Planning & Amenity Committee Meeting

Council Chambers
Civic Centre – Boxshall Street Brighton

Tuesday 11 June 2019
at 7pm

Agenda
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

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4.2 420 Beach Road, Beaumaris Secondary Consent - Approve Application No: 2014/13/2 Ward: Southern ......................... 33

4.3 52 Black Street, Brighton Support the Grant of a Permit (Consent Order) Application No: 2018/725/1 Ward: Southern ............... 53

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4.5 33 Bay Road, Sandringham Notice of Decision to Grant a Permit Application No: 2018/836/1 Ward: Southern ................... 145

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4.12 31 Rossmith Avenue, Beaumaris Notice of Decision to Grant a Permit Application No: 2018/757/1 Ward: Southern.............. 527

4.13 1/10 & 2/10 Lucas Street, Brighton East Notice of Decision to Grant a Permit Application No: 2018/609/1 Ward: Central..... 583

5. Confidential Business

Nil

Next Meetings 2019

- Tuesday 16 July 2019
- Tuesday 30 July 2019 (*CANCELLED)
- Tuesday 13 August 2019
- Tuesday 10 September 2019
- Tuesday 8 October 2019
- Tuesday 22 October 2019 (*CANCELLED)
- Tuesday 12 November 2019
- Tuesday 26 November 2019 (*CANCELLED)
- Monday 9 December 2019
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 14 May 2019.
4. **Matters of Decision**

4.1 **84 CARPENTER STREET, BRIGHTON**

SECONDARY CONSENT - APPROVE

APPLICATION NO: 2017/111/1  WARD: NORTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/118553

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1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Approve the secondary consent amended plans.</th>
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<tbody>
<tr>
<td>Street address</td>
<td>84 Carpenter Street, Brighton</td>
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<tr>
<td>Application No.</td>
<td>5/2017/111/1</td>
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<tr>
<td>Applicant</td>
<td>Fine Line Building Design</td>
</tr>
<tr>
<td>Title/Covenant</td>
<td>The title is not subject to any restrictive covenants.</td>
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<tr>
<td>Date application received</td>
<td>9 April 2019</td>
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<tr>
<td>Zoning</td>
<td>General Residential Zone (Schedule 2)</td>
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<table>
<thead>
<tr>
<th>Overlays</th>
<th>Development Contribution Plan Overlay (Schedule 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Design and Development Overlay (Schedule 11)</td>
</tr>
</tbody>
</table>

**Proposal**

Planning permit 2017/111/1 was issued on 8 January 2018 and allows the construction of a three storey residential building containing five dwellings.

This secondary consent application seeks approval to amend the endorsed plans pursuant to Condition 2 of planning permit 2017/111/1. The proposed amendments are as follows:

- Relocation and redistribution of skylights on the roof.
- Internal modifications to the ground floor including the layout of the master bedroom of Dwelling 1 and subsequent window changes.
- The inclusion of a fire hydrant cupboard to the ground floor.
- Level changes to the pedestrian entrance walkway and stairs along the north-eastern boundary.
- Internal modifications to the first floor including changes to the layout of the kitchen in Dwelling 3 and subsequent window changes.
- Relocation of the kitchen window in Dwelling 5 on the second floor.
- Modifications to the elevations including the main pedestrian entrance wall, revised windows as outlined above, corrections to cladding and colours revised.

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

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

**History**

Planning permit 2017/111/1 was issued on 8 January 2018 at the direction of the Victorian Civil and Administrative Tribunal (VCAT). Plans were endorsed by Council on 16 April 2018. These plans are included at **Attachment 3**.
2. Planning controls

Planning permit requirements
There are no primary permit triggers to consider as part of this application. The application seeks to amend the endorsed plans pursuant to the secondary consent provisions afforded by Condition 2 of planning permit 2017/111/1.

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
There are no referrals to Council departments required to be made for this application.

Public notification
Applications made in accordance with the secondary consent provisions are not subject to the notice requirements of Section 52 of the Planning and Environment Act 1987. Therefore, the amended plans have not been advertised.

4. Recommendation

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of planning permit 2017/111/1.

2. Plans identified as TP04-TP10, prepared by Fine Line Building Design and dated 5 April 2019 be endorsed. These plans are to be read in conjunction with sheets 8-9 of 9, endorsed on 16 April 2018.

3. Supersede the previously endorsed sheets 1-7 of 9, endorsed on 16 April 2018.

5. Council Policy

There are no primary Council policy matters to consider as part of the request to amend plans pursuant to the secondary consent provisions.

6. Considerations

The Victorian Civil and Administrative Tribunal have set out, on a number of occasions, the principles, or tests, of secondary consent (e.g. Westpoint Corporation P/L v Moreland CC (2005) and Oz Property Group P/L v Moonee Valley CC (2014)). The tests include the following:

Does the proposed amendment result in a transformation of the proposal?

The amendment does not result in a transformation of the proposal. The proposal remains the construction of a triple storey residential building containing five dwellings.

More specifically, the proposed changes include the relocation and redistribution of skylights on the roof, internal modifications and subsequent window alterations, the inclusion of a fire hydrant cupboard to the ground floor, level changes to the pedestrian entrance walkway and stairs along the north-eastern boundary, modifications to the elevations including the main pedestrian entrance wall, corrections to cladding and colours revised.

The proposed changes are considered to be minor in nature and will have no impact on the amenity of adjoining properties and will not cause material detriment to any third parties. The proposed changes do not conflict with any conditions on the planning permit.
and do not result in a transformation of the proposal.

**Does the proposed amendment authorise something for which primary consent is required under the planning scheme?**

The primary consent was issued at the direction of VCAT for the construction of a three storey residential building. The amendments sought under this application are considered to be consistent with the proposal and do not authorise something for which primary consent is required for under the Bayside Planning Scheme.

**Is the proposed amendment of consequence having regard to the purpose of a planning control under which the permit was granted?**

Having regard to the development and the purpose of the planning controls under which the permit was granted, the proposed amendments are considered inconsequential as there has been no material change to the nature of the planning controls and policies affecting the land. It is considered that the changes are appropriate, will not detrimentally impact on the amenity of adjoining properties nor cause material detriment to any third parties.

**Is the proposed amendment contrary to a specific requirement or condition of the permit?**

The proposed amendments to the endorsed plans will not contravene any specific requirements or conditions of the permit and remain compliant with the relevant objectives and standards of the Bayside Planning Scheme.

**Support Attachments**

1. Secondary consent amended plans ↓
2. Site and Surrounds ↓
3. Endorsed Plans ↓
Attachment 1

Figure 1: Aerial overview of the site and surrounds.

<table>
<thead>
<tr>
<th>Legend</th>
<th>Subject site</th>
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<tbody>
<tr>
<td>Subject site</td>
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</table>
4.2 420 BEACH ROAD, BEAUMARIS
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/13/2 WARD: SOUTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/132523

1. Application details

<table>
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<tr>
<th>Recommendation</th>
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<tr>
<td>Street address</td>
<td>420 Beach Road, Beaumaris</td>
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<tr>
<td>Application No.</td>
<td>2014/13/2</td>
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<tr>
<td>Applicant</td>
<td>Mr G A Douglas</td>
</tr>
<tr>
<td>Title/Covenant</td>
<td>The title is not subject to any restrictive covenants.</td>
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<tr>
<td>Date application received</td>
<td>12 April 2019</td>
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<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
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<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Development Contribution Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
</tbody>
</table>
| Application plans and documents TRIM Ref No | DOC/19/95157  
| | DOC/19/120864 |

Proposal
Planning Permit 2014/13/2 allows:

Construction of two or more dwellings on a lot; Creation of an access to a road in a Road Zone Category 1 and Removal of native vegetation

The application seeks approval to amend the endorsed plans pursuant to condition 2 of Planning Permit 2014/13/2 on a lot with an area of 410 square metres.

The proposed amendments are as follows:

- Installation of an in-ground swimming pool within the rear setback of Unit 3 (now known as 1B Burgess Street, Beaumaris).

The Secondary Consent Plans are provided at Attachment 1.
An aerial image of the site and surrounds are provided at Attachment 2.

History
On 18 February 2015, Planning Application 2014/13/1 was refused by the Planning and Amenity Committee. The application was refused on four grounds.

On 22 March 2016, VCAT ordered that Council’s decision be set aside and Planning Permit 2014/13/1 be granted for the construction of two or more dwellings on a lot; creation of an access to a road in a Road Zone Category 1, and removal of native vegetation. Plans were endorsed by Council on 2 December 2016.

On 12 February 2018, Council amended the original endorsed plans to allow the inset of Unit 2 to a minimum of 3.4 metres from the northern boundary.

The permit was subsequently extended by 2 years at the request of the applicant, so that development must commence no later than 22 March 2020 and be completed no later
than 22 March 2022.
A copy of the permit is provided at Attachment 3.
A copy of the endorsed plans is provided at Attachment 4.

2. Planning controls

Planning Permit requirements
There are no primary permit triggers to consider as part of this application. The application seeks to amend the endorsed plans pursuant to the secondary consent provisions afforded by Condition 2 of Planning Permit 2014/13/2.

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
There are no referrals to Council departments required to be made for this application.

Public notification
Applications made in accordance with the secondary consent provisions are not subject to the notice requirements of Section 52 of the Planning and Environment Act 1987.

Therefore, the amended plans have not been advertised.

4. Recommendation

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2014/13/2.

2. Plans identified as Site Plan, prepared by Hallbury Homes and dated 14 September 2019 be endorsed. These plans are to be read in conjunction with plans TP 05, TP 06, TP 07, TP 07A, TP 08, and TP 08A, endorsed on 19 February 2018.

5. Council Policy

There are no primary Council policy matters to consider as part of the request to amend plans pursuant to the secondary consent provisions.

6. Considerations

The Victorian Civil and Administrative Tribunal have set out, on a number of occasions, the principles, or tests, of Secondary Consent (e.g. Westpoint Corporation P/L v Moreland CC {2005} and Oz Property Group P/L v Moonee Valley CC {2014}).

The tests include the following:

Does the proposed amendment result in a transformation of the proposal?

The amendment does not result in a transformation of the proposal. The amendment would provide for alterations to the landscaping of a generally minor nature.

The scale of the overall building fabric will not change. The proposal does not significantly alter the outcome related to site coverage, permeability, overlooking or overshadowing. From a neighbourhood character perspective, the proposal will still be an appropriate outcome.
The proposed inclusion of a pool is considered to be minor in nature and will have no impact to the amenity of adjoining properties and will not cause material detriment to any third parties. The proposed changes do not conflict with any permit conditions, objections raised in the application for which primary consent was granted for, and does not result in a transformation of the proposal.

Does the proposed amendment authorise something for which primary consent is required under the planning scheme?

The primary consent was issued at the direction of VCAT for the construction of two (2) or more double storey dwellings, removal of native vegetation in a Vegetation Protection Overlay and creation of an access to a road in a Road Zone Category 1.

The amendment sought under this application is considered to be consistent with the proposal and does not authorise something for which primary consent is required for under the Bayside Planning Scheme.

Is the proposed amendment of consequence having regard to the purpose of a planning control under which the permit was granted?

Having regard to the development and the purpose of the planning controls under which the permit was granted, the proposed amendment is considered inconsequential as there has been no material change to the nature of the planning controls and policies affecting the land. It is considered that the changes are appropriate, will not detrimentally impact on the amenity of adjoining properties nor cause material detriment to any third parties.

Is the proposed amendment contrary to a specific requirement or condition of the permit?

The proposed amendments to the endorsed plans (inclusion of a pool) will not contravene any specific requirement or condition of the permit and remains compliant with the relevant objectives and standards of the Bayside Planning Scheme.

Support Attachments
1. Secondary Consent Plans ↓
2. Site and Surrounds ↓
3. Planning Permit 2014/13/2 ↓
4. Endorsed Plans 2014/13/2 ↓
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>
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</tbody>
</table>
PLANNING PERMIT NO: 5/2014/13/2

Responsible Authority: Bayside City Council
Planning Scheme: Bayside

Address of the Land: 420 Beach Road BEAUMARIS
The Permit Allows: Construction of two or more dwellings on a lot; Creation of an access to a road in a Road Zone Category 1 and Removal of native vegetation in accordance with the endorsed plans and subject the following conditions.

The Following Conditions Apply To This Permit:

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 Amended Plans dated 1 February 2016 with the application but modified to show:

   a. Details of balcony screening treatments to the west side of the first floor balcony of dwelling 3 to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) of the Bayside Planning Scheme.

   b. Clarification that existing 1.9m high rendered wall is to be removed from in front of Dwelling 3.

   c. The new crossover onto Beach Road at least 3.5 metres wide at the property boundary, flared at 60 degrees with a 3 metre radial turnout at the kerb with 1 metre clearance from any fixed object at the entrance of the property.

   d. Visibility splays provided in accordance with Design Standard 1 of Clause 52.06-8 of the Bayside Planning Scheme for all access ways.

   e. A Landscaping Plan in accordance with Condition 6 of this permit showing at least four (4) canopy trees capable of growing to 8 metres at maturity, two (2) to be planted within the Beach Road frontage and an additional two (2) native trees to be planted on site.

   f. The location of plant and equipment including air conditioning units and condensers located so as to minimise amenity impacts to adjoining properties.

   g. The new crossover onto Beach Road at least 3.5 metres wide at the property boundary, flared at 60 degrees with a 3 metre radial turnout at the kerb with 1 metre clearance from any fixed object at the entrance of the property.

   h. Storm Water Urban Design Measures in compliance with Condition 15.

Date issued: 22 March 2016
Date amended: 12 February 2018

Michael Henderson
Signature for the Responsible Authority

Planning and Environment Regulations 2005 Form 4
Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.
2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3 All pipes with the exception of downpipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view 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 dwellings without the written consent of the responsible authority.

5 Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority.

6 Before the development starts, a Landscape Plan (generally in accordance with Amended Landscape Plan by Zenith Concepts dated January 2016 Rev B) 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. The plan must 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 vegetation to be retained and/or removed
   b. Buildings and trees including botanical names on neighbouring properties within three metres of the boundary
   c. Details of surface finishes of pathways and driveways
   d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
   e. Landscaping and planting within all open areas of the site.
   f. The retention of the Coastal Banksia in the frontage of Dwelling 1 with specifications for tree protection measures in accordance with AS 4970-2009 Protection of Trees on Development Sites
   g. A minimum of four (4) new Australian native canopy trees capable of reaching a minimum height of 8 metres at maturity. At least one of these trees is to be located within the Beach Road setback. The plan must indicate sufficient soil volume to reach the specified mature height and be free of impermeable surfaces
   h. Front fence details and locations to match that depicted on the endorsed plans

   Date issued: 22 March 2016
   Date amended: 12 February 2018

   Signature for the Responsible Authority

Planning and Environment Regulations 2005 Form 4
Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.
All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

7 Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

8 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.

9 Tree Protection Fencing is to be established around the street tree prior to demolition and maintained until all works on the site are complete.
   a. The fencing is to be constructed and secured so its positioning cannot be modified by site workers
   b. The fencing is to encompass the entire naturestrip under the dripline of the tree
   c. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 (Protection of trees on development sites).
   d. 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

10 Prior to soil excavation within the TPZ (Tree Protection Zone) of the street trees (adjacent Burgess Street), a trench along the line of the proposed crossover must be dug by hand and all affected roots must be correctly pruned according to AS 4373-2007.

11 The Applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council’s drainage assets to Council standards.

12 Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

13 Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.

14 All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
   a. A trench grate (150mm minimum internal width) located within the property and/or

Date issued: 22 March 2016

Date amended: 12 February 2018

Michael Henderson

Signature for the Responsible Authority

Planning and Environment Regulations 2005 Form 4

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.
b. Shaping the driveway so that water is collected in a grated pit on the property and/or

c. Another Council approved equivalent.

15 Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and 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 landscaping 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. The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

16 Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council’s Engineering Services department for approval.

17 The driveway / Parking areas / paved courtyards / paths and 'perVIOUS' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

VicRoads Conditions

18 Before the development starts, amended plans must be submitted to and approved by Vic Roads. When approved by Vic Roads, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the submitted plans but modified to show.

Date issued: 22 March 2016
Date amended: 12 February 2018

[Signature]
PLANNING PERMIT NO: 5/2014/13/2

Responsible Authority: Bayside City Council
Planning Scheme: Bayside

a. The new crossover onto Beach Road at least 3.5 metres wide at the property boundary, flared at 60 degrees with a 3 metre radial turnout at the kerb with 1 metre clearance from any fixed object at the entrance of the property.

19 Before the use of the permitted development, the driveway and crossover in accordance with the approved plan must be constructed to the satisfaction of the Responsible Authority.

20 Provision for vehicles to enter and exit the site in a forward direction must be available at all times to the satisfaction of Vic Roads.

21 This permit will expire if one of the following circumstances applies:

(a) The development is not started within two years of the issued date of this permit.

(b) The development is not completed within four years of the issued date of this permit.

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

Permit Notes

<table>
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<tr>
<th>Date</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>12 February 2018</td>
<td>Amended Plans under Section 72:</td>
</tr>
<tr>
<td></td>
<td>• The inset of Unit 3 (Lot 3) to a minimum of 3.4 metres from the northern boundary and associated ground and first floor layout changes.</td>
</tr>
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</table>

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.
FORM 4

PLANNING PERMIT

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.)

WHEN DOES A PERMIT BEGIN?
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 APPEALS?
* 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 must be 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.
* An application for review must also be served on the Responsible Authority.
* Details about applications for review and the fees payable can be obtained from the Victorian Civil and
Administrative Tribunal.
4.3 52 BLACK STREET, BRIGHTON
SUPPORT THE GRANT OF A PERMIT (CONSENT ORDER)
APPLICATION NO: 2018/725/1  WARD: SOUTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/127846

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 a decision already made by another body. In addition, the Consent Order is the outcome from the VCAT Compulsory Conference where parties established an agreed position.

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Support the Grant of a Planning Permit (VCAT Consent Order)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Human Habitats</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 November 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>N/A</td>
</tr>
<tr>
<td>Zoning</td>
<td>General Residential Zone – Schedule 2</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay – Schedule 11</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay – Schedule 1</td>
</tr>
<tr>
<td>Site area</td>
<td>892sqm</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>14</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes - $5,050  Catchment area 11A</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, albeit a cultural heritage management plan is not required.</td>
</tr>
</tbody>
</table>

**Purpose**

The purpose of this report is to endorse a consent position reached by all parties at a Compulsory Conference at VCAT held on 13 May 2019. The Draft Consent Order is provided at Attachment 4.

**History**

The application sought the construction of a three storey multi-dwelling building over basement car parking within a Design and Development Overlay, Schedule 11.

The application was refused under delegation, with the grounds of refusal included at Attachment 1. The Delegate Report is provided at Attachment 2.

Key details of the assessed application are as follows:

- Number of dwellings: five (5) apartments (5x3 bed)
• Building height: 11.7m and three (3) storeys
• Front fence height: 1.5m – 2.2m
• Site coverage: 60.3%
• Permeability: 20.9%
• Car spaces: 16 total, no reduction sought

VCAT

The permit applicant subsequently lodged an application for review against Council’s Refusal to grant a Planning Permit with VCAT pursuant to Section 77 of the Planning and Environment Act, 1987.

The application was heard at a Compulsory Conference (mediation) on 13 May 2019. Six (6) objectors, represented as a single party, are party to the appeal. The permit applicant provided ‘without prejudice’ plans in preparation for the compulsory conference which sought to address Council’s reasons for refusal along with the concerns of objectors. The ‘without prejudice’ plans are provided in Attachment 3 and the key changes are summarised as follows:

• Reduction in the size/extent of the pavilions (renamed to pergolas) within the front setback.

• Increased setback from the southern corner of the site at ground and first floor levels by way of inverting the corner of the building; setback from southeast boundary increased from 2.4m to 4m and setback from southwest boundary increased from 2m to 3.78m.

• Indicative planting of seven (7) canopy trees, including six (6) to the front setback, (increased from four (4) canopy trees).

• Considerable increase to the visual permeability of the front fence by way of adding interspersed wrought iron pickets, predominantly to the north-east elevation along with a section to the north-west elevation.

• Increase to the size of Apartment 3’s terrace (first floor, front elevation) to 17.1m² (from 11.6m²).

• Increased setback to the upper floor from the Black Street elevations, as follows:
  - Northeast elevation increased from 3.78m to 4.38m.
  - Northwest (curved) elevation increased from:
    ▪ 0.2m to 2.8m; and
    ▪ 2.8m to 4.0m.

• Introduction of two-tones of grey render to the front façade at ground and first floor levels, utilising a lighter grey to the projecting elements and a darker grey to the recessed elements.

• Consequential internal changes including shifting the stair-core deeper within the building.

The above changes within the ‘without prejudice’ plans were discussed at the Compulsory Conference and, further to these, the following further amendments were agreed to:

• Reduce the overall height of the building by a further 0.5m.

• To screen all first and second floor habitable room windows along the south-east and south-west elevations to prevent overlooking to neighbouring properties.
- At the second floor, increase the setback from the south-west boundary associated with ensuites 1 and 2, by a minimum of 1.0m.
- To ensure no part of the basement protrudes above ground level.
- Provision of a bulkhead (rebate) along the south-east and south-west elevations of the second floor level, providing a recess to the top edge measuring a minimum of 1.0m wide and 0.6m deep (reduced height), with the exception of a wing wall to address the streetscape. An example of the bulkhead/ rebate is depicted on the hand marked plan VCAT CC 13 May 2019 which is provided in Attachment 3.
- Provision of a minimum of six (6) evergreen canopy trees to the front setback (north-east and north-west) capable of reaching a minimum height of 8.0m.
- Provision of a hedge of evergreen species (Lilly pillys or similar) along the south-east boundary capable of forming a 7.0m high hedge and to be planted at a minimum of 2.5m in height.

The permit applicant and all parties to the appeal (the 6 (six) objectors who joined and represented as one party) all agreed to a consent position. If the consent order is not endorsed by the Planning and Amenity Committee, the application will proceed to a two (2) day hearing commencing on 18 June 2019.

2. Recommendation

That Council resolve to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/725/1 for the land known and described as 52 Black Street, Brighton, for the construction of a multi-dwelling building including a fence exceeding 1.5m in height and buildings and works within the Design and Development 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 ‘without prejudice plans’ prepared by Nicholas Day dated 6 May 2019, but modified to show:
   a) Sightlines where the proposed ramp intersects with the front footpath, as per the diagram shown in the AS2890.1.
   b) Demonstrate that the basement ramp achieves a minimum 4m radius where it changes direction.
   c) Depict any roller door nibs on the basement plan.
   d) Swept path diagrams which account for any roller door nibs within the basement, swept paths are to include a car entering and exiting the southernmost space for Unit 5.
   e) Removal of redundant crossover and reinstatement of kerb.
   f) A schedule of construction materials, external finishes and colours (including example paint samples). Colour 2 to be darker grey.
   g) Reduce the overall height of the building by 500mm.
   h) Demonstrate that the first floor habitable room windows along the southeast elevation comply with ResCode Standard B23.
i) Water Sensitive Urban Design measures in accordance with Condition 7.

j) All habitable room windows on the south east and south west elevations at first and second floors must be screened with fixed and permanent screens with a maximum 25% transparency at a height of 1.7m above finished floor level to prevent direct views to adjoining properties.

k) Setback the second floor ensuite 1 and ensuite 2 from the south west boundary a minimum of an additional 1m (this can be achieved by reducing the front setback to Black Street to the north east by 1m).

l) No part of the basement is to protrude above natural ground level so as to impact on mandatory garden area.

m) Provision of a bulkhead along the south east and south west elevations at second floor level a minimum of 1m wide by 600 deep (except that a wing wall may be provided to the streetscape) as per plan hand marked VCAT CC 13 May 2019.

n) A Landscaping Plan in accordance with Condition 9.

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 on the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

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 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

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 drawn to scale with dimensions and must show:

   a) Provision of a minimum of six (6) evergreen canopy trees within the north eastern/ north western front setback capable of growing to a height of not less than 8m.

   b) Provision of a hedge of evergreen species (lilly pillys or similar) along the south east (south of the accessway) and in planters where necessary; and the south west boundaries, capable of forming a hedge to a minimum height of 7m with a planting height of no less than 2.5m.

   c) 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.

   d) 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.

   e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

   f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

   g) 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.

**Street tree protection**

12. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The 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.
Waste Management Plan

13. Prior to the endorsement of plans pursuant to Condition 1, a Waste Management 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 submitted Waste Management Plan prepared by Impact and dated 25/10/2018.

Development Contribution

14. 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.

Drainage

15. 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.

16. 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.

Construction Management Plan

17. 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 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.

Permit Expiry

18. 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.

3. Assessment of Amended Plans

This report details how the amended plans at Attachment 3, combined with the recommended conditions of permit, respond to the previous Grounds for Refusal and relevant planning policies. Previous Grounds for Refusal are highlighted in bold below.

1. The proposed development fails to respond to the existing or preferred neighbourhood character of character precinct B2 as required by Clause 22.06 of the Bayside Planning Scheme.

The key considerations which contributed to this ground for refusal can be summarised as visual bulk, as perceived within the streetscape, as a combined result of the lack of articulation to the façade including the use of mono-tone render, the lack of cohesion between the second floor level and façade of the lower levels, the lack of visual permeability to the front fence and the lack of landscaping.

The without prejudice plans proposal responds using a combination of methods to better respond to the neighbourhood character and concerns regarding bulk, as
follows:

- Previously the proposed building would read as a true three (3) storey form given the originally assessed top floor was near flush (within 0.2m) with the northwest (front) façade. The top floor would now comprise a minimum setback from the northwest façade of 2.8m which would increase to 4.0m near the western corner of the building. The revised treatment to the top floor would significantly reduce the visual/apparent bulk of the proposal within the streetscape, given only the uppermost portion of the top floor would be visible from street level and as the recessive nature would create a subservient relationship. The additional setback to the top floor would give the building an appearance more akin to a two storey building, significantly improving the building’s relationship with its surroundings where two storey dwellings feature prominently.

- With regard to the façade, the applicant has proposed the use of two-tones of grey render, applying a darker grey to the recessed elements and a lighter grey to the projecting elements. The resulting effect being the appearance of deeper recesses and accentuated projections, creating a more dynamic and interesting façade. In addition, the size of the recessed balcony/terrace serving apartment 3 (first floor) would be increased, creating an element of increased depth to the first floor.

- The applicant has proposed to reduce the size of the pavilions to the front setback at ground floor level, thereby providing sufficient space to accommodate meaningful landscaping. In addition, the visual permeability of the front fence would be increased significantly, increasing the visual connection between the street and the site and improving views to any onsite landscaping, thereby improving the public realm.

In addition to the amendments outlined above, further changes were negotiated during the compulsory conference. Firstly, the overall height of the building would be reduced by 0.5m, further reducing the building’s bulk and improving its relationship with its surroundings. In addition, six (6) evergreen canopy trees would be required to the front setback which are capable of achieving a height of 8m, which would soften the majority of the double storey podium of the front façade.

Viewed holistically, it is considered that the combination of methods effectively reduces the bulk of the proposed building, provides for a building that would sit comfortably within its context, creates an interesting and dynamic façade, improves the connectivity to the street and utilises landscaping that would both contribute to the garden setting of the area and screen and soften the building as a whole.

2. The proposed development does not comply with the objectives and decision guideline of Schedule 11 to the Design and Development Overlay.

Schedule 11 of the Design and Development Overlay (DDO11) provides a discretionary built form control that second floor levels should be setback a minimum of 4.0m from the façade below.

The amended plans propose increased setbacks from the front façade, as follows:

- Northwest elevation, was 0.2m - 2.8m and now increased to 2.8m - 4.0m.

While the setbacks would still fall short of the 4.0m DDO11 discretionary guideline in part, it is considered that the objectives would be achieved. The increased setbacks proposed under the amended plans are considered to significantly reduce the apparent bulk of the proposal, providing a building with an appearance more akin to a double storey building which would respond appropriately to its surroundings.
Furthermore, the improvements discussed under refusal ground 1 above are considered to improve the buildings relationship with its surroundings more generally, which collectively further diminish the impact of the top floor.

3. **The proposed development fails to comply with the following ResCode standards:**
   - B1 Neighbourhood Character;
   - B6 Street Setback;
   - B13 Landscaping;
   - B31 Design Detail;
   - B32 Front fencing.

The amended plans along with the negotiated conditions are considered to result in a development which would respond appropriately to the objectives of ResCode Standards B1, B13, B31 and B32; the response to the objectives are discussed in detail under refusal ground 1.

With regard to ResCode Standard B6 (Street Setback), the amended plans would not result in an increased setback from Black Street. The key considerations which contributed to this ground for refusal can be attributed to the three storey bulk of the building when viewed from the street streetscape, the stark façade treatment and the lack of landscaping, all of which would be exacerbated by the reduced front setback. However, given the aforementioned reductions in bulk, the improved façade treatment and the provision of six (6) canopy trees to the front setback, it is considered that on balance, the front setback (whilst still technically non-compliant) is now considered to be acceptable.

4. **Side and rear setbacks (Standard B17)**

While the originally assessed proposal would not comply with the numerical requirements of ResCode Standard B17, it was considered to achieve the objective of this standard. Accordingly, this non-compliance with Standard B17 did not form a ground for refusal – this is a matter of judgement for which the reasoned justification is provided at *Attachment 2*, Section 5.2. An assessment against Standard B17 of the originally assessed proposal and the Compulsory Conference amended plans is provided in the table below:

<table>
<thead>
<tr>
<th></th>
<th>Original Application</th>
<th>CC Amended Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground Floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Southeast (side)</strong></td>
<td>0m or 1m</td>
<td>2.4m</td>
</tr>
<tr>
<td></td>
<td>2.2m (toward southeast corner)</td>
<td>2.4m</td>
</tr>
<tr>
<td><strong>Southwest (side)</strong></td>
<td>0m or 1m</td>
<td>2m</td>
</tr>
<tr>
<td></td>
<td>2m</td>
<td></td>
</tr>
</tbody>
</table>

| **First Floor**      |                      |                  |
| **Southeast (side)** | 2.0m (toward southeast corner) | 2.4m |
The key heights and side setbacks of the proposal would remain unchanged between the originally assessed plans and the ‘without prejudice plans’. However, as per Section 1 of the Report, it was agreed at the Compulsory Conference that the overall height of the building would be reduced by 0.5m and that a rebate/recess (measuring 1m wide and 0.6m deep/reduced height) would be applied to the south-east and south-west elevations of the second floor level. As it is recommended to secure these agreements by way of planning conditions, they have not yet been depicted on scale plans.

As per the table above, it can be seen that the non-compliances in relation to Standard B17 would be significantly reduced subject to the aforementioned agreements/conditions.

### Support Attachments

1. Notice of Decision to Refuse a Permit
2. Delegate Officers Report
3. Without Prejudice Plans
4. Draft Consent Order
NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT

Application No.: 5/2018/725/1
Planning Scheme: Bayside
Responsible Authority: Bayside City Council

ADDRESS OF THE LAND:
52 Black Street BRIGHTON

WHAT HAS BEEN REFUSED?
Construction of a three storey multi-dwelling building over basement car parking with a fence exceeding 1.5 metres in height and buildings and works within the Design and Development Overlay

GROUNDS OF REFUSAL:

1. The proposed development fails to respond to the existing or preferred neighbourhood character of character precinct B2 as required by Clause 22.06 of the Bayside Planning Scheme.

2. The proposed development does not comply with the objectives and decision guideline of Schedule 11 to the Design and Development Overlay.

3. The proposed development fails to comply with the following ResCode standards:
   - B1 Neighbourhood Character;
   - B6 Street Setback;
   - B13 Landscaping;
   - B31 Design Detail;
   - B32 Front fencing.

Date of notice: 21 January 2019

Sarah Collins
Signature for the Responsible Authority
FORM 7

Sections 65(1) and 66(4)

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?
- The responsible authority has decided to refuse to grant a permit.
  (Note: This is not a refusal under Division 5 of Part 4 of the Planning and Environment Act 1987.)
- This notice sets out on which the application has been refused.
- The reasons or grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT REVIEWS?
For the applicant –
- The person who applied for the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant 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.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the Planning and Environment Act 1987 and the Victorian Civil and Administrative Tribunal Act 1998 within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For a recommending referral authority—
- If the applicant applies for a review of this decision, the applicant must give notice to any recommending referral authority that objected to the grant of the permit after an application for review is lodged.

For an objector—
- If the applicant applies for a review of this decision, the applicant must give notice to objectors in accordance with the requirements of the Planning and Environment Act 1987 and the Victorian Civil and Administrative Tribunal Act 1998.

Planning and Environment Regulations 2015
<table>
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<td>Construction of a three storey multi-dwelling building over basement car parking including a front fence in excess of 1500mm, and works within a Design and Development Overlay, Schedule 11</td>
</tr>
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<td>Yes, albeit a cultural heritage management plan is not required.</td>
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<td>Is a development contribution fee applicable?</td>
<td>Had the application been recommended for approval, a payment of $4040 would be required. Catchment area 11A</td>
</tr>
<tr>
<td>Responsible officer</td>
<td>Jock Farrow</td>
</tr>
<tr>
<td>Signature</td>
<td>Michael Kelleher</td>
</tr>
<tr>
<td>Planning delegate</td>
<td>Michael Kelleher</td>
</tr>
<tr>
<td>Signature and date</td>
<td>21/01/2019</td>
</tr>
</tbody>
</table>
1. Application details

Proposal
The application seeks Construction of a three storey multi-dwelling building over basement car parking within a Design and Development Overlay, Schedule 11.

Key details of the proposal are as follows:

- Number of dwellings: 5 apartments
- Building height: 11.7m and 3 storeys
- Front fence height: 1.5m – 2.2m
- Site coverage: 60.3%
- Permeability: 20.9%
- Car spaces: 16 total, no reduction sought

An aerial image and photographs of the site and surrounds are provided at Attachment 1.

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 32.08-6 (General Residential Zone – GRZ2) – Construction of two or more dwellings on a lot and construction of a fence in excess of 1500mm.
  - Pursuant to Clause 32.08-4, an application to construct a dwelling within the GRZ2 on a lot exceeding 650sqm must provide a minimum garden area of 35% of the lot size. The proposal would provide 36.1% of the lot as garden space.
  - Pursuant to Clause 32.08-10, an application to construct a dwelling within the GRZ2 must comply with the maximum building height of 11m and 3 storeys, unless the slope of the site is greater than 2.5 degrees at an 8m cross section, in which case the building can exceed the maximum height by 1m, equating to a maximum height of 12m. The proposal would meet the aforementioned requirements for a maximum building height of 12 and would have a maximum height of 11.7m and 3 storeys.

