly out of balance and some branch unions may exhibit minor structural faults or have the potential to create faults. If the tree is single trunked, this may be on a slight lean or be exhibiting minor defects.  
**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 has significant problems in the structure of the scaffold limbs or trunk. It may be lop-sided or have few branches on one side or have large gaps in the crown. Large branches may be rubbing or crossing over. Branch unions may be poor, and faults at the point of attachment or along the branches may be evident. The tree may have a substantial lean. The tree may have suffered significant root damage. The tree may have some degree of basal or trunk damage.  
**These defects may predispose the tree to major trunk or branch failure.** |
| ➤ Very poor | The tree has some very significant problems in the structure of the crown. It may be lop-sided or have few branches on one side or have large gaps in the crown. Branches may be rubbing or crossing over and causing damage to each other. Branch unions may be poor, and faults at the point of attachment or along the branches may be evident. The tree may have a substantial lean. The tree may have suffered major root damage. The tree may have extensive basal or trunk damage.  
**These defects are likely to predispose the tree to trunk or scaffold limb failure.** |

U.L.E. pertains to the span of time that the tree might reasonably be expected to provide useful amenity value with an acceptable level of safety at an acceptable cost. Depending on the situation, available financial resources and other factors, two identical trees may be accorded different longevity ratings.

The notation of U.L.E. is based on the following categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>The tree is dead or almost dead or constitutes an immediate and unacceptable hazard. <strong>The tree should generally be removed unless other considerations require its' retention.</strong></td>
</tr>
<tr>
<td>0 – 5</td>
<td>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 a level of maintenance disproportionate with its' value. <strong>The tree should generally be removed unless other considerations require its' retention.</strong></td>
</tr>
<tr>
<td>5 – 15</td>
<td>The tree is unlikely to provide useful amenity for longer than 15 years. The tree may be in serious decline, be a very short lived species, present a moderately elevated hazard and/or require high levels of maintenance. <strong>The tree could be retained or removed depending on the situation.</strong></td>
</tr>
<tr>
<td>15 – 25</td>
<td>The tree is unlikely to provide useful amenity for longer than 25 years. The tree may be in moderate decline, be a short lived species, present a slightly elevated hazard and/or require moderate levels of maintenance. <strong>The tree should generally be retained unless other factors dictate its' removal.</strong></td>
</tr>
<tr>
<td>25 – 50</td>
<td>The tree is likely to provide useful amenity for up to 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. <strong>The tree should generally be retained unless other factors dictate its' removal.</strong></td>
</tr>
<tr>
<td>&gt; 50</td>
<td>The tree is likely to provide useful amenity for greater than 50 years. The tree may be in good to excellent condition, a long lived species, present a low level of hazard and/or require low levels of maintenance. <strong>The tree should generally be retained unless other factors dictate its' removal.</strong></td>
</tr>
</tbody>
</table>
19. Form

The notation of "Form" pertains to the aesthetic qualities of the trees live canopy. Generally good form is indicative of a symmetrical, well-balanced canopy although this is dependent on the particular species. Some species naturally develop an asymmetric canopy and in this case a highly irregular canopy might be described as good.

The form of a tree is considered assuming that the tree stands in isolation from any surrounding trees. This may mean that a group of trees that exhibit good form as a group, may be described as having poor form as individuals.

The notation of "Form" is based on the following categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Very good</strong></td>
<td>An outstanding specimen of that species. Generally a very evenly balanced and symmetrical canopy with no deformation. If the development of that species is naturally irregular then an outstanding specimen of that species.</td>
</tr>
<tr>
<td><strong>Good</strong></td>
<td>A good specimen of that species. Generally a well balanced and symmetrical canopy with minor deformation. If the development of that species is naturally irregular then a good specimen of that species.</td>
</tr>
<tr>
<td><strong>Fair</strong></td>
<td>An average specimen of that species. Generally a balanced canopy with some minor to moderate asymmetry. If the development of that species is naturally irregular then an average specimen of that species.</td>
</tr>
<tr>
<td><strong>Poor</strong></td>
<td>A below average specimen of that species. Generally a moderate to high degree of asymmetry. If the development of that species is naturally irregular then a poor specimen of that species.</td>
</tr>
<tr>
<td><strong>Very poor</strong></td>
<td>A very poor specimen of that species. Generally a high to extreme degree of asymmetry. If the development of that species is naturally irregular then a very poor specimen of that species.</td>
</tr>
</tbody>
</table>
## 20. Glossary / notes

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tree Protection Zone (TPZ)</strong></td>
<td>Is based on AS 4970-2009 <em>Protection of trees on development sites</em> and defines the soil volume that is likely to be required to encompass enough of the trees absorbing root system to ensure the long term survival of the tree. The radius specified as the TPZ is an estimate of the minimum distance from the tree that excavation or other activities that might result in root damage should occur to avoid negative impacts on the health and longevity of the tree. AS 4970 states that intrusion of up to 10% of the surface area of the TPZ may occur without further assessment or analysis.</td>
</tr>
<tr>
<td><strong>Structural Root Zone (SRZ)</strong></td>
<td>Is based on AS 4970-2009 <em>Protection of trees on development sites</em> and defines the likely spread of the trees scaffold root system. These roots are the primary anchoring roots for the tree and damage to these roots may render the tree liable to uprooting. SRZ is based on measurement of the trunk above the root flare (AS 4970) However in this report SRZ is based on the measured or estimated DBH and there should be taken as an estimate only. Additional measurement may be required if construction near the SRZ is expected to occur.</td>
</tr>
<tr>
<td><strong>Modified Tree Protection Zone (mTPZ)</strong></td>
<td>Is based on the TPZ and includes any requirement to protect the above ground parts of the tree that project beyond the TPZ. However generally the mTPZ will be equal to the TPZ. TPZ extension beyond the TPZ to protect the tree canopy will be shown on the site plan but will not be reflected in the TPZ radius measurements quoted in this report.</td>
</tr>
<tr>
<td><strong>DBH (Diameter at Breast Height)</strong></td>
<td>Is the diameter of the tree at approximately 1.4 meters above ground level. Where a trunk is divided at or near 1.4 meters above ground the DBH is generally measured at the narrowest point of the trunk between ground level and 1.4 meters. Alternatively, where a higher level of accuracy is required with multi stemmed trees, DBH is derived from the combined cross sectional area of all trunks. The DBH of all accessible trees is measured unless otherwise stated in the Tree Data section of this report. The DBH of trees on adjoining properties is measured where access can be readily gained to the property, otherwise it is estimated.</td>
</tr>
<tr>
<td><strong>Measured</strong></td>
<td>Indicates whether the DBH has been measured or estimated. DBH may be estimated for small low value multi stem trees or trees that are inaccessible.</td>
</tr>
<tr>
<td><strong>Retained?</strong></td>
<td>Indicates whether the tree is shown as being removed or retained on the plans provided. This is generally derived from the site plans provided but the removal or retention of trees might be communicated by other means.</td>
</tr>
<tr>
<td><strong>Recommendation reason</strong></td>
<td>Pertains to the reason that removal or retention or other works are recommended. Other than trees on adjoining properties or road reserves a reason for retention is usually not given. In this case N/A is used.</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Height &amp; width</strong></td>
<td>Tree height is generally measured for moderate, high and very high value trees and is measured with an Impulse Laser infrared range finder. The height of low and very low value trees is usually estimated. Canopy width is estimated unless otherwise stated.</td>
</tr>
<tr>
<td><strong>Genus / species</strong></td>
<td>The identification of trees is based on accessible visual characteristics and given that key identifying features are often not available at the time of assessment the accuracy of identification is not guaranteed. Where the species of any tree is not known, <em>sp.</em> is used.</td>
</tr>
</tbody>
</table>
21. Practice Note VCAT 2 — Expert Evidence

21.1. Name & address of consultant
Daniel van Kollenburg of 1 Como Street, Emerald, Victoria, 3782.

21.2. Qualifications & experience
Daniel van Kollenburg has the following qualifications and experience:

- Diploma of Applied Science (Horticulture).
- Over 13 years experience in arboriculture.
  - 2.5 years as a contract climber with a range of companies.
  - 11 years as a consulting arborist.

21.3. Area of expertise
Daniel van Kollenburg provides specialist technical advice in the field of arboriculture. This includes the provision of technical expertise relating to problem diagnosis, management programs, tree appraisal and valuation and the relationship between trees and built structures.

21.4. Expertise to report
Daniel van Kollenburg has, by training, education, experience and research, considerable knowledge relating to the care, maintenance and management of trees in a wide variety of contexts.

Significant areas of operation and expertise include the provision of tree and built structure conflict reports, hazard assessment, tree condition appraisal and broad scale tree inventories.

Considerable effort is expended in research to remain current with the latest advances in all areas relating to tree care.

21.5. Declaration
“I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Tribunal.”
22. Assumptions & limiting conditions

1. R. Greenwood Consulting Pty Ltd (herein after referred to as Greenwood Consulting) 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. Greenwood Consulting is not responsible for verifying or ascertaining any of these issues.

2. Greenwood Consulting contracts with you on the basis that your promise that all affected property complies with all applicable statutes and subordinate legislation.

3. Greenwood Consulting will take all reasonable care to obtain necessary information from reliable sources and to verify data. However Greenwood Consulting neither guarantees nor is responsible for the accuracy of information provided by others.

4. If, after delivery of this report, you later require a representative of Greenwood Consulting 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 then current rate for expert evidence.

5. Alteration of this report invalidates the entire report.

6. Greenwood Consulting 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 Greenwood Consulting.

7. The contents of this report represent the professional opinion of the consultant. Greenwood Consulting’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.

8. 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.

9. Unless expressly stated otherwise:

   9.1. 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.

   9.2. 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.

10. This agreement supersedes all prior discussions and representations between Greenwood Consulting and the client on the subject, and is the entire agreement and understanding between us.

Yours sincerely,

Daniel van Kollenburg
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).

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Permit</th>
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<tbody>
<tr>
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<td>Shaped Consulting</td>
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<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
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<tr>
<td>Date application received</td>
<td>30 September 2019</td>
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<tr>
<td>Current statutory days</td>
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<tr>
<td>Zoning</td>
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<tr>
<td>Overlays</td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
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<tr>
<td></td>
<td>Significant Landscape Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Design and Development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>899 square metres</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>2</td>
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<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>No</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, within the southern half of the site. However the proposal does not require the submission of a Cultural Heritage Management Plan as the proposal is not a high impact activity.</td>
</tr>
</tbody>
</table>

Proposal

The application seeks Construction of a dwelling and removal of vegetation in a Significant Landscape Overlay and Vegetation Protection Overlay. Key details of the proposal are as follows:

- Seven (7) existing trees within the front setback and rear setback of the site protected by both the SLO1 & VPO3 to be removed, being:
  - Tree 13A - Banksia Integrifolia (Coast banksia) – located in the front setback
  - Tree 13B - Banksia Integrifolia (Coast banksia) – located in the front setback
  - Tree 13D - Banksia Serrata (Saw tooth banksia) – located in the front setback
  - Tree 15 – Corymbia Maculata (Spotted Gum) - located in the rear setback
Tree 17 - Banksia Integrifolia (Coast banksia) – located in the rear setback
Tree 18 - Agonis flexuosa (Willow Myrtle) – located in the rear setback
Tree 22 - Agonis flexuosa (Willow Myrtle) – located in the rear setback.

- Two (2) trees proposed for removal (Trees 13C and 13E) do not require planning permission to be removed. They are neither protected by the Local Law.
- 14 protected trees are being retained throughout the site, and seven additional canopy trees are proposed through the landscape plan.
- Construction of one double storey dwelling including a basement, four bedrooms and a double car garage. Whilst the buildings and works associated with the dwelling do require a planning permit, the decision guidelines speak only to the buildings impact on the surrounding landscape and vegetation. Clause 54 is not being considered (i.e. setbacks, overlooking, overshadowing etc are not being assessed in this application – these aspects will be assessed by the relevant building surveyor).

The application plans (including the landscape plan) are provided at Attachment 1.
The applicants Arborist report is provided at Attachment 2.
An aerial image and photographs of the site and surrounds are provided at Attachment 3.

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 42.02-2 (Vegetation Protection Overlay, Schedule 3) - A permit is required to remove, destroy or lop vegetation native to Australia.
- Clause 42.03-2 (Significant Landscape Overlay, Schedule 1) - A permit is required to remove, destroy or lop a tree and to construct a building or construct or carry out 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:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
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</table>

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 3 objections were received.
2 objections remain outstanding at the time of this report.
The following concerns were raised:

- Removal of vegetation
- Overlooking
- Visual bulk
- Loss of northern sun
- Boundary fencing
- Construction impacts – water and soil flowing into property.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting

The applicant consulted with objectors outside of Council processes.

4. Recommendation

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/523** for the land known and described as **5 Point Avenue, Beaumaris**, for **Buildings and works associated with the construction of a dwelling and removal of vegetation in a Significant Landscape Overlay and 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 Turco and Associates referenced TP000, TP001, TP002, TP003, TP004, TP005, TP006, TP007, TP008, TP012, TP013, TP014, TP020, TP021, TP022, TP030 and dated September 2019 but modified to show:

   a) A Landscape Plan in accordance with Condition 3 of this permit.
   b) A Tree Impact Assessment Report in accordance with Condition 6 of this permit.
   c) A Tree Management Report and Tree Protection Plan in accordance with Condition 7 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

**Landscaping**

3. Prior to the endorsement of plans pursuant to Condition 1, a landscape plan must be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Wallbrink Landscape Architecture, reference 2107TP1, dated 9/10/2019 and be drawn to scale with dimensions. The plan must be modified show:
a) A survey, including botanical names, of all existing trees to be retained and removed on the site.

b) A survey, including botanical names, of all existing trees on neighbouring properties where their Tree Protection Zones (calculated in accordance with AS4970-2009) encroach into 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) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.

e) Replacement planting of 3 indigenous canopy trees reaching a minimum height of 15 metres. Replacements must (at the time of planting) be of advanced stock with height being a minimum of 2m when planted.

4. 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.

5. 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 Impact Assessment


The report is to explain design and construction methods proposed to minimise impact on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

The report submitted with the application is generally sufficient (dated 11/09/2019), however should be modified such that only the parts relevant to impact assessment and construction methods are included.

Tree Management and Protection Plan

7. 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.

The applicant must undertake measures to ensure that all contractors, subcontractors and tradespersons operating on the site are aware of the contents of this report.

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 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 and;

e) Monitoring and certification by the project arborist of implemented protection measures

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.

8. 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.

9. All actions and measures identified in the Tree Management Report must be implemented.

10. 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.

Permit Expiry

11. 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.

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.

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 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 H4)
- Clause 32.09  Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02  Vegetation Protection Overlay (Schedule 3)
- Clause 42.03  Significant Landscape Overlay (Schedule 1)
- Clause 43.02  Design and Development Overlay (Schedule 1)
- Clause 45.06  Development Contributions Plan Overlay (Schedule 1)
- 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 H4. The proposal is considered to demonstrate an acceptable level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 4.

Schedule 3 of the VPO states that the Responsible Authority must consider the impact the proposed vegetation removal would have on the character of the area and Schedule 1 of the SLO states the Responsible Authority must consider the location of the vegetation and its contribution to the neighbourhood and streetscape character.

The majority of the precinct guidelines deal with built form outcomes and hence are not relevant to this assessment (built form matters will be dealt with by the relevant building surveyor), however there is one objective that relates to vegetation: ‘To enhance the bayside vegetation character of the area through the planting of indigenous coastal species.’ The precinct guidelines also state that large established trees should be retained.

The removal of vegetation has been assessed against the guidelines of the VPO3 and SLO1 from an arboricultural perspective. In summary, the 7 trees proposed to be removed have been identified as having low amenity and low retention value and that replacement planting will enhance the character in the area. Further discussions surrounding the proposed vegetation removal is within Section 6.2 of this report.
6.2. Vegetation (VPO3 & SLO1)

The application proposes the removal of eight (8) trees from the site. The table below identifies those trees protected by the SLO1, those protected by VPO3 and those which are not protected by any statutory mechanism. Indigenous trees are marked with a ‘*’.

<table>
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<th>VPO3 protected trees</th>
<th>SLO protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>13A, 13B, 13D,15, 17,18,22</td>
<td>6,7,8,9,10,11,12,14,16,23,24,25,28,29</td>
<td>13A, 13B, 13D,15, 17,18,22</td>
</tr>
</tbody>
</table>

Note: Tree 13 is a group of three indigenous and two native trees. The trees have been renamed as tree 13A, 13B, 13C, 13D, 13E. Tree X is an unprotected Tea Tree that was not surveyed in the arborist report.

The objectives of the Significant Landscape Overlay (SLO1) as relevant to the proposal are to retain the dominance of vegetation cover in keeping with the bush character environment, to maintain and enhance the setting, context and heritage significance of the adjoining remnant indigenous bushland, and to promote the regeneration and encourage the planting of indigenous species.

An assessment against the decision guidelines of the SLO1 is provided at Attachment 5.

The objectives of the Vegetation Protection Overlay (VPO3) as relevant to the proposal 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.

An assessment against the decision guidelines of the VPO3 is provided at Attachment 6.

From an arboriculture perspective, Council’s Arborist has reviewed the application and stated that:

- Trees 13A, B and D are considered to be of good health, but low amenity and low retention value and can be easily replaced to provide a similar or improved amenity
- Tree 15 is considered to be of low amenity, poor health and low retention value
- Tree 17 is considered to be of low amenity, poor health and low retention value
- Tree 18 is considered to be of low amenity, poor health and low retention value
- Tree 22 is considered to be of low amenity, poor health and low retention value.

Further detail of each tree including retention value definitions is provided in Attachment 7.

Significant Landscape Overlay 1

The extent of tree removal is justified when considering the decision guidelines of the SLO1.
Decision guidelines within the overlay include the potential to achieve an average density of one tree reaching a height of over 15 metres to each 200 square metres of site area. This guideline requires 5 trees to reach a height of over 15 metres high. One retained tree already reaches this height (T25), and hence four additional plantings that have the capacity to reach such heights would be required.

The proposed landscape plan includes 7 Coast Banksias which will reach heights of 15-20 metres at maturity, complying with (in fact well exceeding) the above requirement.

To further enhance the character in the short term, an additional three canopy trees of advanced stock would be required. A condition of permit has therefore been included to this effect.

**Vegetation Protection Overlay 3**

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 vegetation replacement proposed by Council. Therefore the proposed vegetation removal is considered to comply with the objectives of the VPO3.