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>Waste Management</td>
<td>No objection. Advised that the Waste Management Plan is acceptable.</td>
</tr>
<tr>
<td>Traffic 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 14 objections were received.

14 objections remain outstanding at the time of this report.

The following concerns were raised:

- Loss of the existing dwelling;
- Neighbourhood character;
- Excessive bulk;
- Excessive height;
- Inadequate setback to second floor;
- Poor articulation of the façade;
- Poor choice of materials and a lack of variety;
- Overdevelopment/excessive site coverage;
- Excessive fence height and lack of connectivity;
- Inadequate landscaping;
- Inadequate side and rear setbacks;
- Overlooking;
- Overshadowing;
- Overbearing;
- Loss of amenity to neighbouring properties;
- Substandard water and stormwater management;
- Requirement for a geotechnical assessment;
- Requirement for a cultural heritage management plan;
- Nuisance and safety concerns during construction phase;
- Lack of public notice;
- Undesirable precedent;
- Property may be heritage listed;
- Parking / Traffic; and
- Property values.

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 given Council was minded to refuse the application.

4. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.

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

Relevant strategies of the Council plan include:

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

Bayside Planning Scheme
- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.06 Built Environment and Heritage
- Clause 21.11 Local Areas (Church Street)
- Clause 22.06 Neighbourhood Character Policy (Precinct B2)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.08 General Residential Zone (Schedule 2)
- Clause 43.02 Design and Development Overlay (Schedule 11)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

5. 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.

5.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct B2. Clause 22.06 of the Bayside Planning Scheme provides the following preferred neighbourhood 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 facades, 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.

The proposal is not considered to comply with the existing character, preferred future character or the precinct guidelines of B2.

Black Street, in the immediate vicinity of the application site, is largely characterised by a mix of single storey and two storey dwellings; comprising a mix of materials where tile roofs and red brick facades feature prominently; dwellings are well setback from the street, resulting in an open and low rise streetscape; front fences are predominantly low or visually permeable, providing a visual connection between the dwellings and the street.

The proposed building would sit forward of the adjacent building lines, resulting in an awkward relationship within the grain of Black Street.
There is no objection to the overall height of the proposed building; however, the massing is considered to be inappropriate given the context of the site. To the front of the building, the second floor would extend to within 0.2m of the front façade with the majority of the setback measuring 2.8m – 3.7m. The proposed setbacks are considered to be insufficient to reduce the visual bulk of the scheme, while the overbearing nature of the building would be exacerbated by its close proximity to street. When viewed in the context of its surrounding (a mix of single and two storey dwellings), the proposed building would constitute a significant increase in terms of height and bulk and would appear discordant with the prevailing building heights and the streetscape.

The building comprises articulation to the façade in the form of projecting elements, recessed arches and windows, and a partially recessed top floor. However, the ground and first floors, which are Georgian in style, appear to be at odds with the contemporary style top floor. In addition, the excessive use of render is considered to result in an overly monotonous façade while the contrast with the bronze coloured cladding at second floor would appear contrived.

The street setback (noting the presence of pavilions) is considered to be insufficient to allow for meaningful landscaping to the front of the building. In addition, the lack of visual permeability to the front fence would obscure the majority of any landscaping from the street. The development would therefore fail to respond to the garden setting of Black Street.

The massing and excessive bulk of the proposal, combined with the substandard front setback and the juxtaposition of architectural styles are considered to result in an overly dominant and incongruous form of development which would fail to respond appropriately to the existing or preferred character of the area. The impact of the development would be exacerbated by the inability to provide meaningful landscaping, leaving the harsh structure highly visible.

There is an acknowledgement that the surrounding built form will experience change over time given the applicable planning controls, however this proposal fails to achieve an acceptable balance between existing and preferred future character.

5.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at Attachment 3. Those non-compliant standards are discussed below:

**Neighbourhood Character (Standard B1)**

The development fails to respond appropriately to the features of the site and the surrounding area. Refer to section 5.1 of this report.

**Street setback (Standard B6)**

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Street</td>
<td>7.7m</td>
<td>5.6m to the northeast</td>
<td>2.1m – 4.7m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3m to the north</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.8m to the northwest</td>
<td></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 site is unique in that while it could be viewed as being a ‘corner site’, it would not meet the criteria for the purpose of ResCode. It is noted that Black Street simply wraps around the site as opposed to the site being bound on one side by a ‘side street’. In this instance, the site would meet the criteria of there being existing buildings on both abutting allotments facing the same street, thus the required setback would be the average setback of these buildings.

In such instances, the numerical standards of ResCode are not always the most appropriate method to determine an appropriate setback, the development would be better informed by its relationship with its surroundings. However, notwithstanding the above, the proposal is considered to relate poorly with its surroundings, sitting forward of the prevailing building line and providing insufficient space for meaningful landscaping. In addition, the lack of setback is considered to exacerbate the apparent bulk of the scheme within the streetscape.
Site coverage (Standard B6)

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>60%</td>
<td>60.3%</td>
<td>0.3%</td>
</tr>
</tbody>
</table>

The objective of this standard is to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. The proposed variance of 0.3% is considered to be visually indiscernible such that it would not unduly impact upon the character of the area.

Landscaping (Standard B13)

Due to the substandard setback from the street along with the presence of the pavilions within the front setback, it is considered that the development leaves insufficient space to provide meaningful landscaping, failing to adequately contribute to the garden setting of the area. In addition, it is considered that the lack of landscaping would be more apparent given the scale of the proposed building.

Side and rear setbacks (Standard B17)

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>Southeast (side)</td>
<td>0m or 1m</td>
</tr>
<tr>
<td>Southwest (side)</td>
<td>0m or 1m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>First floor</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>Southeast (side)</td>
<td>2.2m (toward southeast corner)</td>
</tr>
<tr>
<td></td>
<td>2.9m (toward northeast corner)</td>
</tr>
<tr>
<td>Southwest (side)</td>
<td>2.1m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Second floor</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>Southeast (side)</td>
<td>5.5m (toward southeast corner)</td>
</tr>
<tr>
<td></td>
<td>6.2m (toward northeast corner)</td>
</tr>
<tr>
<td>Southwest (side)</td>
<td>5.5m</td>
</tr>
</tbody>
</table>

Given the unique layout of the site, being that the entire Black Street frontage would be treated as the front elevation, along with positioning of the adjacent buildings (flank walls facing the development site), it is considered that for the purpose of ResCode, the southeast and southwest elevations would both be assessed in terms of side setbacks, as opposed to rear setbacks.

The majority of the scheme complies with the setback standards of B17. However, due to differing site levels, non-compliance occurs toward the northeast corner of the development at first floor level, albeit it steadily reduces as the development moves toward the southeast.
to the point it comes back into compliance. In addition, the top floor falls short of the standards with the northeast corner constituting the largest shortfall.

However, the southeast and southwest boundaries are not considered to be sensitive interfaces, given they are bound by driveways and garages. Furthermore, while the largest shortfall of 1.2m occurs at second floor level toward the northeast corner, this only occurs at a specific point of the scheme and reduces rapidly as the scheme moves toward the southeast.

Overall, it is considered that the scheme provides acceptable side setbacks, maintaining appropriate levels of openness between buildings.

**Internal views (Standard B33)**

The first floor habitable rooms along the southeast elevation would have direct views into the secluded private open space below. Had this application been recommended for approval, conditions to the permit could have addressed any overlooking.

**Design Detail (Standard B31)**

The design detail is not considered to respect the existing or preferred neighbourhood character. Refer to section 5.1 of report.

**Front fence (Standard B32)**

Open style front fencing is preferred within the character precinct as it improves the visual connection between the dwelling and the street and provides views to onsite landscaping, thereby improving the public realm.

Front fences within the area are predominantly either low, or if they are high, have a high degree of visual permeability. The proposed front fence, however, is both high and solid, inhibiting any level of connectivity. As such, the proposed front fence is considered to be unacceptable.

**Water and stormwater management (Standard B39)**

The submitted Stormwater Management – Water Sensitive Urban Design Assessment states that a 15,000L rain water tank would be necessary to achieve a STORM tool score of 101%. However, the plans propose a 7,000L tank.

Notwithstanding the above and had this application been recommended for approval, it is considered that this oversight could easily be addressed by way of condition.

5.3. **Design and Development Overlay – DDO11**

Clause 43.02-6 sets out the decision guidelines for works in the design and development overlay. In addition, schedule 11 to the design and development overlay sets out further decision guidelines along with specific permit requirements in relation to building heights second floor levels.

Schedule 11 stipulates a maximum building height of 11m and 3 storeys, unless the slope of the site is greater than 2.5 degrees at an 8m cross section, in which case the building can exceed the maximum height by 1m, equating to a maximum height of 12m. The site meets the above criteria and the building would have a maximum height of 11.7m and 3 storeys.

In addition to the above, schedule 11 states that second floor levels should be setback a minimum of 4m from the façade below. The second floor comprises varying setbacks from the façade below. To the southwest elevation (side/rear elevation) a setback of 2.9m is proposed; to the southeast elevation (side/rear elevation) a setback of 2.5m; and to the northeast (side elevation but fronting Black Street) a setback of 3.8m. While these setbacks fall short of the 4m requirement, they are considered to be sufficient to mitigate the visual bulk of the proposal (along the respective elevations) given two of the elevations are positioned to the side/rear, and the elevation with street frontage would only fall short of the requirement by 0.2m.

However, the setback to the front elevation ranges from approximately 0.2m to 2.8m – 3.7m. It is considered that the bulk of the resulting building would be excessive, appearing 'top heavy' and unduly dominant within the streetscape.
While 3 storey buildings are allowed within DDO11, the requirement to setback the top floor by 4m would give the building an appearance more akin to a 2 storey building; such treatment would help the building assimilate appropriately to its surroundings, which are characterised by single and two storey dwellings. The setback to the front elevation is considered to be inappropriate given the context of the area, relating poorly to the existing built form.

5.4. Landscaping

There are a number of trees onsite, none of which are protected by planning controls. All of the trees onsite would be removed to facilitate the development. None of the trees onsite are considered to possess such value as to warrant retention, subject to appropriate replanting.

However, the due to the substandard setback from the street along with the presence of the pavilions within the front setback, it is considered that the development leaves insufficient space to provide meaningful landscaping, failing to adequately contribute to the garden setting of the area. In addition, it is considered that the lack of landscaping would be more apparent given the scale of the proposed building.

5.5. Street tree(s)

There are 3 street trees located within the nature strip in front of the development, all of which would be retained. Had this application been recommended for approval, it is considered that appropriate conditions could ensure the protection of these trees.

5.6. Car parking and traffic

Pursuant to the car parking requirements of 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.

All proposed dwellings would have 3 bedrooms thus they would require 2 spaces each, equating to a total of 10 spaces. It is noted that as the proposal is located within the principle public transport network area, visitor parking is not a requirement. The development would provide a total of 16 parking spaces, with a minimum of 3 spaces being allocated to each dwelling. 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, advising that each dwelling would generate 4-6 vehicle trips per day resulting in a total of 24 – 36 trips per day for the development; it is not expected to have a significant impact on Black Street or the surrounding road network. In addition, Council’s Traffic Engineer recommended conditions relating to vehicle access, internal areas and manoeuvrability, sightlines and parking arrangements. Had this application been recommended for approval, it is considered that any concerns in relation to car parking and traffic could be reasonably addressed by way of conditions.

5.7. Cultural heritage management plan

The site is located within an area of cultural heritage sensitivity, therefore an assessment as to whether the proposal is considered of a high impact activity has been undertaken. Based on the Aboriginal heritage planning tool questionnaire, a cultural heritage management is not required by reason of the site area being less than 0.11ha and not being within 200m of the coast or the Murray River.

5.8. Development contributions levy

The subject site is located within catchment area 11A.

Based on the proposed application, a payment of $4040 would be required.

5.9. Objector issues not already addressed

Geotechnical report

Structural considerations in terms of the excavation and construction of a basement are not planning matters; these matters are covered by separate legislation and will be dealt with in due course.

Construction phase – safety
All construction activity must comply with Occupational Health and Safety Standards. This is the responsibility of the owner or their agent appointed for the site development and is not managed through the planning process.

Construction phase – nuisance/disturbance

Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Laws and EPA regulations regarding construction practices to ensure these impacts are mitigated.

Lack of public notice

In accordance with section 52 of the Planning and Environment Act 1987, Council is satisfied that anyone interested and affected by the application has been provided with the opportunity to inspect the application and make a submission.

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.

Heritage

Though acknowledged that local residents may identify the site with social significance, there is no heritage overlay encumbering the site necessitating the building’s preservation.

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.

Insufficient information

Sufficient information to enable an informed view of the application has been made available for viewing at Council offices as part of the notification process, which has been carried out in accordance with Section 52 of the Planning and Environment Act 1987. Additional information submitted with the application has been made available at the request of interested parties.

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.

Loss of view

Whilst it is recognised that views may form part of residential amenity, the Tribunal has consistently held that there is no legal entitlement to a view.

6. Recommendation

That Council resolve to:

Issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 5/2018/725/1 for the land known and described as 52 Black Street BRIGHTON, for the construction of a three storey multi-dwelling building over basement car parking with a fence exceeding 1.5m in height and buildings and works within the Design and Development Overlay, on the following grounds:

1. The proposed development fails to respond to the existing or preferred neighbourhood character of character precinct B2 as required by Clause 22.06 of the Bayside Planning Scheme.

2. The proposed development does not comply with the objectives and decision guideline of
Schedule 11 to the Design and Development Overlay.

3. The proposed development fails to comply with the following ResCode standards:
   - B1 Neighbourhood Character;
   - B6 Street Setback;
   - B13 Landscaping;
   - B31 Design Detail;
   - B32 Front fencing.
Attachment 1

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>

Figure 2 View towards the site from the northwest
Figure 3 View towards the site from the southeast

Figure 4 View towards the site from the north

Figure 5 View towards the site from the northwest
Figure 6 View towards the site from the west
Neighbourhood Character Precinct B2

Preferred Future Character Statement

The diverse dwelling styles, with a continued presence of pre WWll dwellings, sit within established gardens with occasional fall canopy trees. Side setbacks on both sides, and the setting back of carports/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.

<table>
<thead>
<tr>
<th>Precinct Guidelines</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<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>• 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.</td>
<td>Demolition of dwellings that contribute to the valued character of the Precinct.</td>
<td>Responds The dwelling is not protected from demolition by the Planning Scheme, as such there is no objection to its demolition.</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>
<td>Lack of landscaping and substantial vegetation.</td>
<td>Does not respond The proposal does not allow adequate space to provide meaningful landscaping in line with the existing or preferred neighbourhood character.</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>
<td>Loss of front garden space.</td>
<td>Does not respond The visual separation between buildings is considered to be sufficient to maintain the rhythm and spaciousness of the area. However, it is considered that insufficient space is provided to the front of the building to accommodate meaningful landscaping.</td>
</tr>
<tr>
<td>To minimise the loss of front garden space and the dominance of car parking facilities.</td>
<td>• 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.</td>
<td>Car parking facilities that dominate the façade or view of the dwelling.</td>
<td>Responds The vehicle parking entrance is considered to be acceptable given basement parking is the most practical solution given the constraints of the site along with the nature of the proposal. In addition, the entrance is recessed behind the façade and access would be provided from the side of the site.</td>
</tr>
<tr>
<td>To ensure new</td>
<td>• Articulate the form of buildings</td>
<td>Large</td>
<td>Does not respond</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>development respects the dominant buildings forms and scale of buildings in the Precinct, through the use of innovative architectural responses.</td>
<td>and elevations, particularly front facades. * Recess upper storey elements from the front façade.</td>
<td>buildings with poorly articulated facades.</td>
<td>The building comprises articulation to the façade in the form of projecting elements, recessed arches and windows, and a partially recessed top floor. However, the ground and first floors, which are Georgian in style, appear to be at odds with the contemporary style top floor. Furthermore, the building as a whole is considered to be out of keeping with the existing and preferred neighbourhood character. With regard to the second floor, Schedule 11 to the Design and Development Overlay states that second floors should be setback a minimum of 4m from the façade below. However, the second floor setback from the front facade would range from 2.8m to 0.2m. It is considered that the massing of the building would be inappropriate, resulting in an unduly dominant form with the streetscape.</td>
</tr>
<tr>
<td>To respect the identified heritage qualities of adjoining buildings.</td>
<td>Where adjoining an identified heritage building, respect the height, building forms, siting and materials of the heritage building/s, in the new building design.</td>
<td>Buildings that dominate heritage buildings by height, siting or massing, imitation or reproduction of historic building styles and detailing.</td>
<td>N/A</td>
</tr>
<tr>
<td>To use a variety of building materials and finishes that provide visual interest in the streetscape.</td>
<td>Incorporate a variety of building materials such as brick, render, timber and non-masonry into the building design. * Use simple building details.</td>
<td>Excessive use of one material on external wall facades.</td>
<td>Does not respond The proposal would comprise ‘off white’ cement rendered masonry to the ground and first floors, “bronze” coloured aluminium cladding to the second floor along with ‘bronze’ coloured aluminium windows and doors. The excessive use of render is considered to result in an overly monotonous façade while the contrast with the bronze coloured cladding at</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>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.</td>
<td>High, solid fences</td>
<td>Does not respond</td>
</tr>
<tr>
<td></td>
<td>• Front fence style should be appropriate to the building era.</td>
<td></td>
<td>While high fencing is relatively common place on Black Street, the proposed fencing is both high and solid, completely obscuring the front gardens from the street.</td>
</tr>
</tbody>
</table>
### Attachment 3

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>
<tr>
<td>To construct or extend an apartment development; or</td>
<td>All of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.</td>
</tr>
<tr>
<td>To construct or extend a dwelling in or forming part of an apartment development.</td>
<td></td>
</tr>
</tbody>
</table>

### Clause 55.02 Neighbourhood Character and Infrastructure

<table>
<thead>
<tr>
<th>Clause</th>
<th>Application</th>
<th>Complies/Does not comply</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1 Neighbourhood Character</td>
<td></td>
<td>Does not comply</td>
<td>Refer to Section 5.1 and Attachment 2 of report.</td>
</tr>
<tr>
<td>Design respects existing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>neighbourhood character or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>contributes to a preferred</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 Residential Policy</td>
<td></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 SPFF, 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>B3 Dwelling Diversity</td>
<td></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>
<td></td>
</tr>
<tr>
<td>B4 Infrastructure</td>
<td></td>
<td>Complies</td>
<td>The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for</td>
</tr>
</tbody>
</table>
and infrastructure without overloading the capacity.

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 46.06 of the Bayside Planning Scheme.

**B6 Integration with the Street**
Integrate the layout of development with the street

**Complies**
The development would integrate appropriately with the street with the building fronting Black Street. With regard to front fencing, the height is in line with many other fences along Black Street and it is considered reasonable given it screens the secluded private open space of the ground floor units; the openness of the front fence is a separate issue which is addressed under Standard B32.

### Table: Design & Layout and Building Massing

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies/Does not comply</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 | While the site could be viewed as being a 'corner site', it would not meet this criteria for the purpose of ResCode. It is noted that Black Street simply wraps around the site as opposed to the site being bound on one side by a 'side street'. In this instance, the site would meet the criteria of there being existing buildings on both abutting allotments facing the same street, thus the required setback would be the average setback of these buildings.  
**Requirement:** 7.7m – this would be applied to the entire Black Street frontage.  
**Proposed:** 5.6m to the northeast, 3m to the north and 3.8m to the northwest.  
Refer to section 5.2 of report. |
| **B7 Building Height**
Building height should respect the existing or preferred neighbourhood | **Complies** | **Maximum:** 12m (slope of land exceeds 2.5 degrees).  
**Proposed:** 11.69m |
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
</table>
| B8 Site Coverage | Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | Does not comply | Maximum: 60%  
Proposed: 60.3%  
Refer to section 5.2 of report. |
| B9 Permeability | Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration. | Complies | Minimum: >20%  
Proposed: 20.9% |
| 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. | N/A | Apartment development. |
| B11 Open Space | Integrate layout of development with any public and communal open space provided in or adjacent to the development. | N/A | Apartment development. |
| B12 Safety | Layout to provide safety and security for residents and property. | Complies | The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street. |
| B13 Landscaping | To provide appropriate landscaping.  
To encourage:  
- 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. | Does not comply | Due to the substandard setback from the street along with the presence of the pavilions within the front setback, it is considered that the development leaves insufficient space to provide meaningful landscaping, failing to adequately contribute to the garden setting of the area.  
Refer to section 5.2 of report. |
| 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 | Subject to conditions, appropriate vehicle accesses can be provided which would respect the character of the neighbourhood. The width of the crossover would not exceed 33% of the 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.

| Complies | On site car parking is provided in the form of a basement carpark. Standard traffic conditions are included as permit conditions. |

### Clause 55.04 Amenity Impacts

<table>
<thead>
<tr>
<th>This and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B17 Side and Rear Setbacks</td>
<td>Does not comply</td>
<td>Given the unique layout of the site, being that the entire Black Street frontage would be treated as the front elevation, along with positioning of the adjacent buildings (flank walls facing the development site), it is considered that for the purpose of ResCode, the southeast and southwest elevations would both be assessed in terms of side setbacks, as opposed to rear setbacks. Refer to section 5.2 of report.</td>
</tr>
</tbody>
</table>

#### Ground Floor

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southeast (side)</td>
<td>0m or 1m 2.4m</td>
</tr>
<tr>
<td>Southwest (side)</td>
<td>0m or 1m 2m</td>
</tr>
</tbody>
</table>

#### First Floor

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southeast (side)</td>
<td>2.2m (toward southeast corner) 2.9m (toward northeast corner) 2.4m</td>
</tr>
<tr>
<td>Southwest (side)</td>
<td>2.1m 2.1m</td>
</tr>
</tbody>
</table>

#### Second Floor

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southeast (side)</td>
<td>5.5m (toward southeast corner) 6.2m (toward northeast) 5m</td>
</tr>
<tr>
<td>South West (656)</td>
<td>5.5m</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 walls proposed to be constructed on the boundary.

**B19 Daylight to Existing Windows**
Allow adequate daylight into existing habitable room windows.
Complies The dwellings are appropriately setback from property boundaries to ensure daylight to existing windows on the adjoining properties are not compromised.

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

**B21 Overshadowing Open Space**
Ensure buildings do not significantly overshadow existing secluded private open space.
Complies All surrounding properties will retain acceptable levels of sunlight to their secluded private open space.

**B22 Overlooking**
Limit views into existing secluded private open space and habitable room windows.
Complies All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard.

**B23 Internal Views**
Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.
Does not comply First floor habitable rooms would have direct views into the ground floor secluded private open space.
Refer to section 5.2 of report.

**B24 Noise Impacts**
Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.
N/A Apartment development.

**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></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B25 Accessibility</strong></td>
<td>N/A</td>
<td>Apartment development.</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>
<tr>
<td><strong>B26 Dwelling Entry</strong></td>
<td>N/A</td>
<td>Apartment development.</td>
</tr>
<tr>
<td>Provide a sense of identity to each dwelling/residential building.</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>Allow adequate daylight into new habitable room windows.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B28 Private Open Space</strong></td>
<td>Complies</td>
<td><strong>Minimum:</strong> 25m² secluded, 40m² overall with a minimum dimension of 3m; or A balcony of 8m² with a minimum width of 1.6m. See the table below.</td>
</tr>
<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><strong>Private Open Space</strong></th>
<th><strong>Excluded Private Open Space</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment 1</td>
<td>121m²</td>
</tr>
<tr>
<td>Apartment 2</td>
<td>142m²</td>
</tr>
<tr>
<td>Apartment 3</td>
<td>12m²</td>
</tr>
<tr>
<td>Apartment 4</td>
<td>15.6m²</td>
</tr>
<tr>
<td>Apartment 5</td>
<td>98.8m²</td>
</tr>
</tbody>
</table>

| **B29 Solar Access to Open Space** | Complies | The development would provide open space which would receive suitable levels of sunlight. |
| Allow solar access into the secluded private open space of new dwellings/buildings. |
| **B30 Storage** | N/A | Apartment development. |
| Provide adequate storage facilities for each dwelling. |

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**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>Does not comply</td>
<td>Refer to Section 5.1 and Attachment 2 of the report.</td>
</tr>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B32 Front Fences</strong></td>
<td>Does not comply</td>
<td>Requirement: 1.5m maximum. Proposed: 1.5m to 2.2m. Refer to sections 5.1 and 5.2 of report.</td>
</tr>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### B33 Common Property
Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.
Avoid future management difficulties in common ownership areas.

<table>
<thead>
<tr>
<th>Complies</th>
<th>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.</th>
</tr>
</thead>
</table>

### B34 Site Services
Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.
Avoid future management difficulties in common ownership areas.

<table>
<thead>
<tr>
<th>Complies</th>
<th>All appropriate site services can be easily catered for on-site. Mail boxes are shown to adjoin the pedestrian entry with waste provisions being provided within the basement level. Air conditioning units are located away from adjoining habitable room windows.</th>
</tr>
</thead>
</table>

### Clause 5.5.07 Apartment Developments

<table>
<thead>
<tr>
<th>The plan Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Standard B35 Energy efficiency objectives**
To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency | Complies | A NHERS Assessment has been undertaken which finds that the development would achieve the relevant standard. |

**Standard B36 Communal open space**
To ensure that communal open space is accessible, practical, attractive, 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.

| N/A | This standards relates to developments with 40 or more dwellings. |

**Standard B37 Solar access to communal outdoor open space**
To allow solar access into communal outdoor open space.

| N/A | There is no communal outdoor open space provided within this development. Communal areas within this development do constitute recreational outdoor open space. |

**Standard B38 Deep soil areas and canopy trees objective**
To promote climate responsive landscape design and water

<table>
<thead>
<tr>
<th>Complies</th>
<th>Required: 5% of the site area with a minimum dimension of 3 metres. The proposal meets the above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>B39</td>
<td>Integrated water and stormwater management 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>
</tr>
<tr>
<td>B40</td>
<td>Noise impacts To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.</td>
</tr>
</tbody>
</table>
| B41      | Accessibility To ensure the design of dwellings meets the needs of people with limited mobility. | Complies | Requirement: 50 per cent of dwellings should have:  
- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.  
- 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.  
- A main bedroom with access to an adaptable bathroom.  
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7. Proposed: The development would achieve the requirements above. |
| B42      | Building entry and circulation To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. | Complies | The building entry and foyer area provides a clearly identifiable area which benefits from direct solar access and natural ventilation. |
| B43      | Private open space | Complies | Requirement: An area of 15 square metres, with a minimum dimension of 3. |
### above ground floor
To provide adequate private open space for the reasonable recreation and service needs of residents.

| meters 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. Proposed: All units comply, see B28 of ResCode assessment. |

### Standard B44 Storage
To provide adequate storage facilities for each dwelling.

| Complies | Required: 3 bed apartments require 18m² total minimum storage volume and 12m² minimum storage volume with the dwelling. All units are provided with sufficient storage space. |

### Standard B45 Waste and recycling
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.

| Complies | The proposal provides for appropriate and conveniently located areas for waste collection on site. |

### Standard B46 Functional layout
To ensure dwellings provide functional areas that meet the needs of residents.

| Complies | Requirement: Bedrooms should provide for a main bedroom with a minimum dimensions of 3m x 3m. 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. |

### Standard B47 Room depth
To allow adequate daylight into single aspect habitable rooms.

| Complies | Requirement: Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. Proposed: Many rooms have double aspects but all single aspect rooms comply with this standard. |

### 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. |
<table>
<thead>
<tr>
<th>Standard B49 Natural ventilation</th>
<th>Complies</th>
<th>Requirement: At least 40 per cent of dwellings should provide effective cross ventilation that has:</th>
</tr>
</thead>
<tbody>
<tr>
<td>To encourage natural ventilation of dwellings.</td>
<td></td>
<td>- A maximum breeze path through the dwelling of 18 metres.</td>
</tr>
<tr>
<td>To allow occupants to effectively manage natural ventilation of dwellings.</td>
<td></td>
<td>- A minimum breeze path through the dwelling of 5 metres.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Ventilation openings with approximately the same area.</td>
</tr>
<tr>
<td>Proposed: All dwellings are provided with natural ventilation.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Agreement subject to RA confirmation

PLANNING & ENVIRONMENT LIST

Tribunal File No: P111/2019
Permit Application No: 2018/725/1
Date of Comp. Conf: 13 May 2019
Member: CAREW

PARTIES

Responsible Authority: Bayside City Council
Applicant(s) for Review: Alex Bajilevsky
Respondent(s) Present: Virginia Creaser & others

TERMS OF SETTLEMENT - REQUEST FOR CONSENT ORDER

Subject to the Council confirming its consent at its meeting of the 11 June 2019 subsequent to the Compulsory Conference, the parties request that the Tribunal make the following order by consent pursuant to Section 93(1) of the Victorian Civil and Administrative Act 1998 as full settlement of this proceeding:

Grant permit

1 In application no. P111/2019, the decision of the Responsible Authority is set aside.

2 In permit application no. 2018/725/1 a permit is granted and directed to be issued for the land at 52 Black Street, Brighton in accordance with the endorsed plans and on the conditions set out in Appendix A. The permit allows:

   Construction of a three storey multi-dwelling building over basement car parking with a fence exceeding 1.5 metres in height and buildings and works within the Design and Development Overlay

3 The hearing listed to commence on 18 June 2019 is cancelled and the dates vacated.

APPENDIX A

Photocopy of this signed document to be handed to each party prior to departure

Level 7, 55 King Street, Melbourne Vic 3000
GPO Box 5408, Melbourne Vic 3001

DX 210576 Melbourne
Telephone 1300 01 8228

http://www.vcat.vic.gov.au
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 “without prejudice plans” prepared by Nicholas Day dated 6 May 2019, but modified to show:

a) Sightlines where the proposed ramp intersects with the front footpath, as per the diagram shown in the AS2890.1.

b) Demonstrate that the basement ramp achieves a minimum 4m radius where it changes direction.

c) Depict any roller door nibs on the basement plan.

d) Swept path diagrams which account for any roller door nibs within the basement. Swept paths are to include a car entering and exiting the southernmost space for Unit 5.

e) Removal of redundant crossover and reinstatement of kerb.

f) A schedule of construction materials, external finishes and colours (including example paint samples). Colour 2 to be a darker grey.

g) Reduce the overall height of the building by 500mm.

h) Demonstrate that the first floor habitable room windows along the southeast elevation comply with ResCode Standard B23.

i) Water Sensitive Urban Design measures in accordance with Condition 7.

j) All habitable room windows on the south east and south west elevations at first and second floors must be screened with fixed and permanent screens with a maximum 25% transparency at a height of 1.7m above finished floor level to prevent direct views to adjoining properties.

k) Setback the second floor ensuite 1 and ensuite 2 from the south west boundary a minimum of an additional 1m (this can be achieved by reducing the front setback to Black Street to the north east by 1m).

l) No part of the basement is to protrude above natural ground level so as to impact on mandatory garden area.

m) Provision of a bulkhead along the south east and south west elevations at second floor level a minimum of 1m wide by 600 deep (except that a wing wall may be provided to the streetscape) as per plan hand marked VCAT CC 13 May 2019.

n) A Landscaping Plan in accordance with Condition 9.

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 on the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

**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 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.

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 drawn to scale with dimensions and must show:

VCAT Reference No. P111/2019
a) Provision of a minimum of six (6) evergreen canopy trees within the north eastern/ north western front setback capable of growing to a height of not less than 8m.

b) Provision of a hedge of evergreen species (lilly pillys or similar) along the south east (south of the accessway) and in planters where necessary; and the south west boundaries, capable of forming a hedge to a minimum height of 7m with a planting height of no less than 2.5m.

c) 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.

d) 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.

e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

g) 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.

Street tree protection

12. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The 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.

Waste Management Plan

13. Prior to the endorsement of plans pursuant to Condition 1, a Waste Management 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 submitted Waste Management Plan prepared by Impact and dated 25/10/2018.
Development Contribution

14. 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.

Drainage

15. 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.

16. 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.

Construction Management Plan

17. 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 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;

p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads;

q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan; and,

r) Details of crane activities, if any.

Permit Expiry

18. 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.
End of conditions

Other Terms

This agreement is subject to the Council confirming that it gives its consent. If the Council consents, this agreement stands and the parties request orders by consent pursuant to Section 93(1) of the Victorian Civil and Administrative Tribunal Act 1998.

If the Council does not consent to this agreement by 11 June 2019 (or some other date agreed to by the applicant), the parties acknowledge that this agreement is void and the matter will proceed to hearing commencing on 18 June 2019.

Summary of common procedural orders to be given arising from compulsory conference

- Confirm hearing
- Administer 12 June 2019 RA and applicant to advise the Tribunal and other parties if the matter is resolved or proceeding to hearing.
- Notice of amended plans by and to parties in accordance with PNPE9 or if plans are consistent with the plans dated 6 May 2019 to be circulated only to all parties to the proceeding no later than 13 June 2019.
- Date by which statements of ground must be lodged if plans circulated in accordance with PNPE9.
- Expert reports to be filed and served by 14 June 2019.

SIGNED and dated 13 May 2019
Applicant/s for Review

Responsible Authority

FELICITY BACCELLI (MAT, PLANNING COORDINATOR)

Respondents

PAUL SPANO

PAUL SPANO FOR TERESA SPANO,

FARAH RAVIDA, MARTIN VAN DINTEN, PETER LANGHAMP

VIRGINIA CREASEY, KRYSZTYNA RUDNICKI

VCAT Reference No. PI111/2019
Page 7 of 7
4.4 STATUTORY PLANNING VCAT REPORT

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/132289

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 a decision 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 focussed 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 May 2019 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.

It should be noted that the number of appeals lodged with VCAT against a failure of the Council or delegate to make a decision is minimal, demonstrating that decisions are being made within a reasonable timeframe.

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 2018/19 that 55% 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 2018/19 financial year, Council has received 104 decisions, of which:

- 40 have been settled by consent orders; and
• 10 have been withdrawn; 1 has been dismissed, 1 has been remitted and 2 have been struck out.

The total number of LGPRF measured decisions for the year to date is therefore 50. This table below reflects the new 2018/19 LGPRF reporting requirements for Council.

<table>
<thead>
<tr>
<th>Time period</th>
<th>LGPRF Statutory Planning Measure 4 (SP4) – Decision Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Decisions where the Council Delegate or Committees decision has been overturned or ‘Set Aside’</td>
</tr>
<tr>
<td>July 2018</td>
<td>3</td>
</tr>
<tr>
<td>August 2018</td>
<td>0</td>
</tr>
<tr>
<td>September 2018</td>
<td>3</td>
</tr>
<tr>
<td>October 2018</td>
<td>4</td>
</tr>
<tr>
<td>November 2018</td>
<td>1</td>
</tr>
<tr>
<td>December 2018</td>
<td>2</td>
</tr>
<tr>
<td>January 2019</td>
<td>3</td>
</tr>
<tr>
<td>February 2019</td>
<td>3</td>
</tr>
<tr>
<td>March 2019</td>
<td>1</td>
</tr>
<tr>
<td>April 2019</td>
<td>3</td>
</tr>
<tr>
<td>May 2019</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL DECISIONS</strong></td>
<td><strong>23</strong></td>
</tr>
<tr>
<td><strong>LGPRF Result</strong></td>
<td><strong>46%</strong></td>
</tr>
</tbody>
</table>

Attachment 4 included 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 May 2019, VCAT determined three applications that were a result of a Planning and Amenity Committee decision. A summary of these decisions is detailed below.

**76 Sandringham Road, Sandringham**

Council at its Planning and Amenity Committee of 11 September 2018 issued a Notice of Decision to Grant a Planning Permit for the construction of two double storey dwellings and a front fence exceeding a height of 1.2 metres.

The permit applicant lodged a review pursuant to Section 80 of the Planning and Environment Act 1987 for a review of Conditions in a permit.

The Tribunal in an Order dated 10 May 2019 issued a varied permit by amending Condition 1(c) and deleting Conditions 1(d), (f) and 9(a).

Condition 1 (c) was amended to provide greater flexibility in the design of the front fence. The conditions now reads:

*The front fence of each dwelling facing Neptune Street to have a maximum height of 1.8 metres. The parts of the fence opposite the living/lounge areas of the dwellings either to have a 25% transparency or lowered to a maximum of 1.2 metres.*
Condition 1(d) required that the pool and decking areas of each dwelling be setback 2.5 metres from the Neptune Street to allow for the planting of trees. The Tribunal found that this condition was unwarranted.

Condition 1(f) which required that the western and southern elevations incorporate weatherboard or timber cladding section was struck out as the Tribunal held that the emerging neighbourhood character was brick and rendered finish.

Condition 9(a) which required additional areas for landscaping was deleted.

A complete copy of the VCAT order is provided at Attachment 5.

7 Carpenter Street, Brighton
Council at its Planning and Amenity Committee of 20 December 2018 issued a Notice of Decision to Grant a Planning Permit for the construction of a three storey multi-dwelling building over a basement car park; construct a building with a building height more than 9 metres; and construction of a dwelling.

An objector lodged a review pursuant to Section 82 of the Planning and Environment Act 1987 for a review of the decision of Council to grant a permit.

Before the scheduled hearing date, the Objectors withdrew their Application for Review against Council’s decision to Issue a Notice of Decision to Grant a Planning Permit. Planning Permit 2018/422 has since been issued.

A complete copy of the VCAT order is provided at Attachment 6.

6 Mock Street, Sandringham
Council at its Planning and Amenity Committee of 16 October 2018 issued a Notice of Decision to Grant a Planning Permit for the construction of two dwellings.

An objector lodged a review pursuant to Section 82 of the Planning and Environment Act 1987 for a review of the decision of Council to grant a permit.

Before the scheduled hearing date, the objectors withdrew their Application for Review against Council’s decision to Issue a Notice of Decision to Grant a Planning Permit. Planning Permit 2017/819 has since been issued.

A complete copy of the VCAT order is provided at Attachment 7.

2. Recommendation
That Council resolve to:
- Receive and note the report; and
- Note the outcome of VCAT decisions on the planning applications handed down during May 2019.

Support Attachments
1. Application Lodged in May 2019
2. Application Determined in May 2019
3. VCAT upcoming appeals
4. VCAT Determined Appeals - May 2019
5. VCAT Order - Appeal P2225.2018 - 76 Sandringham Road Sandringham (5.2017.663.1)
6. VCAT Order - Appeal P73.2019 - 7 Carpenter Street Brighton (5.2018.422.1)
7. VCAT Order - Appeal P2245.2018 - 6 Mock Street Sandringham (5.2017.819.1)
<table>
<thead>
<tr>
<th>Application</th>
<th>Property Address</th>
<th>Development Details</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2019 225.1</td>
<td>13 Mills ST, HAMPTON</td>
<td>1 Dwelling - Alt &amp; Add's on Lot &lt; 500m²</td>
<td>02/05/19</td>
</tr>
<tr>
<td>5.2019 227.1</td>
<td>22 Lansell AVE, HIGGITT</td>
<td>2 New Dwellings</td>
<td>02/05/19</td>
</tr>
<tr>
<td>5.2019 7758.1</td>
<td>5 Ware ST, BRIGHTON</td>
<td>Subdivision of Existing Buildings</td>
<td>02/05/19</td>
</tr>
<tr>
<td>5.2014 021.2</td>
<td>430 Bay ST, BRIGHTON</td>
<td>Residential Bldg - New Use &amp; Building</td>
<td>06/05/19</td>
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<tr>
<td>5.2019 230.1</td>
<td>345 Hampton ST, HAMPTON</td>
<td>Advertising Signs</td>
<td>06/05/19</td>
</tr>
<tr>
<td>5.2019 233.1</td>
<td>47 Highett RD, HAMPTON</td>
<td></td>
<td>06/05/19</td>
</tr>
<tr>
<td>5.2017 141.2</td>
<td>8 James AVE, HIGGITT</td>
<td>2 New Dwellings</td>
<td>07/05/19</td>
</tr>
<tr>
<td>5.2006 938.2</td>
<td>9 Harding ST, HIGGITT</td>
<td>1 Additional Dwelling on a Lot</td>
<td>08/05/19</td>
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<tr>
<td>5.2019 236.1</td>
<td>510 - 512 Hampton ST, HAMPTON</td>
<td>Dwelling(s) Other - New Building &amp; Use and Carparking</td>
<td>08/05/19</td>
</tr>
<tr>
<td>5.2019 7761.1</td>
<td>53 Beach RD, HAMPTON</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>08/05/19</td>
</tr>
<tr>
<td>5.2019 240.1</td>
<td>16 Avelin ST, HAMPTON</td>
<td>1 Dwelling - Alt &amp; Add's - Heritage</td>
<td>09/05/19</td>
</tr>
<tr>
<td>5.2008 660.2</td>
<td>5 Wandari CRT, CHELTENHAM</td>
<td>Retail Premises Other - New Use Only</td>
<td>10/05/19</td>
</tr>
<tr>
<td>5.2019 245.1</td>
<td>4 Princess AVE, HIGGITT</td>
<td>2 New Dwellings</td>
<td>10/05/19</td>
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<tr>
<td>5.2019 247.1</td>
<td>14 Oswald Thomas AVE, HAMPTON EAST</td>
<td>2 or More Additional Dwellings on a Lot</td>
<td>10/05/19</td>
</tr>
<tr>
<td>5.2019 7762.1</td>
<td>14 Field ST, HAMPTON</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>10/05/19</td>
</tr>
<tr>
<td>5.2019 249.1</td>
<td>27A Service ST, HAMPTON</td>
<td>1 Dwelling - Alt &amp; Add's on Lot &lt; 500m²</td>
<td>14/05/19</td>
</tr>
<tr>
<td>5.2019 252.1</td>
<td>47 South RD, BRIGHTON</td>
<td>Advertising Signs</td>
<td>14/05/19</td>
</tr>
<tr>
<td>5.2019 254.1</td>
<td>264 South RD, BRIGHTON EAST</td>
<td>Advertising Signs</td>
<td>14/05/19</td>
</tr>
<tr>
<td>5.2019 255.1</td>
<td>120 South RD, BRIGHTON EAST</td>
<td>Advertising Signs</td>
<td>14/05/19</td>
</tr>
<tr>
<td>5.2019 256.1</td>
<td>8 - 12 Wee ST, BRIGHTON</td>
<td>The addition of a roof deck of 8sqm to be located within the DDO</td>
<td>14/05/19</td>
</tr>
<tr>
<td>5.2019 257.1</td>
<td>102 South RD, HAMPTON</td>
<td>Advertising Signs</td>
<td>14/05/19</td>
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<tr>
<td>5.2019 271.1</td>
<td>64 Middleton ST, HIGGITT</td>
<td>2 New Dwellings</td>
<td>14/05/19</td>
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<tr>
<td>5.2019 260.1</td>
<td>2 Wallatab ST, BRIGHTON EAST</td>
<td>1 Dwelling - Alt &amp; Add's on Lot &lt; 500m²</td>
<td>15/05/19</td>
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<tr>
<td>5.2019 262.1</td>
<td>103 South RD, BRIGHTON EAST</td>
<td>Advertising Signs</td>
<td>15/05/19</td>
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<tr>
<td>5.2019 264.1</td>
<td>337 South RD, BRIGHTON EAST</td>
<td>Advertising Signs</td>
<td>15/05/19</td>
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<tr>
<td>5.2019 265.1</td>
<td>57 Wills ST, HAMPTON</td>
<td>Advertising Signs</td>
<td>15/05/19</td>
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<tr>
<td>5.2019 268.1</td>
<td>268 Bay RD, CHELTENHAM</td>
<td>Advertising Signs</td>
<td>15/05/19</td>
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<tr>
<td>5.2019 269.1</td>
<td>2/62 Sandringham RD, SANDRINGHAM</td>
<td>Utility Installation - New</td>
<td>15/05/19</td>
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<tr>
<td>5.2019 273.1</td>
<td>36A Highett RD, HAMPTON</td>
<td>To add to the rear of the property with minor internal alterations</td>
<td>16/05/19</td>
</tr>
<tr>
<td>5.2019 279.1</td>
<td>21 - 27 Holyrood ST, HAMPTON</td>
<td>Minor Sports &amp; Rec Fac - New Bld &amp; Use</td>
<td>17/05/19</td>
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<tr>
<td>5.2019 7772.1</td>
<td>3 June ST, HIGGITT</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>17/05/19</td>
</tr>
<tr>
<td>5.2019 280.1</td>
<td>232 South RD, BRIGHTON EAST</td>
<td>1 Dwelling - Alt &amp; Add's on Lot &lt; 500m²</td>
<td>20/05/19</td>
</tr>
<tr>
<td>5.2019 281.1</td>
<td>24 Tulip GVE, CHELTENHAM</td>
<td>2 or More Additional Dwellings on a Lot</td>
<td>20/05/19</td>
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<tr>
<td>5.2007 823.3</td>
<td>383 Highett RD, HIGGITT</td>
<td>1 Dwelling - Alt &amp; Add's on Lot &lt; 500m²</td>
<td>21/05/19</td>
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<tr>
<td>5.2019 285.1</td>
<td>28 Daft AVE, HAMPTON EAST</td>
<td>2 New Dwellings</td>
<td>21/05/19</td>
</tr>
<tr>
<td>5.2019 7765.1</td>
<td>30 Nicol ST, HIGGITT</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>21/05/19</td>
</tr>
<tr>
<td>5.2002 7547.2</td>
<td>475 Highett RD, HIGGITT</td>
<td>Dwelling(s) Other - Alt/Add's, Bld Only</td>
<td>22/05/19</td>
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<tr>
<td>5.2016 461.3</td>
<td>43 Crisp ST, HAMPTON</td>
<td>11 - 25 New Dwellings</td>
<td>23/05/19</td>
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<tr>
<td>5.2019 289.1</td>
<td>259 Bay RD, CHELTENHAM</td>
<td>Restaurant - Alt &amp; Add's to Bldg Only</td>
<td>23/05/19</td>
</tr>
<tr>
<td>5.2019 290.1</td>
<td>576 - 36 Bluff RD, SANDRINGHAM</td>
<td>Nursing Home - Alt &amp; Add's</td>
<td>24/05/19</td>
</tr>
<tr>
<td>5.2019 7774.1</td>
<td>327 South RD, BRIGHTON EAST</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>29/05/19</td>
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<tr>
<td>5.2019 7775.1</td>
<td>1 Carr ST, BRIGHTON EAST</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>29/05/19</td>
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<tr>
<td>5.2019 7775.1</td>
<td>8 Danson ST, HIGGITT</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
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<td>5.2015 281.4</td>
<td>1 Amiens ST, HAMPTON</td>
<td>1 Dwelling - Alt &amp; Add's - Heritage</td>
<td>30/05/19</td>
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<td>5.2019 290.1</td>
<td>16 Avolin ST, HAMPTON</td>
<td>1 Dwelling - Alt &amp; Add’s - Heritage</td>
<td>30/05/19</td>
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<tr>
<td>5.2019 300.1</td>
<td>44 Littlewood ST, HAMPTON</td>
<td>1 Dwelling - Alt &amp; Add's - DDO</td>
<td>30/05/19</td>
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<tr>
<td>5.2019 7777.1</td>
<td>50 Sargood ST, HAMPTON</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>30/05/19</td>
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<tr>
<td>5.2019 7778.1</td>
<td>52 Wickham RD, HAMPTON EAST</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>30/05/19</td>
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<tr>
<td>5.2019 302.1</td>
<td>2A Gilles ST, HAMPTON</td>
<td>Construction of 2 double storey side by side dwellings</td>
<td>31/05/19</td>
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<tr>
<td>5.2019 303.1</td>
<td>9 Raynes Park RD, HAMPTON</td>
<td>PROPOSED SINGLE STOREY ADDITION TO AN EXISTING DOUBLE STOREY DWELLING</td>
<td>31/05/19</td>
</tr>
<tr>
<td>5.2019 7770.1</td>
<td>86 Ludstone ST, HAMPTON</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>31/05/19</td>
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</table>

**Northeastern**

<table>
<thead>
<tr>
<th>Application</th>
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<tbody>
<tr>
<td>5.2019 224.1</td>
<td>462 St Kilda ST, BRIGHTON</td>
<td>Dwelling(s) Other - Alt/Add’s, Bld Only</td>
<td>02/05/19</td>
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<tr>
<td>5.2019 228.1</td>
<td>166 Church ST, BRIGHTON</td>
<td>Fence on a lot &gt; 500m²</td>
<td>02/05/19</td>
</tr>
<tr>
<td>5.2017 356.3</td>
<td>11 Coronation ST, BRIGHTON EAST</td>
<td>2 New Dwellings</td>
<td>03/05/19</td>
</tr>
<tr>
<td>5.2019 7763.1</td>
<td>23 Halifax ST, BRIGHTON</td>
<td>Variation/Removal of Covenants</td>
<td>03/05/19</td>
</tr>
<tr>
<td>5.2019 229.1</td>
<td>20 Murphy ST, BRIGHTON</td>
<td>2 New Dwellings</td>
<td>06/05/19</td>
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</table>
Bayside City Council

Item 4.4 – Matters of Decision

Planning & Amenity Committee Meeting - 11 June 2019
Attachment 1

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<table>
<thead>
<tr>
<th>Application</th>
<th>Property Address</th>
<th>Development Details</th>
<th>Received</th>
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<tr>
<td>5.2019 282.1</td>
<td>3/5 Reno RD, SANDRINGHAM</td>
<td>1 Dwelling - Alts &amp; Adds on Lot &lt; 500m2</td>
<td>20/05/19</td>
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<tr>
<td>5.2007 696.4</td>
<td>200 Beach RD, BLACK ROCK</td>
<td>2 New Dwellings</td>
<td>21/05/19</td>
</tr>
<tr>
<td>5.2019 777.3</td>
<td>2 Monaco CRES, BEAUMARIS</td>
<td>Subdivision of Land (1 to 9 Lots)</td>
<td>21/05/19</td>
</tr>
<tr>
<td>5.2017 615.2</td>
<td>22 Haywood ST, BEAUMARIS</td>
<td>Fence on a lot &gt; 500 m2</td>
<td>22/05/19</td>
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<td>5.2019 287.1</td>
<td>130/226 Bay RD, SANDRINGHAM</td>
<td>Residential Building - Alts &amp; Adds</td>
<td>22/05/19</td>
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<tr>
<td>5.2019 628.2</td>
<td>28 Cowper ST, SANDRINGHAM</td>
<td>1 Dwelling - Alts &amp; Adds - DDO</td>
<td>24/05/19</td>
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<tr>
<td>5.2019 290.1</td>
<td>5 Malva CRT, CHELLENHAM</td>
<td>Remove/Destroy or Lop Native Vegetation</td>
<td>24/05/19</td>
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<td>5.2010 294.1</td>
<td>357 Balcombe RD, BEAUMARIS</td>
<td>Liquor Licence - New &amp; Alts</td>
<td>24/05/19</td>
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<tr>
<td>5.2019 776.1</td>
<td>42 Bay RD, SANDRINGHAM</td>
<td>Vary/Remove Easements &amp; Other Restrictions</td>
<td>27/05/19</td>
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<tr>
<td>5.2016 641.2</td>
<td>2 Clonmore ST, BEAUMARIS</td>
<td>VPO3 - Removal x 4</td>
<td>20/05/19</td>
</tr>
<tr>
<td>5.2010 295.1</td>
<td>24A Pacific BVD, BEAUMARIS</td>
<td>VPO3 - Removal x 1</td>
<td>29/05/19</td>
</tr>
<tr>
<td>5.2019 296.1</td>
<td>502 Balcombe RD, BEAUMARIS</td>
<td>VPO3 - Removal x 1</td>
<td>29/05/19</td>
</tr>
<tr>
<td>5.2017 428.2</td>
<td>5 Roxton RISE, BEAUMARIS</td>
<td>1 Dwelling - New - Lot &lt; 500m2</td>
<td>30/05/19</td>
</tr>
<tr>
<td>5.2019 298.1</td>
<td>6 Hutchison AVE, BEAUMARIS</td>
<td>VPO3 - Removal x 1</td>
<td>30/05/19</td>
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<tr>
<td>5.2019 304.1</td>
<td>25 Aramore AVE, BLACK ROCK</td>
<td>2 New Dwellings and VPO3 - Removal x 1</td>
<td>31/05/19</td>
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**Total: 132**
## Planning Applications Summary - Councillor Bulletin

**Determined from 1/05/2019 to 31/05/2019**

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## Upcoming VCAT Appeals - Councillor Bulletin

**Date report produced:** 31/05/2019

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</table>

### Central

#### 2018.178.1
- **45 Lismore RD, HAMPSON 3168**
  - Notice of Decision Granted: Delegated
  - **P98/2019**
  - Notice of Decision to Grant a Permit
  - 30/06/2019

#### 2018.164.1
- **5 Viking CREES, HAMPSON EAST 3188**
  - Notice of Decision Granted: Delegated
  - **P134/2019**
  - Conditions
  - 13/06/2019

#### 2018.209.1
- **23 Highgate AV, HAMPTON 3185**
  - Permit Granted: Delegated
  - **P302/2019**
  - Conditions
  - 20/06/2019

#### 2018.241.1
- **46 Derby ST, BRIGHTON 3186**
  - Notice of Decision Granted: Council
  - **P101/2019**
  - Conditions
  - 24/07/2019

#### 2018.262.1
- **4 Chapman ST, HAMPTON 3188**
  - Notice of Decision Granted: Council
  - **P305/2019**
  - Notice of Decision to Grant a Permit
  - 12/07/2019

#### 2018.253.1
- **73 Atwell ST, SANDRINGHAM 3191**
  - Permit Refused: Delegated
  - **P125/2019**
  - Refusal to Grant a Permit
  - 20/05/2019

#### 2018.263.1
- **2 Mary ST, BRIGHTON 3186**
  - Permit Refused: Council
  - **P600/2019**
  - Refusal to Grant a Permit
  - 12/01/2019

#### 2018.395.1
- **776, 78 Beach RD, SANDRINGHAM 3191**
  - Permit Refused: Delegated
  - **P305/2019**
  - Refusal to Grant a Permit
  - 15/05/2019

### Northern

#### 2018.254.1
- **9 Lybra ST, BRIGHTON 3187**
  - Permit Refused: Delegated
  - **P207/2018**
  - Refusal to Grant a Permit
  - 12/06/2019

#### 2018.721.1
- **52 Rock ST, BRIGHTON 3186**
  - Permit Refused: Delegated
  - **P111/2019**
  - Refusal to Grant a Permit
  - 13/05/2019

#### 2018.712.1
- **333 New ST, BRIGHTON 3186**
  - Occupation Village - New Use & Fencing
  - **P80/2019**
  - Refusal to Grant a Permit
  - 12/07/2019

### Southern

#### 2018.205.1
- **220 Easby ST, BRIGHTON 3186**
  - Notice of Decision Granted: Delegated
  - **P305/2019**
  - Notice of Decision to Grant a Permit
  - 4/07/2019

#### 2018.749.1
- **63 Amboyte ST, BLACK ROCK 3160**
  - Notice of Decision Granted: Council
  - **P192/2019**
  - Notice of Decision to Grant a Permit
  - 7/06/2019

#### 2018.380.1
- **439 Black RD, BEAumaris 3193**
  - Notice of Decision Granted: Delegated
  - **P238/2019**
  - Refusal to Grant a Permit
  - 7/06/2019

#### 2018.382.1
- **111 Noth ST, BEAumaris 3193**
  - Notice of Decision Granted: Council
  - **P300/2019**
  - Notice of Decision to Grant a Permit
  - 17/06/2019

#### 2018.481.1
- **100 Bayside RD, BEAumaris 3193**
  - Notice of Decision Granted: Delegated
  - **P251/2019**
  - Refusal to Grant a Permit
  - 27/05/2019

#### 2018.521.1
- **100 Noth ST, BEAumaris 3193**
  - Notice of Decision Granted: Council
  - **P302/2019**
  - Refusal to Grant a Permit
  - 15/06/2019

#### 2018.299.1
- **13 Top ST, BEAumaris 3192**
  - Permit Refused: Delegated
  - **P702/2019**
  - Refusal to Grant a Permit
  - 21/05/2019

#### 2018.425.1
- **200 Junction ST, BEAumaris 3193**
  - Notice of Decision Granted: Council
  - **P430/2019**
  - Notice of Decision to Grant a Permit
  - 17/06/2019

#### 2018.280.1
- **2 Barries AV, BEAumaris 3155**
  - Permit Granted: Council
  - **P400/2019**
  - Conditions
  - 11/06/2019

#### 2018.802.1
- **400A Marine AV, BEAumaris 3193**
  - Notice of Decision Granted: Delegated
  - **P325/2019**
  - Notice of Decision to Grant a Permit
  - 29/10/2019

---

**Item 4.4 – Matters of Decision**
VCAT Determined Appeals from - 1/05/2019 to 31/05/2019

Subject land: 76 Sandringham RD, SANDRINGHAM
Application no.: 2017.663.1
VCAT reference no.: P2225/2018
Applicant: Garry Williams
Referral Authority: Andrew Gregor & Lisa Russell
Respondents: Christina Fong
Date of hearing: 26/04/2019
Date of order: 10/05/2019
Proposal: Construction of two double storey dwellings and a front fence exceeding a height of 1.2 metres

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 Tribunal in an Order dated 10 May 2019 issued a varied permit for the construction of two (2) double storey dwellings at the subject site. The Tribunal deleted Conditions 1(d), (f) and 9(a).
Condition 1(d) required that the pool and decking areas of each dwelling be setback 2.5 metres from the Neptune Street to allow for the planting of trees. The Tribunal found that this condition was unwarranted.
Condition 1(f) which required that the western and southern elevations incorporate weatherboard or timber cladding section was struck out as the Tribunal held that the emerging neighbourhood character was brick and rendered finish.
Condition 9(a) which required additional areas for landscaping was deleted.
Condition 1 (c) was amended in the following manner:

The front fence of each dwelling facing Neptune Street to have a maximum height of 1.8 metres. The parts of the fence opposite the living/lounge areas of the dwellings either to have a 25% transparency or lowered to a maximum of 1.2 metres.
<table>
<thead>
<tr>
<th>Subject land</th>
<th>18 Marriage RD, BRIGHTON EAST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2018.335.1</td>
</tr>
<tr>
<td>VCAT reference no.</td>
<td>P124/2019</td>
</tr>
<tr>
<td>Applicant</td>
<td>Shao-Ting Chih</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Respondents</td>
<td>Mr Avi Jaworowski and Mrs Lili Jaworowski</td>
</tr>
<tr>
<td>VCAT Member</td>
<td>Nicholas Hadjigeorgiou</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>7/05/2019</td>
</tr>
<tr>
<td>Date of order</td>
<td>8/05/2019</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of two double storey attached dwellings and basement</td>
</tr>
<tr>
<td>Officer recommendation/ Delegate determination</td>
<td>Notice of decision</td>
</tr>
<tr>
<td>Council determination</td>
<td>N/A</td>
</tr>
<tr>
<td>Appeal type</td>
<td>Conditions</td>
</tr>
<tr>
<td>Plans substituted</td>
<td></td>
</tr>
<tr>
<td>(prior to hearing)</td>
<td></td>
</tr>
<tr>
<td>VCAT determination</td>
<td>Varied permit to issue</td>
</tr>
<tr>
<td>LGPRF outcome</td>
<td>AFFIRMED</td>
</tr>
</tbody>
</table>

Comments:

The applicant appealed conditions on a permit issued by Council, pursuant to Section 80 of the act.

Discussion plans were presented at a Compulsory Conference on 7 May 2019 showing an increased rear setback at the first floor.

All parties consented to these plans at the Compulsory Conference.

An order from VCAT was issued on 16/5/2019 requiring a permit be issued, and the agreed upon plans be endorsed.
Subject land: 7 Carpenter ST, BRIGHTON
Application no.: 2018.422.1
VCAT reference no.: P73/2019
Applicant: D & J Costello
Referral Authority: N/A
Respondents: George Bakmchev & Sony Vasandani

VCAT Member: Jeanette G Rickards
Date of hearing: 7/05/2019
Date of order: 7/05/2019
Proposal:
General Residential Zone Schedule 2: Construction of a three storey multi-dwelling building over a basement car park; Design and Development Overlay Schedule 11: Construct a building with a building height more than 9 metres; and Special Building Overlay: Construction of a dwelling

Officer recommendation/
Delegate determination: Notice of decision
Council determination: NOTICE OF DECISION

Appeal type: Notice of Decision to Grant a Permit
Plans substituted (prior to hearing): No
VCAT determination: Appeal Withdrawn
LGPRF outcome: N/A

Comments:
Before the scheduled hearing date, the Objectors withdrew their Application for Review against Council’s decision to Issue a Notice of Decision to Grant a Planning Permit on 7/5/19. Planning Permit 2018/422 to issue.
<table>
<thead>
<tr>
<th>Subject land</th>
<th>6 Mock ST, SANDRINGHAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2017.819.1</td>
</tr>
<tr>
<td>VCAT reference no.</td>
<td>P2245/2018</td>
</tr>
<tr>
<td>Applicant</td>
<td>Zoe Hibberson</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Respondents</td>
<td>Appolla Projects P/L</td>
</tr>
<tr>
<td>VCAT Member</td>
<td>R Naylor</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>15/05/2019</td>
</tr>
<tr>
<td>Date of order</td>
<td>15/05/2019</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of two dwellings on a lot</td>
</tr>
<tr>
<td>Officer recommendation/ Delegate determination</td>
<td>Notice of decision</td>
</tr>
<tr>
<td>Council determination</td>
<td>NOTICE OF DECISION</td>
</tr>
<tr>
<td>Appeal type</td>
<td>Notice of Decision to Grant a Permit</td>
</tr>
<tr>
<td>Plans substituted (prior to hearing)</td>
<td>No</td>
</tr>
<tr>
<td>VCAT determination</td>
<td>Appeal Withdrawn</td>
</tr>
<tr>
<td>LGPRF outcome</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Comments:**

The Objectors withdrew their Application for Review pursuant to section 82 of the Planning and Environment Act 1987 against Council’s decision on 15/5/19. Planning Permit 2017/819 to issue.
Subject land: 19 Hamilton ST, BRIGHTON
Application no.: 2018.551.1
VCAT reference no.: P2173/2018
Applicant: SJB Planning Pty Ltd
Referral Authority: N/A
Respondents: Argos Design

VCAT Member: Michelle Blackburn
Date of hearing: 16/05/2019
Date of order: 16/05/2019
Proposal: Partial demolition and alterations and additions to an existing dwelling on a lot less than 500 square metres in a Heritage Overlay

| Officer recommendation/ Delegate determination | Notice of decision |
| Council determination | N/A |

Appeal type: Notice of Decision to Grant a Permit
Plans substituted (prior to hearing): No
VCAT determination: Appeal Withdrawn
LGPRF outcome: N/A

Comments:
The Objectors withdrew their Application for Review pursuant to section 82 of the Planning and Environment Act 1987 against Council’s decision on 15/5/19. Planning Permit 2018/551 to issue.
<table>
<thead>
<tr>
<th>Subject land</th>
<th>37 Bay RD, SANDRINGHAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2017.171.1</td>
</tr>
<tr>
<td>VCAT reference no.</td>
<td>P1289/2018 &amp; P1522/2018</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mercy Aged and Community Care Pty Ltd (P1289/2018); Regis Aged Care Pty Ltd (P1522/2018)</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>VicRoads</td>
</tr>
<tr>
<td>Respondents</td>
<td>Regis Aged Care P/L</td>
</tr>
<tr>
<td>VCAT Member</td>
<td>Laurie Hewitt</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>20/05/2019</td>
</tr>
<tr>
<td>Date of order</td>
<td>20/05/2019</td>
</tr>
<tr>
<td>Proposal</td>
<td>Buildings and works associated with an as of right aged care facility for the construction of a building over 9 metres, access to a Road Zone Category 1 and advertising signs</td>
</tr>
<tr>
<td>Officer recommendation/ Delegate determination</td>
<td>Notice of decision</td>
</tr>
<tr>
<td>Council determination</td>
<td>N/A</td>
</tr>
</tbody>
</table>

| Appeal type        | Notice of Decision to Grant a Permit |
| Plans substituted (prior to hearing) | No |
| VCAT determination | Appeal Withdrawn |
| LGPRF outcome      | N/A |

Comments:

The Permit Applicant Regis Aged Care and the Objector Mercy Aged and Community Care withdrew their separate Appeals in this matter as result of a private deed of settlement that the parties had reached prior to the hearing. The Permit Applicant withdrew its Appeal against Conditions (S80 Appeal) and the Objector withdrew its Appeal (S82 against Council’s NOD).

The Tribunal required all parties to attend the first day of the hearing to clarify the situation. Planning Permit No. 2017/171 to issue.
Subject land: 3/472 Beach RD, BEAUMARIS
Application no.: 2018.620.1
VCAT reference no.: P2274/2018
Applicant: Peter & Alison Benton
Referral Authority: N/A
Respondents: N/A

VCAT Member: Katherine Paterson
Date of hearing: 20/05/2019
Date of order: 23/05/2019
Proposal: Construction of a balustrade to a dwelling verandah in a heritage overlay

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 Granted
LGPRF outcome: AFFIRMED

Comments:

The Tribunal, in an order dated 23 May 2019, affirmed Council’s decision to refuse to grant a planning permit for the construction of a Victorian-era reproduction balustrade to the front of a ground floor apartment that is part of the former Beaumaris Hotel.

In deciding to refuse the application, the Tribunal noted that ‘the façade of the building is where possible a true reconstruction of its original presentation as a basis to conserving the cultural value of the original hotel’. It was common ground that the proposed balustrade is not a reconstruction of an original element. Furthermore, the Tribunal commented that ‘as a new element the balustrade should be able to be read as distinct and recessive to what is a correctly reproduced heritage façade of the building’.

Ultimately, the Tribunal was ‘not satisfied that the proposed Victorian style balustrade is distinct yet recessive to the reconstructed heritage façade’. For the reasons given, the Tribunal affirmed the decision of Council to refuse the application and no permit is granted. It is noted that this refusal does not prevent the construction of a clear balustrade as is already approved in the amendment to planning permit 5/2012/483/9 issued by Council in 2018.
### Subject land
5 Lubrano ST, BRIGHTON EAST

<table>
<thead>
<tr>
<th>Application no.</th>
<th>2018.294.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>VCAT reference no.</td>
<td>P2407/2018</td>
</tr>
<tr>
<td>Applicant</td>
<td>Regina Melamed</td>
</tr>
<tr>
<td>Referral Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Respondents</td>
<td>N/A</td>
</tr>
<tr>
<td>VCAT Member</td>
<td>Margaret Baird</td>
</tr>
<tr>
<td>Date of hearing</td>
<td>31/05/2019</td>
</tr>
<tr>
<td>Date of order</td>
<td>31/05/2019</td>
</tr>
<tr>
<td>Proposal</td>
<td>Neighbourhood Residential Zone Schedule 3: Construction of two dwellings on a lot including a front fence in excess of 1.2 metres in height</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Officer recommendation/Delegate determination</th>
<th>Refusal</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Council determination</th>
<th>N/A</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Appeal type</th>
<th>Refusal to Grant a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plans substituted (prior to hearing)</td>
<td>No</td>
</tr>
<tr>
<td>VCAT determination</td>
<td>Permit to be Issued</td>
</tr>
<tr>
<td>LGPRF outcome</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Comments:

Council issued a Refusal on 16 October 2018 for construction of two dwellings on a lot including a front fence in excess of 1.2 metres in height. The applicant lodged a Section 77 application under the Planning and Environment Act 1987 to review the decision.

The applicant approached the Council to discuss alternative options to reach a Consent Order prior to the hearing. The applicant served an amended plan on 1 May 2019 which provides an alternative solution to the Grounds of Refusal.

No objectors lodged a statement of ground to the hearing or joined as a party.

Council assessed the amended plans and believed it has addressed all of Council’s initial refusal grounds and therefore a Consent position was agreed.

A consent order was reached on 29 May 2019 and a varied permit was issued on 3 June 2019.
VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE DIVISION
PLANNING AND ENVIRONMENT LIST

CATCHWORDS
Section 80 of the Planning and Environment Act 1987; Bayside Planning Scheme; Neighbourhood Residential Zone; permit issued for two double storey dwellings on a corner lot; whether contested conditions are appropriate.