All trees on the subject site has been assessed by Council’s Arborist who has determined the trees to be of poor health, low amenity and / or low retention value.

An objection received has raised concerns with the vegetation removal under the VPO3 and SLO1, for the reasons mentioned above, the extent of vegetation removal is considered to be acceptable.

### 6.3. Development (SLO1)

The application proposes the construction of one double storey dwelling including four bedrooms and a basement with a 2 car garage.

The proposed dwelling requires planning permission as the works are not setback more than 4 metres from vegetation that requires a permit to be removed (as stated earlier, clause 54 standards are not being assessed in this application).

The proposed dwelling follows the contours of the site adequately avoiding visual dominance to the streetscape and neighbouring properties by keeping a minimal profile and including a maximum building height of 7.345 metres with a flat roof form.

As the dwelling is proposed to be setback over 24 metres from the street, the sense of spaciousness and openness is maintained. The dwelling also has a site coverage of less than 40%, allowing for adequate space for significant planting of vegetation.

There are currently 21 protected trees on the site and the application seeks approval for the removal of 7 of these trees, all of which have either poor health, low retention and amenity value or a combination of all of these factors (as discussed in Section 6.2 of this report). The proposal retains majority of the trees, reducing any dominance of the dwelling to the character of the bushy landscape, while conserving the healthy and high amenity vegetation.

An assessment against the decision guidelines of the SLO1 is provided at Attachment 5.

### 6.4. 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.

6.5. Development contributions levy
Based on the proposed application and below recommendation, no development contributions levy is applicable.

6.6. Objector issues not already addressed
An objection received from 3 Point Avenue has raised concerns that the development will incur overlooking, loss of northern sun and visual bulk. As the construction of the dwelling is only triggered under the Significant Landscape Overlay and not the Residential Zone, an assessment against ResCode cannot be undertaken (this will be done by the relevant building surveyor). The assessment is strictly limited to the decision guidelines in Schedule 1 of the Significant Landscape Overlay, which discusses the impact of the dwelling to vegetation.

The objection also raised concerns regarding the boundary fencing. Boundary fencing is not a planning consideration and is a civil matter between the two parties.

Construction impacts regarding water and soil following into their property was also raised as a concern. As mentioned above, the application is limited to the vegetation removal and the development of a dwelling within the SLO1. Engineering and construction will be assessed and managed under the Building Permit stages.

Support Attachments
1. Application Plans ↓
2. Arborist Report ↓
3. Site and Surrounds Imagery ↓
4. Neighbourhood Character Assessment ↓
5. Significant Landscape Overlay Assessment ↓
6. Vegetation Protection Overlay Assessment ↓
7. Tree Profile ↓
Item 4.8 – Matters of Decision
Item 4.8 – Matters of Decision
Item 4.8 – Matters of Decision
Development Impact Assessment

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| Document Ref: R4575 3 Point Avenue BEAUVIERS | Uncontrolled when printed | Prepared: 10/09/2019 |
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<td>Mark Reynolds Date: 10/09/2019</td>
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<td>Claudine Reynolds Date: 11/09/2019</td>
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**Bayside City Council**  
Planning and Environment Act 1987  
ADVERTISED PLAN  
Planning Application No.: 5/2019/523/1  
Date: October 2019
1. SUMMARY

The Development Impact Assessment has been undertaken to determine the impact to 31 trees and groups of trees on and adjoining the site (within close proximity to the site boundaries) located at 5 Point Avenue, Beaumaris. The report provides an overview of the site characteristics and relevant regulatory controls, the arboricultural condition of the trees and determines the Protection Value of the 31 trees or groups of trees on the project site and adjoining properties/Council owned land.

The primary objective of this report is to determine the condition and impact to the 31 trees on the site and on adjoining land where the tree protection zone may be impacted. This report includes an assessment of the arboricultural and protection value of the trees, provides details of the non-destructive root investigation undertaken on site (7 August 2019), determines the impact to the trees to be protected and provides impact mitigation recommendations.

Site Analysis, data collection and a non-destructive root investigation (Hydro Vac) in the Tree Protection Zones (TPZ) of trees 10 – 13 and 23 – 25 was undertaken on 7 August 2019 by Mark Reynolds of Arbor Survey Pty Ltd. The current plans from Turco and Associates (Ref No: TA1914, Sheets TP000, TP012, TP013, TP015, TP016 and TP017 (Dated: September 2019) have been used as the basis for this assessment. The Ground Floor Site Layout Plan on TP000 from Turco and Associates has been used as the base plan for the Development Impact Plan (Section 7.2).

The following is a summary of the protection value of the trees.

High Protection Value Trees
- 11 trees or groups of trees are of high protection value (Trees 1 – 3, 10, 11, 19 – 21) on the site that have been given this rating are generally of good arboricultural landscape significance. Trees located on adjoining land (Private property on the west side of the site) regardless of condition, as they should be protected where possible.

Moderate Protection Value Trees
- 8 trees are of moderate protection value (Trees 6 – 8, 14, 23, 24, 28 and 29). These trees, within the site, have been given this rating as they are of fair arboricultural condition overall and of moderate to high landscape significance. These trees may have characteristics that can be improved with modern arboricultural practices. Where possible, these trees should be considered for protection within the project site.

Trees of No Protection Value
- 12 trees or groups of trees are of no protection value (Refer to the tree data in Appendix 7.1 for the list of trees). These trees are given a rating of ‘None’. Trees of no protection value may be of poor arboricultural condition overall, low landscape significance, unsuitable within the project site as they are in an inappropriate location for long term growth or landscape functionality or causing damage to surrounding infrastructure.

The proposed single dwelling development plans were viewed in the preparation of this report. Based on the proposed design and the guidelines of the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites:

Trees that cannot be protected
- 1 group of trees cannot be protected (Tree 13). This group of small, semi mature trees include 2 species of Banksia and a Sweet Pittosporum. This group of trees is of no protection value due to the very low landscape significance and value. The proposal has been designed to minimise impact on vegetation within the site and although the majority of tree are outside of the new dwelling footprint, there are some trees that are proposed to be removed due to their poor condition, inappropriateness on the site and or their weed status in the local area.
Development Impact Assessment

Trees that will incur Major Encroachment (greater than 10%) into the Tree Protection Zone

- 9 trees of moderate or high protection value will incur ‘Major Encroachment’ into the tree protection zones (Trees 1, 2, 6, 7, 10, 11, 14, 23 and 24). However, for the majority of these trees the encroachment is existing and there will be no additional encroachment (other than into the TPZ of Tree 14 from minor landscape works). Given the existing encroachment, the potential impact to these trees may be mitigated through the recommendations as outlined in Section 6.2.
- 5 trees (Trees 4, 5, 9, 12 and 22) have no protection value and should not be retained or protected as part of any future development. However, trees 4, 5, 9 and 12 are proposed to be retained on the plans provided.

Trees that will incur no or Minor encroachment (10% or less) into their Tree Protection Zone

- 10 trees or groups of trees of moderate or high protection value will incur no or ‘Minor Encroachment’ into the tree protection zones (Trees 3, 8, 19, 20, 21, 25, 26, 28, 29 and 31). The potential impact to these trees may be mitigated through the recommendations as outlined in Section 6.2.
- 6 trees (Trees 15-18, 27 and 30) have no protection value and should not be retained or protected as part of any future development.

Trees proposed to be removed

- 5 trees are proposed to be removed (Trees 13, 15, 17, 18 and 22) as part of the proposed development (including some small self-sown Pittosporum undulatum – Sweet Pittosporum weed species). All of these trees are of no protection value and are in decline or are inappropriate for long term retention and functionality of the open space areas.

The Tree Location Plan (Existing Conditions) and Development Impact Plan in Section 7.2 provide a visual representation of the protection values of the trees and indicates the Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and encroachment into the TPZ areas of trees of high or moderate protection value.
2. INTRODUCTION

Arbor Survey Pty Ltd has been engaged by Elite Crossings Pty Ltd to conduct a Development Impact Assessment for the trees and groups of trees on and adjoining the site (within close proximity to the site boundaries) located at 5 Point Avenue, Beaumaris. This assessment is an analysis of 31 trees or groups of trees that are located within the project site and on adjacent land where the tree protection zones (TPZ) may extend into the project site and may be affected by any proposed development or construction. Site analysis, field data collection and a non-destructive root investigation was undertaken on 7 August 2019.

This report provides an assessment of the condition of the trees, expressed as the Arboricultural Value and a determination of the Protection Value. The Protection Value of the trees takes into account the arboricultural condition, landscape and environmental significance, ownership and relevant legislative controls including local municipal laws and vegetation, environmental/landscape significance, cultural or heritage overlays or any other relevant considerations (i.e. exemptions) of the relevant Planning Scheme.

The assessment of the trees in terms of their overall condition has been made in accordance with the Survey Methodology and Descriptors in Appendix 8.1. These must be referenced when reading this report.

Impact mitigation and tree protection measures are recommended to reduce the impact on high and moderate protection value trees were possible. These measures are based on the guidelines of the Australian Standard AS4970 - 2009 - Protection of Trees on Development Sites.

3. REPORT OBJECTIVES, RESOURCE DOCUMENTS AND VEGETATION CONTROLS

3.1. REPORT OBJECTIVES

The Development Impact Assessment has been prepared in accordance with relevant industry standards. The report objectives are:

- To assess tree condition based on the Visual Tree Assessment Methodology (VTA) and landscape significance of the trees or groups of trees on the project site and adjacent land where the tree protection zones (TPZ) may extend into the project site and may be affected by any proposed development or construction.
- To identify any relevant Local Laws or Planning controls or exemptions that may be applicable to the site.
- Provide details of the non-destructive root investigation undertaken on site in the TPZ of trees 10 – 13 and 23 – 25
- To assess the impact to the trees from the proposed single dwelling development (based upon the Australian Standard AS 4970 - 2009 - Protection of Trees on Development Sites).
- To provide impact mitigation and suitable tree protection measures for trees of moderate and high protection value.

The recommendations given are based on the condition of the trees and their suitability for retention and or protection in relation to their current and future growing environment.

General guidelines for tree protection measures are provided. These guidelines do not constitute a specific Tree Management or Protection Plan (as per the Australian Standard AS 4970 - 2009 - Protection of Trees on Development Sites).
3.2. DOCUMENTS/RESOURCES VIEWED IN PREPARATION OF THIS REPORT

The following documents and resources were viewed or relied upon in preparation of this report:

**Plans**
- Proposed Development Plans: Turco and Associates (Ref No: TA1914, Sheets TP000, TP012, TP013, TP015, TP016 and TP017 (Dated: September 2019)
  (Note: All plans assessed from others and used as a basis for this assessment are assumed to be true and correct)

**Planning Controls**

**Responsible Authority**
- Bayside Planning Scheme
- Consolidated Local Law No. 2 ‘Neighbourhood Amenity’ – April 2012

**Other**
- VicMap Data (Spatial Property Cadastre) [http://services.land.vic.gov.au/SpatialDatamart/]
- Aerial Photograph of the site (Nearmap™ – Dated: 26/06/2019).

3.3. VEGETATION CONTROLS

The project site is located within Neighbourhood Residential Zone – Schedule 3 (NRZ3) of the Bayside Planning Scheme. The site is subject to the following overlays:

- Design and Development Overlay – Schedule 1 (DDO1)
- Vegetation Protection Overlay – Schedule 3 (VPO3)
- Significant Landscape Overlay – Schedule 1 (SLO1)
- Development Contributions Plan Overlay – Schedule 1 (DCPO1).

Under the Vegetation Protection and Significant Landscape Overlays a permit is required to remove, destroy or lop any tree or vegetation greater than 2 metres in height and with a trunk circumference (measured at 1.0m above ground level) of 0.5 metres. Based on the overlay requirements, all vegetation assessed (all vegetation over 2 metres in height) requires a permit to be removed.

Additionally, the site is subject to the Consolidated Local Law No. 2 ‘Neighbourhood Amenity’ which states that a permit is required for the removal or pruning of any tree with a single or combined trunk circumference (measured at 1.0m above ground level) greater than 155 cm. Based on the assessment of trees within the project site, Trees 18, 22 and 25 may require a Local Law permit for removal or pruning. However, as these trees are also protected by the VPO1 and SLO1, there is no requirement to obtain a separate Local Law removal permit.
4. SITE ANALYSIS

4.1. SITE LOCATION, AREA AND TOPOGRAPHY

The project site is located on the northern side of Point Avenue, Beaumaris, on the bend of the informal road. The site is approximately 895m² in size with a change in grade of approximately 1 – 1.5m across the site. The aerial photograph in Figure 1 shows the project site and the approximate outline of the property boundaries.

4.2. EXISTING SITE FEATURES

The project site contains a single storey dwelling with an attached carport which is accessed from the gravel driveway that runs along the south western boundary.

There is an existing concrete and paved outdoor space attached to the north east corner of the dwelling. Based on the existing footprint, many trees have an existing encroachment into the tree protection zones and these trees have most likely developed with altered root zones due to the impedance from the existing built structures.

There are a number of trees along each side of the driveway and along the boundary lines that contribute to the neighbourhood character of the area.

4.3. TREE LOCATION

From the 31 trees or groups of trees assessed:

- 23 trees or groups of trees are located within the project site boundaries
- 3 trees or groups of trees are located on the neighbouring properties (3 and 7 Point Avenue) within 3 metres of the boundary
- 5 trees or groups of trees are located on the Council owned road reserves (Point and Coral Avenues).

4.4. ORIGIN AND LANDSCAPE SIGNIFICANCE

From the assessment of the 31 trees or groups of trees assessed, 22 trees are Indigenous to the local area, 6 trees are Australian and Victorian Native specimens (not Indigenous to the local area) and 3 trees are Exotic specimens. All trees are considered to be planted and there are no remnant trees within the project site.

Many of trees assessed are generally considered to be of low landscape significance in terms of their mass and contribution to the canopy coverage to the immediate local area. From the trees or groups of trees assessed:

- 11 trees (Trees 1, 2, 9 – 12, 15, 22 – 24) are of high landscape significance and are dominant on the site and to the streetscape/local area.
5. ARBORICULTURAL AND PROTECTION VALUE ASSESSMENT

5.1. ARBORICULTURAL VALUE ASSESSMENT

Arboricultural value is rated according to the overall health, structure, life expectancy and significance within the landscape. The Arboricultural Value only relates to the physical condition of the tree or trees and does not take into account the vegetation/environmental status/controls, the suitability of the tree in the landscape or the ownership of the tree (Refer to Appendix 8.1 for further information on the descriptors used).

The assessment of the 31 trees or groups of trees on and adjoining the project site revealed that:

- 7 trees (Trees 6 – 8, 14, 19, 20 and 26) are of moderate landscape significance. These trees may provide screening or other landscape attributes that are of value.
- The remaining trees are of low landscape significance and value. Some of these trees may be in good condition in terms of their arboricultural characteristics, however, the landscape or amenity value they provide could easily be replaced with new planting.

5.2. PROTECTION VALUE ASSESSMENT

The protection value of the trees has been determined by taking into consideration the arboricultural value, landscape significance, habitat value, ownership and relevant legislative controls (including local municipal laws, vegetation protection and environmental/landscape significance overlays and cultural/heritage overlays) or any other relevant considerations (i.e. exemptions) of the relevant Planning Scheme. Only trees of high and moderate protection value should be considered for protection (Refer to Appendix 8.1 for further information).
Development Impact Assessment

Table 1 documents the trees that are worthy of protection and provides the trunk and basal diameters (DBH and Basal Dia.), Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) (Note: SRZ and TPZ are a radial measurement from the centre of the trunk). The TPZ10% shows the minimum encroachment distance from the tree on one side of the tree only without any further requirement for exploratory trenching. Figure 2 provides an example of the 10% encroachment on one side of the tree only (Extract from the Australian Standard AS 4970 - 2009 - Protection of Trees on Development Sites).

This table should be viewed in conjunction with the Tree Location (Existing Conditions) and Development Impact (Proposed Development) Plans located in Section 7.2. Trees that have been determined to have a high and moderate protection value are shown and have the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) drawn.