APPLICANT
Garry Williams

RESPONSIBLE AUTHORITY
Bayside City Council

RESPONDENT
Andrew Gregor & Lisa Russell

SUBJECT LAND
76 Sandringham Road, Sandringham

WHERE HELD
Melbourne

BEFORE
Christina Fong, Member

HEARING TYPE
Hearing

DATE OF HEARING
26 April 2019

DATE OF ORDER
10 May 2019

CITATION
Williams v Bayside CC [2019] VCAT 691

ORDER
1 In application P2225/2018 the decision of the responsible authority is varied.

2 The Tribunal directs that planning permit 5/2017/663/1 must contain the conditions set out in planning permit 5/2017/663/1 issued by the responsible authority on 18 October 2018 with the following modifications:
   (a) Condition 1e) retained;
   (b) Conditions 1d), 1f), 9a) deleted; and
   (c) Conditions 1e) amended to read:
       c) The front fence of each dwelling facing Neptune Street to have a maximum height of 1.8 metres. The parts of the fence opposite the living/lounge areas of the dwellings either to have a 25% transparency or lowered to a maximum of 1.2 metres.
   (d) Conditions in the planning permit are renumbered accordingly.
3. The responsible authority is directed to issue a modified planning permit in accordance with this order.

Christina Fong
Member

APPEARANCES
For applicant            Michael Meyer, town planner, Urbis Pty Ltd
For responsible authority Jason Kane, barrister, by direct brief
For respondent           Andrew Gregor in person
INFORMATION

Description of proposal
Permit issued for two double storey dwellings on a corner lot subject to permit conditions requiring modifications to the design.

The design shows both dwellings facing the second street frontage Neptune Street. Each dwelling has four bedrooms and a double garage. Access for both dwellings is from Neptune Street.

The design of the development is contemporary, with a combination of a flat roof and skillion roof profile.

Nature of proceeding
Application under section 80 of the Planning and Environment Act 1987 – to review the conditions contained in the permit.

Planning scheme
Bayside Planning Scheme

Zone and overlays
Neighbourhood Residential Zone (NRZ3), Design and Development Overlay (DDO3) and Development Contribution Overlay (DCP1). No permit is triggered by DDO3, and DCP1 relates to drainage contribution.

 Permit requirements
Clause 32.09-6 for construction of two or more dwellings in the zone.

Land description
The land is located on the southwest corner of Sandringham Road and Neptune Street, Sandringham. It is regular in shape, has an area of 665.4 square metres and occupied by a single storey detached brick house. Adjoining the land to the west is a single storey detached weatherboard house at No. 74 Sandringham Road. Mr. Gregor is the resident of this house.

South of the site and over a laneway are single dwellings on the west side of Neptune Street. Although single dwellings are still the dominant form of housing, there are medium density developments sprinkled throughout the area.

Tribunal inspection
27 April 2019, not accompanied by the parties.
REASONS

WHAT IS THIS PROCEEDING ABOUT?

1 This is a review against conditions contained in a permit issued for the development of this corner site for two double storey dwellings. The contested conditions are:

   Condition 1 (requiring modifications to the design of the development):
     
   c) The front fences of each dwelling to have a maximum height of 1.8 metres. The fencing along Neptune Street, where opposite the living/lounge areas, to have a minimum 25% transparency.
     
   d) The pool and decking areas of each dwelling setback 2.5 metres from Neptune Street to allow for the planting of a tree as detailed in condition 9a).
     
   e) Dwelling 1 and 2’s kitchen and pantry to be setback a minimum of 1 metre from the western boundary. The increased setbacks must be absorbed within the approved buildings envelope of each dwelling.
     
   f) The incorporation of weatherboard or timber cladding sections (or similar) to the western and southern elevations.

   Condition 9a): Repeating the requirement of 1d) regarding additional area for landscaping.

2 I will address each contested conditions in turn.

WHETHER THE CONTESTED CONDITIONS ARE REASONABLE

Condition 1c)

3 The first contested condition 1c) relates to the height of fencing along the Neptune Street frontage of the land. It requires these fences to have a maximum height of 1.8 metres, and the section opposite the living/lounge areas of both dwellings to have a minimum of 25% transparency.

4 Council’s submission is that it is for neighbourhood character purposes. It also submits that the proposed maximum height of 2 metres solid rendered fence is inconsistent with the Neighbourhood Character policy. The Neighbourhood Residential Zone, the existing character of the area, and the specific recommendation to avoid high solid front fences in the neighbourhood character policy at clause 22.06 for Precinct 3. It notes that Standard B32 of clause 55.05 has been varied by the Schedule to the Neighbourhood Residential Zone, which recommends a maximum height of 1.2 metres.

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1 The submissions 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.
Mr. Meyer’s issue with this condition is for the section of the fence opposite the living/lounge rooms of the development, that are to have a 25% transparency. His argument against this requirement is that a high solid fence along a street frontage is consistent with the overall character of the area where fencing to retain seclusion for private open space of dwellings is present, that the 25% transparency is an attempt to apply a standard relating to protection of privacy rather than views from the public realm into an area of secluded private open space.

My inspection of the site is that the existing house is oriented to Sandringham Road. This is consistent with its address as 76 Sandringham Road. The proposal is for two dwellings and turn the orientation of both dwellings to the side street Neptune Street. The secluded private open spaces of the dwellings are located at the northern end (Sandringham Road) for the front dwelling, and between the two dwellings facing Neptune Street for the rear dwelling.

As a result of this configuration, the current low brick fence along Sandringham Road will be replaced by a 1.8 metre high solid fence in order to provide privacy protection of this secluded private open space for the front dwelling. This solid high fence is continued along the Neptune Street to provide protection for this secluded private open space and the secluded private open space of the rear dwelling. The only breaks in this fence are for the sections of the pedestrian entries and driveways to the two double garages.

My inspection of the site and area reveals that high front fences are not typical or a dominant front fence character of the area. Further, standard B32 relating to front fencing has been varied for the Neighbourhood Residential Zone (NRZ3) in the planning scheme, recommended at a maximum height of 1.2 metres.

Clause 22.06 (Neighbourhood Character local policy) nominates, as far as fencing is concerned, medium height and open style front fences as part of the preferred character for precinct E3 in which the site is located, and high solid front fencing is to be avoided.

On this basis, I see no justification to have a solid high front fence for the re-oriented street frontage and most of Neptune Street, particularly for the section that is not required for the protection of the secluded private open space. The sections of the front fence opposite the lounge rooms of the two dwellings should have an open feel as intended in the preferred neighbourhood character of the precinct and according to varied standard B32.

Instead of council’s requirement for the sections at the front of the lounge rooms to have a 20% transparency, the height of the fence is still 1.7 metres.
12 In my view, these sections of the fence should be reduced in height to no more than 1.2 metres as recommended in the varied standard B32.

13 However, I am prepared to allow the options of replacing it with a 25% transparency as required by the contested condition, or reducing it to a maximum of 1.2 metres if it remains a solid rendered fence.

Condition 1(d): The pool and decking areas of each dwelling setback 2.5 metres from Neptune Street to allow for the planting of a tree as detailed in condition 9a).

14 Council explained that the purpose of this condition is to ensure the planting of a canopy tree within each of the secluded private open space of the dwellings which is capable of reaching a height of 8 metres, with condition 9a) requiring these trees to be native.

15 Mr. Meyer, on the other hand, argues that it is not necessary to set the pool back from the Neptune Street in order to provide this landscaping.

16 An indicative landscape plan was submitted with the application. This plan shows the planting of 3 trees along the Neptune Street frontage of the land and shrubbery for the balance of the area.

17 I find reducing the sizes of these two secluded private open spaces that can be used for active recreation when there is opportunity to landscape the perimeter of the land as indicated by the proposed indicative landscape plan as not warranted. This condition will be removed.

Condition 1(e): Dwelling 1 and 2’s kitchen and pantry to be setback a minimum of 1 metre from the western boundary. The increased setbacks must be absorbed within the approved buildings envelope of each dwelling.

18 Council explained the reasons for this condition, which is for the purpose of meeting neighbourhood character policy of “maintaining the rhythm of spacious visual separation between buildings”, and to reduce the perception of visual bulk to the streetscape and from the adjoining property at 74 Sandringham Road.

19 Mr. Gregor’s concern is that the proposal involves extensive on-the-boundary construction against habitable room windows (his sons’ bedroom windows) at the front of the house and the open backyard of his secluded private open space.

20 On the other hand, Mr. Meyer submitted that the lengths and heights of these walls meet standard B18 of the planning scheme, as well as standard B19 regarding amenity impact on the two habitable room windows. He also submits that the one metre setback required by this condition would not promote landscaping along the common boundary due to lack of access.

21 As for the requirement for this setback for the protection of trees within 74 Sandringham Road, he submits that the arborist’s investigations revealed

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that as long as appropriate construction methods are used, there will be no adverse impact on the health of the existing vegetation along that boundary. He also notes that there is a permit condition requiring a tree Management and Protection Plan, which is to ensure that the existing vegetation at 74 Sandringham Road will not be adversely impacted.

22 My inspection of the site and area reveals that on-the-boundary construction is common in the area. For older buildings, the garages of these dwellings are usually sited on the boundary, with many of them located behind the main building. For newer buildings, the garages are usually on the boundary and close to the front boundary.

23 As I understand, the extent of proposed on-the-boundary construction meets standards B18 of clause 55.04, as well as access to daylight in standard B19 regarding access to daylight for existing habitable room windows at 74 Sandringham Road. The extent of on-the-boundary construction along the backyard of 74 Sandringham Road also meets the overshadowing standard at standard B28. As far as amenity impact on 74 Sandringham Road is concerned, the proposal meets all the relevant test of amenity impact in the planning scheme.

24 My concern is the impact of the development on the two trees within 74 Sandringham Road close to the common boundary. The construction of the development will encroach on the TPZ (Tree Protection Zone) and the SRZ (Structural Root Zones) of these two trees (Trees 6 and 7), according to the arborist report submitted with the application.

25 The SRZ and TPZ of these trees are:

<table>
<thead>
<tr>
<th>Species</th>
<th>Structural Root Zone (SRZ)</th>
<th>Tree Protection Zone (TPZ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 6 Jacaranda miniatafolia</td>
<td>2.4 m</td>
<td>4.6 m</td>
</tr>
<tr>
<td>Tree 7 Melia azederachis</td>
<td>2.1 m</td>
<td>3 m</td>
</tr>
</tbody>
</table>

26 The proposal has been vetted by council’s arborist who did not object to the proposal, and permit conditions relating to protection of these trees imposed.

27 However, the development plans show, including the parts of the kitchen and pantry of both dwellings, the development is within the SRZs of these two trees. The SRZ is about the stability of the tree. AS 4970-2009 recommends that encroachment of development should not exceed 10% of the TPZ and this encroachment to be outside the SRZ of the protected tree.

28 On this basis, there is justification for the parts of the kitchen and pantry of the dwellings within the SRZ of these two trees to be setback, although not on amenity impact grounds, but on protection of trees ground. An eventual

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3 Arboricultural Assessment & Report, 76 Sandringham Road, Sandringham, by Glen Waters, Arboriculture.
tree protection plan can elaborate on other measures of protecting these trees. This condition will be retained.

**Condition 1f:** The incorporation of weatherboard or timber cladding sections (or similar) to the western and southern elevations.

29 Council’s explanation for this condition is that the Neighbourhood Character Policy’s recommendation for the precinct encourages the use of lighter looking materials and finishes that complement weatherboards where it predominates in a streetscape. Mr. Meyer’s submission is that introduction of this material is at odds with the design of the building.

30 My inspection of the site and area reveals that the common external building materials in the area are a combination of brick and weatherboard. Newer replacement building tends to be brick and rendered finish.

31 In that sense, there is no overwhelming presence of weatherboards. The design of the building is contemporary where a weatherboard cladding probably is at odds with the style of the building.

32 This condition asks for weatherboard or timber cladding on the western and southern elevations. The northern (Sandringham Road) and eastern (Neptune Street) elevations have included vertical cladding for first floor walls.

33 This condition is not necessary, given that the western elevation does not have an exposure to the public realm, and part of the vertical cladding is visible from the southern elevation. This condition will be deleted.

34 For the reasons given above, the decision of the responsible authority is varied, and the contested conditions deleted, retained and varied as set out in these reasons.

**Christina Fong**
Member
VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

APPLICANTS  Damian & Janet Costello
RESPONSIBLE AUTHORITY  Bayside City Council
RESPONDENT  George Bakhchev & Sony Vasandani
SUBJECT LAND  7 Carpenter Street
               BRIGHTON VIC 3186
WHERE HELD  Melbourne
BEFORE  Jeanette G Rickards, Senior Member
HEARING TYPE  No Hearing
DATE OF ORDER  7 May 2019

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 changing the name of the permit applicant to:
   George Bakhchev & Sony Vasandani

2  Pursuant to section 127 Victorian Civil and Administrative Tribunal Act 1998, the application is amended by changing the name of the respondents to:
   George Bakhchev & Sony Vasandani

Withdrawal

3  Pursuant to section 74 of the Victorian Civil and Administrative Tribunal Act 1998, leave is given to the applicant to withdraw the application and the application is withdrawn accordingly.

4  The hearing scheduled at 10:00AM on 10 July 2019 is vacated. No attendance is required.

Jeanette G Rickards,
Senior Member

VCAT
VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE DIVISION
PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO: P2245/2018

APPLICANT          Ms Z Hibberson and others
RESPONSIBLE AUTHORITY  Bayside City Council
RESPONDENT         Apollo Projects Pty Ltd
SUBJECT LAND       6 Mock Street, Sandringham
WHERE HELD         Melbourne
BEFORE             Rachel Naylor, Senior Member
HEARING TYPE       No hearing
DATE OF ORDER      15 May 2019

ORDER

Withdrawal

1 Pursuant to section 74 of the Victorian Civil and Administrative Tribunal Act 1998, leave is given to the applicant to withdraw the application and the application is withdrawn accordingly.

2 The hearing scheduled at 10:00am on 17 May 2019 is vacated. No attendance is required.

Rachel Naylor
Senior Member
4.5 33 BAY ROAD, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/836/1 WARD: SOUTHERN

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Trent Keogh</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>20 December 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>70 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>General Residential Zone (Schedule 1)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Commercial 1 Zone (in part - north west corner of the site)</td>
</tr>
<tr>
<td>Site area</td>
<td>2,318 square metres</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>58</td>
</tr>
<tr>
<td>Number of supporters</td>
<td>2</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>The proposal is exempt from the DCP levy because it does not create any additional dwellings or additional floor space.</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>The site is not located within an area of cultural heritage sensitivity.</td>
</tr>
</tbody>
</table>

Proposal
The application seeks to use the existing building on the site for residential (traveller and student) accommodation. Key details of the proposal are as follows:

- No external works are proposed (internal changes only);
- 16 beds provided for student accommodation;
- 44 beds provided for traveller accommodation;
- Maximum of three staff members on site at any time.
- 15 car spaces provided, using the existing car park area.
- Internal and external communal areas provided for the residents.

The site layout plan is provided at Attachment 1.
The Operational Management Plan is provided at Attachment 2.
The Acoustic report is provided at Attachment 3.
The Traffic/parking report is provided at Attachment 4.
The Waste Management Plan is provided at Attachment 5.
An aerial image and photographs of the site and surrounds are provided at Attachment 6.

History

Planning Permit S-1132 was issued on 26 November 1979 for extensions and alterations to the existing institutional home for the aged (private nursing home).

Planning Permit SPS-92/714 was issued on 20 July 1992 for building additions and alterations and 30 bed space increases for the institutional home (Special accommodation house).

Planning Permit SPS-94/1249 was issued on 5 January 1995 for the subdivision and transfer of land (lot 2).

Planning application 2004/28 was lodged on 19 January 2004 for alterations to an existing aged care facility, the addition of a 3-storey building and basement car park in a Heritage Overlay. The application was on-hold for a significant amount of time and subsequently withdrawn on 18 May 2006.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.08-2 (General Residential Zone) – Use of the land for accommodation.
- Clause 34.01 (Commercial 1 Zone) – Use of the land for accommodation because the frontage at ground level exceeds 2 metres.

*Note: There are no buildings and works associated with this application, therefore the application relates to the use of the land only. The Heritage Overlay does not include any internal buildings controls either.*

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>Waste</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td></td>
<td>- The Waste Management Plan submitted by the applicant is suitable for approval.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td></td>
<td>- Some changes to parking layout required, which would likely reduce the number of spaces by two;</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 58 objections were received and two letters of support. 58 objections remain outstanding at the time of this report.

The following concerns were raised:

- Use inappropriate for residential zone;
- No need for student accommodation in Sandringham;
- No community benefit;
- Loss of amenity;
- Inconsistencies between application documents.

The letters of support provided the following detail:

- Aged care facility did not utilise local shops;
- Car parking was insufficient for aged care facility – this project will rely less on on-street car parking therefore increasing availability;
- Increase in foot traffic will benefit traders and increase vibrancy of Sandringham;
- Proposal is consistent with state and local planning policy which supports mix uses within the area;
- Short stay accommodation in area is lacking for entrants and visitors who attend golf and sailing events/facilities within Bayside.

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

Consultation meeting

The very high number of objections was such that a community consultation meeting would not have been practical for this application.

The permit applicant has instead undertaken two separate drop-in sessions (on 22 May 2019 and 25 May 2019). These drop in sessions were held at the site where feedback from the applicant confirmed that they have dispelled some myths about the application and that greater detail on the use of the site was given, specifically, the site would be used by pilots training at Moorabbin Airport and competitors for Yacht club and Golf events. The applicant has confirmed that there has been little discussion about the heritage significance of 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 2018/863/1 for the land known and described as 33 Bay Road, Sandringham, to use the existing building on the site for residential (traveller and student) accommodation in accordance with the endorsed plans and subject to the following conditions from the standard conditions:
Amended Plans

1. Before the use 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 but modified to show:

   a) Dimensions of all car spaces and accessways compliant with Clause 52.06 of the Bayside Planning Scheme.

   b) Removal of the two new car spaces labelled as ‘staff’ and retention of the existing horseshoe driveway.

   c) The provision of one disabled space.

   d) A minimum of two spaces be provided for staff, with the remainder of the spaces allocated to students.

   e) Minimum of five (5) bicycle spaces, located in a secure and covered bicycle storage area, screened from view.

   f) Minimum of three (3) bicycle spaces, located adjacent to the front entrance of the Trentham Street entrance of the building.

   g) The waste management plan modified to indicate all collections are to be undertaken on the site.

   h) The location of all six waste bins (3 x garbage and 3 x recycling) adjacent to the kitchen and screened from view.

   i) The bin storage area must be provided with a concrete floor and appropriately drained into a system compliant with health requirements.

Secondary Consent

2. The layout of the uses on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Number of persons at the premises

3. No more than 16 students and 44 travellers may be accommodated at the premises without the prior written consent of the Responsible Authority.

4. The number of staff on the premises at any one time:

   a) Must not exceed three staff members.

   b) Must include at least one staff member being on the premises on a 24/7 basis.

   c) Must otherwise be in accordance with the approved Operational Management Plan.

Amenity

5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

   a) Transport of materials, goods or commodities to or from the land.

   b) Appearance of any building, works or materials.

   c) Emission of noise, artificial light, vibration, smell, fumes or similar.
6. Unless with the written consent of the Responsible Authority, all deliveries associated with the premises must be conducted on site and must occur between the hours of 8.30 am to 5.30 pm Monday to Friday.

Operation Management Plan

7. Prior to the commencement of the use, an amended Operational Management Plan must be prepared and submitted for approval to the satisfaction Responsible Authority. When endorsed, this plan will form part of this permit. This plan must include, but not be restricted to the following:
   a) Procedures, and standards for guests to minimise amenity and any parking problems in the neighbourhood.
   b) The requirements of any Conditions of this permit that impact on operations of the site.
   c) Details as to who will be responsible for enforcing rules and regulation, particularly during the sensitive hours of 10pm to 7am (at a minimum, one staff member must be in attendance at all times).
   d) The closing of the outdoor communal areas from 10pm to 7am.
   e) Windows of the facility and bedrooms facing the car park must remain closed from 10pm to 7am.
   f) The minimum and (as applicable) maximum number of staff on the premises at any one time.
   g) Establishment of a Complaints Hotline for use by residents in the vicinity of the premises, being the telephone number or numbers for registration of complaints or comments about the operation of the premises or the conduct of the guests. This hotline must be staffed at all times. A permanent register of all calls to this hotline must be maintained to the satisfaction of the Responsible Authority and be available for inspection upon request.
   h) Standards for property maintenance may help in cleanliness and measures be undertaken to ensure areas surrounding the establishment are kept clean of litter.
   i) Security against thefts and break-ins, including security of guests’ belongings.
   j) Development, documentation and promulgation of a fire management plan and appropriate training for all staff.
   k) Establishment of house rules (to be displayed and clearly visible to guests in the premises at all times) regarding:
      i) There being no limited on-site parking available for travellers;
      ii) Guests’ behaviour expectations;
      iii) Noise expectations;
      iv) Alcohol consumption expectations;
      v) The minimising of littering;
      vi) Expectations in relation to any visitors; and
      vii) Expectations in relation to any pets.
   l) Appropriate management and security practices, so as to prevent the congregation of patrons on frontages of the site.
m) A Green Travel Plan including procedures and measures to reduce patron reliance on cars. The plan must include a $10 myki card gifted per traveller to encourage the use of public transport.

n) The arrangements for the hire of any on-site bicycles made available for guests.

8. Once prepared to the satisfaction of the Responsible Authority, this Operational Management Plan will be endorsed and will form part of this permit. The management of the hostel must then be in accordance with this endorsed Operational Management Plan.

Waste Management

9. Prior to the commencement of the use, a Waste Management Plan must be approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design dated 6 February 2019 but modified to respond to any requirement arising out of Condition 1 of this permit.

10. 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.

11. At the request of the Responsible Authority, the owner/occupier/operator must undertake a review of the Waste Management plan and associated operations in the event the plan is unsatisfactorily managing operations and causing unreasonable impact on the amenity of the area.

Noise Management

12. Sound amplification equipment, juke boxes and loud speakers must not be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or other similar purposes, so as to be audible outside the premises.

13. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

14. At the request of the Responsible Authority, the owner/occupier must undertake noise measurements by a suitably qualified acoustic consultant and a report must be submitted to the Responsible Authority for compliance in relation to the N-1 policies and/or EPA Technical Guidelines.

Site Management

15. Unless otherwise agreed in writing by the Responsible Authority, the hours during which guests of the hostel are allowed to check-in are restricted to the period between 7am until 10pm. This restriction must be suitably advertised on the website, guests making telephone bookings must similarly be made aware of this restriction and a suitable sign to this effect must be displayed at the reception and front entrance(s) to the building.

16. Unless otherwise allowed in writing by the Responsible Authority:

(a) All doors and windows opening onto the carpark must remain closed after 10 pm and before 7am.
17. The operator must use its reasonable endeavours to put appropriate information on its website, and also to notify guests making bookings by telephone, that there is limited on-site car parking for its guests. An equivalent sign must also be displayed at the reception.

Traffic / parking

18. Prior to the commencement of the use, a 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. 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 be generally in accordance with the plan (specify any earlier submitted plan) but must include:

a) Changes and additional detail to the parking area to accord with condition 1 of this permit.

b) Nomination of parking bays, which must include a minimum of 2 staff spaces and 2 traveller spaces, with the remainder being student car spaces.

c) Detail must be provided as to how the car park will be managed and monitored having regard to the waste and deliveries vehicles expected to frequent the site.

d) Detail as to how the car park area will be utilised by staff and students / travellers only (i.e. no external usage).

19. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.

Permit Expiry

20. This permit will expire if one of the following circumstances applies:

a) The use is not started within two years of the date of this permit.

b) The use is discontinued for a period of two years or more.

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- 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.

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
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.

Given the proposal utilises an existing building protected by the Heritage Overlay, with no external works proposed, the assessment revolves around two considerations:

- Whether the proposed land uses are acceptable for the site and area; and
- Whether enough car parking is provided to support the nominated uses.

6.1. Strategic Justification and Land Use

Clause 16.01 of the State policies provides support for increasing housing in activity centres, providing housing diversity and locating housing that offers good access to jobs, services and public transport. Council’s Local policies seek to direct increased densities to activity centres and to offer an increased diversity and density of housing in activity centres.

Clause 17.01 of the State policies provides support to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Council’s Local policies seek to support the economic and social sustainability of activity centres through locating housing within and adjacent to the centre and encourage the development of tourism facilities with the Major Activity Centres (of which Sandringham is one). This however needs to minimise the impact and respects the residential, heritage, leisure and environmental goals for the municipality.

Furthermore, the proposed land use (accommodation) is consistent with the purpose statement of the General Residential Zone, where it requires:

- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
• To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

On this basis, there is significant strategic support, providing for housing diversity, supporting the Sandringham Village Major Activity Centre and promoting tourism throughout the local area. The uses would also benefit from the various facilities and services available in close proximity. In addition, the centre would benefit from the additional housing and tourism providing much needed economic support.

Notwithstanding the above, the site is largely residentially zoned land, with land to the north (dwellings) and east (Aged Care facilities) subject to the same zoning. Whilst land to the west is zoned commercial, a number of shop top houses are located above the ground level commercial tenancies. Below is the planning map showing the zoning of surrounding properties.

Subject site
Purple = Commercial 1 Zone
Pink = General Residential Zone (Schedule 1)
Grey = Train Station

In light of these sensitive interfaces, it is imperative that the proposed uses are able to suitably integrate with the surrounds. Clause 22.07 (Discretionary Uses in Residential Areas) while strictly not applicable, provides the most suitable assessment tool to determine whether the proposed use is compatible with the surrounding residential use.
Clause 22.07 - Discretionary Uses in Residential Areas

Clause 22.07 acknowledges the reality that some residential areas within the Municipality will inevitably be utilised for non-residential purposes.

Relevant to this application (noting there are no buildings and works) are a number of objectives and policy outcomes have been introduced to provide some guidance as to where these uses should locate, and how they should operate to ensure that primary purpose of the zone (i.e. Residential living) is not impeded.

The following is an assessment against the relevant policy outcomes at Clause 22.07-3:

<table>
<thead>
<tr>
<th>Heading</th>
<th>It is policy that:</th>
<th>Application response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Location</td>
<td>• The discretionary use abuts a Road Zone or collector road. Other locations may only be favourably considered where it can be demonstrated that residential amenity will not be unreasonably compromised.</td>
<td>The site abuts Bay Road, which is classified as a Road Zone category 1.</td>
</tr>
<tr>
<td></td>
<td>• Site consolidation is encouraged to ensure adequate on-site parking, landscaping and setbacks are provided.</td>
<td>The land is large (2318sqm) and appears to have been previously consolidated to account for the existing use (Aged Care). In any case, the existing building, car park area and landscape area would be retained.</td>
</tr>
<tr>
<td></td>
<td>• The discretionary use is on a corner site.</td>
<td>The subject site sits within the Sandringham Activity Centre, with commercially zoned land to the immediate south and west. Whilst land to the east is zoned residential, this land is utilised for a range of aged care and medical uses. Notwithstanding, the subject site is already utilised for non-residential purposes.</td>
</tr>
<tr>
<td></td>
<td>• The discretionary use is located on the periphery of commercial areas or adjacent to other discretionary uses to provide a transition between commercial and residential areas.</td>
<td>As stated above, the site sits within the Sandringham Activity Centre. The railway station, and numerous bus routes are a short walk away.</td>
</tr>
<tr>
<td></td>
<td>• The discretionary use is located near similar community and support facilities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The discretionary use is located within walking distance of public transport and promotes safe and convenient pedestrian access.</td>
<td></td>
</tr>
<tr>
<td>Siting, Built Form and Design</td>
<td>• Setbacks from front, side and rear boundaries for buildings or additions must be in accordance with the setback provisions contained in Clauses 54 and 55 of the Bayside Planning Scheme.</td>
<td>The existing building, car park area and landscaping would be retained. No external works are proposed.</td>
</tr>
<tr>
<td></td>
<td>• Any increase in building height is transitional and represents a height increase</td>
<td></td>
</tr>
</tbody>
</table>
of no more than one storey above the prevailing building height.

- The materials and finishes reflect that prevailing in the area.
- The discretionary use respects the prevailing built form, scale and materials of surrounding buildings, established neighbourhood character and responds to the preferred neighbourhood character.

<table>
<thead>
<tr>
<th>Streetscape</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setbacks are consistent with the prevailing setbacks in the area and meet requirements at Clause 54, Standard A3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle car parking and access areas do not form a dominant element in the streetscape.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car parking is provided at the rear of the premises.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Where car parking is provided within the front setback, a minimum landscape buffer of 3 metres from the front boundary is provided. A reduction may be considered where it can be demonstrated that such a reduction will not reduce the effectiveness of the landscaping or unreasonably impact on the streetscape.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As stated above, the existing building and car park would be retained. Therefore, the existing streetscape presentation would not change.

<table>
<thead>
<tr>
<th>Traffic and Car Parking</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of vehicle access points is restricted to one unless two access points are required for the safe, convenient and efficient movement of vehicles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off street parking is designed to allow for entry and exit to the site in a forward direction.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One disabled car space is provided on site, with a minimum width of at least 3.2 metres.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The two existing access points, along with the existing car park are being retained. The additional two spaces proposed would prevent a through, pick up – drop off area, however this would be rectified through condition (these spaces would require deletion).

The dimensions of the car park area are such that all vehicles can enter and exit in a forward direction.

No disabled car space currently exists, however one can be
• The discretionary use satisfies the traffic and car parking requirements in the table.  

provided through condition.  
The proposed uses do not contain any specified car park requirements. However, both the applicants traffic consultant, and Council’s traffic engineer agree that the existing 13 on-site car spaces (noting the additional two that were proposed would be removed through condition) would be more than adequate. Refer to Section 6.2 of this report for further assessment.

**Fencing**

• Front fencing is a maximum of 1.2 metres in height.  
• Provision of acoustic fencing where appropriate is provided.  
• Front fencing for Child care centres is a maximum of 1.2 metres in height. Where play areas are provided within the front setback, fencing should not exceed the minimum height required by any relevant legislation.  

No change to current fence conditions is proposed.

**Landscaping**

• Where car parking abuts a residential property boundary, a minimum landscape buffer of 2.0 metres from the side and rear boundaries is provided.  
• Existing trees and garden areas on the site are retained.  

All existing vegetation would be retained. Given no changes to the external building, no further landscaping is necessary as a reasonable vegetation spread already exists.  
A road separates the car park area from the residential property to the north.

**Advertising Signage**

• Signage is limited to what is required for identification purposes.  
• Lighting is kept to a minimum and only used when required during business hours.  

The existing signs would be retained, with no illumination proposed.  
No planning permit is required for signage, given that only the business identification would change (rather than the structure itself).

**General Amenity**

• Nearby residential properties not be subjected to unreasonable levels of noise.  
• The hours of operation do not have an adverse impact on the existing residential area.  

The nature of the use ensures that operations would be 24/7, as occupants utilise the facilities, and arrive and depart at any hour dependant on their daily / nightly activities.  
Given the typical age profile of both students and travellers
(young adults), and noting the likely mindset of travellers in particular (adventurous, social etc), there is a potential for the proposed activities to create a level of noise that could be audible from surrounding residential properties. The use must be considered on its merit and not be influenced by other poorly run student or traveller accommodation around the state.

The applicant has submitted an Operational Management Plan (OMP), which states various expectations regarding guest behaviour and conduct. Key statements / policies include:

- Excessive noise and loud music will not be permitted;
- Parties or events will not be permitted;
- No audible noise outside of the building permitted before 7.30am or after 11pm.

Whilst the above-mentioned regulations are sound, the report is silent on how such rules and regulations will be enforced and monitored.

Such regulations would be more easily enforced for students (as they would be long term tenants), however the nature of traveller accommodation is such that turnover would likely be moderate / high, which brings with it some difficulty in enforcing rules and behaviour expectation.

However, the relatively small nature of the traveller accommodation (44 beds), along with Sandringham not being a typical ‘party’ destination (unlike St Kilda, Chapel Street, CDB etc) ensures that this matter is not fatal to the application.

A more detailed OMP will be required through condition, which must describe who will be responsible for enforcing expectations, particularly for the
sensitive hours (between 10pm and 7am). As a minimum, one staff member must be on site during these hours to enforce rules and regulations.

Importantly, the applicant has submitted a Noise Assessment report with the application, confirming that the existing building is suitably treated such that all internal areas (bedrooms, kitchen, common areas etc) would comply with the relevant acoustic standards, being SEPP N-1. This covers instances where windows are opened and closed.

With respect to outdoor areas, a condition will be placed on the permit requiring that these areas (that locate away from the sensitive areas in any case) cease operations from 10pm. Furthermore, the entrance to the facility is located approximately 30m from the closest sensitive interface (being 16 Trentham Street), which would ensure that people entering / exiting the premises wouldn’t cause unreasonable impact to the closest sensitive interface.

6.2. Car parking and traffic

It is proposed to provide a total of 15 on-site car parking spaces for the entire facility. Car parking is provided at the rear and at ground floor level accessed from Trentham Street. 13 of these car parking spaces exist with 2 additional car parking spaces proposed in the location of the existing circular driveway.

Pursuant to Clause 52.06-5 (Car Parking) of the Bayside Planning Scheme, the proposal does not have a specific car parking rate. Clause 52.06-6 states that where a use of land is not specified in Clause 52.06-5, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the Responsible Authority.

On this basis, an appropriate guide for the student accommodation component is the ‘rooming house’ rate given that people will be sharing one room as opposed to a room per person.

The traveller accommodation is more akin to individual rooms (hotel/motel) and targeted to those who are less likely to use vehicles. Therefore given there is no rate, the car parking analysis will be assessed on a needs basis. The table below provides the raw data numbers:

The permit applicant has submitted a Traffic Impact Assessment, prepared by Quantum Traffic Pty Ltd who have advised of the following:

- 1 car space is required for the Student Accommodation component of the proposed
The traveller accommodation is typically aimed at international travellers who typically will not use cars.

- If travellers choose to hire a car, it is unlikely to be for extended periods, thus not creating a significant burden on car parking demand.
- This accommodation is targeted at budget travellers who are less likely to utilise a car.
- The site has convenient access to alternative modes of transport, being Skybus, public train system (Sandringham railway station), private bus services, public bus services, taxi and Uber.

The application and accompanying traffic assessment was referred to Council’s traffic engineer, who agreed with the analysis, but suggested some modification to the parking area itself, including:

- Retention of the existing horse shoe driveway (the two additional spaces that were proposed would be lost);
- The provision of one disabled space.
- A minimum of two spaces be provided for staff, with all remaining spaces allocated to students (over and above the single space that was suggested by the Applicant’s Traffic Assessment).