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name</th>
<th>Ownership</th>
<th>Protection Value</th>
<th>DBH (cm)</th>
<th>Basal Dia (cm)</th>
<th>SRZ (m)</th>
<th>TPZ (m)</th>
<th>TPZArea (m²)</th>
<th>TPZ10% (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Banksia integrifolia</td>
<td>Council</td>
<td>High</td>
<td>57</td>
<td>66</td>
<td>2.8</td>
<td>6.8</td>
<td>145</td>
<td>4.7</td>
</tr>
<tr>
<td>2</td>
<td>Banksia integrifolia</td>
<td>Council</td>
<td>High</td>
<td>65</td>
<td>81</td>
<td>3.1</td>
<td>2.8</td>
<td>101</td>
<td>5.4</td>
</tr>
<tr>
<td>3</td>
<td>Cercis canadensis</td>
<td>Neighbours</td>
<td>High</td>
<td>&lt;10</td>
<td>&lt;10</td>
<td>1.8</td>
<td>1.6</td>
<td>8</td>
<td>1.1</td>
</tr>
<tr>
<td>4</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>24.5</td>
<td>32</td>
<td>2.0</td>
<td>2.9</td>
<td>26</td>
<td>2.6</td>
</tr>
<tr>
<td>5</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>23.5</td>
<td>25</td>
<td>2.0</td>
<td>1.9</td>
<td>17</td>
<td>1.9</td>
</tr>
<tr>
<td>6</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>19</td>
<td>19</td>
<td>1.9</td>
<td>2.3</td>
<td>17</td>
<td>1.6</td>
</tr>
<tr>
<td>7</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>High</td>
<td>33</td>
<td>45</td>
<td>2.4</td>
<td>4.1</td>
<td>53</td>
<td>2.8</td>
</tr>
<tr>
<td>8</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>High</td>
<td>34</td>
<td>45</td>
<td>2.1</td>
<td>2.6</td>
<td>41</td>
<td>3.0</td>
</tr>
<tr>
<td>9</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>23</td>
<td>32</td>
<td>2.1</td>
<td>2.1</td>
<td>18</td>
<td>1.9</td>
</tr>
<tr>
<td>10</td>
<td>Banksia integrifolia</td>
<td>Council</td>
<td>High</td>
<td>37</td>
<td>42</td>
<td>2.3</td>
<td>4.4</td>
<td>61</td>
<td>3.6</td>
</tr>
<tr>
<td>11</td>
<td>Banksia integrifolia</td>
<td>Council</td>
<td>High</td>
<td>21.5</td>
<td>32</td>
<td>2.1</td>
<td>2.6</td>
<td>21</td>
<td>1.8</td>
</tr>
<tr>
<td>12</td>
<td>Leptospermum laevigatum</td>
<td>Council</td>
<td>High</td>
<td>Approx. 50</td>
<td>Multi-Stemmed</td>
<td>2.5</td>
<td>6.0</td>
<td>113</td>
<td>4.1</td>
</tr>
<tr>
<td>13</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>39</td>
<td>49</td>
<td>2.5</td>
<td>4.7</td>
<td>69</td>
<td>3.2</td>
</tr>
<tr>
<td>14</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>39.5</td>
<td>51</td>
<td>2.5</td>
<td>4.7</td>
<td>69</td>
<td>3.2</td>
</tr>
<tr>
<td>15</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>High</td>
<td>67.5</td>
<td>76</td>
<td>2.9</td>
<td>8.1</td>
<td>206</td>
<td>5.6</td>
</tr>
<tr>
<td>16</td>
<td>Banksia integrifolia</td>
<td>Neighbours</td>
<td>High</td>
<td>Approx. 25/25 (55.4)</td>
<td>Approx. 40</td>
<td>2.3</td>
<td>4.2</td>
<td>55</td>
<td>2.9</td>
</tr>
<tr>
<td>17</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>25</td>
<td>34</td>
<td>2.1</td>
<td>3.0</td>
<td>28</td>
<td>2.1</td>
</tr>
<tr>
<td>18</td>
<td>Banksia integrifolia</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>19</td>
<td>26</td>
<td>1.9</td>
<td>2.3</td>
<td>17</td>
<td>1.6</td>
</tr>
<tr>
<td>19</td>
<td>Cotoneaster glaucophyllus</td>
<td>Neighbours</td>
<td>High</td>
<td>Approx. 30</td>
<td>Multi-Stemmed</td>
<td>2.0</td>
<td>3.6</td>
<td>41</td>
<td>2.5</td>
</tr>
</tbody>
</table>

6. DEVELOPMENT IMPACT ASSESSMENT AND IMPACT MITIGATION RECOMMENDATIONS

The proposed single dwelling development includes the construction of a basement car parking area which is to be accessed from the same crossover and driveway location as the existing. The single dwelling development has been designed in such a way to minimise the impact on the trees within the site by keeping to the relatively same footprint as the existing dwelling. Although there is encroachment into the tree protection zones, this encroachment is largely existing and, in some areas, the footprint has been reduced.
Development Impact Assessment

Based on the proposed design and the guidelines of the Australian Standard AS4970 - 2009 - Protection of Trees on Development Sites:

**Trees that cannot be protected**

- 1 group of trees cannot be protected (Tree 13). This group of small, semi mature trees include 2 species of Banksia and a Sweet Pittosporum. This group of trees is of no protection value due to the very low landscape significance and value. The proposal has been designed to minimise impact on vegetation within the site and although the majority of tree are outside of the new dwelling footprint, there are some trees that are proposed to be removed due to their poor condition, inappropriateness on the site and or their weed status in the local area.

**Trees that will incur Major Encroachment (greater than 10%) into the Tree Protection Zone**

- 9 trees of moderate or high protection value will incur ‘Major Encroachment’ into the tree protection zones (Trees 1, 2, 6, 7, 10, 11, 14, 23 and 24). However, for the majority of these trees the encroachment is existing and there will be no additional encroachment (other than into the TPZ of Tree 14 from minor landscape works). Given the existing encroachment, the potential impact to these trees may be mitigated through the recommendations as outlined in Section 6.2.
- 5 trees (Trees 4, 5, 9, 12 and 22) have no protection value and should not be retained or protected as part of any future development. However, trees 4, 5, 9 and 12 are proposed to be retained on the plans provided.

**Trees that will incur no or Minor encroachment (10% or less) into their Tree Protection Zone**

- 10 trees or groups of trees of moderate or high protection value will incur ‘Minor Encroachment’ into the tree protection zones (Trees 3, 8, 19, 20, 21, 25, 26, 28, 29 and 31). The potential impact to these trees may be mitigated through the recommendations as outlined in Section 6.2.
- 6 trees (Trees 15-18, 27 and 30) have no protection value and should not be retained or protected as part of any future development.

**Trees proposed to be removed**

- 5 trees are proposed to be removed (Trees 13, 15, 17, 18 and 22) as part of the proposed development (including some small self-sown Pittosporum undulatum – Sweet Pittosporum weed species). All of these trees are of no protection value and are in decline or are inappropriate for long term retention and functionality of the open space areas.

Due to the level of encroachment into the tree protection zones of trees 10 – 13 and 23 – 25, a non-destructive root investigation was undertaken along the line of the proposed ramp to the basement and along the edge of the existing and proposed building footprint.

### 6.1. Root Investigation Findings

Under the TPZ encroachment considerations of Clause 3.3.4 of the Australian Standard (AS4970), Clause (a) notes that the location, size and distribution of the roots should be determined through non-destructive investigation methods. This will identify the potential loss or amount of root mass that may be impacted. In this instance, a non-destructive root investigation has been undertaken along the line of the ramp to the basement as shown in Figure 3 and along the edge of the existing building and concrete area as shown in Figure 4. The non-destructive root investigation (Hydro Vac) was undertaken in this location during the design stage to determine what would be acceptable in terms of the design of any future basement / building footprint.
The root investigation was undertaken for a length of 5.3 metres along either side of the driveway (Trench 1 and 2) as shown in Figure 3 and Figures 5 and 6. A third trench (Trench 3) was undertaken along the line of the existing building and concrete slab footprint as shown in Figures 4 and 7.
Trench 1 findings

From the root investigation within the TP2s, a total of 4 roots were discovered within Trench 1 (Refer to Figure 5). These roots measured 40 – 50mm in diameter (Root 1 – Figure 8), 10 – 30mm in diameter (Root 2 – Figure 9), 30mm in diameter (Root 3 – Figure 10) and 40mm in diameter (Root 4 – Figure 11). These 4 roots/ clusters of roots are the only roots discovered in the soil profile in trench 1 which was performed to a depth of 800mm.
These 4 roots or clusters of roots are relatively insignificant being less than 50mm in diameter. Given the existing impedance to growth form the existing sleeper retaining wall, it is expected that there will be much greater root growth in the raised garden bed section which is to be retained and protected. Although these roots are within the structural root zone, they are not considered to be significant structural roots and the pruning of these roots is not expected to be detrimental to the health and longevity of the adjacent tree (Tree 11 – Banksia integrifolia).

Trench 2 findings

Within Trench 2, only 2 main groups or clusters of roots were observed as shown in Figure 12. These clusters were comprised of very fine roots, all being less than 10mm in diameter. Given the fine nature and extent of these roots will not impact the health and or longevity of the adjacent tree group of trees (trees 12 and 13).
Trench 3 findings

Within Trench 3, only 2 groups or clusters of roots were observed as shown in Figures 7, 14 and 15. These 2 root groups or clusters were made up of small roots, generally between 10 – 25mm in diameter, with only 1 larger root in root group 2 measuring approximately 40mm in diameter.

As the proposed building footprint will not extend past the existing concrete footing and slab, the root growth is likely to be restricted into the proposed footprint area. In any case, the pruning of these roots along the edge of the proposed building footprint will not cause any significant impact to trees 23 and 24.

Root Investigation Summary

In summary, the results of the root investigation showed that there are no significant roots that will be impacted by the proposed ramp to the basement and or the proposed building footprint. It is recommended that the pruning of these roots occurs prior to demolition to ensure that the root systems are not torn during site preparation.
6.2. IMPACT MITIGATION RECOMMENDATIONS

The following table (Table 2) provides a summary of TPZ percentage encroachment, the elements that will encroach within the tree protection zones and the general impact mitigation mechanisms. Only trees that are of moderate or high protection value are listed below. Trees of no protection value should not be retained; however, some are proposed to be retained as part of the development proposal.

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name</th>
<th>Protection Value</th>
<th>Encroachment (%)</th>
<th>Element</th>
<th>Impact Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Banksia integrifolia</td>
<td>High</td>
<td>12%</td>
<td>Driveway</td>
<td>Permeable driveway proposed above grade</td>
</tr>
<tr>
<td>2</td>
<td>Banksia integrifolia</td>
<td>High</td>
<td>15%</td>
<td>Driveway</td>
<td>Permeable driveway proposed above grade</td>
</tr>
<tr>
<td>3</td>
<td>Cecils canadensis</td>
<td>High</td>
<td>0%</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>6</td>
<td>Banksia integrifolia</td>
<td>Moderate</td>
<td>19%</td>
<td>Driveway</td>
<td>Permeable driveway proposed above grade</td>
</tr>
<tr>
<td>7</td>
<td>Banksia integrifolia</td>
<td>Moderate</td>
<td>39%</td>
<td>Driveway</td>
<td>Permeable driveway proposed above grade</td>
</tr>
<tr>
<td>8</td>
<td>Banksia integrifolia</td>
<td>Moderate</td>
<td>8%</td>
<td>Driveway</td>
<td>Permeable driveway proposed above grade</td>
</tr>
<tr>
<td>10</td>
<td>Banksia integrifolia</td>
<td>High</td>
<td>34%</td>
<td>Concrete Basement ramp</td>
<td>Prune roots prior to demolition/excavation</td>
</tr>
<tr>
<td>11</td>
<td>Banksia integrifolia</td>
<td>High</td>
<td>42%</td>
<td>Concrete Basement ramp</td>
<td>Prune roots prior to demolition/excavation</td>
</tr>
<tr>
<td>14</td>
<td>Banksia integrifolia</td>
<td>Moderate</td>
<td>18%</td>
<td>Deck/Outdoor area</td>
<td>None</td>
</tr>
<tr>
<td>19</td>
<td>Banksia integrifolia</td>
<td>High</td>
<td>0%</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>20</td>
<td>Banksia integrifolia</td>
<td>High</td>
<td>0%</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>21</td>
<td>Leptospermum laevigatum</td>
<td>High</td>
<td>0%</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>23</td>
<td>Banksia integrifolia</td>
<td>Moderate</td>
<td>30%</td>
<td>Building footprint</td>
<td>None</td>
</tr>
<tr>
<td>24</td>
<td>Banksia integrifolia</td>
<td>Moderate</td>
<td>17%</td>
<td>Building footprint</td>
<td>Nothing required as within existing footprint</td>
</tr>
<tr>
<td>25</td>
<td>Banksia integrifolia</td>
<td>High</td>
<td>6%</td>
<td>Building footprint</td>
<td>Nothing required as within existing footprint</td>
</tr>
<tr>
<td>26</td>
<td>Banksia integrifolia</td>
<td>High</td>
<td>0%</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>28</td>
<td>Banksia integrifolia</td>
<td>Moderate</td>
<td>0%</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>29</td>
<td>Banksia integrifolia</td>
<td>Moderate</td>
<td>0%</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>31</td>
<td>Cotoneaster glaucoptilus</td>
<td>High</td>
<td>10%</td>
<td>Building footprint</td>
<td>None required due to minor encroachment</td>
</tr>
</tbody>
</table>

6.3. IMPACT MITIGATION RECOMMENDATIONS

Tree protection and impact mitigation measures are listed below in order to reduce the potential of direct and indirect impacts (soil compaction, physical tree/root damage etc). For further information on general guidelines for tree protection see Appendix 8.3.

Trees recommended for protection

- It is recommended that all trees except for trees 13, 15, 17, 18 and 22 are incorporated into the landscape as part of the single dwelling development.
- These 5 trees proposed for removal are in poor condition, of very low landscape significance and or inappropriate to the site. Tree 15 is in advanced decline with evidence of possum damage and possible fungal infection [Armillaria sp.], tree 18 is also in advanced decline and tree 22 is considered to be inappropriate to the site and the functionality of the open space area.

Further investigation required

- No further investigation is required as a non-destructive root investigation has been performed. All Major encroachment potential impacts can be mitigated through the consideration of the requirements of Clause 3.3.4 of the Australian Standard AS4970 - 2009 - Protection of Trees on Development Sites.
Potential Design alterations

- No design alterations are recommended. The design process has been considerate of the existing vegetation and has been designed in such a way to minimise the impacts on important native and indigenous vegetation.

Specific construction recommendations

- The key construction recommendation and impact mitigation measure is to construct the driveway using a permeable surface above grade. This can either be through the use of a gravel surface or through the use of a permeable concrete driveway.

Specialised Tree Protection Measures

- Specialised tree protection measures will be required around a number of trees where the tree protection zones are close to the building footprint. This will include the use of ground protection boards during demolition along the driveway and surrounding the construction zone of the new dwelling.

Standard Tree Protection Measures

- Standard Tree protection fencing must be established where possible and where it will not impede construction activities prior to any works on site. These measures must remain in place for the duration of works and can only be removed in consultation with the Project Arborist or local Responsible Authority. Due to the complexities of the site, tree protection fencing cannot be simply put along the edge of the tree protection zone and a Specific Tree Management and Protection Plan will need to be created once construction methodologies have been determined.

General Tree Protection Requirements

- Soil levels within the TPZs (where outside building/ driveway or works footprints) should remain at existing grade and permeable.
- Any excavation (demolition and construction) within the TPZ should be uncovered must be cleanly pruned with sharp/sterile hand tools.
- All tree protection measures must remain in place for the duration of works with the Project Arborist or local Responsible Authority.
- Any new boundary fencing within the TPZ should be of light weight construction with no continuous footings and manually excavated stump holes (by hand or post hole auger only).
- Any required pruning must be in accordance with Australian Standard AS4373:2007 Pruning of Amenity Trees and carried out by a minimum AQF Level 3 Arborist.
- All services must be located outside the TPZ of trees to be protected. Where no alternative exists, a non-destructive root investigation or directional boring under supervision of a qualified Arborist must be undertaken to install the services.

Tree Management During Construction

Dependant on the final design, it is recommended that a Tree Protection Plan (TPP) is created as a condition of permit that will specify the exact requirements for tree protection of all high and moderate protection value trees to be protected.

As part of the TPP, it is recommended that there is a certification framework that details the actions required at all stages of development, the timing of supervision and the Certification methods to be undertaken by the Project Arborist.
### 7. TREE DATA AND PLANS

#### 7.1. TREE DATA

| Tree No. | Botanical Name | Common Name | Origin | DBH (cm) | Basal Dia (cm) | Height (m) | Spread (m) | Health | Structure | Age Class | Arbor Value | Ownership | Protection Value | Strict D.F. (m) | T.P.F. (m) | Enroachment (%) | Notes |
|----------|----------------|-------------|--------|----------|---------------|------------|------------|--------|-----------|-----------|-------------|-----------|-------------|----------------|------------|--------------|-----------------|-------|
| 1        | *Banksia integrifolia* | Coast Banksia | Indigenous | 57       | 66           | 13         | 5          | Fair-Poor | Fair      | Mature    | Medium     | Council    | High        | 2.8           | 6.8        | 12%          | Dieback in one stem. |
| 2        | *Banksia integrifolia* | Coast Banksia | Indigenous | 65       | 83           | 13         | 4          | Fair-Poor | Fair-Poor | Mature    | Low        | Council     | High        | 3.1           | 7.8        | 15%          | One stem lopped & dead. |
| 3        | *Ceratopetalum kirstenii* | Pearly Hakea | Native | <10      | <10          | 4          | 3.5        | Fair-Good | Fair-Good | Semi-Mature | Low        | Neighbours  | High        | 3.5           | 2.0        | 0%           | x3 trees. |
| 4        | *Banksia integrifolia* | Coast Banksia | Indigenous | 15       | 35           | 2          | 2          | Good     | Fair-Poor | Juvenile  | Low        | Subject Site | None       | 2.0           | 2.0        | 0%           | Multi-stemmed from base, inappropriate location, growing on fence. |
| 5        | *Banksia integrifolia* | Coast Banksia | Indigenous | 15       | 4            | 2          | 2          | Good     | Fair      | Juvenile  | Low        | Subject Site | None       | 2.0           | 2.0        | 0%           | Multi-stemmed from base, inappropriate location, growing on fence. |
| 6        | *Banksia integrifolia* | Coast Banksia | Indigenous | 24.5     | 30           | 10         | 4          | Fair-Good | Fair      | Semi-Mature | Medium     | Subject Site | Moderate   | 2.6           | 2.9        | 19%          | |
| 7        | *Banksia integrifolia* | Coast Banksia | Indigenous | 23.5     | 29           | 10         | 4.5        | Good      | Fair      | Semi-Mature | Medium     | Subject Site | Moderate   | 2.6           | 2.8        | 39%          | |
| 8        | *Banksia integrifolia* | Coast Banksia | Indigenous | 19       | 28           | 9          | 3          | Fair-Good | Fair      | Semi-Mature | Medium     | Subject Site | Moderate   | 2.6           | 2.8        | 39%          | |
| 9        | *Allocasuarina betulaeformis* | Southern Mahogany | Native | 35.5     | 48           | 14         | 8          | Poor     | Fair-Poor | Semi-Mature | Low        | Subject Site | None       | 2.4           | 4.1        | 43%          | Growing on top of retaining wall. |
| 10       | *Banksia integrifolia* | Coast Banksia | Indigenous | 33       | 45           | 12         | 5          | Good     | Good      | Mature    | High       | Subject Site | High       | 2.4           | 4.0        | 34%          | Growing in central leader. |
| 11       | *Banksia integrifolia* | Coast Banksia | Indigenous | 34       | 45           | 12         | 5          | Fair-Good | Good      | Mature    | High       | Subject Site | High       | 2.4           | 4.1        | 43%          | |
| 12       | *Allocasuarina betulaeformis* | Southern Mahogany | Native | 44       | 51           | 12         | 3          | Fair-Poor | Poor      | Semi-Mature | Low        | Subject Site | None       | 2.5           | 5.3        | 43%          | Group of 3 x *Banksia integrifolia*, 1 x *Banksia serrata* & 1 x *Pittosporum undulatum* (wood). Largest DBH shown. |
| 13       | *Banksia sp. & Pittosporum undulatum* | Banskia & Pittosporum | Indigenous | 24       | 30           | 8          | 3          | Fair     | Fair      | Semi-Mature | Low        | Subject Site | None       | 2.0           | 2.9        | 100%         | Group of 3 x *Banksia integrifolia*, 1 x *Banksia serrata* & 1 x *Pittosporum undulatum* (wood). Largest DBH shown. |
| 14       | *Banksia integrifolia* | Coast Banksia | Indigenous | 23       | 32           | 9          | 6          | Fair     | Fair      | Semi-Mature | Medium     | Subject Site | Moderate   | 2.1           | 2.8        | 18%          | Canopy suppressed. |
| 15       | *Corymbia maculata* | Spotted Gum | Native | 40       | 53           | 13         | 10         | Very-Poor | Fair      | Mature    | Low        | Subject Site | None       | 2.5           | 5.5        | 4%           | Possum damage, dieback. Armillaria? |
| 16       | *Agonis flexuosa* | Willow Myrtle | Native | 23       | 27           | 4.5        | 4.5        | Fair-Poor | Fair-Poor | Semi-Mature | Low        | Subject Site | None       | 3.9           | 2.8        | 0%           | Suppressed. |
| 17       | *Banksia integrifolia* | Coast Banksia | Indigenous | 10       | 22           | 0.5        | 3          | Fair     | Poor      | Juvenile  | Low        | Subject Site | None       | 3.8           | 2.0        | 0%           | Suppressed. |
| 18       | *Agonis flexuosa* | Willow Myrtle | Native | 43/30  | 55           | 6          | 8          | Poor     | Fair      | Mature    | Low        | Subject Site | None       | 2.6           | 6.3        | 0%           | Low foliage density. |
| 19       | *Banksia integrifolia* | Coast Banksia | Indigenous | 37       | 42           | 7          | 5          | Good     | Mature    | High      | Council    | High       | 2.3           | 4.4        | 0%           | |
## Tree Details

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Origin</th>
<th>DBH (cm)</th>
<th>Basal Dia (cm)</th>
<th>Height (m)</th>
<th>Spread (m)</th>
<th>Health</th>
<th>Structure</th>
<th>Age Class</th>
<th>Arbor Value</th>
<th>Ownership</th>
<th>Protection Value</th>
<th>SR2 (m)</th>
<th>TP2 (m)</th>
<th>Enroach (%)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>Indigenous</td>
<td>21.5</td>
<td>32</td>
<td>7</td>
<td>4.5</td>
<td>Good</td>
<td>Good</td>
<td>Semi-Mature</td>
<td>High</td>
<td>Council</td>
<td>High</td>
<td>2.1</td>
<td>2.6</td>
<td>0%</td>
<td>x2 trees, prostrate growth.</td>
</tr>
<tr>
<td>21</td>
<td>Leptospermum laevigatum</td>
<td>Coastal Tea Tree</td>
<td>Indigenous</td>
<td>Multi-Stemmed</td>
<td>Approx. 50</td>
<td>3.5</td>
<td>8</td>
<td>Fair-Poor</td>
<td>Poor</td>
<td>Senescent</td>
<td>Low</td>
<td>Council</td>
<td>High</td>
<td>2.5</td>
<td>6.0</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>Native</td>
<td>56</td>
<td>64</td>
<td>16</td>
<td>13</td>
<td>Fair</td>
<td>Poor</td>
<td>Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>2.7</td>
<td>6.7</td>
<td>1%</td>
<td>Within 2m of dwelling.</td>
</tr>
<tr>
<td>23</td>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>Indigenous</td>
<td>39</td>
<td>49</td>
<td>13</td>
<td>7</td>
<td>Fair-Good</td>
<td>Fair</td>
<td>Mature</td>
<td>Medium</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.5</td>
<td>4.7</td>
<td>30%</td>
<td>Within 2m of dwelling.</td>
</tr>
<tr>
<td>24</td>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>Indigenous</td>
<td>39.5</td>
<td>51</td>
<td>13</td>
<td>6</td>
<td>Fair-Good</td>
<td>Fair-Poor</td>
<td>Mature</td>
<td>Medium</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.5</td>
<td>4.7</td>
<td>1%</td>
<td>Decayed in central leader.</td>
</tr>
<tr>
<td>25</td>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>Indigenous</td>
<td>67.5</td>
<td>76</td>
<td>15</td>
<td>11</td>
<td>Good</td>
<td>Good</td>
<td>Mature</td>
<td>High</td>
<td>Subject Site</td>
<td>High</td>
<td>2.9</td>
<td>8.1</td>
<td>6%</td>
<td>Staining (sap) through trunk, possibly borers.</td>
</tr>
<tr>
<td>26</td>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>Indigenous</td>
<td>Approx. 25/25 (35-40)</td>
<td>Approx. 40</td>
<td>10</td>
<td>7</td>
<td>Fair-Good</td>
<td>Fair-Good</td>
<td>Mature</td>
<td>Medium</td>
<td>Neighbours</td>
<td>High</td>
<td>2.3</td>
<td>4.2</td>
<td>0%</td>
<td>Some possum damage.</td>
</tr>
<tr>
<td>27</td>
<td>Ficus carica</td>
<td>Common Fig</td>
<td>Exotic</td>
<td>Multi-Stemmed</td>
<td>23</td>
<td>3.5</td>
<td>5</td>
<td>Fair</td>
<td>Poor</td>
<td>Semi-Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>3.2</td>
<td>5.4</td>
<td>0%</td>
<td>Low landscape value.</td>
</tr>
<tr>
<td>28</td>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>Indigenous</td>
<td>25</td>
<td>34</td>
<td>0.5</td>
<td>4</td>
<td>Good</td>
<td>Fair</td>
<td>Semi-Mature</td>
<td>Medium</td>
<td>Subject Site</td>
<td>None</td>
<td>2.3</td>
<td>4.2</td>
<td>0%</td>
<td>Some dieback in crown.</td>
</tr>
<tr>
<td>29</td>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>Indigenous</td>
<td>19</td>
<td>26</td>
<td>6.5</td>
<td>4</td>
<td>Fair-Good</td>
<td>Fair</td>
<td>Semi-Mature</td>
<td>Medium</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.9</td>
<td>4.7</td>
<td>0%</td>
<td>Low landscape value.</td>
</tr>
<tr>
<td>30</td>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>Indigenous</td>
<td>Multi-Stemmed</td>
<td>20</td>
<td>3.5</td>
<td>4.5</td>
<td>Fair-Good</td>
<td>Fair</td>
<td>Juvenile</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>3.7</td>
<td>2.4</td>
<td>4%</td>
<td>Weak attachment</td>
</tr>
<tr>
<td>31</td>
<td>Cotoneaster glutinosus</td>
<td>Cotoneaster</td>
<td>Exotic</td>
<td>Multi-Stemmed</td>
<td>Approx. 3D</td>
<td>4</td>
<td>7</td>
<td>Fair-Poor</td>
<td>Fair</td>
<td>Mature</td>
<td>Low</td>
<td>Neighbours</td>
<td>None</td>
<td>2.6</td>
<td>4.3</td>
<td>0%</td>
<td>Weak attachment</td>
</tr>
</tbody>
</table>

* Note: DBH (cm) is the diameter at breast height (1.3m from natural ground level), Basal Dia (cm) is the diameter of the trunk above the root flare, Arbor Value is the Arborvalue (value), SR2 (m) is the structural root zone in metres from the centre of the trunk, TP2 (m) is the tree protection zone in metres from the centre of the trunk. The Enroach (%) is the level of encroachment into the tree protection zone.

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**Planning and Environment Act, 1987**

**ADVERTISED PLAN**

**Planning Application No.: 5/2019/523/1**

**Date: October 2019**
7.2. **Tree Location (Existing) and Development Impact Plans (Proposed)**

![Diagram of tree locations and impact plans]

**Note:** Not all trees shown on survey plan. Locations approximated from on-site observations.

**High Protection Value Tree**
**Moderate Protection Value Tree**
**No Protection Value Tree**

**Drawing Notes:**
- Trees in open space within the defined impact zone are highlighted.
- Trees in protected zones are represented in black.

**Planning Act:**
- **1987 ADVERTISED PLAN**
- **Application No.: 5/2019/523/1**
- **Date: October 2019**

**Arbor Survey**

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**Project Address:** 5 Point Avenue, Beaumaris

**Reference:** R4575

**Uncertified when printed**

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**Item 4.8 – Matters of Decision**

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Attachment 2

Item 4.8 – Matters of Decision
8. APPENDICES

8.1. SURVEY METHODOLOGY AND DESCRIPTORS

Site observations and tree data was recorded on site at the date noted within Section 2 (Introduction). This report is based upon the condition of the trees and the site conditions noted on the inspection date(s) only. The characteristics of each tree or group of trees of similar characteristics have been undertaken in accordance with the Visual Tree Assessment (VTA) methodology (Mattheck & Breloer, 1998).

The data is included in this report in a detailed table, located in Section 7.1. Tree Location (existing conditions) and Development impact (proposed development) Plans are provided in Section 7.2 where relevant. These maps/plans have been drawn to scale for representation purposes, however they are not to paper scale at A4 size within this report.

The survey identifies all trees or groups of trees within the project site over 2 metres in height and on adjoining lands (neighbouring properties and or Council or other regulatory body or Crown land) where their projected Tree Protection Zones (TPZs) extend to within the project site and may be affected by the proposed buildings and or works. The assessment is undertaken from a visual inspection from ground level only. No individual tree or trees were climbed and no samples of soil, plant material or pest and disease infestation (if present) were taken for analysis. Defects not apparent from this ground-based visual inspection are excluded from the discussion within this report. This report is not a risk assessment and no other assessment methodologies have been used.

This assessment is based on an improved and modified version of current industry practice, as the primary driver for any recommendations. The primary driver for the assessment is the characteristic of ‘Protection Value’. Protection value is derived from a combination of the physical arboricultural characteristics of the tree and life expectancy recorded as the ‘Arboricultural Value’ in conjunction with the natural and human ownership and relevant regulatory controls.

The following data is recorded on site:

- **Tree Identification Number (Tree No.)** – This is a sequential numeric numbering system used to identify each tree on the attached site map. These numbers may also relate to tags placed on each tree in the field if required. Any deviation of the numbering system will be specifically noted within the report.

- **Genus/ Species (Botanical Name)** – Species identification is considered as common and made using species characteristics observed on site or sampled and researched off site. Specific cultivar or subspecies details are omitted unless where known. No samples have been taken to the National Herbarium of Victoria for accurate analysis and identification unless specifically noted within the report.

- **Common Name** – This is the typical common name assigned to the tree species. For many trees, there is likely to be numerous common names that could be used. The common name provided should only be seen as a secondary identification tool.

- **Origin** – This may be recorded as Native (originates from Australia, outside of the survey area), Indigenous (originates from within the survey area), Exotic (originates from outside of Australia).

- **DBH (cm)** – this is the Diameter at Breast Height (DBH) measured using a diameter tape at approximately 1.4 metres from natural ground level. Where the trunk diameter at this point may be affected by natural growth such as a major union point, the DBH will be measured just below this union point. For multiple stemmed trees, the measurements are provided for up to 4 stems (at 1.4 metres from natural ground level). These will be recorded and the combined or total diameter will be calculated in accordance with the Australian Standard AS 4970-2009-Protection of Trees on Development Sites using the formula below:

  \[ \text{Total DBH} = \sqrt{(DBH_1)^2 + (DBH_2)^2 + (DBH_3)^2 + (DBH_4)^2} \]
This is represented in the tree data as "Stem1/Stem2/Stem3/Stem4 (Calculated DBH)" – i.e. 15/28/34/19 (50.3). The calculated DBH of the stems is used to determine the Tree Protection Zone. For trees with more than 4 stems, the DBH (cm) measurement is recorded as ‘Multi-stemmed’ or similar. In instances where ‘Multi-stemmed’ is recorded, the Tree Protection Zone will be based on a basal measurement. For neighbouring property trees and where access is limited, an approximate DBH (cm) will be provided.

- **Basal Dia (cm)** – this is the diameter of the tree at the trunk base (including multiple stemmed trees) at a level above the trunk basal flare. This is used to determine the Structural Root Zone (SRZ). In some cases this will be noted as being ‘Multi-stemmed’ and the SRZ will be estimated using an approximate basal diameter. For neighbouring property trees and where access is limited, an approximate Basal Diameter (cm) will be provided.

- **Height (m)** – this is the approximate height of the canopy of the tree or the largest canopy height of a group of trees. This is an approximated height based on known landscape reference points. In cases of large significant trees where accurate height measurements are required (as height will directly affect the outcome or recommendations of the report), a Nikon Forestry Pro Laser Range finder will be used. Where measured heights have been used, this will be noted within the report data and detailed within the report.

- **Spread (m)** – this is the approximate canopy spread of the tree on the widest axis. This is given as a single measure and is provided as a guide to show overall canopy spread within the landscape. Where multiple canopy dimensions are required (i.e. proximity to buildings and or severely asymmetric canopy growth) as it may affect the outcome of tree protection, these will be noted within the report data and detailed in the Development Impact Assessment.

- **Health** - relates to the tree vigour and canopy density. The characteristic assessment is based on a combination of any of these categories (e.g. Fair to Poor or Fair - Poor). In these instances, there may be a combination of characteristics, e.g. **Very Poor**, which indicates that the tree is in poor health and is unlikely to recover. In some cases, the ‘Health’ condition may be ‘Very Good’ which indicates an optimal condition or ‘Poor’ which indicates that the tree is in poor condition and at risk of failure. There may be no observable indication that the tree is alive at the time of inspection. Health is rated according to the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>Foliage density / bud formation (Deciduous) is greater than 75% at optimal growth. There is less than 10% canopy dieback present and foliage has no or very minor tip dieback. Tree may also have visible extension growth if it is in active growth and is showing no signs of nutrient deficiency (i.e. chlorosis) or active pest or disease presence. The tree may also have good wound wood development.</td>
</tr>
<tr>
<td>Fair</td>
<td>Foliage density / bud formation (Deciduous) is between 50-75% at optimal growth for the species. There may be 10-30% canopy dieback present and foliage may have minor tip dieback. Tree may be showing signs of normal growth, but it is not consistent throughout the crown. Some foliage discoloration may be present from possible nutrient deficiency or other cause (i.e. pest or disease).</td>
</tr>
<tr>
<td>Poor</td>
<td>Canopy may be asymmetrical (not typical for the species and affecting vigour) and or canopy may be suppressed. There may be greater than 30% canopy dieback present and foliage density is below 50%. Stunted growth through leaf size or petiole extension and discoloration of the leaf may be present. Tree may be producing epicormic shoots as a stress response. Nutrient deficiency, lack of resources (water, light etc) or pathogens may be the causal agent in the tree’s decline.</td>
</tr>
</tbody>
</table>

- **Structure** - relates to the physical form of the tree, including the trunk(s), main scaffold branches and roots. Structure includes the attributes that may influence the probability of trunk, limb or root plate failure. The characteristic assigned to the tree may be represented as a combination of any of these categories (e.g. Fair to Poor or Fair to Good). In these instances, there may be a combination of the characteristics listed below. In some cases, ‘Structure’ may be noted as being ‘Very Good’ which indicates an optimal condition or ‘Very Poor’ which indicates that the tree has major structural defects and may be of a relatively high risk of failure of the identified tree part.
Structure is rated according to the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>The form of the tree is excurrent or decurrent and typical of the species characteristics and exhibits good symmetrical form. Major limbs are well formed with acceptable branch taper and unions appear to be strong with no signs of major defects. The tree has minimal defects or decay throughout the trunk and limbs. There is no signs of root plate heave or damage to the root system (mechanical or other). The tree is unlikely to suffer major branch or trunk failure under normal environmental (weather) conditions.</td>
</tr>
<tr>
<td>Fair</td>
<td>The form of the tree is excurrent or decurrent and typical of the species characteristics and has a fairly symmetrical form. Tree may exhibit minor structural defects that may be managed through formative/remedial/restorative or structural pruning. Only minor wounds and areas of decay are present that do not affect the overall stability or structural integrity of any major parts of the tree. Minor root damage may have occurred in the past. Defects present are likely to cause only minor branch failure under normal environmental (weather) conditions.</td>
</tr>
<tr>
<td>Poor</td>
<td>Tree has a poorly formed crown that is not symmetrical. Branch and or trunk taper may be unacceptable and scaffold limbs may be overextended. Branch unions may exhibit significant defects that cannot be managed through formative pruning. There is likely to be decay in parts of the tree that may result in branch or trunk failure. Major root damage may have occurred and there may be evidence of root plate heave. Defects that are present may result in major failure of branches or trunk under normal environmental (weather) conditions.</td>
</tr>
</tbody>
</table>

**Age Class** - is given as a guide to the current life stage of the tree. Ultimately, the level of protection provided is dependent on the growing environment. The 'Mature' age class may extend for many years and is given only as an indication of the maturity of the tree based on the conditions of the local environment in different categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Planting</td>
<td>Planted within approximately 2 years</td>
</tr>
<tr>
<td>Juvenile</td>
<td>Estimated as between 2 - 10 years old</td>
</tr>
<tr>
<td>Semi-mature</td>
<td>Estimated at between 10 - 20 years old, however, this may be species dependant</td>
</tr>
<tr>
<td>Mature</td>
<td>Estimated at over 25 years old or in a life stage that is considered at the peak of growth for the species.</td>
</tr>
<tr>
<td>Senescent</td>
<td>In the declining phase of the trees lifespan</td>
</tr>
</tbody>
</table>

**Arboricultural Value** - is rated according to the overall health, structure and estimated life expectancy of the tree (often referred to as 'Useful Life Expectancy - ULE'). Often the life expectancy or ULE of a tree may be difficult to quantify as there are too many variables and therefore it is not directly recorded as a characteristic in the report. ULE has traditionally been used to guide future replanting and tree population heuristics.

The 'Arboricultural Value' takes into account the overall condition and life expectancy of the tree however it does not take into account the landscape or environmental status or suitability of the tree in the landscape. This rating is not a 'Retention Value' or 'Protection Value', it is only a rating of the overall condition of the physical characteristics of the tree and its expected longevity (based on growing conditions). For example, a tree of a semi mature or younger age class may be given a medium or high arboricultural value based on its condition, however it may be given no protection value based on its current size and low landscape significance and or amenity value. The arboricultural value is rated based on the following categories:
**Attachment 2**

**Category** | **Description**
--- | ---
Low | A tree of low arboricultural value may be considered to be in poor condition overall with a low life expectancy (less than 10 years). The tree may be showing signs of poor health and or structure. The tree may either have a poor health rating and it is unlikely to recover or a poor structure that cannot be remedied though normal arboricultural pruning practices.