The above would likely reduce the overall number of spaces to 12, however this was still deemed to be acceptable by Council’s traffic engineer, given the typically low demand for spaces from travellers.

Based on the above Council’s Traffic Engineers agree that the traffic generation is expected to be less than the previous use (aged care). This is particularly relevant to the level of staffing which is significantly less than the previous aged care use.

A car park management plan is recommended in the conditions, which must stipulate the allocation of spaces to staff and students, along with mechanisms to ensure that the car park is not utilised by people unrelated to the use. Some flexibility is warranted with respect to car park allocation, as the ideal usage would establish over time once the facility is operational.

6.3. Waste Collection, loading and unloading

VC142 was introduced into the Bayside Planning Scheme, effectively removing separate requirements for loading and unloading under former Clause 52.07. This matter is now included within the broader matters for consideration found under Clause 65 of the Scheme.

The permit applicant has submitted a Waste Management plan prepared by Leigh Design Pty Ltd. The plan outlines the following operations associated with waste collection:

- A private contractor shall collect waste on Trentham Street (sites frontage),
- Waste collection shall be carried out by rear-lift vehicles (nom. 8.8m long and 4m high),
- 6 x 220 litre bins (3 x garbage and 3 x recycling) are required and to be collected twice a week,
- Users shall dispose of waste in to collection bins,
- Collection bins shall feature rubber wheels for quiet rolling during transfer,
- Waste areas shall meet BCA and AS2107 acoustic requirements,
• Local Laws shall be observed in public areas and roads,
• Hours of waste collection shall be as specified in Council’s Local Laws and EPA Noise guidelines,
• The operator shall promote litter reduction and responsible waste disposal,
• A litter trap shall be fitted,
• Require contractor to clean up the bin area after any spillage,
• Waste areas to be ventilated and impervious flooring and
• Provision of Council requests to modify should the waste management plan be ineffective.

The plan was referred to Council’s Waste officer who reviewed the plan and did not raise any objection to the proposed outcomes. A condition is included to ensure the plan is implemented and complied with at all times.

However, the only matter of concern with the plan which may impact on the amenity of the neighbourhood and availability of car parking is the waste management plan’s recommendation to park the waste collection truck on Trentham Street and move bins across the footpath. Given there is on site access and parking, a condition will be included to require all waste collection on site.

In addition, given the above, it is appropriate that all deliveries to and from the site are conducted on the site and do not impose a load on the street or on–street parking.

6.4. 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.

6.5. Development contributions levy

Based on the proposed application and below recommendation, no development contributions levy is applicable.

6.6. Objector issues not already addressed

Use inappropriate for residential zone

The site is within the Sandringham Major Activity Centre, adjacent a commercial area with a history of non-residential use (previous use was aged care). Subject to conditions, the use would not interfere with, or unreasonable impact upon the surrounding residential uses for reasons described throughout the report.

No need for student accommodation in Sandringham

The sites proximity to public transport ensures that surrounding educational facilities could easily be accessed from the site. The 16 beds proposed for students are also very low in number and refusal on the basis of not being located near an existing university or TAFE is inappropriate. In any case, the market will dictate whether or not such spaces are needed, and no empirical evidence was provided to support this view that the spaces would not be utilised. Interestingly, the applicant has advised that pilots attending Moorabbin Airport for training could be students utilising the premises.

No community benefit

This objection is subjective and additional residents would provide a benefit to the community, particularly the Sandringham Major Activity Centre through addition patronage and use of services and facilities.

Loss of amenity

This is discussed in the body of the report.
Inconsistencies between application documents.

There are some minor inconsistencies in documents, however none of this impacted upon an ability to undertake a full and proper assessment. Factors relevant to the assessment itself (i.e. the use of outdoor areas) will be controlled through condition.

Support Attachments
1. Proposed site layout
2. Acoustic report
3. Operational Management plan
4. Traffic/Parking report
5. Waste Management plan
6. Site and surrounds imagery
February 2019

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Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2018/836/1

Date: 27 March 2019

Client: ASK Planning Services for Sandy Beach Shack
Job No: N13657
Report By: Alec Kuoeh, Acoustic Consultant
Reviewed By: William Dalmau, Senior Acoustic Consultant

N:\Clients\Ask Planning Services\N13657 33 Bay St Sandringham Acoustic Assessment\N13657 - ASK Planning Services - Sandringham - EMA R1.docx

P: 1300 856 282 | F: 1300 856 284 | info@jta.com.au | www.jta.com.au
139 Ormond Rd Elwood VIC 3184
JTA Health, Safety & Noise Specialists Pty Ltd
ABN: 79 007 071 383

Item 4.5 – Matters of Decision
SUMMARY

Noise prediction calculations for the proposed travellers/student accommodation at 33 Bay Road, Sandringham has been conducted for occupants' related activity at nearby residential receivers. The proposed development is set to operate 24 hours, 7 days a week.

This will coincide with SEPP N-1 day, evening and night time periods. Predicted levels have been compared to the noise limits, with the compliance as follows:

- Compliance with SEPP N-1 noise limits is predicted to occur during all time periods under the typical operational conditions when windows are closed.
- Compliance or marginal compliance with SEPP N-1 noise limits is predicted to occur during all time periods under the typical operational conditions when windows are open.
- Compliance with SEPP N-1 noise limits is predicted to occur during the day time period when windows are closed under worst-case conditions.
- Non-Compliance with SEPP N-1 noise limits predicted to occur during evening and night time periods when windows are open under worst-case conditions.

It is noted that noise predicted noise levels for typical or worst-case conditions are considered conservative and it is likely noise emissions will be less than what has been predicted. Full compliance with SEPP N-1 noise limits is likely when windows are open due to administrative noise controls such as management limiting loud music and TV during evening and night time periods.
Environmental Noise Assessment
ASK Planning Services for Sandy Beach Shack –
33 Bay Road, Sandringham

1 INTRODUCTION

ASK Planning Service who is facilitating for Sandy Beach Shack are proposing to convert an existing age care facility into a travelers/student accommodation at 33 Bay Road, Sandringham, Victoria. The proposed accommodation will incorporate the existing single storey building with the only works to be carried out to internal fitouts and no alterations to the external building.

JTA Health, Safety & Noise Specialists performed an Environmental Noise Assessment at the 33 Bay Road, Sandringham. The Environmental Noise Assessment was commissioned by Trent Keogh of Sandy Beach Shack.

The Environmental Noise Assessment was performed in accordance with the requirements of the State Environmental Protection Policy N-1 (Control of Noise from Commerce, Industry and Trade) (SEPP N-1).

The Environmental Noise Assessment included the following:

1. Review provided drawings and photos of the site.
2. Predict the sound attenuation offered by the north facing façade of the site via estimation of building materials.
3. Determination of State Environmental Protection Policy No. N-1 (SEPP N-1) Zoning Levels based on information provided by in the local planning scheme to be used as indicative noise limits.
4. By using assumed internal noise levels, calculate the predicted noise level from the site at relevant noise sensitive receiver locations.
5. Comparison of predicted site noise emissions at relevant noise sensitive locations against the SEPP N-1 zoning level to determine indicative compliance.
6. Preparation of a report detailing the conditions during the assessment, the results of the assessment, a comparison with the indicative noise limits and, where required, recommendations to assist in complying with the requirements Condition No. 4 of the Bayside City Council planning application.

A Site Map, showing the location of the facility is presented in Appendix I.

Disclaimer: JTA Health, Safety, and Noise Specialists has prepared this report exclusively for the use by the named client. JTA Health, Safety, and Noise Specialists believe that the information in this report is correct, and that any opinions, conclusions or recommendations are reasonably held or made at the time of writing. Assessment results and concluding recommendations are based on the representative operational conditions during the attended survey. Changes in operational conditions or plant, machinery, equipment or systems can result in deviating noise levels. JTA Health, Safety, and Noise Specialists disclaim all responsibility for any loss or damage which may be suffered by any person, directly or indirectly from the use of this report.
2 DESCRIPTION OF PROPOSED DEVELOPMENT & LOCAL AREA

The proposed travellers/student accommodation is located in residential zoned land with residential neighbours directly to the north and north-east. Commercial zoning and properties also adjacent the development directly to the west and south.

The proposed travellers/student accommodation is to include the following:

- 16 beds for students in the southern wing
- 44 beds for travellers in the western wing
- 2 communal dining areas and 1 living room
- 1 kitchen and 1 laundry

The proposed travellers/student accommodation is to operate 24 hours, 7 days a week with guests and residences able to move freely around the facility. Primary noise sources will be from residences conducting everyday task which may include listening to music/TV and conversations between residences.

The site is currently an unoccupied that will be refurbished for the proposed development. Figure 3.1 details the proposed site.
Figure 3.2 below provides an aerial site map of the proposed developments site, as well as the nearest noise sensitive receivers in the vicinity of the site.

**Figure 3.2 – Aerial Site Map of Proposed Development and Surrounding Environment**

The nearest and most affected noise sensitive receiver is located to the north of the proposed site at 14 Trentham Street.
3 METHODOLOGY

Condition No. 4 of the Bayside City Council planning application relevant to this project states the following:

- An Acoustic Report (prepared by a qualified acoustic engineer) outlining the form of acoustic treatment required to protect all building occupants from external noise sources with specific regard to the residential properties to the north and north-east.

Based on the above condition, JTA has assessed the potential noise impact from the site against State Environment Protection Policy No N-1 (SEPP N-1).

EPA Guidelines

The Government of Victoria sets out its policies to control and reduce environmental pollution through State Environment Protection Policies (SEPPs). The goal of SEPP (Control of Noise from Commerce, Industry and Trade) No. N-1 is to protect people from commercial, industrial and trade noise that may affect the beneficial uses made of noise sensitive areas, which include normal domestic and recreational activities, including in particular, sleep in the night period.

SEPP N1 prescribes noise limits for commercial, industrial and trade, and provides details on noise measurement procedures, including the measurement of background levels and adjustments to effective noise levels.

Noise Limits are based on the combination of the Background Level, the land use zoning and the time period being measured. The Influencing Factor and Noise Limits were calculated using local zoning information (Appendix II – Zoning Map).

The Background Noise Levels and Noise Level from a facility are measured at a point within a "Noise Sensitive Area", usually the nearest residence or a site of complaint. The noise level is adjusted where necessary for factors that increase the annoyance of the noise such as tone, intermittency, and impulsive components. The final level is the Effective Noise Level, and is compared with the Noise Limit to determine compliance.

SEPP N-1 uses the time periods detailed in Table 4.1 below.

<table>
<thead>
<tr>
<th>Table 4.1 - SEPP N-1 Time Periods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Day</td>
</tr>
<tr>
<td>Evening</td>
</tr>
<tr>
<td>Night</td>
</tr>
</tbody>
</table>
Environmental Noise Assessment
ASK Planning Services for Sandy Beach Shack – 33 Bay Road, Sandringham

4 PREDICTED NOISE IMPACT

The predicted noise levels from the proposed development at the most affected residential receivers was conducted by predicting the sound insulation properties of the existing building envelope in the direction of the most affected residences, and based on a variety of conditions, determine what level the noise emissions from the development would be at the residences.

Based on provided photos of the development, JTA has assumed the following construction:

Building Envelope Construction
- Windows - 6mm glazing in openable frame, tightly closed or opened, or equivalent
- Masonry wall – double brick with plaster board internal
- Roof – 10mm plaster board with insulation and steel roof

Activities within the proposed spaces include the following:

Travellers/Student activities
- Loud Music/TV
- Loud Conversations
- 1-3 Occupants per bedroom
- 10 Occupants in communal living room

Based on the above activities, the noise emissions have been characterised into typical and worst-case conditions. Additionally predictions have also been conducted for window open and closed arrangements.

Noise prediction calculations of both noise sources and sound insulation properties has been conducted in octave bands. Noise from the following areas of the development was considered:
- Student bedrooms
- Student corridor spaces
- Communal living area

4.1 Noise Modelling

The proposed development’s noise emissions were predicted by incorporating the relevant noise sources into a computer noise model prepared for the site. The noise modelling was conducted using the software SoundPLAN which implements the algorithms contained in ISO 9613-1 and ISO 9613-2. The model accounts for the following factors:
- Source sound power levels as specified in Appendix III
- Source directivity, tonality and orientation
- Distance attenuation, including source and receptor heights
- Barrier effects due to facility structures and other buildings
- Ground effects
- Atmospheric attenuation
- Meteorological effects

The Development noise model includes the following:
- Proposed site buildings
- Residential Dwellings
- Topography of the area
- Ground adsorption of the local area

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As the development is proposed, noise levels associated with the travellers/student accommodation activities has been obtained from the JTA database and available literature. Noise levels from guests and students activities has been predicted at the most affected noise sensitive receiver based on the proposed building envelope construction, barrier effects and distance corrections. No information has been provided about the proposed developments mechanical services requirements, layout or noise levels. The following assumptions have been made regarding the predicted noise levels from the development.

**Barrier Effects**
- Fence heights of 2.0 metres

Figure 4.1 details the noise model components below. Orange shaded areas represent noise source locations of different building components.

![Figure 4.1 - Noise Model](image-url)
5 RESULTS

SEPP N-1 is used to assess all noise emitted from the travellers/student accommodation.

5.1.1 SEPP N-1 Noise Limits

SEPP N-1 noise limits and calculations of day, evening and night time period are presented in Table 5.1 below. Note, background noise measurements were not conducted and therefore the zoning levels will be adopted as the noise limit.

<table>
<thead>
<tr>
<th>Location</th>
<th>Influencing Factor</th>
<th>Zoning Level</th>
<th>Background Level dB(A)</th>
<th>Low/Neutral/High Background?</th>
<th>Noise Limit dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>33 Bay Road Day 0700 – 1800</td>
<td>0.16</td>
<td>53</td>
<td>-</td>
<td>Neutral</td>
<td>53</td>
</tr>
<tr>
<td>Evening 1800 – 2200</td>
<td></td>
<td>47</td>
<td>-</td>
<td></td>
<td>47</td>
</tr>
<tr>
<td>Night 2200 – 0700</td>
<td></td>
<td>42</td>
<td>-</td>
<td></td>
<td>42</td>
</tr>
</tbody>
</table>

5.1.2 SEPP N-1 Effective Noise Levels

Predicted noise emissions under typical and worst case conditions from travellers/students associated with the operation of the accommodation at the most affected residential receiver at 14 Trentham Street are presented in Table 5.2.

<table>
<thead>
<tr>
<th>Location</th>
<th>Source Noise dB(A)</th>
<th>Transmission Loss dB(A)</th>
<th>Effective Noise Level dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Trentham Street</td>
<td>85</td>
<td>49</td>
<td>36</td>
</tr>
<tr>
<td>14 Trentham Street</td>
<td>85</td>
<td>32</td>
<td>53</td>
</tr>
<tr>
<td>14 Trentham Street</td>
<td>75</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>14 Trentham Street</td>
<td>75</td>
<td>32</td>
<td>43</td>
</tr>
</tbody>
</table>
### 5.1.3 SEPP N-1 Compliance Status

A comparison of the Effective Noise Levels with the Noise Limits is presented in Table 5.3.

<table>
<thead>
<tr>
<th>Location</th>
<th>Period</th>
<th>Noise Limit dB(A)</th>
<th>Effective Noise Level dB(A)</th>
<th>Compliance with SEPP N-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Trentham Street</td>
<td><strong>Day</strong></td>
<td>53</td>
<td>36</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Evening</strong></td>
<td>47</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Night</strong></td>
<td>42</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Worst-case - Windows Open</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Day</strong></td>
<td>53</td>
<td>53</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td><strong>Evening</strong></td>
<td>47</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td><strong>Night</strong></td>
<td>42</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td><strong>Typical - Windows Closed</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Day</strong></td>
<td>53</td>
<td>30</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Evening</strong></td>
<td>47</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Night</strong></td>
<td>42</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Typical - Windows Open</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Day</strong></td>
<td>53</td>
<td>43</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Evening</strong></td>
<td>47</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Night</strong></td>
<td>42</td>
<td></td>
<td>Marginal¹</td>
</tr>
</tbody>
</table>

1 – results within 2 dB are considered a marginal pass.

Note: if the Effective Noise Level complies with the Night Period, compliance will be achieved for any other period.

The predicted noise contour maps for the typical condition with window closed and worst-case condition with window open are detailed in Figures 5.1 and 5.2. Note a blue limit line at 42 dB(A) has been included to demonstrate where the night time criteria has been exceeded.
Environmental Noise Assessment
ASK Planning Services for Sandy Beach Shack –
33 Bay Road, Sandringham

Figure 5.1 – Noise Contour Map – Typical Condition – Windows Closed

Figure 5.2 – Noise Contour Map – Worst-case Condition – Windows Open
6 CONCLUSION

Noise prediction calculations for the proposed travellers/student accommodation at 33 Bay Road, Sandringham has been conducted for occupants' related activity at nearby residential receivers. The proposed development is set to operate 24 hours, 7 days a week.

This will coincide with SEPP N-1 day, evening and night time periods. Predicted levels have been compared to the noise limits, with the compliance as follows:

- Compliance with SEPP N-1 noise limits is predicted to occur during all time periods under the typical operational conditions when windows are closed.
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- Compliance with SEPP N-1 noise limits is predicted to occur during the day time period when windows are closed under worst-case conditions.
- Non-Compliance with SEPP N-1 noise limits predicted to occur during evening and night time periods when windows are open under worst-case conditions.

It is noted that noise predicted noise levels for typical or worst-case conditions are considered conservative and it is likely noise emissions will be less than what has been predicted. Full compliance with SEPP N-1 noise limits is likely when windows are open due to administrative noise controls such as management limiting loud music and TV during evening and night time periods.

7 30 YEARS OF INDEPENDENT TAILOR-MADE ADVICE

JTA is one of Australia's leading independent workplace consultancies. For 30 years we've helped businesses manage their occupational health, safety and noise requirements. We pride ourselves on our ability to understand a client's needs and provide tailor-made advice. Our team of specialist consultants offer pragmatic recommendations based on innovative scientific solutions and legislative compliance. Creating healthy, safe and productive workplaces is what we do every day.
Environmental Noise Assessment
ASK Planning Services for Sandy Beach Shack – 33 Bay Road, Sandringham

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February 2019
Environmental Noise Assessment
ASK Planning Services for Sandy Beach Shack –
33 Bay Road, Sandringham

APPENDIX III - NOISE DATA LEVELS

Reverberant internal noise levels for occupant activities is presented below.

<table>
<thead>
<tr>
<th>Description</th>
<th>Frequency (Hz) / dB(Z)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>63</td>
</tr>
<tr>
<td>Occupant noise – worst-case</td>
<td>91</td>
</tr>
<tr>
<td>Occupant noise – typical</td>
<td>81</td>
</tr>
</tbody>
</table>

Sound insulation properties of the development building is presented below.

<table>
<thead>
<tr>
<th>Description</th>
<th>Frequency (Hz) / dB(Z)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>63</td>
</tr>
<tr>
<td>Window - awning 6mm open</td>
<td>3</td>
</tr>
<tr>
<td>Window - awning 6mm closed</td>
<td>17</td>
</tr>
<tr>
<td>Masonry wall - Double brick with PB on inside</td>
<td>27</td>
</tr>
<tr>
<td>Roof - 10mm plasterboard, insulation, steel roof</td>
<td>14</td>
</tr>
</tbody>
</table>
Operational Management Plan
The Sandy Beach Shack

Bayside City Council
Planning and Environment Act 1987
ADVERTISED PLAN
Planning Application No. 725/2018/836/1
Date: 27 March 2019

33 Bay Road, Sandringham
December 2018
Report

1 Background / Context

Business Partners - Trent Keogh, Jake Rausz, Anthony Dukes

As three local residents we identified a gap in the market which created an opportunity for short and long term accommodation catering to travelers and students.

We then secured the perfect site at 33 Bay Road Sandringham, a previously vacated nursing home, this presented the perfect opportunity to attract students and travelers to the beautiful Bayside precinct.

Our core objective is to provide affordable, safe and accessible accommodation for students and travelers to experience the Bayside lifestyle.

The Sandringham Village has seen considerable change in the past 3 years and we believe that our contribution to affordable accommodation will generate additional visitors to the area which will provide a positive contribution and opportunity to local traders within the precinct. The Sandringham Village has already set provisions for such a change, with an activity center within the village and a direct train line into the city.

Initial stakeholder engagement has been incredibly positive with three local businesses identifying opportunities to leverage business partnerships. Sandringham Yacht Club have expressed interest in utilizing the accommodation for short term stays whilst they hold regattas. The neighboring Juice Bar - Cool Delights would like to offer discount cards to any customers of the Sandy Beach Shack to show their support and Limoncello have also expressed their support for the concept and would like to offer specific discounted meal options that would appeal to local travelers (e.g. Monday night $10 pasta and wine night).

2 Accommodation and Facilities

The Sandy Beach Shack will provide 28 spacious rooms that are more than double the minimum living standards for short stay accommodation complimented by 13 bathrooms. The accommodation is equipped with everything that a traveler or student needs. This will include, but is not limited to: free Wi-Fi, TV point, phone and laptop charging facilities, hydronic heating, bike storage, private car parking, communal laundry and kitchens throughout, a library and indoor activity areas. Not to mention the ample amount of gardens and private outdoor entertaining areas within the private property.

We believe these facilities will provide a safe community for our students and travelers.

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2018/836/1
Date: 27 March 2019
3 Guest behavior and conduct

A welcome pack for guests which includes clear information on expectations regarding conduct and behavior will be developed and made available to every guest visiting the Sandy Beach Shack to ensure minimization of the impact on public amenity.

Noise, parties, loud music and any other activity that creates negative impact on the amenity of surrounding residents will not be permitted. An advantage is that the location is on the edge of commercial zoning and is not directly adjoining any other residential houses. Residents and guests will be strongly encouraged not to entertain on our premise, but walk into the Sandringham Village to enjoy the offerings.

The property, gardens and private BBQ facilities will be regularly maintained.

Noise levels

Parties or events will NOT be permitted at The Sandy Beach Shack. When returning to The Sandy Beach Shack at night, guests will be expected to be considerate of other guests and neighbors. Should a guest or group of guests be warned about noise more than once they may be asked to leave. The utilization of music equipment including instruments, stereos, beat boxes, and amplifiers will be prohibited.

No noise that is audible outside the building will be permitted before 7:30am or after 11pm.

Signage in all communal areas and walkways will be established with wording such as: Please respect other guests and neighbors, return inside your accommodation as quiet and quickly as possible.

Outdoor Recreation and Prevention

Congregation of guests in the outdoor recreation area is permitted until the time specified by the council's residential guidelines. Excess noise will not be permitted outside of these times.

4 Complaints Resolution Process

Our goal is to ensure that every guest will have the ability to communicate effectively with management in a timely manner. This will include provision of contact details to the duty manager for any urgent issues and by utilizing social media platforms for general feedback or concerns.

The duty manager name and phone number shall be published at the front door and on the website.

A complaints register will be kept and reviewed regularly with a view to enhance guests stay and minimize common complaints.

5 Waste Collection & Management

The current waste collection has been calculated upon 70 long term residents. This includes the 5 allocated 240 litre rubbish bins allocated by the council.

The Sandy Beach Shack operators also believe in a waste management process that is as sustainable as possible. This includes compost bins for food scraps and separate recycling bins for bottles and plastics. These are within the parameters set by the Bayside City Council.

Rubbish bins will not be in the direct line of site for the public and is locked at all times.
6 Fire Management Plan & Staff Training

A Fire Safety Management Plan will be established and implemented.

The fire system has been properly designed and engineered for a retirement village of 70 residents. We intend on using this same fire system. This includes over 100 existing thermal and smoke alarms, with sprinklers that are monitored and linked to the local fire brigade. This system installed will be maintained and training will be provided to relevant staff management.

All guests will be made aware of the appropriate emergency evacuation process via the guest information pack and appropriate signage.

The Sandy Beach Shack will have an acoustic report as part of the monthly monitoring and maintenance of the fire evacuation system. The acoustic readings, from the Bay Road traffic coming into the premise, are as low as 25dB. These readings are taken within trading hours, on a main road, with heavy constructions surrounding the premise. The same low acoustic readings will travel outward from the premise.

7 Security and Guests Belongings

The Sandy Beach Shack will be equipped with an access control system door code, security cameras and a monitored alarm system. This will ensure that no one can access the building without being accompanied by a guest. Guests will also have individual locks on their doors and access to ‘Day Lockers’.

The outdoor garden and BBQ facility is also protected by a code lock that will only be known by the guests.

The perimeter of the property is monitored by the local Public Service Officers provided by the Sandringham Train Station. This is an additional benefit of adjoining to a public train station.

The Sandringham Police Station is also within walking distance of the property.

8 Guest Car Parking and Travel

The Sandy Beach Shack premise has access to 15 private car spaces for guests. This access also includes a drive-through ‘drop off zone’ as to not disrupt the local traffic conditions.

The Sandy Beach Shack will provide ample bike racks on the premise and given the close proximity of the train public transport will be encouraged.
14th March, 2019

Bayside City Council
C/- ASK Planning Services
31 Mills Street
ALBERT PARK VIC 3206

Attention: James Stuart-Menteth

Proposal: Student & Traveller Accommodation Building

Site: 33 Bay Road, Sandringham

Traffic Engineering Assessment: Traffic Impact Assessment Letter

1. Introduction

Please find following a traffic impact assessment of the proposed student and tourist accommodation application at 33 Bay Road, Sandringham.

The proposal generally retains the existing building and proposes to accommodate students and tourists.

The following assess the critical matters pertaining to traffic engineering matters.

2. Proposal

The proposal is for modifications to the exiting building to facilitate accommodation.

The proposal will accommodate a total of 60 beds as follows:

- 6 student accommodation rooms, accommodating 16 beds
- 44 tourist/traveller beds (21 rooms)

A total of 15 car spaces are proposed within the existing car parking area, which includes an additional 2 car spaces above existing conditions in the form of tandem spaces for staff.

A total of 3 staff will be on-site at any one time (receptionist, manager and other services).

A total of 11 on-street car spaces will be available along the site’s combined frontage (net gain of 1 car space)

Development plans prepared by SKT Building Designs (dated November, 2018) are attached at Appendix A.

QUANTUM Letter(33 Bay Rd) Ref: 19-0011
3. Existing Conditions

The site is located on the north-western corner of the Bay Road and Trentham Street in Sandringham approximately 300m south-east of Sandringham Railway Station and 350m east of the Sandringham Foreshore/Port Phillip Bay.

The site was historically used as an Aged Care Facility with 13 car spaces.

The majority of the site is zoned General Residential Zone – Schedule 1 (GRZ1) with the north-west corner zoned Commercial 1 Zone. The site is subject to Heritage Overlay (HO27), Design & Development Overlay (DDO8) and Development Contributions Plan Overlay (DCPO1).

Bay Road is a declared arterial road under the control and management of VicRoads. The carriageway accommodates a through lane of traffic in each direction and indented parking lane on both sides.

Trentham Street is a local road under the control and management of Bayside City Council, extending north from Bay Road to Abbott Street in the north. The carriageway permits kerbside parking on both sides and an unobstructed traffic lane in each direction.

Figure 1 to Figure 4 provide a locality map, aerial photograph, site photograph and photograph of existing carpark/crossover, respectively.

![Subject Site](image1)

**Figure 1:** Location Map (Melway)

![Subject Site](image2)

**Figure 2:** Aerial Photograph (Nearmap)

![Figure 3: Subject Site](image3)

*(photo taken 11am on 11th Feb, 2019)*

![Figure 4: Existing Carpark/Crossover](image4)

QUANTUM Letter (33 Bay Rd)
4. Car Parking Surveys

This application is not expected to result in overflow car parking demands and accordingly, extensive car parking surveys are not warranted.

A spot car parking survey was undertaken at 11am on Monday 11th February, 2019. The area surveyed included Bay Road between Beach Road and Fernhill Road and Trentham Street (entire length).

A total of 114 publicly accessible car spaces (52 spaces within Bay Road excluding 1 x Work Zone and 6 x 1/4P spaces as these are not considered suitable and 62 spaces in Trentham Street) car located within this area.

A total of 101 (46 cars in Bay Road and 55 cars in Trentham Street) were observed to be parked in this area representing 13 vacant spaces and a car parking occupancy of 89% (high demand).

Accordingly, while car parking was in high demand as this application does not rely on off-site car parking there is still available car parking in the nearby area if an overflow demand did occur (unlikely).

5. Statutory Car Parking Assessment

Clause 52.06-5 prescribes the number of car spaces to be provided for each different land use within the proposed development or change in use.

The student accommodation use falls under the land use ‘rooming house’ under Clause 52.06-5.

Under Clause 52.06-5 the proposed tourist/traveller accommodation use is innominate and car parking is to be provided to the satisfaction of the responsible authority as outlined under Clause 52.06-5 which states where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary mobile sales office located on the land for sale.

Table 1 outlines an assessment of the car parking provision against the statutory requirement prescribed under Clause 52.06-5 of the Bayside Planning Scheme.

<table>
<thead>
<tr>
<th>Use</th>
<th>No.</th>
<th>Statutory Car Parking Rate</th>
<th>Requirement (i)</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rooming House</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student</td>
<td>6</td>
<td>1 space per 4 rooms</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Accommodation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tourists/Travellers</td>
<td>44</td>
<td>To the satisfaction of the Responsible Authority</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>N/A</td>
<td>15</td>
</tr>
</tbody>
</table>

Note 1: Non-whole numbers rounded down to the nearest whole number as specified by Clause 52.06-5.

Accordingly, an assessment is provided below with respect to the appropriateness of the car parking level.
parking provision for the traveller use in particular, which is assessed as follows under Clause
52.06-7.

**Car Parking Reduction**

The Bayside Planning Scheme allows for the car parking provision of a proposed change in use to be less than the statutory car parking requirement. Clause 52.06-3 states:

A permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay

A two-step assessment is required in order to justify the car parking reduction sought.

The first step is to assess the likely car parking requirement or demand generated by the proposed change in use, which is to undertake a Car Parking Demand Assessment (CPDA).

If the Car Parking Demand Assessment determines that the likely demand of the proposal will not be met on-site, the second step is to determine whether or not it is appropriate to reduce the number of car spaces provided than is generated.

**Car Parking Demand Assessment**

The following outlines my Car Parking Demand Assessment for the accommodation use.

**Student Accommodation**

As the car parking requirement of 1 car space for this use if met on-site, no further assessment is required.

It is worth noting that student accommodation

I am satisfied that the demands associated with student accommodation will be fully met on-site.

**Tourist/Traveller Accommodation**

As per the student accommodation use, tourist/travellers accommodation is typically aimed at international travellers who typically will not utilise a car to access the site.

While some tourists may hire a car, it is unlikely to be for extended periods at the site, but rather to travel long distances from the site to Victorian tourist attractions.

Additionally, the 44 beds are provided within 21 rooms (i.e. average of more than 2 beds per room). This type of accommodation, which includes a ‘communal living room’ is more targeted at budget travellers (i.e. backpacker type accommodation).

The location of the site is supported by everyday services and public transport nodes located within convenient walking distance of the site.

Additionally, the site can be accessed from the airport by either Skybus/Sandringham Railway Line, private bus services, Uber or Taxi, which are likely to be more highly utilised compared to hire car.

It is my opinion that the 14 car spaces allocated to this use are unlikely to be highly utilised and the provision of car parking is excessive for this use in this location.
Residential Development: 33 Bay Road, Sandringham
Traffic Engineering Assessment: Traffic Impact Assessment Letter

**Providing Fewer Spaces Than Generated**

The second step is to assess the appropriateness of providing less car spaces on the land than is generated, as outlined under the Car Parking Demand Assessment.

In this case, all demands will be accommodated on-site at all times with no overflow expected.

In any case, the critical factors for consideration are outlined below:

- The Car Parking Demand Assessment.
- The availability of alternative car parking in the locality of the land, including:
  - The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
  - The future growth and development of any nearby activity centre.
  - Access to or provision of alternative transport modes to and from the land.

An assessment of the relevant factors in justifying the overflow demands generated by the proposed change in use application is outlined in Table 2.

**Table 2: Reduced Car Parking Provision – Relevant Factors**

<table>
<thead>
<tr>
<th>Factor</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Parking Demand Assessment</td>
<td>As outlined above, the car parking demand assessment outlines that no overflow demands are likely with the provision of car parking considered excessive for this accommodation type in this location.</td>
</tr>
<tr>
<td>The availability of alternative car parking in the locality of the land</td>
<td>As outlined previously, there is sufficient car parking available within the nearby area to accommodate any overflow demands, which are expected to be negligible in any case.</td>
</tr>
<tr>
<td>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</td>
<td>The application is for a change in use with limited external changes to the building proposed as it is a Heritage listed building. Accordingly, it would not be reasonable to expect additional parking to be provided above what is proposed on-site. Additionally, as outlined previously, there is no overflow expected.</td>
</tr>
<tr>
<td>The future growth and development of any nearby activity centre</td>
<td>Any overflow associated with the proposed accommodation use will not have an unreasonable impact on the growth and development of the Activity Centre.</td>
</tr>
<tr>
<td>Access to or provision of alternative transport modes to and from the land</td>
<td>The site has good access to public transport with Sandringham Railway Station located within 300m walking distance and a bus route operating past the site. Accordingly, this site can be accessed via alternative transport modes as required by staff, students and travellers.</td>
</tr>
</tbody>
</table>
Residential Development: 33 Bay Road, Sandringham
Traffic Engineering Assessment: Traffic Impact Assessment Letter

Overall, I am satisfied that the car parking overflow implications of the proposed accommodation use are negligible and this application will cause no discernible increase in car parking demands within the surrounding area.

Accordingly, the planning permit application is supported under the relevant factors specified under Clause 52.06-7 of the Bayside Planning Scheme and there is no reason why this application should be refused on car parking grounds.

6. Car Parking Layout

No changes are proposed to the car parking layout, with the exception of the new tandem spaces introduced for staff.

Accordingly, as the car spaces are existing and were approved under the previous use of the building, no further assessment is not required.

In any case, it is noted that the car spaces are 4.9m long x 2.6m wide with a 6.6m wide access aisle. The tandem spaces are proposed with a total length of 10.3m (2 x 4.9m spaces with 500mm separation).

Overall, I am satisfied that the proposed car park layout and vehicle access is provided in accordance with Clause 52.06-9 of the Planning Scheme.