Medium | A tree of medium arboricultural value may be considered to be in fair condition overall. This tree may be considered as an average tree that provides average benefits to the site and local area with an estimated longevity of between 10 – 20 years. The tree may have evidence of fair to poor health that may be improved through cultural practices. The tree may have some structural defects that can be remedied through normal arboricultural pruning practices.

High | A tree of high arboricultural value may be considered to be of good overall health and structure. The tree is considered to have a life expectancy of greater than 20 years. Under normal maintenance practices this tree is expected to perform well in the landscape in the long term.

- **Ownership** – the ownership is noted as this may affect the ‘Protection Value’ of a tree or group of trees. Generally, trees and or vegetation that are located on adjoining lands that are not of the ownership of the project site may be subject to permission for removal and or works within the tree protection zone. Traditionally, this may be referred to as ‘Third Party Ownership’. Adjoining lands may be owned by private property owners and this is noted as being in the category ‘Neighbours’. Trees located on road reserves, nature strips or adjoining parks managed by the local Responsible Authority and are given the ownership category may be noted as being ‘Crown’ or another regulatory body (e.g. Melb Water) as ‘Other’ and this will be explained in the ‘Site Analysis’ section of the report.

- **Protection Value** – is determined based on a combination of the Arboricultural value of the tree, the landscape/ ecological and or cultural / heritage significance of the tree, the suitability of the tree in the current and future landscape and the species may also be protected under any relevant Planning or Local Law regulations which is also taken into account under Protection Value. Protection Value is rated according to the following categories:

---

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>A tree or group of trees of ‘No’ protection value may be considered to be in poor condition overall and is assigned a low arboricultural value and is within the project site. The tree may be of medium or high arboricultural value, however, if it is a known weed species, is doing considerable infrastructure damage or is not suitable to the site (based on its physical characteristics) it is considered to be of no protection value. The tree may be a juvenile to young specimen that can easily be replaced with new tree planting that will provide a greater amenity in the next 5 – 10 years. This tree may have a low landscape significance in terms of its height and mass within the landscape (i.e. generally less than 8 metres in height and spread) Trees that are located on adjoining land may be given a rating of ‘None’ if they are found to be dead or extremely hazardous and do not have any regulatory protection and or habitat value. In such instances this will be defined within the report. The tree(s) may or may not be subject to any local Planning or other regulatory control (i.e. Local Law).</td>
</tr>
</tbody>
</table>
A tree or group of trees of 'Moderate' protection value may be considered to be in fair to good condition overall and is located within the project site. The tree may be of medium or high arboricultural value, however, it may or may not be suitable to the site in the long term (based on its physical characteristics) for greater than 20 years. The tree may provide a moderate level of landscape significance or amenity and be of moderate individual significance. The tree may be in a semi mature to early mature life stage.

Ideally any future development should consider a moderate protection value to be retained and incorporated into the design. However, if the retention and or adequate protection of this tree cannot be achieved with a reasonable design footprint then consideration should be given to the removal of the tree and replacement with a new tree suitable to the landscape and available space.

Only trees within the project site may be given a rating of 'Moderate'. Trees that are located on adjoining land are not given a rating of 'Moderate'.

The tree(s) may or may not be subject to any local Planning or other regulatory control (i.e. Local Law).

A tree or group of trees of 'High' protection value may be considered to be in good condition overall and is suitably located within the project site (i.e. within the footprint of the proposed development). The tree(s) should provide a moderate level of landscape significance or amenity and be of moderate to high individual significance. The tree will be in a mature life stage but not beginning senescence.

Ideally any future development should consider a high protection value to be retained and incorporated into the design when the tree is located regard to the adequate protection of this tree throughout any development on the project site. This tree may have a high landscape significance in terms of its height and mass within the landscape (i.e. generally greater than 12 metres in height and spread).

Trees located on adjoining lands, not of the ownership of the project site, are given a high protection value, regardless of their overall condition (Arboricultural Value), the environmental / landscape significance and or cultural / heritage significance (i.e. historic or remnant old veteran trees) unless they are Dead and do not have any regulatory protection and or habitat value. High protection value may also be assigned to known weed species, however this will be noted within the report.

The tree(s) may or may not be subject to any local Planning or other regulatory control (i.e. Local Law).

- **SRZ (m)** - The Structural Root Zone (SRZ) (referenced from *Australian Standard AS4970:2009 - Protection of Trees on Development Sites*) is the calculated distance based on Basal Dia (cm). The SRZ identifies the minimum radius at which the root plate should not be disturbed. This measure only relates to the trees' stability and does not take into account the implications of a decline in health. The measurement is given in metres in a radius from the centre of the tree trunk.

- **TPZ (m)** - The Tree Protection Zone (TPZ) (referenced from *Australian Standard AS4970:2009 - Protection of Trees on Development Sites*) is the calculated distance based on the DBH of the tree. The TPZ addresses the physiological implications by retaining an ideal area around the tree to survive in the landscape on a long-term basis. The measurement is given in metres in a radius from the centre of the trunk.
Bayside City Council Planning & Amenity Committee Meeting - 10 March 2020
Attachment 2

Development Impact Assessment

- TPZ Area (m²) - is the tree protection zone in square metres (m²) around the trunk
- TPZ10% (m) - identifies the 10% encroachment radial distance into the tree protection zone on one side of the tree only (Minor Encroachment).
- Encroach (%) - is the level of encroachment into the TPZ of the tree from the excavation/buildings and works.
- Notes/Comments – The general notes/comments provide additional support where required for the tree data collected in the field.

8.1.1. Glossary of Commonly Used Terms

Amenity
Although difficult to quantify, the term as used in this report relates to the contribution given to the landscape or streetscape in terms of visual aesthetics. It may also relate to the contribution in terms of shade or protection from the elements.

Bifurcation
A stem or branch forked or divided into two or more parts or branches. Used to describe a union point. A bifurcation may have different characteristics dependant on the load distribution on the union and the size of the branches or stems that arise from the union point.

Branch Bark Ridge
Swelling of bark tissue on the upper side of the branch junction or union. Considered the normal pattern of development in contrast to included bark (from Matheny & Clark, 1994).

Branch collar
Trunk tissue that forms around the base of a branch between the main stem and the branch. As the branch decreases in vigour, the branch collar becomes more pronounced (AS4373).

Chlorotic
Discolouration of the leaves, yellow in colour resulting from a lack of chlorophyll

Codominant
Generally relates to trunks/stems (although it may relate to scaffold branches within the crown) of two or more and of equal or similar size and relative importance (Matheny & Clark, 1994).

Compartmentalisation
Physiological process which creates the chemical and mechanical boundaries that act to limit the spread of disease and decay organisms (Matheny & Clark, 1994).

Decay
Degeneration and de-lignification of plant tissue, including wood, by pathogens or micro-organisms (AS4373).

Epimorphic Shoots
Shoots which arise from adventitious or latent buds (usually dormant). They are generally produced in response to environmental stress.

Included Bark
The pattern of development at a branch union where bark is turned inward rather than outward or pushed out. Relates to the branch bark ridge and bifurcations. (Matheny & Clark, 1994)
Live Crown Ratio (LCR)
Relative proportion of healthy crown in proportion to overall tree height. Often not used in isolation due to the different natural forms of many species and growing conditions. Generally, a LCR of less than 30% may result in a poor structural rating, however, when this is used and noted within this report, it is based on potential changes to the environment where this condition may have an effect on long term protection value.

Lateral
A branch arising from another branch or stem (AS4373)

Lopping
Cutting back a limb or stem at any point with no regard to natural target pruning. Random cutting of branches or stems between branch unions or at internodes on young trees. Not considered an acceptable practice as part of the Australian Standard AS4373-2007 - Pruning of Amenity Trees.

Senescence or Senescent
The organic process of age and the deterioration of tissue within the tree.

Wound wood/Reaction Wood
Lignified, partially differentiated tissue which develops from the callus associated with wound or pruning cuts.

8.2. Bibliography and Cited References


8.3. TREE PROTECTION GUIDELINES

8.3.1. BACKGROUND

Arbor Survey Pty Ltd assesses individual tree protection requirements based upon the Australian Standard AS4970-2009 - Protection of Trees on Development Sites. Tree protection requirements are calculated based upon trunk diameter of the tree at breast height. These calculations produce what is referred to in this report as the Tree Protection Zone (TPZ) and is provided as a measurement in metres in a radius from the centre of the trunk.

The TPZ is the zone in which protective measures should be applied in order to protect the tree(s) whilst maintaining the current levels of health and vigour.

Determination of the structural root zone or the zone of rapid taper is provided as the Structural Root Zone (SRZ). The structural root zone calculations (may also be referred to as the Root Plate Radius (RPR)) of the tree, based upon the Australian Standard AS4970-2009. The SRZ determines the minimum distance around the tree in which the structural stability of the tree should be able to be maintained.

It is important to note that the SRZ only determines the root plate area or the zone of rapid taper. Excavation within this area will not only cause a decline in tree vigour but may also cause catastrophic tree failure (Coder, 1996).

Often it is difficult to protect the entire TPZ due to site constraints. In such events it is imperative that condition and species tolerance to disturbance are evaluated in conjunction with the site characteristics. It has been determined that a healthy tree may tolerate removal of up to one-third of its roots and possibly 20% of its above ground volume, before it may be compromised at this level.

In situations where the TPZ of a tree to be retained will be in close proximity to a proposed development or where there will be encroachment into the TPZ of a tree, a specific tree management plan should be developed. This should include specific measures to protect trees on development sites.

8.3.2. GENERAL TREE PROTECTION REQUIREMENTS

The following requirements are only provided only for basic guidance, these guidelines do not constitute a specific tree management and protection plan.

- A tree protective fence should be installed at the recommended distance allocated for each tree to be retained. The fence should be located at the TPZ distance provided where possible.

- The protection fence should be rigid (chain link or similar) and should not be less than 1.8 metres in height. Fencing should be firmly attached to a removable concrete or similar base. Alternatively, star pickets (1.5 metre spacing) and para-webbing may be used to define the tree protection area. Fencing should be in accordance with the Australian Standard for Temporary Fencing AS4687.

- In cases where the TPZ cannot be entirely fenced, it is recommended that ground protection is used. Specific ground protection requirements will form part of a tree protection plan that should be developed for all trees to be retained.

- No soil levels must be altered within the fenced TPZ area, no heavy machinery should be allowed to pass within this area and no spoil, chemicals, building materials or refuse should be stored within this area. Nothing whatsoever should be attached to the tree (excluding tape to identify a tree to be protected).

- The area within the tree protection fence should be covered with a layer of organic mulch (mixed particle sized woodchip) to a depth of 100mm prior to the commencement of the project. Mulch material should comply with Australian Standard AS4454.
• The tree protective fencing should be installed prior to any works
   (including demolition) commencing on site and should remain in
   place until all site development work is completed. The protective
   fencing should be located at the prescribed TPZ distance where
   possible and clearly signed TREE PROTECTION ZONE. The sign should
   be similar to the attached image (as recommended by the Australian
   Standard AS4970-2009) and should be of a size no smaller than
   400mm x 300mm:

• An area should be designated on site, outside of any tree protection
  zone, where all building materials, chemicals etc. can be stored
  throughout the proposed development.

• Open trenching for underground services located within the
  recommended tree protection zone (TPZ) must be avoided. Should
  there be no alternative for service location; the services must be
  bored underneath the TPZ or a non-destructive root investigation
  (NDR) should be undertaken. No trenching with machinery should
  be used to install services within the protected area.

• Soil moisture during construction should be maintained at not less than 10
  per 10mm of each tree DBH per week). Irrigation may be applied by hand
  or fine spray from water tanker located outside the fenced area. Water is to
  be applied at a volume and frequency required to maintain turgor and leaf
  retention and encourage healthy tree growth. It should be discussed with
  the Project Arborist to discuss variations to the amount of water to be supplied with the site or

• Remedial pruning works recommended to be undertaken on the project
  trees must be carried out to Australian
  If the services of a consultant Arborist are to be undertaken, then these works should be carried out prior to any
  construction works beginning on site.

• Documentation should be provided to the site manager by the Project Arborist for each inspection during the
  development process which details the consultant Arborist name, date and time of inspection, the stage of
  development, and provides comments of what actions are required.
8.4. COMPANY PROFILE AND QUALIFICATIONS

8.4.1. COMPANY PROFILE

Arbor Survey Pty Ltd is an Arboricultural Consulting company based in Victoria, Australia. The principal consultants, Mark Reynolds and Blake Clancy have been involved within the Arboricultural industry for a combined period of over 25 years, working for both private sector clients and within the public sector at numerous Victorian Local Government Authorities.

Our consultants have vast experience in providing Arboricultural referral within local councils in relation to planning applications and Strategic Planning advice relating to planning scheme amendments. We have extensive experience in quantified tree risk assessment (QTRA and TRAQ), health and structural condition assessments, tree valuations, development impact assessments and tree management and protection plans. We also have provided Expert Evidence statements and represented numerous private and public sector clients at the Victorian Civil and Administrative Tribunal (VCAT) and Magistrates Court.

Arbor Survey Pty Ltd is dedicated to best practice within the industry and are committed to ongoing professional development.

Professional Memberships
- Member of the International Society of Arboriculture (ISA)
- Member of Arboriculture Australia
- Member of the Victorian Tree Industry Association (VTIA)
- Member of the Victorian Environment and Planning Law Association (VEPLA)

8.4.2. MARK REYNOLDS

Qualifications
- Bachelor of Applied Science (Horticulture) - University of Melbourne (Burnley Campus)
- Registered Quantified Tree Risk Assessment (QTRA)
- ISA TRAQ Register User

Experience
- Senior Arborist – Baroondara Council
- Open Space Coordinator – Cardinia Shire Council
- Senior Arborist – City of Kingston
- Private arboricultural and vegetation consulting under Tri-dimensional Consulting
- Treescape Consulting Pty Ltd – Arboricultural Consultant
- Bayside City Council – Vegetation Planner/ Senior Investigations Arborist

8.4.3. BLAKE CLANCY

Qualifications
- Bachelor of Applied Science (Horticulture) - University of Melbourne (Burnley Campus)
- Advanced Diploma of Horticulture (Arboriculture) – University of Melbourne (Burnley Campus)
- Registered Quantified Tree Risk Assessment (QTRA)
- ISA TRAQ Register User

Experience
- Senior Consulting Arborist – Homewood Consulting Pty Ltd
- Consulting Arborist – Greenwood Consulting Pty Ltd

8.4.4. CLAUDINE REYNOLDS

Qualifications
- Graduate Certificate in Arboriculture - University of Melbourne (Burnley Campus)
- Diploma of Horticulture – Holmesglen Institute (Waverley Campus)
- Bachelor of Science / Commerce – Monash University (Clayton Campus)
- Registered Quantified Tree Risk Assessment (QTRA)
2.5 TERMS AND CONDITIONS

1. Arbor Survey 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. The author is not responsible for verifying or ascertaining any of these issues.

2. Arbor Survey Pty Ltd contracts with you on the basis that your promise that all affected property complies with all applicable statutes and legislation.

3. Arbor Survey Pty Ltd has taken reasonable care to obtain necessary information from reliable sources and to verify data. However, the author neither guarantees nor is responsible for the accuracy of information provided by others.

4. If, after delivery of this report, you later require a representative to attend court to give evidence or to assist in the preparation for a hearing because of this report, you must pay an additional fee at the current rate for expert evidence.

5. Alteration of this report invalidates the entire report.

6. Arbor Survey 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 Arbor Survey Pty Ltd.

7. The contents of this report represent the professional opinion of the consultant. The consultancy fee for the preparation of this report is in no way contingent upon the consultant reporting a particular conclusion or fact but upon the occurrence of a subsequent event.

8. 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.

9. Unless expressly stated otherwise:

   (a) 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 only.

   (b) The inspection is limited to visual examination of accessible components without dissection, excavation or probing. There is no warranty or guarantee, expressed 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.

10. This agreement supersedes all prior discussions and representations between Arbor Survey Pty Ltd and the client on the subject, and is the entire agreement and understanding between the two parties.
Item 4.8 – Matters of Decision
Figure 1 Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
<td>⭐</td>
</tr>
<tr>
<td>Objector(s)</td>
<td>●</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>▲</td>
</tr>
</tbody>
</table>

Objector details not provided.
Figure 2 View towards the site from Point Avenue
Figure 3 View towards Point Avenue streetscape
Figure 4 View towards the adjoining property (7 Point Avenue)

Figure 5 View towards the adjoining property (3 Point Avenue)
Neighbourhood Character Precinct H4

Preferred Future Character Statement

The single and double storey dwellings sit within the topography and informal landscaped surrounds, including remnant and indigenous coastal trees. The variety of dwelling styles reflect the coastal setting through their design, details and finishes. An informal feel to the streetscapes is achieved by spaces around buildings, the lack of or unobtrusive style of front fencing and informal street treatments. Along Beach Road, development responds to its highly visible location on the edge of the coast by providing visually interesting forms and facades. Informal street treatments remain in those streets with no kerbing and remnant street tree planting is retained.

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To enhance the bayside vegetation character of the area through the planting of indigenous coastal species.</td>
<td>• Prepare a landscape plan to accompany all applications for new dwellings that utilises indigenous coastal species. • Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside roof zone).</td>
<td>Lack of a landscape plan. Removal of large established trees. Use of exotic species and planting of environmental weeds.</td>
<td>Responds A landscape plan has been submitted. A condition to the permit requiring additional replacement planting of indigenous species has been included. The proposal seeks to remove 7 trees protected by the VPO3 and SLO1.</td>
</tr>
<tr>
<td>To maintain the rhythm of spacious visual separation between buildings.</td>
<td>• Dwellings should be sited to create the appearance of space between buildings and to accommodate substantial vegetation.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>To minimise the dominance of car parking structures and the loss of front garden space.</td>
<td>• Locate garages and carports behind the line of the dwelling. • Minimise paving in front garden areas including driveways and crossovers. • 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.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>To ensure that new buildings and extensions do not</td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
</tbody>
</table>
| To encourage innovative architecture that reflects the bayside setting    | • New buildings should be individually designed to respond to the characteristics of the bay side location and the site  
  • Incorporate building elements and details that contribute to a lightness of structure including balconies, verandahs, glazing and light transparent balustrading. | Large, bulky buildings with poorly articulated front and side wall surfaces.  
  Heavy design detailing (e.g. Masonry columns and piers).  
  Highly reflective materials or glazing. | N/A                                                                                              |
| To use lighter looking building materials and finishes that complement the bayside setting. | • Use a mix of contemporary and traditional coastal materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. | Period reproduction styles and detailing.                                                      | N/A                                                                 |
| To maintain the openness of the streetscape and views to coastal garden settings. | • Provide open style front fencing, other than in exceptional circumstances. | High or solid front fencing.                                                                     | N/A                                                                 |
| To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting Beach Road and visible from the reserve. | • Where the properties front to both Beach Road and another street, ensure the dwellings present visually interesting elevations on all faces visible from the public domain.  
  • Use landscaping materials and coastal plants within the front setback that contribute to the coastal character and amenity of the street.  
  • Provide articulated roof forms to create an interesting skyline when viewed from the beach.  
  • Provide low or open style front fencing along Beach Road frontages. | Flat, poorly articulated roof forms and facades visible from the public domain.  
  High, solid front fencing on Beach Road. | N/A                                                                                              |
### Attachment 5

**Decision Guidelines of the Significant Landscape Overlay (Schedule 1)**

<table>
<thead>
<tr>
<th>Decision Guidelines</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| **The species of vegetation, its age, health and growth characteristics.**           | Trees 13A, B and D are in good health but are considered to be of low amenity and retention value. These trees are in a location where removal and replacement are acceptable as they are not visible to the streetscape as they are hidden behind the built form at 7 Point Avenue;  
  Tree 15 is considered to be of low amenity, poor health and low retention value;  
  Tree 17 is considered to be of low amenity, poor health and low retention value;  
  Tree 18 is considered to be of low amenity, poor health and low retention value;  
  Tree 22 is considered to be of low amenity, poor health and low retention value. |
| **The location of the vegetation on the land and its contribution to the site, neighbourhood and streetscape character.** | Trees 13A, B and D are located in the front setback, however they all have a low amenity value and can easily be replaced.  
  The remaining trees proposed to be removed are within the rear setback of the site, therefore are concealed from the streetscape. |
| **Whether the tree is isolated or part of a grouping.**                               | Trees 13A, B and D are a part of a group of 5 trees.  
  The remaining trees are on their own however as the site is heavily vegetated they appear grouped with other vegetation. |
| **The potential to achieve an average density of one tree reaching a height of over 15 metres to each 200 square metres of site area.** | Site size is ~899m²  
  The landscape plan includes 7 Coast Banksia trees which will reach a height of over 15 metres at maturity. A condition of permit to include an additional three (3) replacement plantings that are indigenous trees that will reach a minimum of 15 metres at maturity has also been included. |
| **The availability of sufficient unencumbered land to provide for replacement planting.** | There is amble land on the site to achieve this. |
| **The impact of the tree on the structural integrity of existing structures.**        | N/A |

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**Item 4.8 – Matters of Decision**

Page 633 of 703
<table>
<thead>
<tr>
<th>buildings including foundations.</th>
<th>There is sufficient space for replanting on site, as the subject site is large and the proposed development has a site coverage of less than 40%.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other options for further replanting on the site.</td>
<td>N/A</td>
</tr>
<tr>
<td>Vegetation management requirements to reduce fire hazard, prevent erosion and maintain flood control measures.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
## Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

<table>
<thead>
<tr>
<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The impact the vegetation removal would have on the character of the area</td>
<td>The proposed trees to be removed are of low amenity value, therefore the removal of them would not have an adverse impact on the character of the area.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>The trees proposed to be removed have a moderate to low habitat value. Replacement planting of indigenous species has the potential to re-establish the presence of indigenous species in the area.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>Majority of the proposed tree removal is within the rear setback. 14 of the existing VPO trees on site are proposed to be retained, minimising the appearance of development by retaining a bushy vegetated site.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</td>
<td>The site has other numerous large and small canopy native and indigenous trees. The replacement planting of indigenous species has the potential to create a small revegetated link as it borders existing patches of remnant vegetation that will contribute some biodiversity value to the area.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site.</td>
<td>The application proposes replacement planting of 7 trees to regenerate and offset the loss of vegetation removal. A condition requiring an additional 3 indigenous canopy trees has been include to further regenerate the vegetation.</td>
</tr>
</tbody>
</table>

### Definitions

The retention value of a tree considers the tree as a whole including its health, structure, amenity value and life expectancy. The criteria for high, medium and low retention value trees are:

**H** (High)

The tree is generally in good health and structure, provides high levels of amenity and is likely to do so for more than 20 years. The tree may have historic or cultural significance.

**M** (Medium)

The tree is generally in fair to good health and structure, provides moderate levels of amenity and is likely to do so for up to 20 years.

**L** (Low)

...
### Tree Profile

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>13a</th>
</tr>
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<tbody>
<tr>
<td><strong>Botanical Name:</strong></td>
<td><em>Banksia integrifolia</em></td>
</tr>
<tr>
<td><strong>Common Name:</strong></td>
<td>Coast banksia</td>
</tr>
<tr>
<td><strong>Height / Canopy:</strong></td>
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<tr>
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<tr>
<td><strong>Trunk DAB@0m:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Location 1</strong></td>
<td>E0</td>
</tr>
<tr>
<td><strong>Location 2</strong></td>
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<th>Australian</th>
<th>Exotic</th>
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<tbody>
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<td>Over-mature</td>
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<td>Hazardous</td>
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<tr>
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<td>4-9 years</td>
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| Tree No. | 22 |
| Botanical Name: | *Agonis flexuosa* |
| Common Name: | Willow Myrtle |
| Height / Canopy: | 13m x 9m |
| Trunk Circ.@1m: | 180cm |
| Trunk DBH.@1.4m: | |
| Trunk DAB@0m: | |
| Location 1 | N0 |
| Location 2 | E12 |
| Date of assessment | 24/1/20 |
| 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 | |
| Support for removal: | Yes | No |
This matter has been reported to the Planning and Amenity Committee for a decision as a result of Councillor call-in.

1. Application details

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<tr>
<td>Title/Covenant/S173 Agreement</td>
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<tr>
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<td>Is a Development Contribution Levy applicable?</td>
<td>No, as not support.</td>
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<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, however a CHMP is not required.</td>
</tr>
</tbody>
</table>

Purpose

To report a planning permit application which is the subject of an appeal to the Victorian Civil and Administrative Tribunal (VCAT) pursuant to Section 79 (failure to determine) of the Planning and Environment Act 1987.

VCAT have listed the matter for a Compulsory Conference on 1 April 2020 and a five day hearing commencing on 1 June 2020. It should be noted that VicRoads, who are a determining Referral Authority, have objected to the application, and therefore Council cannot support this application.

The purpose of this report is to establish Council’s position on the application for the VCAT appeal, and determine if any additional grounds to not support will be added, or if the only ground will be the VicRoads objection to the proposal.

Proposal

The application seeks the construction and use of land as a supermarket with associated signage and liquor licence on a lot. Key details of the proposal are as follows:

- Site area 18,757m²
- 3,781m² supermarket area
- 319m² packaged liquor (bottle shop) area
- 470m² retail tenancy area
- 1500m² administration/back-of-house area
• 13 signs including:
  o 5 internally illuminated logo signs
  o 3 pylon signs
  o 3 billboard signs;
  o 2 electric signs
  o 1 e-charging station sign.

• Licence to sell packaged liquor for consumption off site.

• Provision of 400 car parking spaces to include:
  o 372 standard spaces
  o 2 electric vehicle charging bays
  o 12 family spaces
  o 6 senior spaces
  o 8 accessible spaces.

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 34.02-1 (Commercial 2 Zone) – A planning permit is required to use the land for a supermarket
• Clause 34.02-4 (Commercial 2 Zone) – A permit is required to construct a building or construct or carry out works
• Clause 52.05-2 (Signs) – A permit is required to construct or put up for display a sign in Section 2
• Clause 52.27 (Licensed Premises) – A permit is required to use land to sell or consume liquor
• Clause 52.29-2 (Land adjacent to a Road Zone Category 1) – A permit is required to create or alter access to a road in a Road Zone, Category 1.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

The application was referred to the following authorities:

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>VicRoads</td>
<td>Objection. Refer to section 6.4 below.</td>
</tr>
<tr>
<td>Public Transport Victoria</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>
Internal referrals

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

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>Raised the following concerns:</td>
</tr>
<tr>
<td></td>
<td>• Potential for infrastructure damage as trees grow and mature due to lack of soil volume within Bay Road frontage.</td>
</tr>
<tr>
<td></td>
<td>• Lack of soil volume and vegetation across the site.</td>
</tr>
<tr>
<td></td>
<td>• Type of trees selected inappropriate.</td>
</tr>
<tr>
<td>Drainage Assets Engineer</td>
<td>No objection, subject to specific conditions.</td>
</tr>
<tr>
<td>Social Planner</td>
<td>No objection.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>Objection, refer to section 6.4 of the report.</td>
</tr>
<tr>
<td>Waste Engineer</td>
<td>No objection.</td>
</tr>
<tr>
<td>Sustainability</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Strategic Planning</td>
<td>Objection, refer to section 6.1 of the report.</td>
</tr>
</tbody>
</table>

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and two (2) objections were received.

Two (2) objections remain outstanding at the time of this report.

The following concerns were raised:

- Strategic Merit
- Economic Impact
- Traffic.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting

A consultation meeting was not considered necessary for this application based on the number and nature of the objections received.

4. Recommendation

That Council resolve to **Not Support the Grant of a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/531/1 for the land known and described as **270-276 Bay Road & 1 & 3 Brixton Road, Cheltenham** for the construction and use of land as a supermarket with associated signage and liquor licence on a lot for the following reasons:

1. The proposal fails to achieve the objectives and strategic intent of the following policies of the Bayside Planning Scheme:
   - Clause 21.07 Economic Development
   - Clause 21.11 Local Areas
   - Clause 22.04 Bayside Business District Policy.
2. The proposal fails to demonstrate orderly planning of the area and fails to comply with the decision guidelines of Clause 65 of the Bayside Planning Scheme through the excessive oversupply of car parking.

VicRoads

3. The proposal relies on the installation of traffic signals for which approval under another Act will not be granted.

4. The proposal does not provide for appropriate access to a road in a Road Zone, Category 1.

5. The proposal will cause detriment to the safe and efficient operation of Bay Road due to inappropriate access provisions.

5. Council Policy

Council Plan 2017-2021

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 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.

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 12  Environmental and Landscape Values
- Clause 15  Built Environment and Heritage
- Clause 17  Economic Development
- Clause 18  Transport
- Clause 19  Infrastructure
- 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 21.07  Economic Development
- Clause 21.09  Transport and Access
- Clause 21.10  Infrastructure
• Clause 22.04 Business Employment Area Policy
• Clause 34.02 Commercial 2 Zone
• Clause 45.06 Development Contributions Plan (Schedule 1)
• Clause 52.05 Signs
• Clause 52.06 Car Parking
• Clause 52.27 Licensed Premises
• Clause 52.29 Land adjacent to a Road Zone Category 1, or a Public Acquisition Overlay for a Category 1 Road
• 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. Strategic Justification

The subject site is located within the Bayside Business District (BBD) and as such this application was referred to Council’s strategic planning team for comment. Council’s strategic planning team have raised a number of concerns with the application, most of which stem from the location of the proposed retail premises.

Strategy 7 of the Retail, Commercial and Employment Strategy seeks to consolidate key centres and ensure that Bayside’s largest activity centres remain the primary source of retail activity. The strategy highlights that out of centre development can result in a number of negative externalities, including potentially undermining the existing and planning urban structure. For example, an out of centre full line supermarket would essentially constitute a new activity centre of which a future case for residential intensification could then be mounted. This possibility is enhanced by the Aldi supermarket that already exists very close by, as well as the fact that Kaufland is going to include other small shops inside it, making it a small mall-type complex.

Strategy 7 then sets out a number of policies to ensure that Council provides sufficient floor space that allows for reasonable levels of retail competition to adequately meet the community’s needs. This includes adopting and applying a sequential test system, which is an approach employed to steer new development to areas with the highest net benefit to the community. Ideally development locations are ‘ranked’ in order of their proximity to a designated Activity Centre. Applying this approach to the Kaufland proposal, results in it being ranked as the lowest prioritisation of the sequential test for considering where new retail developments should be located. This rank describes Kaufland as having ‘no relationship to an Activity Centre, but with the potential to stimulate investment in Bayside’.

Strategy 7 also states that an out of centre development can cause an increase in competition with the traditional activity centres and draw trade away from them. There are two (2) Major Activity Centres (MAC) and four (4) Neighbourhood Activity Centres (NAC) located inside Kaufland’s predicted catchment area and it is likely that Kaufland will have an impact on their customer numbers.

It is consistent through Bayside’s policies and strategies that retail business should be focused within the Activity Centres to consolidate them as the primary shopping locations in Bayside. Subsequently, out of centre developments should only be considered once all viable options for providing retail land supply is exhausted. The sequential test system should then be adopted and applied to ensure that ad-hoc supermarket developments do not just proliferate across the municipality.
It is clearly stated in the Bayside Business District policies that a proposal such as Kaufland is not appropriate for this area.

**Clause 21.07-2 (Economic Development – Bayside Business District)**

Clause 21.07-2 policy applies to the Bayside Business District (BBD) which is made up of the Bay Road/Reserve Road areas of Sandringham, Highett and Cheltenham. This district is the major focal point for the future business and employment development within the municipality. The district is well located with access to key transport corridors such as the Nepean Highway, Frankston train line and has connections to the employment hubs within nearby municipalities of City of Kingston and City of Greater Dandenong which provide linkages to a large pool of manufacturing and logistic businesses.

Council’s vision for the BBD is that it will be competitive on a national scale and will shift from an area of industrial business to a more diverse range of warehousing, corporate offices, wholesale and other advanced business services.

Key issues within the BBD include:

- ‘The Bayside Business District contributes significantly to the economic diversity of the municipality’
- ‘There is a need to facilitate and promote the development of this employment area as an advanced business services cluster that accommodates the needs of modern industry, but also office and other associated business activity’
- ‘Broadening the employment base by focussing on advanced business services in accordance with the shift in economy from manufacturing towards professional services will deliver the vision for the BBD’
- ‘There is a need to ensure that the BBD retains a separate focus from the Bayside’s activity centres, by ensuring retail and convenience uses do not locate in the BBD unless part of a larger office development and servicing workers’.

The objective of Clause 21.07-2 is to:

- ‘To transform the BBD from a traditional industrial precinct into an advanced business services precinct of a quality and provide which will enable it to fulfil an identifiable niche in the south-east region of Melbourne’.

The strategies to ensure the objective is met include:

- Support the development of innovative advanced business services in the BBD
- Discourage large format retail uses from locating within the BBD.

The strategies, objectives and key issues referenced above provide a clear and consistent theme for land use within the Bayside Business District, that the area is crucial to that provide economic diversity to the municipality and capitalise on the strong linkages with other business and employment nodes within the south east of Melbourne.

The proposed supermarket is the exact opposite of the intent of this policy. The development is a large format retailer which is clearly discouraged within the Bayside Business District. The retail use of this proposal does not provide any economic variety to the municipality as retail businesses dominate the activity centres located across the municipality. It should also be noted that should this large supermarket be approved, it erodes the strength of this policy, essentially rendering it a ‘toothless tiger’. The subject site is very large and should it be approved for a supermarket produces an opportunity cost by limiting the land available for other businesses that are more line with the overall intent, purpose, and vision of this district.
Clause 21.11-9 (Local Areas – Bayside Business District)

Clause 21.11-9 reiterates the vision for the Bayside Business District outlined above in the discussion of Clause 21.07-2. In doing so, it identifies the following, relevant, key issues:

- ‘The Bayside Business District is to complement, and not conflict, with the development opportunities available in nearby Activity Centres by fulfilling a clearly defined, business/employment focussed role’.

The relevant objectives included in this clause are as follows:

- ‘To transform the Bayside Business District from a traditional industrial precinct into an advanced business services precinct in the south-east region of Melbourne’.
- ‘To provide for an ongoing mix of industrial, office and other related business activities in high quality buildings with landscaped setbacks and improved and safe access consistent with the evolution of the former industrial areas into a modern diversified business area’.

Along with the above objectives, the policy also lists specific objectives for economic development within the District. The relevant economic development objectives are as follows:

- ‘Ensure that the business employment area fulfils a clearly defined business/employment focussed role and complements, rather than conflicts with the development opportunities available in nearby activity centres’.
- ‘Encourage a mix of complementary business and industrial activities in high quality buildings with landscaped setbacks and improved and safe access. A mix of businesses should be encouraged and facilitated. Particular encouragement is given to the following uses:
  - Manufacturing/warehousing/offices
  - Business and professional services. Storage/distribution
  - Export oriented businesses
  - High technology businesses (especially those with a global focus).
  - Other forms of clean, non-polluting, environmentally friendly businesses
  - Businesses that are prepared to invest in establishing and maintaining a high quality environment’.

Clause 21.11-9 of the Bayside Planning Scheme shares the same clear and consistent theme as 21.07-2. That the BBD should primarily be an area for advanced business services activities to occur, and that the BBD should complement rather than compete with the economic activities occurring in the Activity Centres throughout the City of Bayside. As has been previously mentioned, the Activity Centres are dominated by retail land uses and the prospect of another retail land use within the BBD directly competes and detracts from the nearby Activity Centres rather than complementing them.

Clause 21.11-9 also identifies and clearly defines the type of businesses that should be encouraged within the BBD. As can be seen above, retail uses are not contained within that list, and the Kaufland proposal cannot be considered to fit any of the above land uses.

Clause 21.11-9 also provides some guidance on the type of built form and urban design outcomes that should be achieved within the BBD. Many of these outcomes are echoed within Clause 22.04 of the Bayside Planning Scheme, and a detailed assessment of the
built form and urban design for this proposal can be found in section 6.3 of this report and at Attachment 3. However, it should be reiterated that the proposed design does not provide landscaped setbacks. The proposal also does not provide improved or safe access to the site or wider district, as identified by VicRoads, and Council’s Traffic Engineering department. Further exploration of this can be found in section 6.4 of this report.

**Clause 22.04 (Bayside Business District Policy)**

Clause 22.04 of the Bayside Planning Scheme identifies the importance of this area as it provides crucial economic diversity to the Bayside area, and greater South-East region of metropolitan Melbourne. The policy aims to capture the shifting economy from manufacturing to white collar professional services, and identifies this precinct as a strategic location for these types of businesses to be located.