The design will result in safe and efficient access between on-site car parking and the external road network.

7. Bicycle Parking

The development does not generate a statutory bicycle parking requirement under Clause 52.34 of the Planning Scheme as the "residential building" is less than 4 storeys.

Bicycle parking can be accommodated informally across the site as required by staff and students/travellers.

The operator may also choose to store/rent bicycles to students/travellers on an as needs basis, which would be appropriate for this type of use to access nearby areas and public transport nodes as required.

8. Traffic Impacts

While the building is currently vacant, it was historically used as an aged care facility.

Based on the retention of the existing carpark and less intense accommodation use compared with the aged care use that operated previously, the traffic generation is expected to be less.

Accordingly, the traffic impacts will be reduced as part of this application as there is not the same staffing requirement or shift changes at regular intervals.

9. Waste Collection

Waste collection would be expected to be via private contractor or Council's existing services.

Waste collection would occur on-street, which is satisfactory from a traffic engineering perspective.
10. Conclusions

Having visited the site, undertaken car parking surveys and undertaken a traffic engineering assessment the following conclusions are reached in relation to the proposed accommodation use at 33 Bay Road, Sandringham:

1. The statutory car parking requirement as specified under Clause 52.06-5 of the Bayside Planning Scheme is 1 car space for the student accommodation use (rooming house) plus car parking to the satisfaction of the responsible authority for the travellers accommodation.

2. The provision of 15 car spaces is considered to meet all demands at all times as outlined under the Car Parking Demand Assessment.

3. The provision of car parking is supported based on:
   a) The Car Parking Demand Assessment
   b) The availability of alternative car parking in the locality of the land.
   c) Access to or provision of alternative transport modes to and from the land.

4. The car parking design and vehicle access arrangements are satisfactory and generally in accordance with Clause 52.06-9/AS2890.1:2004.

5. There is no statutory requirement for bicycle parking to be facilitated on-site with any bicycle parking demands accommodated informally across the site.

6. Traffic associated with the proposed development will be minor, less than the previous use of the site and can be accommodated by the surrounding road network.

7. Waste collection will occur on-street, which is satisfactory from a traffic engineering perspective.

There are no reasons why Council should not approve the proposal from a traffic engineering perspective.

If you have any questions/concerns or require any further information please do not hesitate to contact me by phone (0438 365 681) or email (davidbeaton@quantumtraffic.com.au)

David Beaton
DIRECTOR – Quantum Traffic
Appendix A

Application Plans
WASTE MANAGEMENT PLAN

Proposed Development:
33 Bay Road, Sandringham, Victoria

Prepared for:
Sandy Beach Shack Pty Ltd

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2019/336/1
Date: 27 March 2019

Document Control
Report Date: 6 February 2019
Prepared By: Leonardo Russi, BEng (Mech), MEng (Env)

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WASTE MANAGEMENT SUMMARY

- The operator, as defined below, shall be responsible for managing the waste system and for developing and implementing adequate safe operating procedures.
- Waste shall be stored within the development (hidden from external view).
- Users shall sort their waste and dispose garbage and recyclables into collection bins.
- Waste shall be collected on Trentham Street. The collection contractor shall transfer bins between the waste area and the truck.
- A private contractor shall provide waste collection services.

GLOSSARY

Operator: refers to the Owners Corporation, who shall manage site operations (via staff and contractors, if required).

User: refers to residents and site staff, who shall utilize the waste system.
1 SPACE AND SYSTEM FOR WASTE MANAGEMENT

1.1 Development Description and Use

This development shall consist of student/traveller accommodation (the number of occupants and amenity floor-areas are stated in Table 1).

1.2 Estimated Garbage and Recycling Generation

The following table summarises the waste estimate (m³/week):

<table>
<thead>
<tr>
<th>Waste Source</th>
<th>Base Qty (est.)</th>
<th>Garbage</th>
<th>Commingled Recycling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student / Traveller Accomm.</td>
<td>No. of occupants = 60</td>
<td>2.40</td>
<td>2.40</td>
</tr>
<tr>
<td>Amenities</td>
<td>area (m²) = 160</td>
<td>0.45</td>
<td>0.45</td>
</tr>
<tr>
<td>TOTAL (m³/wk)</td>
<td></td>
<td>2.85</td>
<td>2.85</td>
</tr>
</tbody>
</table>

Note: Waste figures are based on the City of Melbourne's volumetric requirements.

1.3 Collection Services

Based on the anticipated waste volume, a private contractor shall be required to collect waste. The operator shall choose a waste collection provider, negotiate a service agreement, and pay for these services.

Note: Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.

1.4 Location, Equipment, and System Used for Managing Waste

The waste management system is summarised as follows:

- Apartment receptacles for garbage and recycling.
- Bin Store located at Ground Level.
- Collection bins (kept within the Bin Store - refer to Table 2).

The various collection waste-streams are summarised as follows:

Garbage: General waste shall be placed in tied plastic bags and stored within bins.

Recycling: All recyclables shall be commingled into a single type of collection bin (for paper, cardboard, glass, aluminium, steel, and plastic codes 1-7). Plastic bags not allowed in recycling. Also, bulk cardboard could be collected in dedicated bins (privately). The operator shall provide instructions and signage concerning recycling items as noted in Section 4.4.

Green Waste: Garden organics shall be collected and disposed by the future landscape maintenance contractor.

Compost: At this development, composting is considered impractical, as there would be minimal onsite demand for compost. However, residents shall consider composting within private courtyards at Ground Level.
Other Waste Streams: Users shall take waste items such as e-waste, white goods, domestic volumes of household paints, household batteries, florescent tubes and mixed globes to Waste Transfer and Recycling Centre at 144 Talinga Road, Cheltenham (fees and charges may apply), or collections shall be organised by the operator through a private contractor’s collection.

Hard Waste disposal shall be organised by the operator through a private contractor. No waste will be placed on the kerbside for collection.

The following table summarises bin quantity/capacity, collection frequency, and area requirements (based on Table 1):  

<table>
<thead>
<tr>
<th>Waste Source</th>
<th>Waste Stream</th>
<th>Bin Qty</th>
<th>Bin Litres</th>
<th>Collections per Week</th>
<th>Net Area m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole development</td>
<td>Garbage</td>
<td>3</td>
<td>660</td>
<td>2</td>
<td>3.6</td>
</tr>
<tr>
<td>(shared bins)</td>
<td>Recycling</td>
<td>3</td>
<td>660</td>
<td>2</td>
<td>3.6</td>
</tr>
<tr>
<td></td>
<td>Hard Waste</td>
<td>-</td>
<td>-</td>
<td>At Call</td>
<td>1.5</td>
</tr>
</tbody>
</table>

Net Waste Storage Area (excludes circulation), m²: 8.7

Notes:
- The operator shall organise hard waste collections (as required).
- Private bins shall be sourced by the operator (either purchased from a supplier or leased from the collection contractor).
- Subject to stakeholders’ preference/capability (and as built constraints), bin sizes and quantities can be changed. Also, recyclables can be either commingled or split into bins for separate recycling streams.

1.5 Planning Drawings, Waste Areas, and Management of the Waste System

The plans illustrate sufficient space for onsite bin storage, as required by the above schedule.

Notwithstanding the above, collection days shall be staged appropriately and the operator shall stipulate procedures for effective management of the available space.

1.6 Collection Bin Information

The following bins shall be utilised (see Sect. 4.4 for signage requirements):  

<table>
<thead>
<tr>
<th>Capacity (litres)</th>
<th>Height (mm)</th>
<th>Width (across front, mm)</th>
<th>Depth (side on, mm)</th>
<th>Empty Weight (kg)</th>
<th>Average* Gross Weight (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>660</td>
<td>1250</td>
<td>1240</td>
<td>780</td>
<td>43</td>
<td>130</td>
</tr>
</tbody>
</table>

Notes:
- * = Average Gross Weight is based on domestic waste studies (which vary subject to locality and waste-type). Expect greater weight for wet or compacted waste.
- Use the above details as a guide only – variations will occur. The above is based on Sulo plastic (HDPE) flat-lid bins.
Table 4: Bayside Colour Coding

<table>
<thead>
<tr>
<th>Bin</th>
<th>Garbage</th>
<th>Commingled Recycling</th>
<th>Green Waste</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lid</td>
<td>Green</td>
<td>Blue</td>
<td>Red</td>
</tr>
<tr>
<td>Body</td>
<td>Green</td>
<td>Blue</td>
<td>Green</td>
</tr>
</tbody>
</table>

Note: For private bins, AS4123.7 bin colours can be adopted. Private bins shall be labelled to identify the waste generator and site address.
2 ACCESS FOR USERS, COLLECTORS, AND COLLECTION VEHICLES

2.1 User Access to Waste Facilities
Residents and staff shall dispose sorted garbage and recyclables into collection bins located within the Bin Store (access via the lift/stairs).

Note: The operator shall have access to the Bin Store to rotate the bins, ensuring that empty bins are available along the circulation area so that users are able to reach them.

2.2 Collection Arrangements and Access to Waste Facilities
- A private contractor shall collect waste on Trentham Street (site's frontage).
- Collection staff (driver and assistant) shall have access to the Bin Store and transfer bins to the truck and back to the store.
- The waste collection shall be carried-out by rear-lift vehicles (nom. 8.8m long and 4m operational height).
2 AMENITY, LOCAL ENVIRONMENT, AND FACILITY DESIGN

3.1 Noise Minimisation Initiatives

- Collection bins shall feature rubber wheels for quiet rolling during transfers.
- Waste areas shall meet BCA and AS2107 acoustic requirements.
- Local laws shall be observed for all operations in public areas and roads (in particular, Schedule 1 of Bayside City Council Local Law No. 2 Environment Section 15).
- For private services, the hours of waste collections shall be as specified in Council’s local laws. Also, Section 5 of the Victorian EPA Noise Control Guideline Publication 1254 (see below) shall be observed to protect the acoustic amenity of the development and surroundings.

| Victorian EPA Noise Control Guideline Publication 1254 October 2008 (excerpt) |
|  |
| [Section] 5. Domestic Refuse Collection |
| The main annoyance produced by domestic refuse collections occurs in the early morning (i.e. before 7:00am). Therefore, if possible, routes should be selected to provide the least impact on residential areas during that time. |
| Collection of refuse should be restricted to the following criteria: |
| • Collection occurring once a week should be restricted to the hours: 6am to 6pm Monday to Saturday. |
| • Collections occurring more than once a week should be restricted to the hours: 7am to 6pm Monday to Saturday. |
| • Compaction should only be carried out while on the move. |
| • Bottles should not be broken up at the point of collection. |
| • Routes which service entirely residential areas should be altered regularly to reduce early morning disturbance. |
| • Noisy verbal communication between operators should be avoided where possible. |

3.2 Litter Reduction and Prevention of Stormwater Pollution

The operator shall be responsible for:

- Promoting adequate waste disposal into the bins (to avoid waste-dumping).
- Securing the waste areas (whilst affording access to users/staff/contractors).
- Preventing overfilled bins, keeping lids closed and bungs leak-free.
- Abating any site litter and taking action to prevent dumping and/or unauthorised use of waste areas.
- Requiring the collection contractor to clean-up any spillage that might occur when clearing bins.

Also, any stormwater drains in waste storage areas shall be fitted with a litter trap.

The above will minimise the dispersion of site litter and prevent stormwater pollution (thus avoiding impact to the local amenity and environment).
3.3 Ventilation, Washing, and Vermin-Prevention Arrangements

Waste areas shall feature:
- Ventilation in accordance with Australian Standard AS1668.
- Tight-fitting doors (all other openings shall have vermin-proof mesh or similar).
- Impervious flooring (also, smooth, slip-resistant, and appropriately drained).
- A graded bin wash area, hosecock, hose, and a suitable floor-waste connected in accordance with the relevant authority requirements (alternatively, the operator shall engage a contractor to conduct off-site bin washing). The bin and wash areas may overlap, as stored bins can be moved so that a bin can be washed.

The operator shall regularly clean waste areas/equipment. Also, access doors and bin-lids shall be kept closed.

3.4 Design and Aesthetics of Waste Storage Areas and Equipment

Waste shall be placed within collection bins and stored in designated onsite areas (hidden from external view). Following waste collection activities, bins shall be returned to the storage areas as soon as practicable.

Waste facilities shall be constructed of durable materials and finishes, and maintained to ensure that the aesthetics of the development are not compromised. These facilities and associated passages shall be suitably illuminated (this provides comfort, safety, and security to users, staff, and contractors). Access doors shall feature keyless opening from within.

The design and construction of waste facilities and equipment shall conform to the Building Code of Australia, Australian Standards, and local laws.
4 MANAGEMENT AND SUSTAINABILITY

4.1 Waste Sorting, Transfer, and Collection Responsibilities
Garbage shall be placed within tied plastic bags prior to transferring into the collection bins. Cardboard shall be flattened and recycling containers un-capped, drained, and rinsed prior to disposal into the appropriate bin. Bagged recycling is not permitted. Refer to Section 2 for waste transfer requirements and collection arrangements.

4.2 Facility Management Provisions to Maintain & Improve the Waste System
The operator shall manage site operations (refer to the glossary in page 2).
It shall be the responsibility of the operator to maintain all waste areas and components, to the satisfaction of users, staff, and the relevant authority (residents shall maintain their internal waste receptacles).
The operator shall ensure that maintenance and upgrades are carried-out on the facility and components of the waste system. When required, the operator shall engage an appropriate contractor to conduct services, replacements, or upgrades.

4.3 Arrangements for Protecting Waste Equipment from Theft and Vandalism
It shall be the responsibility of the operator to protect the equipment from theft and vandalism. This shall include the following initiatives:
- Secure the waste areas.
- Label the bins according to property address.
- The private collection contractor shall transfer bins between the waste areas and the truck (bins shall not be placed on the street).

4.4 Arrangements for Bins/Equipment Labelling and Ensuring Users and Staff are Aware of How to Use the Waste System Correctly
- The operator shall provide appropriate signage for the bins. Signage is available at the following internet address: www.sustainability.vic.gov.au
- The operator shall publish/distribute “house rules” and educational material to:
  - Inform users/staff about the waste management system and the use/location of the associated equipment (provide the summary in page 2 of this report).
  - Improve facility management results (lessen equipment damage, reduce littering, and achieve cleanliness).
  - Advise users/staff to sort and recycle waste with care to reduce contamination of recyclables.
4.5 Sustainability and Waste Avoidance/Reuse/Reduction Initiatives

The Environment Protection Act 1970 includes principles of environment protection and guidance for waste management decision making. Also, the Sustainability Victoria Act 2005 established Sustainability Victoria as the statutory authority for delivering programs on integrated waste management and resource efficiency.

From a design perspective, the development shall support the acts by providing an adequate waste system with ability to sort waste.

The operator shall promote the observance of the acts (where relevant and practicable) and encourage users and staff to participate in minimising the impact of waste on the environment. For improved sustainability, the operator shall consider the following:

- Observe the waste hierarchy in the Environment Protection Act 1970 (in order of preference): a) waste avoidance, b) reuse, c) recycle, d) recovery of energy, e) treatment, f) containment, and g) disposal.
- Participate in Council and in-house programs for waste minimisation.
- Establish waste reduction and recycling targets; including periodic waste audits, keeping records, and monitoring of the quantity of recyclables found in landfill-bound bins (sharing results with users/staff).

4.6 Waste Management Plan Revisions

For any future appropriate Council request, changes in legal requirements, changes in the development’s needs and/or waste patterns (waste composition, volume, or distribution), or to address unforeseen operational issues, the operator shall be responsible for coordinating the necessary Waste Management Plan revisions, including (if required):

- A waste audit and new waste strategy.
- Revision of the waste system (bin size/quantity/streams/collection frequency).
- Re-education of users/staff.
- Revision of the services provided by the waste collector(s).
- Any necessary statutory approval(s).
SUPPLEMENTARY INFORMATION

- The operator shall observe local laws and ensure that bins aren’t overfilled or overloaded.
- Waste incineration devices are not permitted, and offsite waste treatment and disposal shall be carried out in accordance with regulatory requirements.
- For bin traffic areas, either level surfaces (smooth and without steps) or gentle ramps are recommended, including a roll-over kerb or ramp. Should ramp gradients, bin weight, and/or distance affect the ease/safety of bin transfers, the operator shall consider the use of a suitable tug.
- The operator and waste collector shall observe all relevant OH&S legislation, regulations, and guidelines. The relevant entity shall define their tasks and:
  - Assess the Manual Handling Risk and prepare a Manual Handling Control Plan for waste and bin transfers (as per regulatory requirements and Victorian COP for Manual Handling).
  - Obtain and provide to staff/contractors equipment manuals, training, health and safety procedures, risk assessments, and adequate personal protective equipment (PPE) to control/minimise risks/hazards associated with all waste management activities. As a starting point, these documents and procedures shall address the following:

<table>
<thead>
<tr>
<th>Task (to be confirmed)</th>
<th>Hazard (TBC)</th>
<th>Control Measures (TBC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sorting waste</td>
<td>Bodily puncture. Biological &amp;</td>
<td>Personal protective equipment (PPE). Develop a waste-</td>
</tr>
<tr>
<td>and cleaning the waste system</td>
<td>electrical hazards</td>
<td>sorting procedure</td>
</tr>
<tr>
<td>Bin manual handling</td>
<td>Sprain, strain, crush</td>
<td>PPE. Maintain bin wheel-hubs. Limit bin weight. Provide mechanical assistance to transfer bins</td>
</tr>
<tr>
<td>Bin transfers and</td>
<td>Vehicular strike, run-over</td>
<td>PPE. Develop a Hazard Control Plan for transfers and</td>
</tr>
<tr>
<td>emptying into truck</td>
<td></td>
<td>collections. Maintain visibility. Use a mechanical bin-tipper</td>
</tr>
<tr>
<td>Truck access</td>
<td>Vehicular incident, strike, run-over</td>
<td>PPE. Use a trained spotter. Develop a truck-manoeuvring and traffic-control procedure</td>
</tr>
</tbody>
</table>

Note: The above shall be confirmed by a qualified OH&S professional who shall also prepare site-specific assessments, procedures, and controls (refer to Section 6).
6 CONTACT INFORMATION

Bayside City Council (local Council), ph 03 9599 4444
Remondis (private waste collector), ph 13 73 73
SUEZ/SITA (private waste collector), ph 131335
FJP Safety Advisors Pty Ltd (OH&S consultant), ph 03 9255 3660
Electrodrive Pty Ltd (lug & trailer supplier – for bin transfers), ph 1800 033 002
Sulo MGB Australia (bin supplier), ph 1300 364 388
One Stop Garbage Shop (bin supplier), ph 03 9338 1411

Note: The above includes a complimentary listing of contractors and equipment suppliers. The stakeholders shall not be obligated to procure goods/services from these companies. Leigh Design does not warrant (or make representations for) the goods/services provided by these suppliers.

7 LIMITATIONS

The purpose of this report is to document a Waste Management Plan, as part of a Planning Permit Application.

This report is based on the following conditions:

- Operational use of the development (excludes demolition/construction stages).
- Drawings and information supplied by the project architect.
- The figures presented in this report are estimates only. The actual amount of waste will depend on the development's occupancy rate and waste generation intensity, the user's disposition toward waste and recycling, and the operator's approach to waste management. The operator shall make adjustments, as required, based on actual waste volumes (if the actual waste volume is greater than estimated, then the number of bins and/or the number of collections per week shall be increased, STCA).
- This report shall not be used to determine/forecast operational costs, or to prepare feasibility studies, or to document operational/safety procedures.

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN
Planning Application No.: 5/2018/836/1
Date: 27 March 2019
ATTACHMENT 6
Site Surrounds and Imagery

Legend

<table>
<thead>
<tr>
<th>Subject site</th>
<th>❆</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objector(s)</td>
<td>○</td>
</tr>
<tr>
<td>Supporter(s)</td>
<td>△</td>
</tr>
</tbody>
</table>

The location of a number of objectors are beyond the boundaries of this map, such as Abbott Street, Sandringham Road, Tretham Street and 49-51 Bay Road.

The properties shown as objectors are only those within the immediate vicinity and immediately affected by the proposal.
Figure 1 – Photograph of site from Bay Road

Figure 2 – Photograph of site from Trentham Street
Figure 3 – Photograph of on-site car park from Trentham Street

Figure 4 – Photograph looking east of the laneway to the north of the site
1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Brighton East Investment Pty Ltd C/ ARG Planning 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>11 October 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>126 days, as at 11 June 2019</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>860sqm (approx.)</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Five (5)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes - $2,895</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, albeit a Cultural Heritage Management Plan is not required.</td>
</tr>
</tbody>
</table>

Proposal

The use and development of a Child Care Centre within a Design and Development Overlay, Schedule 3, and alteration of access within a Road Zone, Category 1.

Key details of the proposal are as follows:

* **Buildings and works**
  - Demolition of the existing dwelling on the site (no permit required).
  - Construction of a part two, part three storey building, over basement level car park and a roof top terrace.
  - The basement would comprise 23 parking spaces, including:
    - 13 staff spaces (10 to be provided by stackers); and
    - 10 pick-up/drop-off spaces;
    - vehicle access provided by way of access and ramp from Cummins Road.
  - Ground floor level would comprise reception, offices rooms, staff rooms, three (3) child care rooms and associated facilities and amenities; in addition, two outdoor play areas would be provided at 220sqm and 80sqm respectively.
  - First floor level would comprise three (3) child care rooms, associated facilities and
amenities and 115sqm of outdoor play space within the north-eastern setback.

- Second floor level, which would be positioned at the northern tip of the building, would comprise the toilet facilities and stair/lift-core providing access to the roof top play area. The roof top play space (365sqm) would be enclosed by 1.7m high wooden screening. Acoustic fencing would extend along the length of the southern wall.

- The building would have a maximum height of 9.3m as measured at the three (3) storey point of the building, with the building reduced in height to 7.9m (as measured to the top of the screening of the roof top play area) and double storey at the southern portion of the building.

- The building would comprise the following setbacks:
  - Cummins Road: 7.5m, reducing to 1.68m;
  - Nepean Highway: 1.8m to 2m, with a small section being built to the boundary (0m);
  - Southern (side) elevation: 2.3m at ground floor, with the sloped façade increasing the setbacks with height (see Figure 2 and Attachment 4).

- Acoustic fencing would be provided to the length of the southern boundary, to a height of 1.8 metres.

Use

- The proposed use as a child care centre is a ‘Section 2’ (permit required) use within the Neighbourhood Residential Zone.

- The hours of operation would be 07:00 to 19:30 from Monday to Friday (inclusive).

- Maximum enrolment and staffing rates are provided in the table below, which equate to 106 children and 17 staff on site at any one time:

<table>
<thead>
<tr>
<th>Rooms</th>
<th>Number of Children</th>
<th>Educator:Child Ratios</th>
<th>Number of Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Babies</td>
<td>12</td>
<td>1:4</td>
<td>3</td>
</tr>
<tr>
<td>Toddlers</td>
<td>28</td>
<td>1:4</td>
<td>7</td>
</tr>
<tr>
<td>Kindergarten</td>
<td>44</td>
<td>1:11</td>
<td>4</td>
</tr>
<tr>
<td>Juniors</td>
<td>22</td>
<td>1:11</td>
<td>2</td>
</tr>
<tr>
<td>Support staff</td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

The application plans are provided at Attachment 1.

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

History

There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-2 (Neighbourhood Residential Zone – NRZ3) – Use of the land for a child care centre (Section 2 use).
• Clause 32.09-9 (Neighbourhood Residential Zone – NRZ3) – Buildings and works associated with a Section 2 use.

• Clause 43.02-2 (Design and Development Overlay – DDO3) – Buildings and works for a non-residential building exceeding 2 storeys and/or 8m in height.

• Clause 52.29-2 (Land Adjacent to a Road Zone, Category 1) – To create or alter an access to 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>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>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Open Space Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Waste Management</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Traffic 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 five (5) objections were received.

Five (5) objections remain outstanding at the time of this report.

The following concerns were raised:

• Detrimental to neighbourhood character;
• Excessive height, scale and bulk;
• Traffic congestion;
• Road and pedestrian safety;
• Lack of parking;
• Noise pollution;
• Overlooking;
• Overdevelopment;
• Inappropriate use;
• Reduction in property values; and
• Application misleading and inaccurate.

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

A consultation meeting was held on 6 February 2019 attended by the permit applicant and objectors. As a result of this meeting, no agreements were reached nor objections 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 2018/672/1 for the land known and described as 72 Cummins Road, Brighton East, for the use and development of a Child Care Centre within a Design and Development Overlay, Schedule 3, and alteration of access within 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 must be generally in accordance with the plans advertised and referenced TP04 (Rev: C), TP05 (Rev: C), TP06 (Rev: B), TP07 (Rev: C), TP08 (Rev: C), TP09 (Rev: B), TP10 (Rev: C), TP11 (Rev: C), TP12 (Rev: C), TP13 (Rev: C) but modified to show:
   a) 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.
   b) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
   c) Minimum headroom to be provided to the vehicle access ramp (measured perpendicular from the ramp), in accordance with AS2890.1.
   d) Clearly annotate all columns within the basement, in accordance with AS2890.1.
   e) Sightlines where the proposed ramp intersects with the front footpath, as per the diagram shown in the AS2890.1.
   f) Area around the lift at basement to provide wider pedestrian access (double swing door) and pram storage.
   g) A convex mirror at the base of the entry ramp.
   h) Demonstrate that B99 and B85 vehicles can physically pass one another around the critical corner within the basement car park.
   i) Water Sensitive Urban Design measures in accordance with Condition 13.
   j) A Landscaping Plan in accordance with Condition 15.
   k) Tree protection measures in accordance with Condition 18.
   l) The requirements of VicRoads, in accordance with conditions 25, 26, 27 and 28.

   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 the roof top play area to prevent overlooking into neighbouring properties, in accordance with the endorsed plans, shall be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. Before the occupation of the site commences, acoustic fencing in accordance with the endorsed plans shall be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

8. The walls on the property boundary shall be cleaned and finished to the satisfaction of the Responsible Authority.

Use

9. The use may only operate between the hours of 07:00 and 19:30 from Monday to Friday (inclusive), unless with the prior written consent of the Responsible Authority.

10. No more than 17 staff members may be working at the subject site at any one time, without the prior written consent of the Responsible Authority.

11. No more than 106 enrolled children may attend the approved use at any one time, without the prior written consent of the Responsible Authority.

12. Noise levels emanating from the premises must not exceed the relevant levels prescribed by the State Environment Protection Policy (control of noise from commerce, industry and trade) No. N-1, to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

13. 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
14. 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

15. 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) 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 and to include:
   i. One large canopy tree, capable of reaching a height of 12m.
   ii. Two small canopy trees, capable of reaching heights of 8m.

d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

e) Details of surface finishes of pathways and driveways.

16. 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.

17. 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

18. 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 tree within the front setback of 70 Cummins Road must be included.

19. 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.

20. 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.

21. 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

22. Before the development starts, tree protection fencing is to be established around the street tree 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.

23. 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 1 metres of the street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Waste Management Plan

24. Prior to the endorsement of plans pursuant to Condition 1, a Waste Management 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 submitted Waste Management Plan prepared by Waste Tech Services and dated 30 August 2018.

VicRoads Conditions

25. Before the development starts, a Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). When approved by VicRoads, the FLP may be endorsed by the Responsible Authority and will then form part of the permit. The FLP must be drawn to scale with dimensions and show signage and/or line marking facilitating the permitted movements at the site’s access.

26. Prior to the commencement of the use or occupation of the buildings and works hereby approved, all roadworks must be completed in accordance with the approved FLP, to the satisfaction of VicRoads and the Responsible Authority and at no cost to VicRoads or the Responsible Authority.
27. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.

28. Vehicles must enter and exit the land in a forward direction at all times.

Construction Management Plan

29. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit 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) 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
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; and

v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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.

Permit Expiry

32. 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:

- 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 preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads’ policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads’ requirements for these tasks the applicant will be required to comply with the requirements documented as ‘Standard Requirements - Externally Funded Projects’ and any other requirements considered necessary depending on the nature of the work.

- 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 $2,895.00 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council’s current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.

- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

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 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 21.06 Built Environment and Heritage
• Clause 21.07 Economic Development
• Clause 21.08 Open Space
• Clause 21.09 Transport and Access
• Clause 21.10 Infrastructure
• Clause 22.06 Neighbourhood Character Policy (Precinct D2)
• Clause 22.07 Discretionary Uses in Residential Areas
• Clause 22.08 Water Sensitive Urban Design
• Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
• Clause 43.02 Design and Development Overlay (Schedule 3)
• Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
• Clause 52.06 Car Parking
• Clause 52.29 Land Adjacent to a Road Zone, Category 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. Strategic justification

In accordance with Clause 22.07, the Municipal Strategic Statement recognises that there are a number of important uses that should be located within residential zones within the municipality, with the policy specifically mentioning child care centres as being one such use. As the housing stock and population of Bayside continue to increase, the demand for such support uses is correspondingly increasing.

Clause 21.07-4 supports the integration of appropriate discretionary uses into residential areas subject to being within preferred locations. Further, Clause 22.06-1.1 seeks to ensure high quality developments which respect the character of residential areas.

Given the above, the principle of such development is considered to be acceptable, subject to considerations of location, neighbourhood character and built form, landscaping and tree protection, parking and traffic, and cultural heritage management; an assessment against these considerations is provided below.
6.2. Neighbourhood character and built form

Clause 22.06 (Neighbourhood Character)

The site is located within Neighbourhood Character Precinct D2. The proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The preferred future character statement for precinct D2 is described within Clause 22.06 as follows:

*The simple, articulated dwellings sit within landscaped gardens. Buildings are occasionally built to the side boundary, however the overall impression of the streetscape is of buildings within a garden setting due to the regular front setbacks and additional tree planting within the area. New buildings blend with the existing, by following these patterns and using materials that harmonise, where brick colours are consistent in a street. Front fences are low or open retaining the openness of the streetscape and view of the front gardens. On properties that adjoin the golf course, buildings are sited and designed so as not to overwhelm the open space. Consistent street tree planting has assisted in unifying the appearance of the area.*

The subject site is considered unique when compared to its surroundings, given:

- the site is a triangular corner site and bound by Road Zone, Category 1 roads to the west and northeast (2 of the 3 boundaries);
- both road frontages of the site are bound by considerably wide streetscapes;
- while it is within a residential area, the only dwellings in the vicinity are immediately to the south of the site (constituting the only sensitive interface);
- across Cummins Road to the west is Dendy Park;
- across the Nepean Highway to the north-east is a commercial area which is within the municipality of Glen Eira.

It is within this unique site context that the application should be considered, in which it presents an opportunity for a unique design approach which would be appropriate to the unique characteristics of the site which is not located within a residential hinterland.

The proposed building is considered to respond well to the characteristics of the site. The footprint would take cues from the shape of the site, providing for an efficient layout and a visually interesting form. With regard to the Cummins Road front setback, the northern portion of the building would be setback 1.68m at its narrowest point, with the setback to steadily increase toward the south, such that it would respond to the established building line to the south. The minimal front setback to the north, adjacent to the intersection, is considered to be acceptable given there is no established building line to the north and the building would be adjacent to the wide streetscapes (Road Zone, Category 1) on both sides. The stepped front setback is demonstrated in the figure below, responding to the adjacent dwelling to the south and providing a transition to the dwelling to the south.
Along the Nepean Highway frontage, the majority of the setback would range from 1.8m to 2.8m, with a small section of the building abutting the pavement. The proposed setbacks to this elevation are considered to be appropriate given the façade to Nepean Highway would read as the rear of the building, with the wide streetscape of Nepean Highway comfortably accommodating the bulk of the building.

The building would reach a maximum height of 9.3m above natural ground level and 3 storeys at the northern corner of the form, however, the third storey component would be relatively small, only accommodating a stairwell, lift and a bathroom. The form then steps down to two storeys, albeit with a roof top play area which would be enclosed by a 1.7m high screen.

The overall building height is considered to be acceptable given that the massing and form of the building have been appropriately considered. The massing is focused to the north, which is adjacent to the open and wide streetscapes of Cummins Road and Nepean Highway, and the three storey component would achieve a stepped form to the south.

The sole sensitive interface is to the south. The proposal steps down to respond to the southern interface, achieving compliance with the ResCode side setback requirements and the Standard B18 (North-facing windows) setbacks, as evident in Figure 2 below.
In terms of the two to three storey façades presentation to the street, it is considered that given the open and wide streetscapes of the adjacent roads, the proposed bulk could be accommodated without unduly dominating the streetscape, as outlined above. As such, the massing and form of the building are considered to result in an appropriate transition in heights.

The façade will be appropriately articulated by way of a combination of recesses, projections, fenestration detailing, a variety of contrasting yet complimentary materials and colours and timber screening which would encase the building with an “ark like” design. The use of timber screening is considered to relate well to the adjacent park and trees while the mix of colours creates a vibrant and dynamic façade appropriate to the proposed use, being a child care centre. The main entrance would present a 2.5 storey feature entrance which provides a sense of address and a focal point of the building. Overall, the proposed building is considered to constitute acceptable contemporary architecture, providing an appropriately articulated and coherent façades and a form that responds appropriately to the characteristics of the site.

Viewed holistically, the development is considered to sit acceptably within its context. The development would constitute an increase in scale and bulk as compared to the dwellings to the south, however, it would also provide for a suitable transition in terms of height and building setbacks. It would constitute high quality architecture that is appropriate to the proposed use and responds well to its surroundings.
Clause 43.02 (Schedule 3 to the Design and Development Overlay – DDO3)

The design objectives of DDO3 are outlined as follows:

- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- To preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character.
- To maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods.
- To maintain a strong landscape character with buildings set within vegetated surrounds.

The proposal is considered to accord with the objectives of DDO3 for the following reasons:

- As outlined above, the development is considered to constitute high quality contemporary architecture that responds well to the opportunities and constraints of the site, thereby enhancing the public realm. Furthermore, the proposal is not considered to unduly impact upon neighbouring properties, with a more detailed assessment of neighbouring amenity found within Section 6.3 of the Report.
- While the development would extend to a maximum height of three storeys adjacent to the Nepean Highway and Cummins Road intersection, the form would step down to the south providing for suitable transitions in terms of height and building setbacks. Given the positioning of the three storey component, it is separated from and not considered to be read together with the dwellings to the south. The proposed massing and bulk is considered to result in a development which would preserve the character and amenity of the dwellings to the south.
- The development would constitute an increase in terms of scale and bulk as compared to the dwellings to the south; however, it would also provide for a suitable transition in terms of height and building setbacks, achieving a development that is considered to sit comfortably within its context.
- Conditions are recommended which would require an updated landscaping plan to include the planting of canopy trees on site.

6.3. Clause 22.07 (Discretionary uses in a Residential Areas)

Clause 22.07 recognises that there are a number of important uses that can be located within residential areas of the municipality, which includes child care centres. The policy seeks to ensure that developments respect neighbourhood character, avoid adverse impacts upon neighbouring amenity, provide adequate access, achieve adequate parking provisions, do not adversely affect traffic patterns or safety and that the proposal serves local community needs.

The policy requirements, pursuant to Clause 22.07-3 of the Bayside Planning Scheme, are broken down as follows:

**Preferred location**

<table>
<thead>
<tr>
<th>Policy:</th>
<th>Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Abut a Road Zone or collector road</em></td>
<td>The site abuts two Road Zone, Category 1 roads.</td>
</tr>
<tr>
<td>Ensure adequate on-site parking, landscaping and setbacks are provided</td>
<td>The site can accommodate adequate parking, landscaping and setbacks. Refer to the following sections of the Report: 6.6 for parking 6.4 for landscaping 6.3 for setbacks (Siting, built form and design section below).</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>The use is on a corner site</td>
<td>The site is a corner site.</td>
</tr>
<tr>
<td>The use is located on the periphery of commercial areas or adjacent to other discretionary uses</td>
<td>Commercial uses are located across the Nepean Highway and proximate to the Hampton East (Moorabbin) Structure Plan (Major Activity Centre) area.</td>
</tr>
<tr>
<td>The discretionary use is located near similar community and support facilities</td>
<td>Commercial uses are located across the Nepean Highway and community uses are located within Dendy Park. Furthermore, it is noted that existing 2-3 storey childcare centres front Nepean Highway, including ‘Only About Children’ at No. 409 South Road, proximate to the site, which backs onto the Nepean Highway.</td>
</tr>
<tr>
<td>Located within walking distance of public transport and promotes safe and convenient pedestrian access</td>
<td>There are numerous public transport options in the area including bus stops which are in the immediate vicinity and Patterson Station (Frankston Line) is an approximate 10 minute walk from the site.</td>
</tr>
</tbody>
</table>

### Siting, built form and design

**Policy:**

<table>
<thead>
<tr>
<th>Front, side and rear setbacks to be in accordance with Clauses 54 and 55 of the Bayside Planning Scheme</th>
<th>Response:</th>
</tr>
</thead>
</table>
| **Front setback**

Does not comply

Requirement: 8.07m

Proposed: 7.5m at the southwest corner, steadily reducing toward the northern point, to a minimum of 1.68m

Setback side street setback (Nepean Highway)

Does not comply

Requirement: 2m

Proposed: 0m to 1.8m to 2.8m

Side setbacks (southern boundary)

Complies at all levels (see Attachment 4)

Setbacks from north facing windows (southern boundary)

Complies at all levels (see Attachment 4)

A breakdown of the setbacks is provided at Attachment 4.

While the numerical standard for the front setbacks would not be achieved, it is considered
that the design response would achieve the objectives of ResCode Standards A3 and B6, providing suitable transitions from adjacent building lines, responding to the cues of the site and making efficient use of the site. Refer to Section 6.2 of the Report for further discussion in relation to the design response.

| Any increase in building height is transitional and represents a height increase of no more than one storey above the prevailing building height | The increase in height would be transitional. Immediately to the south of the site is a single storey dwelling, with the building being double storey in height adjacent to the southern boundary. The building would then increase to three (3) storeys at the northern point of the site which would be some 25m from the dwelling immediately to the south. |
| The materials and finishes reflect that prevailing in the area | The proposed materials are considered to be appropriate. Refer to section 6.2 of the Report. |
| Respect the established neighbourhood character and responds to the preferred neighbourhood character | The proposal is considered to respect the neighbourhood character. Refer to section 6.2 of the Report. |

**Streetscape**

<table>
<thead>
<tr>
<th>Policy:</th>
<th>Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle car parking and access areas do not form a dominant element in the streetscape</td>
<td>Vehicle parking would be provided at basement level with the entrance being appropriately setback from the main façade.</td>
</tr>
<tr>
<td>Car parking is provided at the rear of the premises</td>
<td>N/A – parking would be within the basement.</td>
</tr>
<tr>
<td>Where car parking is provided within the front setback, a minimum landscape buffer of 3 metres from the front boundary is provided</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Traffic and car parking**

The development is considered to be acceptable in terms of traffic and parking considerations. For detailed discussion, refer to section 6.6 of Report.

**Fencing**

<table>
<thead>
<tr>
<th>Policy:</th>
<th>Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front fencing is a maximum of 1.2 metres in height</td>
<td>The front fence would be a maximum of 1.2m in height.</td>
</tr>
<tr>
<td>Provision of acoustic fencing where appropriate is provided</td>
<td>Acoustic fencing will be utilised along the southern interface, separating all outdoor play areas from the dwelling to the south.</td>
</tr>
</tbody>
</table>
Landscaping

<table>
<thead>
<tr>
<th>Policy:</th>
<th>Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where car parking abuts a residential property boundary, a minimum</td>
<td>N/A – parking would be provided at basement level.</td>
</tr>
<tr>
<td>landscape buffer of 2m</td>
<td></td>
</tr>
<tr>
<td>Existing trees and garden areas on the site are retained</td>
<td>Existing trees will not be retained, however, the development presents opportunities for meaningful</td>
</tr>
<tr>
<td></td>
<td>landscaping, which is recommended by way of conditions. Refer to section 6.4 of the Report.</td>
</tr>
</tbody>
</table>

Advertising

N/A – no advertising is proposed as part of this application.

General amenity

<table>
<thead>
<tr>
<th>Policy:</th>
<th>Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nearby residential properties not be subjected to unreasonable levels</td>
<td>The proposal would provide for appropriate acoustic fencing and would comply with the suggested</td>
</tr>
<tr>
<td>of noise</td>
<td>hours below.</td>
</tr>
<tr>
<td></td>
<td>In addition, an acoustic report was submitted with the application which found that neighbouring</td>
</tr>
<tr>
<td></td>
<td>properties would not be unduly impacted subject to the installation of acoustic fencing. The</td>
</tr>
<tr>
<td></td>
<td>acoustic report was used to inform the design of the acoustic fencing which has been proposed and</td>
</tr>
<tr>
<td></td>
<td>would be required to be installed, should a permit issue.</td>
</tr>
<tr>
<td>The hours of operation do not have an adverse impact on the existing</td>
<td>The proposed operating hours align with the guidelines of Clause 22.07, being Monday to Friday,</td>
</tr>
<tr>
<td>residential area, as a guideline, the following maximum hours should</td>
<td>7am to 7:30pm.</td>
</tr>
<tr>
<td>apply: Monday – Friday – 7am to 7.30pm</td>
<td></td>
</tr>
</tbody>
</table>

In addition to the specific considerations above, an objective of Clause 22.07 speaks to protecting residential amenity more generally. Beyond the specific criteria above, residential amenity considerations would also include overshadowing and privacy/overlooking.

Overshadowing diagrams have been submitted with the application which demonstrate that no residential properties would be unduly affected by the proposal, being in full compliance with ResCode Standard B21 (overshadowing). Furthermore, the resulting shadow would not fall on the north-facing habitable room windows of No. 70 Cummins Road, as demonstrated by the submitted shadow impact diagrams.

With regard to privacy, only the southern elevation has the potential to overlook residential properties. At first floor level, windows within the southern elevation would have a sill height exceeding 1.7m. At roof top level (roof top play area), the southern elevation would be screened to a height of 1.7m.

Given the above, the proposal is compliant with the considerations of ResCode, including the setbacks, and not considered to unduly impact upon neighbouring amenity.
6.4. Landscaping

There are five (5) trees onsite, all of which would require removal to facilitate the proposed development; the trees are not considered to have any particular amenity value nor are they protected by planning controls.

There are a number of trees located on neighbouring sites with their tree protection zones extending within the subject site. The application proposes their protection/retention.

Council’s Arborist has reviewed the application and advised that the removal of all trees from the site is acceptable, subject to appropriate replanting. Council’s Arborist has advised an amended landscape plan be submitted which includes the provision of one large and two small canopy trees, with this included as conditions. In addition, conditions are recommended to ensure the protection of neighbouring trees.

6.5. Street tree(s)

Council’s Open Space Arborist has reviewed the application and advised that the submitted Arboricultural Assessment is accurate and supported. Conditions are recommended to ensure the protection of the street trees.

6.6. Car parking and traffic

Pursuant to Clause 52.06-5 (Car Parking) of the Bayside Planning Scheme, the proposal generates the following statutory car parking requirements:

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care centre</td>
<td>0.22 spaces to each child</td>
<td>106 children</td>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>23 spaces</strong></td>
<td><strong>23 spaces</strong></td>
</tr>
</tbody>
</table>

Pursuant to Clause 22.07-3 (Discretionary Uses in Residential Areas Policy) generates the following:

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care centre</td>
<td>0.1 spaces to each child</td>
<td>106 children</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>0.7 spaces to each full time staff member</td>
<td>17 staff</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>23 spaces</strong></td>
<td><strong>23 spaces</strong></td>
</tr>
</tbody>
</table>

As outlined above, the provision of parking spaces pursuant to both Clauses 52.06 and 22.07 of the Bayside Planning Scheme are met.

Further to the above, Clause 22.07 has the following policy requirements which relate directly to traffic and car parking:
The application was referred to Council’s Traffic Engineer whom raised initial concerns relating to the proximity of the access to a major intersection (being Cummins Road and the Nepean Highway) and the potential for right hand turns to be made exiting the site; however, these are VicRoads matters, VicRoads were also consulted with their comments outlined below. Further concerns were highlighted which involved the accuracy of the intersection analyses, the width of the vehicle access, an under provision of parking spaces, parking layout and the requirement for a waste management plan.

Further information was subsequently provided which demonstrated that the concerns of the Traffic Engineer could be satisfactorily addressed, this included increasing the crossover width, providing minimum headroom clearance and appropriate gradients, improving the parking layout and including convex mirrors, which will be included by way of permit conditions. Upon review, Council’s Traffic Engineers were also satisfied. A summary of the further information is provided at Attachment 5, it is noted that this information also responds to objector concerns.

Given the site adjoins a Road Zone Category 1, VicRoads are a determining referral authority. VicRoads advised that the existing access enables the full range of turning movements. However, access is proposed as ‘left in – left out’, this restriction would require signage to help enforce it. However, VicRoads further advised that notwithstanding the aforementioned proposal by the applicant, they would not be opposed to right turns at the location of the access. As such, VicRoads have recommended conditions requiring a functional layout plan including signage and line marking and a requirement that all vehicles enter and exit the site in a forward direction, which have been included as condition of permit.

Traffic Generation

A review of the potential traffic generation as a result of the proposal and the potential impacts to the existing road network was undertaken by Impact Traffic Engineering Pty Ltd, their findings are summarised below:

The RTA (now RMS) Guide specifies traffic generation rates of 0.8 movements per child during the AM peak period and 0.7 movements per child during the PM peak period. These rates are summarised in the table below:

<table>
<thead>
<tr>
<th>Policy:</th>
<th>Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of vehicle access points is restricted to one unless two access points are required for the safe, convenient and efficient movement of vehicles</td>
<td>The development would comprise one vehicle access point.</td>
</tr>
<tr>
<td>Off street parking is designed to allow for entry and exit to the site in a forward direction</td>
<td>Entry and exit to the site would be in a forward gear.</td>
</tr>
<tr>
<td>One disabled car space is provided on site, with a minimum width of at least 3.2 metres</td>
<td>One appropriate disabled space would be provided.</td>
</tr>
<tr>
<td>The discretionary use satisfies the traffic and car parking requirements of Clause 22.07</td>
<td>As per the assessment above, the use would meet the relevant parking requirements.</td>
</tr>
</tbody>
</table>
It is assumed that staff movements will occur outside of the peak period of traffic generation for the proposed child care.

Conservatively assuming that every child is picked-up and dropped-off by a single vehicle trip and each staff space fills and empties once each day, the site will generate a total of 448 daily vehicle movements, including:

- 424 pick-up / drop-off trips; and
- 24 staff commuter trips.

The above analysis is considered conservative, as it does not allow for any linked trips or existing diverted trips from the road network.

As discussed above, the site is expected to generate in the order of 95 and 74 movements during the AM and PM peak periods respectively (split evenly between inbound and outbound movements). We note that the site will be accessed via left-in / left-out traffic movements. It is anticipated that these can be undertaken with minimal impact on the external road network.

Based on the data published by VicRoads, Cummins Road carries in the order of 6,300 southbound vehicles per day, with a peak of approximately 440 and 700 southbound vehicle movements recorded during the AM and PM peak periods respectively.

Given the above, it is considered that the proposal will not unreasonably impact upon the road network.

6.7. Cultural Heritage management plan

An Aboriginal Heritage Due Diligence Report was submitted with the application. The report made the following conclusions:

“The above soil disturbance, when coupled with the land use history, DBYD utility installation maps and previous report assessments, indicates that the area of cultural heritage sensitivity and the study area as a whole, has undergone substantial ground disturbance. It is therefore the opinion of the heritage advisor that the entire study area has undergone substantial ground disturbance as described in the Aboriginal Heritage Regulations 2018, and that subsequently a mandatory CHMP is not required.”

The report nominates that a cultural heritage management plan is not considered to be necessary in this instance. This recommendation has been reviewed and is acceptable.

6.8. Development contributions levy

The levy is applied at a rate of $2,020 per 600 square metres of site area for new, non-residential development, on land zoned residential. The site has an area of 860sqm which equates to a payment of $2,895.

Based on the proposal and the below recommendation, a payment of $2,895 is required - the payment of the development contributions is included as a condition of permit.

6.9. Objector issues not already addressed

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.

**Misleading/Inaccurate information**

Sufficient information to enable an informed view of the application has been made available for viewing at Council offices as part of the notification process, which has been carried out in accordance with Section 57 of the *Planning and Environment Act 1987*. Additional information submitted with the application has been made available at the request of interested parties.

**Support Attachments**

1. Development Plans ↓
2. Site Surrounds and Images ↓
3. Neighbourhood Character Assessment ↓
4. Setback Requirements ↓
5. Applicant Response to Traffic Concerns ↓
ATTACHMENT 2
Site Surrounds and Imagery

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>

Figure 2: Planning map showing the zones and overlays of the site and surrounds
Figure 3: View toward the site from the southwest

Figure 4: View toward the site from the west
Figure 5: View toward the site from the west

Figure 6: View toward the site from the northwest
Figure 7: View toward the site from the north

Figure 8: View toward the site from the northeast
Neighbourhood Character Precinct D2

Preferred Future Character Statement

The simple, articulated dwellings sit within landscaped gardens. Buildings are occasionally built to the side boundary; however the overall impression of the streetscape is of buildings within a garden setting due to the regular front setbacks and additional tree planting within the area. New buildings blend with the existing, by following these patterns and using materials that harmonise, where brick colours are consistent in a street. Front fences are low or open retaining the openness of the streetscape and view of the front gardens. On properties that adjoin the golf course, buildings are sited and designed so as not to overwhelm the open space. Consistent street tree planting has assisted in unifying the appearance of the area.

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 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 vegetation. • Retain existing large trees, wherever possible. • Buildings should be sited to allow space for the planting of trees and shrubs.</td>
<td>Lack of landscaping and substantial vegetation. Removal of large trees. Loss of front garden space.</td>
<td>Responds subject to conditions. It is recommended to require an updated landscaping plan by way of condition which would provide for one large and two small canopy trees.</td>
</tr>
<tr>
<td>To maintain the rhythm of visual separation between buildings</td>
<td>• Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation.</td>
<td></td>
<td>Responds. The proposed development only has one sensitive interface which is to the south. The southern elevation is designed to progressively step away from the southern boundary as height increases, such that it is in compliance with side setback requirements which have been varied under Schedule 3 of the Neighbourhood Residential Zone. The siting and form of the building are considered to achieve appropriate visual separation between buildings.</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 ensure that buildings do not dominate the streetscape. | - Incorporate articulated roof forms, plan form and wall surfaces in new buildings visible from the street.  
- Recess second storey elements from the front façade. | Large bulky buildings with poorly articulated front or side wall surfaces. | Responds  
The building would not incorporate a recess to the second floor element. However, the architecture is considered to be high quality, providing for well articulated and coherent facades and a form that responds appropriately to the characteristics of the site. The articulation to the façade would comprise a combination of recesses, projections, fenestration detailing, timber screening and a variety of contrasting yet complimentary materials and colours. Furthermore, the site is bound by two roads, being Cummins Road to the west and the Nepean Highway to the northeast, both roads comprise considerably wide streetscapes, such that the scale and form of the building would be easily accommodated and would not dominate the streetscape. |
| To reflect the building materials in locations where there is a particular consistency. | - Where consistent brick colours are present in the streetscape, use similar tonings in the colours of new buildings. | Brightly coloured external building materials in areas of consistent brick materials. | Responds  
The dwellings located to the south of the site are characterised by a variety of materials – it is not considered that there is a strong consistency. Given the above, taking into account the somewhat isolated and unique nature of the site and given the proposed use of the building, the materials and colour selection are considered to be appropriate in this instance. The use of timber screening is considered to relate well to the adjacent park and trees while the mix of colours |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To maintain the openness of the streetscape. | • Provide open style front fencing, other than along heavily trafficked roads. Where no front fencing predominates, use vegetation as an alternative. | High, solid fencing. | Responds
creates a vibrant and dynamic façade appropriate to the proposed use, being a child care centre. |
| To encourage development that responds to its location adjacent to the golf course. | • Where development directly borders the golf course, recess upper levels from the boundary nearest the open space. | Poorly articulated or dominating development fronting the golf course. | N/A
The development is not adjacent to a golf course. |
**Setback requirements**

Non-compliances are shown underlined.

**Street setback (Standard A3/B6)**

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cummins Street</td>
<td>8.07 m</td>
<td>7.5 m to 1.68 m</td>
<td>0.57 m to 6.39 m</td>
</tr>
<tr>
<td>Nepean Highway</td>
<td>2 m</td>
<td>0 m to 1.8 m to 2 m</td>
<td>2 m to 0.2 m</td>
</tr>
</tbody>
</table>

**Side and rear setbacks (Standard A10/B17 – varied under NRZ3)**

<table>
<thead>
<tr>
<th></th>
<th>Ground floor</th>
<th>First floor</th>
<th>Roof deck screening</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Requirement</td>
<td>Proposed</td>
<td>Requirement</td>
</tr>
<tr>
<td>South (side)</td>
<td>0 m or 2 m</td>
<td>2.3 m</td>
<td>3.56 m</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Setbacks from north facing windows (Standard A13/B20)**

<table>
<thead>
<tr>
<th></th>
<th>Ground floor</th>
<th>First floor</th>
<th>Roof deck screening</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Requirement</td>
<td>Proposed</td>
<td>Requirement</td>
</tr>
<tr>
<td>South (side)</td>
<td>1 m</td>
<td>2.3 m</td>
<td>2.56 m</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Luke Mooney
ARG Planning
57A Stubbs Street
Kensington VIC 3031

Dear Luke,

SUBJECT: RESPONSE TO COUNCIL RFI
PROJECT: PROPOSED CHILD CARE CENTRE
SITE ADDRESS: 72 CUMMINS ROAD, BRIGHTON EAST

Preamble

We understand that Council have reviewed the development plans and have raised a number of concerns relating to traffic and parking for the subject site.

We have considered the matters contained within the email correspondence dated 16th January 2018 and provide below council’s concerns and our response to each matter.

Matter 1: External Site Access

Council Comment

Traffic Engineering considers that the application should not be granted a permit due to the location and proposed land use. The location is undesirable for the following reasons:

— The two abutting roads (Cummins Road and Nepean Highway) are both very busy roads, the subject site is located near the signalised intersection of Cummins Road and Nepean Highway. Motorists travelling from Nepean Highway turning right into Cummins Road are unlikely to anticipate left-turning vehicles into a private driveway. This may result in rear-end crashes.

— The vehicle access is limited to left-in/left-out, however, without a physical treatment it is very likely that motorists may ignore the linemarking and perform right turns into or out of the subject site (undesirable from a safety perspective). It is especially likely that given that all motorists travelling from the south would need to perform a detour along South Road and Nepean Highway to access the site. This equates to a 1.89km trip with two additional traffic signals versus a 655 metre trip with an illegal right turn into the site.

IMPACT Response

As mentioned in Council’s correspondence, the suitability of the site access and its interface with the external road network falls to VicRoads as the Responsible Authority for Cummins Road. We note that the VicRoads referral (dated 21st November) has no objections to the proposed site access subject to conditions (notably that a functional plan be prepared to show the site access and any changes).

Furthermore, VicRoads have also suggested that a fully directional access would be appropriate as per the existing operating condition.

Notwithstanding, in response to Council’s concerns, IMPACT has undertaken a survey of the existing gaps along Cummins Road to help determine the capacity of this intersection.
IMPACT® commissioned Trans Traffic Survey Pty Ltd to undertake gap capacity surveys at the existing site access and Cummins Road during typical peak periods (i.e. 7:00am-9:00am and 4:00pm-6:00pm).

The traffic studies were undertaken on Thursday 21st February 2019 and recorded gaps along both the northbound and southbound lanes of Cummins Road adjacent the site access.

The critical gap and follow up headways as identified in AustRoads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection (2017) were adopted for this assessment as summarised below.

### Table 1 Critical Gap and Follow Up Headway Parameters

<table>
<thead>
<tr>
<th></th>
<th>Left Out / Right In</th>
<th>Right Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical Gap</td>
<td>5 seconds</td>
<td>6 seconds</td>
</tr>
<tr>
<td>Follow Up Headway</td>
<td>3 seconds</td>
<td>5 seconds</td>
</tr>
</tbody>
</table>

Based on these parameters, the gap analysis studies revealed the following recorded gap capacities for vehicles at the Cummins Road / Site Access.

### Table 2 Recorded Gap Capacity - Thursday 21st February 2019

<table>
<thead>
<tr>
<th></th>
<th>Left Out / Right In</th>
<th>Right Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM Peak (8:00am-9:00am)</td>
<td>963 vehicles</td>
<td>126 vehicles</td>
</tr>
<tr>
<td>PM Peak (5:00pm-6:00pm)</td>
<td>822 vehicles</td>
<td>238 vehicles</td>
</tr>
</tbody>
</table>

The above results excluded periods when vehicles in the northbound lane were queued past the site access due to the upstream signalised intersection.

We note that the AustRoads Guide suggests that the theoretical capacity (or recorded capacity in this instance) is the upper limit which may not actually be achieved in practice. In order to provide a conservative estimate, the AustRoads Guide recommends a 15% discount to make allowance for the number of gaps that can practically be taken by motorists arriving / departing from the proposed development.

Application of the above discount yields the following practical gaps at the Cummins Road / Site Access.

### Table 3 Practical Gap Capacity - Thursday 21st February 2019

<table>
<thead>
<tr>
<th></th>
<th>Left Out / Right In</th>
<th>Right Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM Peak (8:00am-9:00am)</td>
<td>733 vehicles</td>
<td>107 vehicles</td>
</tr>
<tr>
<td>PM Peak (4:45pm-5:45pm)</td>
<td>699 vehicles</td>
<td>202 vehicles</td>
</tr>
</tbody>
</table>
Since there is only one shared lane on the site departure, the combined capacity of the lane is determined by adopting the following formula from the Austroads Guide:

\[ C_r = \frac{1}{\sum \frac{p_c}{C_c}} \]

Where \( p \) represents the percentage flow of a certain movement, and \( C \) represents the capacity for that movement.

As the distribution of traffic into and out of the site is not entirely known at this stage, the following two scenarios have been adopted in this instance:

- 50 / 50 split
  - Outbound traffic evenly split between northbound and southbound;
  - Conservative - 75 / 25 split
    - Assume that 75% of traffic need to undertake right turns out of the subject site.

Based on the above, the site is expected to have the following combined departure capacity for each scenario:

- **AM Peak**
  - 50 / 50 Combined Capacity = 186 outbound vehicles;
  - 75 / 25 Combined Capacity = 136 outbound vehicles.

- **PM Peak**
  - 50 / 50 Combined Capacity = 313 outbound vehicles;
  - 75 / 25 Combined Capacity = 245 outbound vehicles

The Traffic Impact Assessment Report (TIAAR) prepared by IMPACT\textsuperscript{12} ([MP180616REP01F01]) provided an estimation of the outbound traffic volumes generated by the subject site, summarised as follows:

- **AM Peak**
  - 48 outbound

- **PM Peak**
  - 37 outbound

Furthermore, with a combined capacity for 136 vehicles to exit, on average vehicles will be able to depart the site every 50 seconds in the worst-case scenario. We do note however that the delay for vehicles turning right out of the site will somewhat be dictated by the phasing of the upstream intersection.

Accordingly, it is our view, and as suggested by VicRoads that the proposed site access can operate conveniently and safely as a fully directional access to Cummins Road.
Matter 2: Internal Car Park and Access Design

Council Comment

In addition, Traffic Engineering has reservations regarding vehicle access, car parking, and other issues:

1. The SIDRA intersection analysis conducted by Impact does not take into consideration the complex intersection of Nepean Highway/Cummins Road/Patterson Road. Traffic Engineering considers that vehicle egress from the subject site would result in longer delays than presented in the Impact report.

2. The plans indicate that the existing crossover to Cummins Road will be maintained, however, this does not align with the proposed vehicle access ramp. Traffic Engineering requires that the crossover be widened to align with the proposed ramp.

3. The provision of short-term parking spaces for drop-off and pick-up is one parking space less than the likely demand identified in Section 5.1.3 of the Impact report and Clause 22.07 of the Bayside Planning Scheme. Traffic Engineering requires the provision of at least 11 short term parking spaces for drop-off and pick-up. These spaces must not be located in tandem or within a car stacker system.

4. Given the layout of the basement carpark, if a motorist drives into the carpark when all short-term parking spaces are occupied, there is no opportunity to turn around. As such, Traffic Engineering requires that a turnaround bay is provided.

5. The blind aisle extension should be at least 1 metre in accordance with AS2890.1:2004.

6. The proposed car stacker system requires a two correctional manoeuvre to access the northern most parking spaces. This does not comply with AS2890.1:2004.

7. A longitudinal section indicating a minimum of 2.0m height clearance should be clearly shown on the plans in accordance with Figure 5.3 of AS2890.1:2004.

8. The proposed circular ramp does not comply with Figure 2.9 of AS2890.1:2004. In particular, the proposed inside and outside radii are too tight. Traffic Engineering requires that the ramp be redesigned to accord with AS2890.1:2004.

9. As per Clause 2.3.2 (a) of AS2890.1:2004, Traffic Engineering requires that a swept path assessment be conducted for an 85th percentile vehicle and a 99th percentile vehicle simultaneously entering the basement carpark and turning at the bottom of the ramps.

10. Pedestrian access to the lift lobby area from the basement carpark and ground floor should be redesigned to provide more convenient access for families, that is, wider doors and more room to accommodate prams/strollers.

11. There is insufficient information provided regarding waste collection. Traffic Engineering requires a Waste Management Plan to include the following considerations:
   a) Waste collection to be outside of traditional on-road peak periods and the traditional drop-off and pick-up times for childcare centres. If a permit were to be issued the times should be limited to 9:30am to 3:30pm weekdays, Saturdays and Public Holidays.
   b) As waste storage is located within the basement carpark, it is expected that waste vehicles will access the basement carpark. Considering the smallest sized waste collection vehicle, a Small Rigid Vehicle of 4.4m length, the ramp to the basement carpark requires modification to accommodate this vehicle. The ramp grades must accord with Table 3.2 of AS2890.2:2002.
   c) Provision for parking of a waste collection vehicle within the basement carpark to ensure that all other parking spaces are accessible during waste collection.
   d) A swept path assessment should be provided by the applicant demonstrating acceptable access for a Small Rigid Vehicle.
IMPACT® Response

1. External Site Access Analysis

Noted. In response to Council’s concern, we have recorded the gaps (see above) along Cummins Road adjacent the subject site. Furthermore, the analysis as provided indicates that the site can safely and conveniently function as a fully directional access.

2. Crossover to Cummins Road

Noted. As requested, plans have been amended to reflect a marginally wider crossover to match into the proposed accessway down into the basement car parking area.

Furthermore, and as requested by VicRoads, a functional plan will be prepared showing the proposed access and any line-marking / changes to Cummins Road.

3. Provision of Short Term Parking Spaces

We agree that the total provision of short-term parking spaces should be for 11 spaces as per the original traffic assessment.

We note that the development plans contemplate a total of 11 at-grade spaces which are suitable for use for pick-up / drop-off parking, although one of these spaces was previously mislabelled as a staff space.

As required by Council, none of these spaces are located within the proposed car stacker system or in the rear space of a tandem car park.

4. Provision of Turning Bay

Noted. We acknowledge that no turning bay has been provided within the basement parking area.

Notwithstanding, swept paths (refer attached as an annex to this letter) demonstrate that a vehicle up to 6.4 metres in length is able to turn around within the site and exit in a forward direction. Given that vehicles up to 6.4 metres in length can turn around, it is considered that there is sufficient space for a passenger vehicle to turn around should all parking spaces be occupied.

5. Blind Axle Extension

Clause 52.06 of the Bayside Planning Scheme sets out Council’s requirements relating to car parking and access.

In relation to blind axle extensions and vehicles parked in the last space of a dead-end accessway, Clause 52.06 requires vehicles to be able to exit the site in a forward direction with one manoeuvre.

As shown in the swept paths attached to the original traffic report (and reattached as an annex to this letter), vehicles parked in the two dead-end parking spaces are able to enter and exit these spaces with one manoeuvre, the additional width in excess of the Planning Scheme axle requirements allow vehicles to achieve this.

Accordingly, we do not consider it appropriate or necessary to provide a 1 metre blind axle extension.

6. Car Stacker Access

As shown in the swept paths attached to the original traffic report (and reattached as an annex to this letter), vehicles are able to enter and exit the proposed stacker spaces with no more than one corrective manoeuvre.
Specifically, reference is made to the recent VCAT decision in the case of Karl Degerin & Associates Pty Ltd vs Bayside (2017) which clarified what constitutes a 3-point turn. In this case, the Tribunal member ruled that the intention of the Australian Standard is to allow for a corrective manoeuvre (or up to four vehicle movements when entering or exiting a User Class 1/IA space resident or employee parking).

As the stacker spaces will be allocated to staff, it is considered appropriate to show access utilising one correction manoeuvre.

7. Height Clearance

Noted. As requested plans have been updated to include a section demonstrating that the site achieves a minimum clearance of at least 2.1 metres throughout.

8. Circular Ramp Design

We note that there is no circular ramp proposed for access into and out of the basement parking area. We acknowledge however that some lines on the proposed architectural plans may have created this misunderstanding, the architectural plans have been updated accordingly to remove any potential confusion.

In relation to the ramp and basement access, we note the following:

- Clause 52.06 of the Planning Scheme requires car park accessways provide an inner radius of either 4.2 metres or be at least 4 metres wide at changes of direction.
- In response to this requirement, we note that the proposed accessway is at least 5.5 metres wide at the changes of direction.


As discussed above, the accessway into the basement car park area exceeds the dimensions as required by Design Standard 1 of Clause 52.06-9 of the Bayside Planning Scheme.

Notwithstanding, the plans have been amended and swept paths updated to show that a B99 and B85 vehicle can physically pass one another around the critical corner within the basement car park.

In addition, to help vehicles circulate through this area, a convex mirror is proposed (as shown attached) to provide additional sight lines for vehicles around the corner.

10. Pedestrian Lift Access

Noted. The architectural plans have been amended to reflect the request for wider access points from the basement parking area through to the lifts.

11. Waste Management

Noted. We understand that a waste management plan will be prepared as requested.

Notwithstanding the above, we provide the following comments in response to the questions raised in Council’s RFI.
11a) Waste Collection Hours

We agree with Council's assessment that waste collections should be undertaken both outside of peak hours for the external road network and pick-up / drop-off periods for the child care centre.

11b) Waste Vehicle Access Grades

We understand that it is proposed to utilise a 6.4m Wastewise mini (refer attached specification sheet) waste collection vehicle.

The Wastewise mini vehicle is able to traverse grades of up to 1:4; please see attached correspondence from the manufacturer confirming this.

Based on the foregoing assumptions, it is our view that grades in accordance with AS2690.2:2002 are not necessary or warranted.

11c) Parking for Waste Vehicles

As requested by Council, it is our understanding that waste collection will be undertaken outside of the peak pick-up / drop-off periods for the child care centre.

On this basis, it is our view that no dedicated parking is required for the waste collection vehicles, particularly noting that:

— It is not uncommon for private waste collection vehicles to prop in the access aisle during collections for small private developments such as the proposed;
— Collections will occur outside of peak periods for the site, when there will be little to no demand for access to the pick-up / drop-off spaces;
— Access to / from the staff spaces can also be managed as required.

11d) Waste Collection Swept Paths

It is noted that Council has requested swept paths of a small rigid vehicle entering and exiting the basement car parking area to demonstrate that waste collections can occur appropriately on-site.

We note however that it is proposed to utilise a 6.4m Wastewise mini waste vehicles (refer attached specification sheet) for waste collection. Accordingly, please see attached as an annex to this letter, swept paths demonstrating access to / from the site for the proposed waste collection vehicle.

Matter 3 - External Crash Protection

Further to the matters identified in Council's RFI, we understand that there was a recent vehicle collision at the subject site. Following this incident, concerns have been raised by stakeholders as to the level of safety of the site to operate as a child care centre.

In response to this concern, we note that a barrier / structural solution could be provided along the site boundaries to provide protection to occupants of the site.

In this instance with Cummins Road being a declared road, reference is made to VicRoads Road Design Note "RDN 06-04 - Accepted Safety Barrier Products". This document lists the safety barrier products that VicRoads has assessed and considers acceptable for use on the declared road network.
Please see below a possible product from this document which could potentially be used:

- Energy Absorbing Bollard (EAB)
  - Accepted Speed Zone (60 km/hr)
  - Suitable for use along the site boundary adjacent Cummins Road
  - Can be incorporated to the landscaping / fencing treatment along this boundary

We note that a bespoke solution could also be considered and incorporated into the fence / landscaping along the site boundaries. Structural input and advice should be sought if pursuing this option.