The objectives of Clause 22.04-2 include the following:

- ‘to discourage the dilution of core business activities by the influx of retail uses and limit the scale of such developments to that suitable for servicing localised needs’
- ‘to help nurture and grow local business and industries’
- ‘to maximise local employment opportunities’

Typically a large supermarket like Kaufland such as this may employ roughly 80-100 people. While this is a healthy number, given the prevalence of retail workers already residing within the municipality, it is likely a decent percentage of these workers are already working within other retail shops in the municipality, and therefore jobs elsewhere throughout the municipality may be lost. It is also noted that the BBD seeks to create an employment node for advanced business services not retail workers, and hopes to introduce a new skill set and industry type to the municipality. The creation therefore of these new jobs misses the intention of the objective.

It should also be noted that recent media reports and statements on the Kaufland website indicate the company intends to withdraw from all operations within Australia, and therefore the employment opportunities proposed by the development are unlikely to materialise.

Outside of the Bayside Business District (BBD), Bayside’s economy is dominated by retail in its Activity Centres. There are a small number of industrial or corporate service based businesses in Bayside, most of which are located within the BBD. The BBD is therefore what provides Bayside with a greater level of diversity as it encourages non-retail businesses.

As mentioned above, one of the objectives of this policy, and the overall intention of the policy, clearly and directly oppose this application. There is a consistent theme throughout the policy that the BBD is a key location to provide alternate economic development from the Activity Centres which are primarily comprised of retail businesses, rather than provide competition which may detract from the activity centres.

Clause 22.04-3 also states that it is policy to ‘strongly discourage developments with leasable retail unit floor areas above 80 square metres’. This proposal greatly exceeds the floor area of 80 square metres referenced above and therefore does not fit into the desired land use within the BBD. The intent of this policy is to allow warehouse, manufacturing or telecommunication businesses to have a small retail component where they can sell products or services direct to the public.

Overall, this policy actively and specifically encourages businesses other than retail within this precinct, while simultaneously strongly discouraging large format retail. This proposal is therefore a direct contradiction to this and the other Business District Policies and the proposal should not be supported.
**Economic Impact**

As part of their referral comments, Council’s strategic planning team engaged an independent retail impact and community benefit report. This report assists in the assessment of the positive or negative impact the proposal is likely to have on the municipality if it was supported. The report also helps quantify the consequences and flow on effect that approving of an ‘out of centre’ development such as this might have on activity centres and the greater community.

This report has found that the Kaufland proposal is expected to result in a 6-8% trade diversion from one or more local activity centres throughout the municipality. As noted above, the policies for the Bayside Business District seeks to create an area that complements the existing activity centres rather than creating conflict and competition in terms of economic activity between the two. The report suggests that competition between this proposal and the activity centres is likely.

The report also found that the area that the proposed Kaufland development would be servicing is only anticipated to have moderate population growth. Population growth is a key driver in demand for retail floor space. Given the moderate population growth projected, there is no justifiable or demonstrated demand for a retail premises of this size within Bayside.

Given the competition with other activity centres likely from this proposal, the modest population projections and therefore low demand for retail floor space, and the lack of compliance with crucial policies and strategies for the Bayside Business District, it is considered that supporting this application would be contrary to the aims and intention of the BBD.

6.2. **Built Form**

Clause 22.04 also provides guidance for the preferred built form outcomes for development along the southern side of Bay Road in Cheltenham. A detailed assessment of the proposal against the design guidelines and performance standards is provided in Attachment 3 of this report.

Overall, the proposal attempts to crowbar a one size fits all design onto a site and in doing so ignores many of the design objectives of Clause 22.04 of the Bayside Planning Scheme, and the wider Bayside context.

The building itself, is an acceptable, albeit generic supermarket type building. The building exceeds the preferred building height of 14 metres by 600mm. While the overall height of the building does not comply with the requirement, it also does not present a fatal issue with the application.

The key issue with the design response stems from the siting of the building, and the extent of hardstanding and car parking proposed across the site, especially within the street frontage. Aside from the built form requirements, Clause 22.04 also provides guidance on landscaping and vehicle parking.

Under clause 22.04, large sites on the south of Bay Road are required to have a minimum street setback of 15 metres. The purpose of this setback compliments the landscaping and vehicle parking objectives which are ‘to include a substantial proportion of landscaping within the front setback that provides and attractive setting for the buildings and relates to the native vegetation in the area’ and ‘to minimise the visual and physical dominance of vehicles, car parking surfaces and service areas in the streetscape or from an adjacent reserve’.

In essence, this proposal is to construct a very large car park over the majority of the site, with a supermarket and retail shops sitting above it at the first floor level. This design fails many of the landscaping and parking design responses. As noted and explained in greater detail in section 6.6 below, Council’s arborist has reviewed the proposed landscape plan submitted with the application. It is considered that the plans do not...
provide adequate landscaping, and fall well short of meeting the objective mentioned above. Given that the proposed landscape plan does not provide enough landscaping and the fact that the current design cannot adequately support the amount provided, significant reductions in the amount of hard stand are required so the site could potentially accommodate more significant landscaping.

The second design objective that the proposal fails to meet is ‘to minimise the visual and physical dominance of vehicles, car parking surfaces and service areas in the streetscape or from an adjacent reserve’. For all intents and purposes, the proposal is a supermarket built on stilts situated above a 1700m$^2$ car park. There is very limited amounts of vegetation proposed within the front setback and throughout the site more generally. The site in general, but especially the streetscape is totally dominated by car parking and excessive paving.

Along with the general Urban Design Performance Standards that apply to all land within the Bayside Business District, Clause 22.04 also includes site specific design requirements. As a large lot on the southern side of Bay Road, the preferred built form for these lots is:

- A maximum building height of 14 metres; and
- A minimum building setback of 15 metres from the street frontage.

The proposed building does not satisfy the maximum building height required above. The current design has a maximum building height of 14.6 metres in height, and therefore exceeds the preferred building height by 600mm. If Council was in a position to support this application, and there were no other fundamental issues with the built form, a permit condition could be included to address this issue, if required.

The current setback of the proposed supermarket from Bay Road (street frontage) is 56.1 metres which is 373% of the required minimum setback of 15 metres. The 56 metre setback is a poor urban design outcome and should not be supported. The Bayside Industrial Area Strategy 2004 is a reference document within Clause 22.04 and provides greater context and justification for the minimum street setback. The intent of this setback is to provide for buildings within a strongly landscaped setting. Despite achieving the compliance with the numerical minimum setback preferred by Clause 22.04, the proposal totally swings and misses on the intent of this setback requirement by not providing a strongly landscaped setting for the building, but rather converting the site into a car park. Therefore, this should be added as a ground of not support for this application.

If the fundamental issues around traffic and out of centre development can be overcome, the design and built form issues could be resolved through conditions. The conditions required would entail significant, reduction in hardstand, street setback distances, and increasing the amount and type of landscaping within the front setback and throughout the site more generally.

6.3. Car parking

Clause 52.06 of the Bayside Planning Scheme, sets out the parking rates required for different land uses. As can be seen in the table below, a total of 300 parking spaces are required.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required Rate</th>
<th>Floor Area proposed</th>
<th>Spaces required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket</td>
<td>5 spaces for every 100m² of leasable floor area.</td>
<td>5,468m²</td>
<td>273</td>
</tr>
<tr>
<td>Shop</td>
<td>3.5 spaces for every 100m² of leasable floor area.</td>
<td>789m²</td>
<td>27</td>
</tr>
<tr>
<td>Total spaces required</td>
<td></td>
<td></td>
<td>300</td>
</tr>
</tbody>
</table>
Total spaces proposed | 400

This proposal is providing 100 additional parking spaces over and above the requirements of Clause 52.06. While this achieves compliance with the parking rate outlined in Clause 52.06, the significant oversupply of car parking and poor strategic location of the site does not support sustainable transport alternatives to the motor car.

Bayside’s Activity Centres have been sustainably planned and are easily accessible by public and active transport, however as an out of centre development, the proposed site does not have this advantage. Bus Route 822 is the only public transport that directly passes the site. This is inconvenient for public and active transport users, meaning that the only a small minority of customers will be able to access the site via public or active transport. Therefore, customers are forced to use cars as their transport mode. This is highlighted by the fact that applicants proposal includes an additional 100 parking spaces in excess of that required by the planning scheme.

The drastic oversupply of car parking is unsustainable and contradicts Bayside’s goals to reduce car dependency. A reduced car parking provision would help reduce the convenience that driving provides customers and therefore increase the likelihood that customers use active or public transport instead which closely aligns with Bayside’s strategic transport and land use policies.

It is also noted that recently Council has declared a climate emergency. This application is heavily reliant on private motor vehicles and, through the provision of an oversupply of car parking, may encourage shoppers to use cars over public and active transport. Supporting this application would be contrary to Council’s current and future policies and climate change action plan.

6.4. Traffic and Transport

As noted above, the application was referred to VicRoads and Public Transport Victoria (PTV) as determining referral authorities in accordance with Clause 66 of the Bayside Planning Scheme.

The application involves the relocation of a bus stop along Bay Road, hence permission is required from PTV. In their response, PTV did not raise an objection to the proposal, subject to the inclusion of conditions. Had Council been in a position to support the application, these conditions would have been included in the recommendation.

As noted above, the proposal includes the provision of 400 car parking spaces. Access to these spaces will be provided through access points at Bay Road and one on Brixton Road. A separate truck access point is provided at the south of Brixton Road to allow delivery trucks to gain access to the sites loading bay.

The access arrangements for cars and trucks outlined above, are absolutely contingent on the installation of new traffic signals at the corner of Brixton Road and Bay Road. VicRoads have raised an issue with the installation of the proposed new traffic signals and objected to the granting of a planning permit on this basis. As a determining referral authority, Council is bound by this recommendation and therefore cannot support the proposal.

The installation of a new traffic signal requires permission by the Roads Corporation, and must be approved in accordance with the Road Management Act 2004. The Roads Corporation reviewed the application for a new traffic signal and found issues around truck movements, meaning that the proposal could not be supported under this Act.

Installation of the new traffic signals will inhibit turning movements at the intersection for B-Double trucks. Both Bay Road and Brixton Road are a part of the gazetted B-Double network which is a network of roads that are permitted to handle B-Double truck loads. Therefore, any intersection on this network that inhibits movement of these vehicles can cause a major disturbance to this network and has the potential to disrupt other traffic.
networks. For the above reasons, VicRoads has advised that the new signals cannot be approved under the Road Management Act 2004.

Given that the proposed traffic signals cannot be approved under the Road Management Act, and the proposal is reliant on this to make access to the site work, VicRoads does not support the application.

VicRoads and Council’s traffic engineers have stated that the proposal does not provide appropriate access to a road in a Road Zone Category 1 (Bay Road) and that the proposal will cause detriment to the safe and efficient operation of Bay Road. These grounds have also been included in the recommendation to not support.

6.5. Bicycle Parking

Clause 52.34 (Bicycle Parking) of the Bayside Planning Scheme outlines the number of bicycle parking spaces and other end of journey facilities that are required for developments of this nature. Unlike Clause 52.06 (Car Parking), the bike parking rates do not differentiate a supermarket from the umbrella term shop.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required Rate</th>
<th>Floor Area</th>
<th>Visitor spaces required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop (includes supermarket and bottle shop)</td>
<td>One (1) space for every 600m$^2$ of leasable floor area for employees.</td>
<td>5,787m$^2$</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>One (1) space for every 500m$^2$ of leasable floor area for visitors</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>Retail (retain tenancies)</td>
<td>One (1) space per 300m$^2$ of leasable floor area for employees.</td>
<td>470m$^2$</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>One (1) space per 500m$^2$ of leasable floor area for visitors.</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Total Bike Parking Spaces Required</td>
<td></td>
<td></td>
<td>25</td>
</tr>
<tr>
<td>Total Bike Parking Spaces Provided</td>
<td></td>
<td></td>
<td>25</td>
</tr>
</tbody>
</table>

As can be seen above, Clause 52.34 requires the provision of a total of 25 bike parking spaces. The proposal is compliant with this requirement.

In addition to determining how many bicycle parking spaces are required, Clause 52.34 also provides requirements for how many end of journey facilities such as showers and change rooms must be provided.

<table>
<thead>
<tr>
<th>End of trip facility</th>
<th>Requirement from Clause 52.34</th>
<th>Amount Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showers required</td>
<td>At least 1 shower is required for the first 5 spaces, plus 1 additional shower for every 10 spaces thereafter</td>
<td>3</td>
</tr>
<tr>
<td>Change Rooms Required</td>
<td>One change room, or direct access to a communal change room is required for every shower required.</td>
<td>3 change rooms, or direct access to a communal change room.</td>
</tr>
<tr>
<td>Total Facilities provided</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

The development plans submitted with the application show the provision of the required bicycle parking spaces. However, the plans submitted do not show the location or provision of the required showers and change rooms. If Council was in a position to
approve the application, which it is not, this could have been addressed simply through a permit condition.

6.6. Landscaping

Clause 22.04-4 of the Bayside Planning Scheme sets out urban design performance standards for sites on the southern side of Bay Road. Retention of large, established native trees is a suggested design response however, the subject site does not contain any large, established native trees on the site. While there are examples of canopy trees on the site currently, they are not large, established native trees, and their removal is acceptable in the context of this development application.

Clause 22.04-4 also provides design responses around proposed landscaping and seeks to ensure that landscape plans provide for the planting of new, wide spreading native canopy trees, and provide sufficient permeable surfacing around trees to ensure their continual survival. Council's arborist reviewed the proposed landscape plan for the site. Council's arborist is satisfied that the proposal includes an appropriate tree selection along the Bay Road frontage. However, the planting sites along Bay Road will restrict growth in the future and it is likely that infrastructure damage from these trees will occur as they grow.

The tree selection and soil volume within the car park is unsatisfactory. The amount of trees proposed is insufficient and will not reach a minimum height of 8m in the bayside geological and climatic conditions. When combining the lack of trees proposed with the heavy reliance on fastigate, or narrow trees, it is clear that the proposal does not provide appropriate canopy coverage for the site, and in fact falls considerably short of the mark. A greater canopy coverage across the site will also help provide additional shade within the car park, whilst also softening the impact and dominance of both the building and amount of hardstand.

Both of these issues could be rectified through permit conditions had Council been in a position to support this application. Given, this option is not available due to the objection from VicRoads, the lack of landscaping and canopy coverage throughout the site on the plans currently up for assessment, does not achieve the landscaping performance standards set out in Clause 22.04-4 of the Bayside Planning Scheme and should be added as a ground of not support.

6.7. Street tree(s)

The proposed works utilise the existing crossovers. There are no other works within close proximity of any street trees, and this application does not seek permission to remove any of the existing street tree assets.

6.8. Licensed Premises

The application proposes to incorporate a separate retail premises within the building for the sale of packaged liquor for consumption off premises.

The application has been referred to Council's Community Health and Wellbeing team for comment on the appropriateness of the liquor licence component of the application. They have advised that there are currently another five (5) packed liquor licences along Bay Road in Cheltenham within 800m of the site, which is well below the threshold of eight (8) or more bottle shops within a 1km radius of the site.

Along with the four (4) other packed liquor licenses in the area, there are also four liquor licences within a radius of 100m from the venue. Again, this is an acceptable outcome as it is below the threshold limit for licenses within a 100m radius.

The hours of operation for the proposed bottle shop are 9am until 10pm for every day of the week. Council's Community Health and Wellbeing team have advised that the proposed hours of operation are in line with the VicHealth evidence and are not
associated with increased alcohol related harms.

For the above reasons, the liquor licence component of the application is acceptable should not be a ground to not support the application.

6.9. Signage

The proposal includes a mixture of internally illuminated, electronic and billboard style signage. The proposed signage is what would typically be expected for a large supermarket such as this.

The signage is not out of character for the area with the surrounding area which is characterised by many large signs of different styles. The adjoining properties are largely commercial or industrial sites and thus do not have the same sensitivity or amenity protection when compared with residential areas.

For these reasons, the proposed signage is considered to acceptable when assessed against the decision guidelines contained in Clause 52.05 of the Bayside Planning Scheme.

6.10. 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 by a private entity.

The report found significant ground disturbances that have occurred on the subject site in the past while the site was used as a factory. It was also noted that the activity area around the site does not contain any places of material or historic cultural heritage potential. For the aforementioned reasons, it has been deemed that a Cultural Heritage Management Plan is not required pursuant to Section 47 of the Victorian Aboriginal Heritage Act 2006.

6.11. Development contributions levy

Based on the recommendation below, no development contributions levy is applicable as the proposal is not supported.

The subject site is located within catchment area 16B. There are existing warehouses on the subject site, which have a greater area than the proposed supermarket. As such, had the application been supported, there would be no requirement for the levy.

6.12. Objector issues not already addressed

All of the issues raised by the objectors have been discussed throughout the body of this report.

Support Attachments

1. Development and Landscape Plans
2. Site and Surrounds Imagery
3. Built Form Design Guidelines Assessment
Item 4.9 – Matters of Decision
## PLANT SCHEDULE

<table>
<thead>
<tr>
<th>CODE BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE (H x W)</th>
<th>INSTALLATION SIZE</th>
<th>DENSITY</th>
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<td>SA</td>
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<td>AS SHOWN</td>
<td>16</td>
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<td>TL</td>
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<td>45 LT / 2.5M HT</td>
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<td>16</td>
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<tr>
<td>EF</td>
<td>EUONYMUS FORTUNEI EVERGREEN</td>
<td>20 X 10M</td>
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<td>3M²</td>
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</tbody>
</table>

* RELOCATING EXISTING PALMS

---

**Bayside City Council**
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No.: 5/2019/531/1
Date: 14/10/2019

---

**Urban Edge Landscape Architects**

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**Single Use Planning Plan 2019**

---

**Bayside Council Landscape Plan**
Plant Schedule & Photos

---

**Attachment**
ATTACHMENT 2
Site and Surrounds Imagery

Figure 1. Aerial Overview of subject site.

The second objection is further along Bay Road to the west at 328 Bay Road / 17 Chandos Street / 20 Hamlet Street.

<table>
<thead>
<tr>
<th>Legend</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
<td>⭐</td>
</tr>
<tr>
<td>Objectors</td>
<td>⬤</td>
</tr>
</tbody>
</table>
Figure 2: The subject site as viewed from Bay Road.

Figure 3: The subject site as viewed from Brixton Road.
Figure 4: The subject site as viewed from Brixton Road.
# General urban design guidelines

<table>
<thead>
<tr>
<th>Element</th>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| Building form and Detailing  | To encourage high quality, individually designed buildings that improve the appearance and amenity of the street environment.                                                                                                                                                                                                                             | • Use building forms, or changes of surface treatment, or a combination of these, to provide visually interesting buildings, and to diminish visual bulk.                                                                                                                   | • Buildings that present a poor quality frontage/interface with the street or an adjacent reserve.  
• Buildings with blank walls that detract from the perception of a safe street environment.  
• Main entrances at the side or rear of the buildings.  
• Buildings frontages dominated by underground car parking.  
• Excessive shading of an adjacent reserve.  
• Illumination that will impact on significant indigenous vegetation in an adjacent reserve.                                                                                           | Responds  
The design of the building itself provides a visually interesting presentation to both Brixton Avenue and Bay Road frontages. It is also considered that through these measures, the potential for visual bulk concerns is diminished.  
The ground floor street frontages provide human scaled built form elements.  
There are no habitable spaces within the development of the supermarket.  
The main entrance to the building is provided on the Bay Road frontage only. Given the site is corner lot, consideration could have been given to providing a secondary entry on the Brixton Road frontage, while this is perhaps a missed opportunity, it is not an issue with the policy as it’s written.  
There are no underground car parking facilities provided with this application. |
| Landscaping                  | To include a substantial proportion of landscaping within the front setback that provides an attractive setting for the buildings and relates to the native vegetation theme in the area.                                                                                                      | • Retain large established native trees and provide for the planting of new wide spreading native canopy trees within the front setback where possible.                                                                                                 | • Loss of native canopy trees.  
• Large areas of impervious surfaces.  
• Buildings that provide poor pedestrian access.                                                                                                                                             | Does not respond  
As noted throughout the body of the report, the existing trees on the site are not large native trees and therefore not worthy of retention, so the proposed tree removal is acceptable on this basis. However, |
<table>
<thead>
<tr>
<th>Element</th>
<th>Objectives</th>
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<th>Avoid</th>
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</thead>
<tbody>
<tr>
<td>To recognise the comparatively limited scale of landscaping possible on lots in Advantage Road and small lots to the north and south of Bay Road due to physical constraints. (Given the site is 18757m² in area, this is not a small lot and the second objective therefore does not apply)</td>
<td></td>
<td>• Provide sufficient permeable surfacing around trees that ensures their continual survival. • Provide access paths to building entrances.</td>
<td>the proposed landscape plan falls well short of the mark in terms of the amount of landscaping provided throughout the proposed development. As noted by Council’s arborist, the number of trees proposed on the site is insufficient. Further exacerbating this issue, the landscape plan has a reliance on narrow trees with small canopy spreads. As a result, the amount of canopy cover across the site is minimal does not come close to providing the required amount of landscaping to achieve the objectives of this policy. Provision of a greater number of trees, and trees that will grow to a wider canopy cover are required to provide the canopy cover across the site required by the policy. It is also noted that greater canopy cover across the site will help soften the impact of the hardstand, and provide greater shade for pedestrians in the uncovered car parking spaces. The current landscape plan does not provide adequate soil volume to accommodate the trees proposed, let alone the amount of soil volume and permeable area required to accommodate the amount of landscaping required to achieve compliance with this policy. In essence, 99% of the 18,757m² site is to be converted to hardstanding and will therefore be made of impermeable surface.</td>
<td></td>
</tr>
<tr>
<td>Element</td>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Vehicle Parking and Loading Areas | To minimise the visual and physical dominance of vehicles, car parking surfaces and service areas in the streetscape of from an adjacent reserve. | • Minimise vehicle parking within the front setback.  
• Locate permanent parking to the side or rear of the building, or below the ground floor of the building.  
• Locate storage yards and loading docks to the side or rear of the building.  
• Minimise interruption of footpaths by crossovers. | • Car parking and vehicles that dominate the streetscape or an adjacent reserve.  
• Excessive paving in the front setback area to accommodate vehicles.  
• Large vehicles and loading structures that dominate the streetscape or an adjacent reserve.  
• Excessive interruption of footpaths by driveways and crossovers. | Given that just about the entire site is to be converted to a car park, separate pedestrian paths in the form of zebra crossings and painted pedestrian paths throughout the car park have been provided. Through these zebra crossings and painted paths, sufficient pedestrian access has been provided to the building. Overall however the proposal fails to provide adequate landscaping or permeable area within the development. The landscaping proposed directly ignores and contradicts the objectives around landscaping within Clause 22.04, and does not take into account the specific site and policy context.  

Does Not Respond  

The front setback of the supermarket from Bay Road is 56.1 metres. This entire setback is a bitumen car park for customers with very little in the way of landscaping and planting that would soften the amount of hardstanding. The current proposal therefore does not minimise vehicle parking within the front setback, instead the bitumen car park will totally and utterly dominate the site and Bixton and Bay Road streetscapes. As a result, the proposal does not meet the objective to minimise the visual and physical...
<table>
<thead>
<tr>
<th>Element</th>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
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<tr>
<td></td>
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<td></td>
<td></td>
<td>dominance of vehicles and car parking surfaces.</td>
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<td>As the car parking is associated with a supermarket, there is unlikely to be any permanent parking. It is noted that the staff parking and loading areas, which are most likely to have long term parking, are located at the rear of the building and concealed from view from both Brixton and Bay Road.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Similar to the staff car parking, the loading areas are located in an appropriate location and will be concealed from view from both Brixton and Bay Roads.</td>
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<td></td>
<td>The proposal takes advantage of the existing crossover on Bay Road, and will include two crossovers along Brixton Road. Given the Brixton Road frontage is 215 metres in length, the addition of two (2) crossovers is not considered excessive.</td>
</tr>
</tbody>
</table>
In accordance with Section 68(b) of the Governance Local Law No: 1 - 2013, a person is not permitted to present to this item as it is a report summarising decisions already made by another body, being VCAT.

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 February 2020 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 also 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 2019/20 that 60% of all Planning and Amenity 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 2019/20 financial year, Council has received 55 decisions, of which:

- 13 have been settled by consent orders
- 2 have been withdrawn
- 1 permit has been cancelled
1 permit was granted following a Section 87A Appeal.

The total number of LGPRF measured decisions for the year to date is therefore 38. This table below reflects the new 2019/20 LGPRF reporting requirements for Council.

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<tr>
<th>Time period</th>
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<td><strong>LGPRF Result</strong></td>
<td>32%</td>
<td>68%</td>
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Attachment 4 provides a summary of each case identifying the key issues for Council policy and strategy.

VCAT Outcomes relating to Planning and Amenity Committee meeting decisions

In February 2020, VCAT determined one application that was a result of a Planning and Amenity Committee decision. A summary of this decision is detailed below.

**16 Tramway Parade, Beaumaris**

The subject site is located within the Neighbourhood Residential Zone (Schedule 3), Vegetation Protection Overlay (Schedule 3) Design and Development Overlay (Schedule 1) and Development Contributions Plan Overlay (Schedule 1).

A notice of decision was issued at a Planning and Amenity Committee Meeting held on the 11 June 2019. The Councillors added an additional condition to the proposed permit at the meeting, further to the recommendation of the Council officer, to retain tree 8 (condition 1a). A permit was subsequently issued on 11 July 2019.

The applicant lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) under section 80 of the Planning and Environment Act 1987 – to review conditions 1(a) and 17 contained in the permit:
1a) **Modifications to Dwelling 2 to ensure the retention and protection of Tree 8 (Silky Oak).**

17. **Soil excavation must not occur within 2.5 metres from the edge of the Tristaniopsis laurina (Water Gum), Banksia serrata (Old Man Banksia) or Melaleuca armillaris (Bracelet Honey Myrtle) street tree assets’ stem at ground level.**

At the end of the hearing, the Tribunal decided to issue an oral decision. This decision was to vary Council's decision and delete condition 1(a) to allow the removal of Tree 8, add a further condition to allow for the provision of a large indigenous canopy tree and vary condition 17 to allow excavation up to 1.5m away from the street tree asset rather than 2.5m. The consent to allow removal of Tree 8 was mainly due to the inability to retain Dwelling 2 if the tree was to be saved due to the large tree protection zone. The member acknowledged that the tree was a reasonably large loss, hence the additional condition. The reduced excavation area for the street tree was in line with the most recent of Council’s arborist comments due to the tree being a juvenile.

The order was issued on 4 February 2020 the same day as the hearing, reiterating the oral decision.

A complete copy of the VCAT order is provided at **Attachment 5.**

**Recommendation**

That Council resolve to:

- Receive and note the report; and
- Note the outcome of VCAT decisions on the planning applications handed down during February 2020.

**Support Attachments**

1. Applications lodged in February 2020
2. Applications determined in February 2020
3. VCAT upcoming appeals
4. VCAT Update Report- Determined appeals for February 2020 - Attachment
5. VCAT Order - 16 Tramway Parade, Beaumaris
### Councillor Notifications

Planning Applications Summary

Lodged from 1/02/2020 to 29/02/2020

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<td>11 - 25 New Dwellings</td>
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<td>14 Lysander ST, BRIGHTON EAST</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
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<td>5.2016.848.2</td>
<td>24 Clonmullis AVE, HIGHERETT</td>
<td>Deck/Verandah/Patio on a lot &lt; 500m2 and Demolition of Dwelling/Building</td>
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<td>5.1973.816.4</td>
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<td>Buildings &amp; Works in SBO (Other than Dwell) and Fence on a lot &gt; 500 m2</td>
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<td>5.2002.7248.2</td>
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Item 4.10 – Matters of Decision
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**VCAT Open Appeals Register**

Appeal is "Open" or Final Hearing Date is after 3/03/2020

(Selected & Ordered by Final Hearing Checklist Date)
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VCAT Determined Appeals from: 1/02/2020 to 27/02/2020

Subject land: 16 Tramway Parade BEAUMARIS
Application no.: 2018.599.1
VCAT reference no.: P1613/2019
Applicant: D E Hill
Referral Authority: N/A
Respondents: N/A

VCAT Member: Katherine Paterson
Date of hearing: 4/02/2020
Date of order: 4/02/2019
Proposal: Construction of two dwellings with a front fence exceeding 1.2 metres and removal of vegetation in a Vegetation Protection Overlay (VPO3)

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:

The subject site is located within the Neighbourhood Residential Zone (Schedule 3), Vegetation Protection Overlay (Schedule 3) Design and Development Overlay (Schedule 1) and Development Contributions Plan Overlay (Schedule 1).

A notice of decision was issued at a Planning and Amenity Committee Meeting held on the 11 June 2019. The Councillors added an additional condition to the proposed permit at the meeting, further to the recommendation of the Council officer, to retain tree 8 (condition 1a). A permit was subsequently issued on 11 July 2019.

The applicant lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) under section 80 of the Planning and Environment Act 1987 – to review conditions 1(a) and 17 contained in the permit.

1a) Modifications to Dwelling 2 to ensure the retention and protection of Tree 8 (Silky Oak).

17. Soil excavation must not occur within 2.5 metres from the edge of the Tristaniaopsis laurina (Water Gum), Banksia serrata (Old Man Banksia) or Melaleuca armillaris (Brazelet Honey Myrtle) street tree assets' stem at ground level.

At the end of the hearing, the Tribunal decided to issue an oral decision. This decision was to vary Council's decision and delete condition 1(a) to allow the removal of Tree 8, add a further condition to allow for the provision of a large indigenous canopy tree and vary condition 17 to allow excavation up to 1.5m away from the street tree asset rather than 2.5m. The consent to allow removal of Tree 8 was mainly due to the inability to retain Dwelling 2 if the tree was to be saved due to the large tree protection zone. The member acknowledged that the tree was a reasonably large loss, hence the additional condition. The reduced excavation area for the street tree was in line with the most recent of Council's arborist comments due to the tree being a juvenile.

The order was issued on 4 February 2020 the same day as the hearing, reiterating the oral decision.
Subject land: 52 Spicer Street BEAUMARIS
Application no.: 2018.853.1
VCAT reference no.: P1543/2019
Applicant: G Permitis, N Tsotas & A Vlahakis
Referral Authority: N/A
Respondents: M & J Hooker & S Entwistle

VCAT Member: Alison Glynn
Date of hearing: 12/02/2020
Date of order: 25/02/2020
Proposal: Construct two dwellings on a lot, removal of native vegetation and waiver of car parking

Officer recommendation/ Delegate determination: Refusal
Council determination: N/A
Appeal type: Refusal to Grant a Permit
Plans substituted (prior to hearing): No

VCAT determination: No Permit to issue
LGPRF outcome: AFFIRMED

Comments:

The subject site is within the Neighbourhood Residential Zone and is affected by the Vegetation Protection Overlay (Schedule 3) and the Design and Development Overlay (Schedule 3). Council refused under delegation an application for the construction of two, side by side dwellings, removal of one native tree and works that would affect three other native trees. The main ground of refusal was that the proposal entailed the removal of one native tree (Tree 3) in the front yard and providing an unworkable dwelling and driveway entry that may potentially impact on the health of a second native tree, also in the front yard.

The applicant applied for a review of Council’s decision under Section 77 of the Planning and Environment Act 1987 and a merits hearing was held on 12 February 2020. There were two parties joined to the proceedings.

The Tribunal found that the site is consistent with the preferred character set out in Bayside’s Neighbourhood Character Policy in that it currently has substantial vegetation, including trees, in an established garden. Furthermore, that the existing garden context reinforced the Member’s opinion that the preferred character is highly relevant to the site and immediate surrounds. Precinct H2 of the Neighbourhood Character Policy highlights the importance of providing substantial vegetation and seeks to avoid removing large trees. The Tribunal was not satisfied that the applicant’s arboricultural evidence provided sufficient reason to consider the relevant tests of the VPO3 were met. Based on the tests of VPO3 and neighbourhood character policy to protect existing large trees, particularly those that add to the landscape, the Tribunal found the removal of Tree 3 unacceptable.

The Tribunal also considered whether there were any other reasons Tree 3 should be removed. The site’s location is not in an area where medium density housing should be directed to, being in an NRZ. The purpose of the NRZ is to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. Having considered the planning policy framework, including Clause 42.02 and VPO3, the Tribunal could not support granting a planning permit to remove Tree 3 as part of the broader development proposal. The tree is large and of considerable landscape and character value to its surrounding area. Whilst not indigenous, it is in good health and has good life expectancy. The Tribunal opined that there remains opportunity to develop the site for housing consistent with the minimal change housing policy applying to the land.

With regards to the dwelling entries, the Tribunal found that the arrangement was by no means ideal and would not normally consider acceptable. Whilst it was accepted that there are many side by side developments in the general
H2 area, the circuitous route for residents and visitors to the front door of dwelling 2 was of concern to the Member and considered problematic. Given that it relied on removing Tree 3, the Tribunal did therefore not find it acceptable. The Tribunal affirmed the decision of the Responsible Authority and directed that no permit be granted.
Subject land: 72 Raynes Park Road HAMPTON
Application no.: 2019.395.1
VCAT reference no.: P2467/2019
Applicant: S Brown
Referral Authority: N/A
Respondents: N/A
VCAT Member: Joel Templar
Date of hearing: No hearing.
Date of order: 28/02/2020
Proposal: Construction of two (2) dwellings on a lot and a front fence in excess of 1.2 metres in accordance with the endorsed plans

Officer recommendation:
Delegate determination: Planning permit
Council determination: N/A
Appeal type: Conditions
Plans substituted: No
(prior to hearing)
VCAT determination: Varied Permit to Issue
LGPRF outcome: AFFIRMED
Comments:

Council officers determined to issue a permit for the construction of two (2) dwellings on a lot and a front fence in excess of 1.2 metres on 6 December 2019.

The applicant subsequently lodged a conditions appeal against conditions 1 a) Recess the garage 2.0m off the western boundary and Condition 1 b) Recess the lounge / laundry / ensuite of Dwelling 1 a minimum of 1.5m off the eastern boundary with subsequent changes to the balcony above. An agreement was reached between the applicant for appeal and Council to amend the conditions as follows:

1 a) The Garage of Dwelling 2 setback 1 metre from the western boundary
1 b) The setback of the balcony to the first floor sitting room increased to a minimum of 1.5 metre off the eastern boundary.

An order dated 28 February 2020, directed that the Planning Permit be varied in accordance with the consent order reached between the parties. There was no hearing and no attendance was required.
ORDER

1 In application P1613/2019 the decision of the responsible authority is varied.

2 The Tribunal directs that planning permit 5/2018/599/1 must contain the conditions set out in planning permit 5/2018/599/1 issued by the responsible authority on 11 July 2019 with the following modifications:
   (a) Condition 1(a) is deleted.
   (b) Condition 17 is amended to read:

   17 Soil excavation must not occur within 2.5 metres from the edge of Tree 1 (Tristaniapectis laurina Water Gum) and Tree 2 (Bankia serrata Saw Banksia) street tree assets’ stem at ground level to the satisfaction of the responsible authority. Soil excavation must not occur within 1.576 metres from the edge of Tree 3 (Melaleuca armillaris Bracelet-honey Myrtle) street tree assets’ stem at ground level to the satisfaction of the responsible authority.

   (c) A new condition is included as follows:

   10(f) The provision of a large indigenous canopy tree

3 The responsible authority is directed to issue a modified planning permit in accordance with this order.

Katherine Paterson

Member
APPEARANCES

For applicant  Mr Chris Pippo, Town Planner, The North Planning
For responsible authority  Mr Gareth Gale, Town Planner, Gareth Gale Consulting.

INFORMATION

Description of proposal  Construction of two dwellings, on a corner allotment so that one dwelling will have access to Tramway Parade and the other to Dalgety Road. The two storey dwellings are contemporary and style and incorporated flat roof forms with rendered finishes. A number of trees on the site will be removed to accommodate the proposal.

Nature of proceeding  Application under section 80 of the Planning and Environment Act 1987 – to review conditions 1(a) and 17 contained in the permit.

Planning scheme  Bayside City Council

Zone and overlays  Neighbourhood Residential Zone Schedule 3, Design and Development Overlay Schedule 1; Development Contributions Overlay Schedule 1; Vegetation Protection Overlay Schedule 3.

Permit requirements  Clause 32.09-6 – Construction of two dwellings on a lot and front fence exceeding 1.2 metres in height;
Clause 42.02-2 – Removal of vegetation

Land description  The subject site contains a single storey brick dwelling with a large amount of vegetation. The conditions being reviewed require the retention of tree 8 as well as no soil excavation within 2.5 metres of three street trees (Trees 1, 2 and 3).
REASONS¹

1 For the reasons given orally at the conclusion of the hearing.

Katherine Paterson
Member

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.
5. Confidential Business

There was no confidential business submitted to the meeting.