Conclusion - Car Park Design

Based on the foregoing, we are satisfied that the proposed car park and accessways have been designed to accord with the relevant design guidelines.

Accordingly, the proposal satisfies the purposes of Clause 52.06, specifically:

- 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.

We therefore continue to hold the view that there are no traffic engineering grounds that should prohibit the issue of a permit.

We trust that the above assessment is satisfactory. Naturally, should you have any queries or require any additional information, please do not hesitate to contact the undersigned.

KIND REGARDS,

Will Drew
Senior Engineer
M: 0427 337 399
E: will@impactaustralia.com.au
End: Swept Path Analysis

6.4m Wastewise Specification Sheet & Correspondence from Wastewise
Hi Will,

Thanks for your email.

We can enter and exit with a max grade of 1:4 however please allow at least a 2m transition from the top and bottom of the ramp to avoid for our vehicle to bottom out.

Please let me know if you need any further info.

Regards,

Leonardo Scalia – General Manager
Waste Wise Environmental Pty Ltd
P.O. Box 117, Reservoir VIC 3073
Mob: 0459 112 221 Fax: (03) 9359 2544
Email: leonardo@wastewise.com.au
Web: www.wastewise.com.au

---

From: Will Drew <will@impactaustralia.com.au>
Sent: Thursday, 24 January 2019 4:10 PM
To: Leonardo - Wastewise <leonardo@wastewise.com.au>
Subject: Wastewise Mini Question - IMP180616

Hi Wastewise team,

I'm a traffic engineer working on a development in Brighton, Melbourne and I had a quick question regarding the wastewise mini vehicle.

The development has a basement and contemplates private waste collection.

I understand that it is proposed to use a wastewise mini for the collection (noting the constrained nature of the basement).

The only problem however are the proposed ramp grades; the ramp contemplates a 1:4 maximum grade.

It was my understanding the wastewise vehicles could traverse a 1:4 grade (having seen it proposed for other developments in the past) however the spec sheet on your website specifically mentions 1:4.5 being the max grade.

Are you able to confirm for me if a wastewise mini can travel over 1:4 ramps, or if in fact 1:4.5 is the absolute maximum traversable?

Kind Regards

---

WILL DREW
Senior Engineer
Waste Wise Environmental® introduced the first MINI rear loader vehicle into Australia in September 2011.

The success of the MINI rear loader has been well documented over the first 12 months of service. The ability to manoeuvre in confined areas within basement car parks, where bin rooms are located, and laneways where other vehicles find difficulty in reversing is unique, but achievable for this compact unit.

With an overall height of just 2.08 metres and length of 6.40 metres, this vehicle can enter most car parks, going down three (3) basement levels or climbing up eight (8) car park levels to empty MGB 240 litre & MGB 660 litre bins within its own height capacity.

MGB 1100 litre bins will be lifted higher than the vehicle and generally find a spot within the complex to do so.

The MINI rear loader is valuable to all: architects, developers, owners corporations (space saving and cost saving) and councils (no bins at kerbside affecting the streetscape).

CONCLUSION: SAVING

The Waste Wise Environmental® fleet of MINI’s has successfully demonstrated its ability as the most valuable & versatile MINI rear loader on the road today. Not only in confined areas, but also under standard rear loader conditions at street level.

1300 550 408

Item 4.6 – Matters of Decision
4.7 50 WEATHERALL ROAD, CHELTENHAM
GRANT A PLANNING PERMIT
APPLICATION NO: 2019/138/1  WARD: SOUTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/132663

1. 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>Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Taylors Development Strategists</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>21/03/2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>46 days (as of 24/05/2019)</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 Contribution Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>603m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>0</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 the removal of vegetation in a Vegetation Protection Overlay on a lot with an area of 603 square metres.

Key details of the proposal are as follows:

- Removal of 15 trees from the site, including 6 trees which are protected by the Vegetation Protection Overlay (Schedule 3). The VPO3 trees are known as Trees 2, 3, 4, 6, 9 and 19.

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 2016/223/1 was issued under delegation on 16 August 2016 for the construction of two double storey dwellings and removal of native vegetation.

Planning Permit 2018/203/1 was refused by Council on 20 April 2018 for the removal of
one native tree in a Vegetation Protection Overlay. Specifically, it was proposed to remove the existing *Melaleuca styphelioides* located on the western boundary of the site.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 42.02 (Vegetation Protection Overlay Schedule 3) – A permit is required to remove, destroy or lop any vegetation native to Australia.

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 no objections were received.

Consultation meeting

A consultation meeting was not required in this instance as no objections were received.

4. Recommendation

That Council resolve to **Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/138/1 for the land known and described as **50 Weatherall Road, Cheltenham**, for the **removal of vegetation in a Vegetation Protection Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the commencement of any vegetation removal or works, 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 but modified to show:

   a) A Landscaping Plan in accordance with Condition 3 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 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 plans and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) Replacement planting of 1 small canopy tree reaching a mature height of at least 8 metres within the rear setback.
b) The retention of Tree 2 (Pittosporum undulatum) within the front setback of the site.
c) The retention of Tree 9 (Melaleuca styphelioides) located on the western boundary.
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. Plantings must be 80% indigenous by species type and count.
g) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.

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.

Permit Expiry

6. 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 12 Environmental and Landscape Values
• Clause 13 Environmental Risks
• Clause 14 Natural Resource Environment
• Clause 21.04 Environmental and Landscape Values
• Clause 21.05 Environmental Risks
• Clause 22.06 Neighbourhood Character Policy (Precinct H2)
• 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 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, and the individual merits of the application.

6.1. Neighbourhood character

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

3. The subject site is situated within a well vegetated site which features a variety of native, indigenous trees and non-native trees. With respect to vegetation, the preferred character of Precinct H2 seeks to encourage “low scale dwelling styles set within established gardens that contain some substantial vegetation including trees.” A key objective of the Precinct Guidelines is to “maintain and enhance the garden settings of the dwellings.”

4. The application proposes the removal of 15 trees from the site, 6 of which require permission for their removal under the Vegetation Protection Overlay Schedule 3 (VPO3) as confirmed by Council’s Arborist. These trees are known as Trees 2, 3, 4, 6, 9 and 19.

5. Subject to conditions pertaining to the retention of Trees 2 and 9, and the replacement planting of 1 small canopy tree within the rear setback, the proposal is consistent with the Preferred Future Character and the Precinct Guidelines of Neighbourhood Character Precinct H2.

6.2. 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 15 trees from the site, including 6 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>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>2, 3, 4, 6, 9 and 19</td>
<td>N/A</td>
<td>10, 16, 17, 18, 21, 22, 23, 24, and 25</td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

From an arboriculture perspective Council’s Arborist has reviewed the application and advises that the VPO3 protected trees to be removed are supported, with the exception of Tree 2 and 9.

An assessment against the decision guidelines of the VPO3 is provided at **Attachment 4** and a copy of Council’s Arborist referral comments is provided at **Attachment 5**.

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. A review of the trees listed in the above table are provided below.

Trees 10, 16, 17, 18, 21, 22, 23, 24 and 25 generally located within the western (side) and eastern (side) boundaries are proposed to be removed. Council’s Arborist has confirmed that all trees are not protected by either the VPO or Local Law and have support for removal due to a combination of poor health, poor structure, do not align with the requirements of the Neighbourhood Character Precinct H2 and have a low useful life expectancy.

Tree 2 is a Sweet Pittosporum and is a native tree protected by the VPO. The mature tree is located within the front setback of the property and has a high retention value, is in good health, has a good structure and high amenity value. On this basis, Council’s Arborist has objected to the removal of this tree. The tree is located along the front property boundary of the site and is considered to contribute to the established landscaped character of the streetscape. It is considered that the removal of this tree would unreasonably impact on the character of the area and subsequently would contravene the decision guidelines of the VPO3. A condition requiring its retention is included as part of the recommendation.

Tree 3 is a Flowering Gum and is a native tree protected by the VPO. Council’s Arborist has confirmed that the tree is in poor health, has a medium retention value and a life expectancy of 4-9 years. Subsequently, there is no objection to the removal of this tree.

Tree 4 is a Weeping Bottlebrush and is a native mature tree protected by the VPO. Council’s Arborist has assessed the tree and has advised that the tree is poor in health and structure with a low amenity and habitat value and a medium retention value. Due to its 0 - 3 years life expectancy, there is no objection to the removal of this tree.
Tree 6 is a Lilly Pilly and is a native tree protected by the VPO. Following an assessment of this tree, Council’s Arborist has advised that the tree is in poor health, has a fair structure and a low amenity and retention value. As such, there is no objection to the removal of this tree.

Tree 9 is a Prickly-leaved Paperbark and is a native tree protected by the VPO. The mature tree is located on the western (side) boundary and has high retention value, is in good health, good structure and high amenity value with a life expectancy of 20+ years. Council’s arborist has recommended that this tree is retained owing to the health and structure. Furthermore, its removal will significantly increase the visual presence of the built form on the site. A condition requiring its retention is included as part of the recommendation.

Tree 19 is a semi-mature Lilly Pilly and is a native tree protected by the VPO. Council’s Arborist has assessed the tree and has advised that it is of good health and structure but has a low amenity value, medium retention value and moderate habitat value. Subsequently, there is no objection to the removal of this tree.

Subject to conditions, the proposed vegetation removal will not unreasonably 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, being a new single dwelling (no planning permit required). Therefore, the proposed vegetation removal is considered to comply with the objectives of the VPO3.

6. Notwithstanding the above, Council’s Arborist has reviewed the submitted documentation and has requested the preparation of a landscape plan which includes those trees to be retained and details of the proposed replacement planting (inclusive of 1 small canopy tree reaching a mature height of at least 8 metres tall within the rear setback) and requires at least 80% indigenous vegetation to be planted on site.

7. This outcome will ensure the existing and preferred landscaped character of the area are maintained and further enhanced in accordance with the decision guidelines of the VPO3.

6.3. Street tree(s)
Tree No. 1 is located within the nature strip and is proposed for retention.

6.4. 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.

6.5. Development contributions levy
Based on the proposed application, no development contributions levy is applicable.

6.6. Objector issues not already addressed
Not applicable.

Support Attachments
1. Development Plans
2. Site & Surrounds
3. Neighbourhood Character Assessment (Precinct H2)
4. VPO3 Assessment
5. Arborist’s Referral
6. Applicant’s Arboricultural Assessment
Attachment 2 – Site and Surrounds

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>
</tbody>
</table>

Figure 2 View towards the site from Weatherall Road
Neighbourhood Character Precinct H2

Preferred Future Character Statement

The low scale dwelling styles sit within established gardens that contain some substantial vegetation including trees. Front setbacks are large, and sometimes variable, and dwellings usually include a pitched roof form of some type. The streetscapes have an open feel due to buildings being offset from at least one side boundary and a lack of intrusive front fencing, complemented by wide roads and nature strips. Linkages with the remainder of the Beaumaris area are strengthened through the use of more indigenous planting in the private and public domains.

Precinct Guidelines

<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 and enhance the garden settings of the dwellings.</td>
<td>• Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, preferably indigenous species.</td>
<td>• Lack of landscaping and substantial vegetation</td>
<td>Does not respond</td>
</tr>
<tr>
<td>• Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone).</td>
<td>• Buildings should be sited to create the appearance of space between buildings and accommodate vegetation.</td>
<td>• Removal of large trees.</td>
<td></td>
</tr>
<tr>
<td>• To maintain the rhythm of spacious visual separation between buildings and allow space for trees and other planting.</td>
<td>• Buildings should be sited to allow space for a garden including trees and shrubs.</td>
<td>• Planting of environmental weeds.</td>
<td>N/A to application</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</td>
<td>N/A to application</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 ensure that new buildings reflect the low scale forms of the area, and provide an articulated and interesting façade to the street. | Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, pitched roof forms, combinations of materials, textures or colours or other elements providing appropriate articulation.  
Recess upper levels from the front façade. | Large bulky buildings  
Poorly articulated roof, front and side wall surfaces | N/A to application |
| To use building materials and finishes that complement the natural setting | Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. | Period reproduction styles and detailing                                                     | N/A to application |
| To enhance the openness and informality of the streetscape and maintain views into front gardens. | Provide open style front fencing, other than along heavily trafficked roads.  
Use vegetation as an alternative where possible. | High or solid front fences. | N/A to application |
### 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>Well vegetated site with larger trees being within the front setback. All site trees, with exception of Tree 2 and 9 are approved for removal due to a combination of poor health/structure and/or having no VPO3 or Local Law 2 protection.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>Above comments applicable.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>Council's Arborists has noted in their assessment that the removal of trees will have no impact on the appearance of development owing to the requirement for Tree 2 &amp; 9 to be retained. Moreover, a condition of permit will be included to plant a small canopy indigenous tree within the rear setback of the development 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>Council's Arborists have found that there is no fauna evident. As such it is likely that the removal of trees may have a nominal effect of wildlife corridor fragmentation.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site.</td>
<td>No proposal has been put forward by the permit applicant. However, a permit condition has been included that a small canopy indigenous tree be planted within the rear setback of the subject site.</td>
</tr>
</tbody>
</table>
BAYSide CITY Council - STATUTORY PLANNING DEPARTMENT - INTERNAL REFERRAL

<table>
<thead>
<tr>
<th>TO</th>
<th>Arborist</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td>Steven Mallett</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>50 Weatherall Road CHELTENHAM</td>
</tr>
<tr>
<td>APPLICATION NO.</td>
<td>5/2019/138/1</td>
</tr>
<tr>
<td>PROPOSAL</td>
<td>Removal of native vegetation in a Vegetation Protection Overlay</td>
</tr>
<tr>
<td>TRIM REFERENCE</td>
<td></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>• Neighbourhood character precinct – H2</td>
</tr>
<tr>
<td></td>
<td>• Vegetation Protection Overlay – Schedule 3</td>
</tr>
<tr>
<td>DATE OF REFERRAL</td>
<td>27 March 2019</td>
</tr>
</tbody>
</table>

ARBORIST COMMENTS / CONDITIONS:

Landscape character of the site: A mixture of small and large canopy trees both mostly at the front setback and predominantly native in count.

Landscape character of adjacent area: Similar to subject site.

The requirements of NCP are:

• Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, preferably indigenous species.
• Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone).
• Buildings should be sited to create the appearance of space between buildings and accommodate vegetation.
• Buildings should be sited to allow space for a garden including trees and shrubs.
• Minimise impervious surfaces, particularly in the front garden.

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:

• 27, 28, 29, 30, 31,

N.B. Tree 27 has been subject to a recent VCAT hearing and my in fact be removed in the near future.
BAYSIDE CITY COUNCIL - STATUTORY PLANNING DEPARTMENT - INTERNAL REFERRAL

Landscape plan

Has a landscape plan has been submitted Yes ☒ No ☐

Provision of Landscape plan

Before the commencement of any works associated with the approved development, a landscape plan must be endorsed by the Responsible Authority. The plan must 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.

Completion of landscaping

Before the occupation of the development the landscaping on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

Landscaping maintenance and replacement

The landscaping on the endorsed plans must be maintained. Landscaping that is dead, diseased or damaged must be replaced to the satisfaction of the Responsible Authority.

Arborist report

Has an arborist report been submitted? Yes ☒ No ☐

Does the arborist report cover the following topics?

- Tree inventory Yes ☒ No ☐
- Impact assessment Yes ☒ No ☐
- Tree protection method Yes ☐ No ☒

- Is more information required? Yes ☒ No ☐

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? Yes ☒ No ☐

Redesign to occur to ensure Tree 2 & 9 remain viable post construction.
Proposed tree removal

The application plans show the removal of 15 trees from the site, including 6 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></td>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
<td>Proposed for removal</td>
</tr>
<tr>
<td>2,3,4,6,9,19</td>
<td>2,9</td>
<td></td>
<td>10,16,17,18,21,22,23,24,25</td>
</tr>
<tr>
<td></td>
<td>Proposed for retention</td>
<td>Proposed for retention</td>
<td>Proposed for retention</td>
</tr>
</tbody>
</table>

Removal of the following trees is supported:
- 3,4,6,10,16,17,18,19,21,22,23,24,25

Support for removal due to a combination of:
- Not aligning with NCP
- Poor health
- Poor structure
- Low ULE.

<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>Well vegetated site with larger trees being at the front setback. Removal of 2 &amp; 9 does not align with NCP</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>I cannot comment as no LP has I cannot locate it. Has it been sent?</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>Trees 2 &amp; 9 (if removed) will increase the presence of the built form. It is feasible for redesign to occur</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>No fauna was evident in the trees during the site visit however given that the golf course is across the road removal may fragment wildlife corridors.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on</td>
<td>Similar to second response, discuss replacement plantings proposed as per landscape plan.</td>
</tr>
</tbody>
</table>
**BAYSIDE CITY COUNCIL - STATUTORY PLANNING DEPARTMENT - INTERNAL REFERRAL**

**the site.**

| Tree No. | 2 |
| Botanical Name: | *Pittosporum undulatum* |
| Common Name: | Sweet pittosporum |
| Height / Canopy: | 8m/10m |
| Trunk Circ.@1m: | 103cm |
| Location 1 | N0 |
| Location 2 | E6 |

| 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 |
| Support for removal: | Yes | No |
## Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>Indigenous</td>
<td>3 pts</td>
</tr>
<tr>
<td>Occupied by native fauna</td>
<td>No signs of use by fauna</td>
<td>2 pts</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>Overcrown</td>
<td>5 pts</td>
</tr>
<tr>
<td></td>
<td>Dead canopy</td>
<td>2 pts</td>
</tr>
<tr>
<td>Habitat bearing tree</td>
<td>Tree bearing a natural hollow</td>
<td>5 pts</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt; 10 years</td>
<td>5 pts</td>
</tr>
<tr>
<td>Wildlife corridor</td>
<td>Within 20m of a green space</td>
<td>3 pts</td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td>Removal will have negative impacts on native flora</td>
<td>3 pts</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>15 pts</td>
</tr>
</tbody>
</table>

### Tree No: 3

**Botanical Name:** Corymbia ficifolia  
**Common Name:** Flowering gum  
**Height / Canopy:** 16m/10m  
**Trunk Circ.@1m:** 255cm  
**Location 1:** N4  
**Location 2:** E3

**Origin:** Indigenous  
**Age:** Young  
**Health:** Good  
**Structure:** Good  
**Amenity Value:** High  
**Life Expectancy:** 20 years +  
**Retention Value:** High  
**Habitat value:** High  
**Support for removal:** Yes

**Victorian**  
**Semi-mature**  
**Poor**  
**Fair**  
**Mature**  
**Dead**  
**Exotic**  
**Over-mature**  
**Hazardous**  
**Low**  
**None**  
**Medium**  
**Low**  
**Moderate**  
**No**

**Australian**  
**Over-mature**  
**Hazardous**  
**Low**  
**None**  
**Moderate**  
**Low**  
**No**
### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indigenus</th>
<th>Victorian</th>
<th>Australian/Exotic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>3 points</td>
<td>2 points</td>
<td>0 points</td>
</tr>
<tr>
<td>Occupied by native fauna</td>
<td>5 points</td>
<td>2 points</td>
<td>0 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;50cm</td>
<td>&lt;50 – 50cm</td>
<td>&gt;50cm</td>
</tr>
<tr>
<td>Safe canopy</td>
<td>2 points</td>
<td>2 points</td>
<td>1 point</td>
</tr>
<tr>
<td>Dead canopy</td>
<td>2 points</td>
<td>2 points</td>
<td>1 point</td>
</tr>
<tr>
<td>Hollow bearing tree</td>
<td>Tree bearing no natural hollow. Low to moderate level of maintenance.</td>
<td>No natural hollow, artificial hollow hollow unprotected. Low to moderate level of maintenance.</td>
<td>No natural hollow, artificial hollow. High level of maintenance.</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt;10 years</td>
<td>4 – 9 years</td>
<td>0 – 3 years</td>
</tr>
<tr>
<td>Wildlife corridors</td>
<td>Within 50 m of a green space, park or reserve</td>
<td>Within 0.5 km of a green space, park or reserve</td>
<td>Greater than 0.5 km from a green space, park or reserve</td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td>Removal will have negative impacts on indigenous flora</td>
<td>Removal will have negative impacts on native flora</td>
<td>Removal will have no negative impacts on indigenous or native flora</td>
</tr>
<tr>
<td>Total</td>
<td>5 points</td>
<td>5 points</td>
<td>5 points</td>
</tr>
</tbody>
</table>

### Tree No 4

**Botanical Name:** *Callistemon viminalis*

**Common Name:** Weeping Bottlebrush

**Height / Canopy:** 7m / 6m

**Trunk Circ @ 1m:** 60cm

**Location 1:** N2

**Location 2:** E0

**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

**Life Expectancy:** 20 years +, 10-19 years, 4-9 years, 0 - 3 years

**Retention Value:** High, Medium, Low

**Habitat Value:** High, Moderate, Low

**Support for removal:** Yes, No
## Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indigenous</td>
</tr>
<tr>
<td></td>
<td>3 points</td>
</tr>
<tr>
<td>Occupation by native fauna</td>
<td>Occupied by native fauna</td>
</tr>
<tr>
<td></td>
<td>6 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
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<tr>
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</tr>
<tr>
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<tr>
<td>Hallow boreship tree</td>
<td>Tree bearing a natural hollow: Low to moderate level of maintenance</td>
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<td>Useful life expectancy</td>
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<td>6 points</td>
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<tr>
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</tr>
<tr>
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<td>6 points</td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td>Removal will have negative impacts on indigenous flora</td>
</tr>
<tr>
<td></td>
<td>3 points</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

### Tree No.
6

### Botanical Name:
*Syzygium smithii*

### Common Name:
Lilly pilly

### Height / Canopy:
12m/5m

### Trunk Circ. @1m:
97cm

### Location 1
N6

### Location 2
E0

### 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

### Support for removal:
Yes  No
### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
</tr>
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</tr>
<tr>
<td></td>
<td>Victorian</td>
</tr>
<tr>
<td></td>
<td>Exotic</td>
</tr>
<tr>
<td>Occupation by native species</td>
<td>Occupied by native species 3 points</td>
</tr>
<tr>
<td></td>
<td>Signs of native species 2 points</td>
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<td>No signs of native species 1 point</td>
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<tr>
<td>Diameter of tree trunk</td>
<td>&lt;30cm 5 points</td>
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<td></td>
<td>30 - 60cm 3 points</td>
</tr>
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<td></td>
<td>&gt;60cm 2 points</td>
</tr>
<tr>
<td>Dead canopy</td>
<td>5 points</td>
</tr>
<tr>
<td></td>
<td>4 points</td>
</tr>
<tr>
<td></td>
<td>3 points</td>
</tr>
<tr>
<td>Hollow bearing trees</td>
<td>Tree bearing a natural hollow. Low to moderate level of maintenance 3 points</td>
</tr>
<tr>
<td></td>
<td>No natural hollow, artificial hollow possible 2 points</td>
</tr>
<tr>
<td></td>
<td>No natural hollow, not suitable for installation of artificial hollow 1 point</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&lt;5 years 6 points</td>
</tr>
<tr>
<td></td>
<td>5 - 9 years 5 points</td>
</tr>
<tr>
<td></td>
<td>10 - 15 years 4 points</td>
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<td>Within 50m of a green space, park or reserve 5 points</td>
</tr>
<tr>
<td></td>
<td>Within 50 - 150m of a green space, park or reserve 4 points</td>
</tr>
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<td>&gt;150m 3 points</td>
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<td>Impacts on adjacent area</td>
<td>Removal will have no impacts on indigenous flora 3 points</td>
</tr>
<tr>
<td></td>
<td>Removal will have negative impacts on native flora 2 points</td>
</tr>
<tr>
<td></td>
<td>Removal will have negative impacts on adjacent or forest flora 1 point</td>
</tr>
<tr>
<td>Total</td>
<td>15 points</td>
</tr>
</tbody>
</table>

#### Tree No. 9

**Botanical Name:** *Melaleuca styphelioides*

**Common Name:** Prickly-leaved paperbark

**Height / Canopy:** 15m/10m

**Trunk Circ.@1m:** 210cm

**Location 1:** N11

**Location 2:** W0

**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

**Support for removal:** Yes  No
Tree Habitat Value Assessment Matrix

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</thead>
<tbody>
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<td></td>
<td>3 points</td>
</tr>
<tr>
<td>Occupation by native fauna</td>
<td>Occupied by native fauna</td>
</tr>
<tr>
<td></td>
<td>6 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
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<td>Living canopy</td>
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<tr>
<td></td>
<td>Dead canopy</td>
</tr>
<tr>
<td></td>
<td>2 points</td>
</tr>
<tr>
<td>Hollow bearing tree</td>
<td>Tree bearing a natural hollow. Low to moderate level of maintenance</td>
</tr>
<tr>
<td></td>
<td>6 points</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt;10 years</td>
</tr>
<tr>
<td></td>
<td>8 points</td>
</tr>
<tr>
<td>Wildlife corridors</td>
<td>Within 50 m of a green space, park or reserve</td>
</tr>
<tr>
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<td>6 points</td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td>Removal will have negative impacts on indigenous flora</td>
</tr>
<tr>
<td></td>
<td>2 points</td>
</tr>
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<td>Total</td>
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Tree No: 19
Botanical Name: **Syzygium smithii**
Common Name: **Lilly pilly**
Height / Canopy: 6m/3m
Trunk Circ @1m: 60cm
Location 1: S11
Location 2: E0

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<td>Over-mature</td>
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<td>Fair</td>
<td>Poor</td>
<td>Dead</td>
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<tr>
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<td>None</td>
</tr>
<tr>
<td>Life Expectancy:</td>
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<td>10-19 years</td>
<td>4-9 years</td>
<td>0 - 3 years</td>
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<tr>
<td>Retention Value:</td>
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<td>Medium</td>
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<tr>
<td>Habitat value:</td>
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<td>Moderate</td>
<td>Low</td>
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</tr>
<tr>
<td>Support for removal:</td>
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### Tree Habitat Value Assessment Matrix

<table>
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<th>Category 2</th>
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<td>Australian/Indigenous</td>
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<tr>
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<td>3 points</td>
<td>2 points</td>
<td>9 points</td>
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<tr>
<td>Occupation by native faze</td>
<td></td>
<td>Occupied by native faze</td>
<td>Signs of use by faze</td>
<td>No signs of use by faze</td>
</tr>
<tr>
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<td>5 points</td>
<td>2 points</td>
<td>9 points</td>
<td></td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
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<td>Living canopy</td>
<td>Living canopy</td>
<td>Living canopy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&lt;10cm</td>
<td>&lt;10cm</td>
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<td>5 points</td>
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<td></td>
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<td>2 points</td>
<td>1 point</td>
<td>9 points</td>
</tr>
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<td>Hollow-bearing tree</td>
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<td>Tree hollow, natural hollow</td>
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<td>No natural hollow and unsuitable for installation of artificial habitat hollow, high level of maintenance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 points</td>
<td>5 points</td>
<td>9 points</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td></td>
<td>4 – 9 years</td>
<td>3 years</td>
<td>6 – 2 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 points</td>
<td>2 points</td>
<td>9 points</td>
</tr>
<tr>
<td>Wildlife corridors</td>
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<td>Within 50 m of a green space, park or reserve</td>
<td>Within 0.5 km of a green space, park or reserve</td>
<td>Greater than 0.5 km from a green space, park or reserve</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 points</td>
<td>2 points</td>
<td>9 points</td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td></td>
<td>Removal will have negative impacts on indigenous flora</td>
<td>Removal will have negative impacts on native flora</td>
<td>Removal will have no negative impacts on indigenous or native flora</td>
</tr>
<tr>
<td></td>
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<td>3 points</td>
<td>2 points</td>
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<tr>
<td>Total</td>
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<td>17 points</td>
</tr>
</tbody>
</table>

**Signature** Ronan Hamill  
**Date** 8/5/19
Arboricultural Assessment & Report
50 Weatherall Road, Cheltenham

Received
21 MAR 2019
Planning Department

February 2019

Prepared for:
Taylors Development Strategists

Treemap Arboriculture
PO Box 465, Heidelberg VIC 3084
ABN 20 325 463 261
www.treemap.com.au
1 Name and address of consultant

Dean Simonsen
Treemap Arboriculture
PO Box 465, Heidelberg, Victoria 3084

2 Instructions

2.1 The instructions provided to Treemap Arboriculture on 31/02/19 by Taylors Development strategists were to provide an Arboricultural assessment and report for trees located on or adjacent to the subject site, the subject site being 50 Weatherall Road, Cheltenham.

3 Introduction

3.1 The owners of the subject site are undertaking investigations to construct a new single dwelling on the property. As part of the design and application process, the owners are undertaking a review of the vegetation located on or near the site. This report examines the arboricultural matters associated with this vegetation.

3.2 Under AS4970-2009 (Australian Standard – Protection of trees on development sites), the following report would be defined as an ‘Arboricultural impact assessment’. The standard indicates that “The report will identify possible impacts on trees to be retained. The report will explain design and construction methods proposed to minimize impacts on retained trees where there is encroachment into the calculated TPZ.”

4 Key Objectives

4.1 To undertake a general assessment of trees located on or near the subject site.

4.2 To provide an assessment of the subject trees with respect to their overall condition, structure, safety and suitability for protection.

4.3 To provide recommendations on the suitability of the trees for protection, and provide general tree protection advice.

5 Method

5.1 A site and tree inspection were conducted on Friday 8th February, 2019.

5.2 The tree assessment consisted of a visual inspection, which was undertaken with regard to modern arboricultural principles and practices. The assessment did not involve a detailed examination of below ground or internal tree parts. The assessment was undertaken from the ground of the subject site to determine tree condition and species type. Measurements were taken to establish trunk and crown dimensions. No tree samples or site soil samples were taken unless specified. Trunk diameters for trees on adjoining properties may be estimated due to site access restrictions.

5.3 The trees have been allocated a retention value rating which combines tree condition factors with functional and aesthetic characteristics in the context of an urban landscape. The
retention or preservation of trees may not depend solely on arboricultural considerations; therefore, the ratings may act as a guide to assist in decisions relating to tree management and retention.

5.4 A survey plan was provided by the client (Demolition Plan prepared by Boutique Homes, Job no. 51644 and dated 06/09/18). The assessed trees have been numbered on this plan (Appendix 3).

5.5 A proposed plan was also provided by the client for analysis (Site Plan prepared by Boutique Homes, Job no. 51644 and dated 06/09/18 – Appendix 3a). The assessed trees have been numbered and indicated on this plan and Tree Protection Zones are also illustrated for specific trees.

6 Observations

6.1 The site under review presented as a single residential allotment with an existing dwelling and detached shed. The site adjoins residential properties to the east, west and south. Weatherall Road frontage is located to the north. The site contained a derelict garden with a few trees, weeds and shrubs.

6.2 Thirty-one (31) trees or large shrubs were assessed in detail as part of the site review. This included 24 trees on the site proper, 8 trees on neighbouring land and 1 street tree. The detail of each individual tree assessments is provided in table format at Appendix 1. Tree numbers within the assessment table correspond to those provided on the demolition plan (Appendix 3).

6.3 A number of additional trees and shrubs are simply noted on the plan with their species type. They have not been assessed in detail because they were either small in size, insignificant, or generally removed from any proposed site changes.

6.4 The subject site is influenced by local vegetation controls. A City of Bayside Vegetation Protection Overlay (VPO) and Schedule 3 to that Overlay (VPO3) affect the site. This is based
on a planning property report for the site being obtained from www.planning.vic.gov.au/planning on 08/02/19. Under the schedule to the overlay it states:

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

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

6.5 The property is also influenced by a vegetation control under the City of Bayside Consolidated Local Law No. 2 ‘Neighbourhood Amenity’, April 2012. Under Clause 38 ‘Tree Protection’ Section (1) A person must not, without a permit:

- destroy, damage or remove or allow to be destroyed, damaged or removed on any Private Property;
- cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned on any Private Property.

and

(2) For the purposes of sub-clause (1) a protected Tree is a Tree with a Single Trunk Circumference or Combined Trunk Circumference greater than 155 centimetres measured at one metre above ground level but excluding species which are declared Nuisance Weeds.

6.6 The proposed plan indicates the construction of a single dwelling and the removal of all vegetation from the site apart from 1 tree (Tree 2).

6.7 Eight trees (Trees 2, 3, 4, 6, 9, 15, 18 & 19) located on the property are influenced by the City of Bayside Vegetation Protection Overlay (VPO) and Schedule 3 to that Overlay (VPO3). Tree 10, 14, 21, 22, 24 & 25 are exempt, being less than 0.5m in circumference.

6.8 Tree 5, 7, 8, 12, 13, 16, 17, 20, 23 & 26 are non-native trees and predominantly weeds, which do not meet the criteria of VPO3.

6.9 Tree 3 & 9 may also be influenced by the City of Bayside Tree Protection Local Law.

7 Discussion

The Australian Standard (AS4970-2009) – ‘Protection of trees on development sites’ puts forward a process for undertaking tree inspections and reports on property where development is being considered. It recommends a preliminary assessment be undertaken to help guide planners and property owners with regard to the preservation of existing trees; that is trees that might contribute to the completed proposal. The standard points out that the preliminary report ‘information is to be used by planners, architects and designers, in conjunction with any planning controls and other legislation, to develop the design layout in such a way that trees selected for retention are provided with enough space’.

These assessments typically reveal a range of trees with varying attributes for health, structure and overall value. Some trees may be considered insignificant for their size, age, species type or condition, but they might still be considered for retention because they are situated conveniently on the site. Conversely, some trees may be exceptional for various reasons but there may be no scope for their retention because of their location or other site constraints. An objective of the tree assessment is to determine the trees that may be preferable, in terms of
preservation, and to identify poor or insignificant trees that might be easily replaced or replaced with better species.

The arborist must also exercise judgement and expertise with respect to the types of trees that are deemed suitable for retention, and they should also consider what stage the tree is at in its overall lifecycle.

The subject site contained 2 canopy trees, small trees and numerous weeds. Tree 3 & 9 are influenced by the Tree Protection Local Law and VPO3.

Tree 3 - Corymbia ficifolia (Red-flowering Gum) is half dead and appears to be 2 mature stems from a stump. The stem closest to the existing house practically dead. Tree 3 is recommended for removal on the basis of its poor condition.

Tree 9 - Melaleuca stypheliodes (Prickly-leaved Paperbark) was in fair condition. The tree is located awkwardly on the site in relation to the proposed dwelling or any alternatively proposed dwelling. The subject tree is basically recommended for removal due to site constraints.

Trees 2, 3, 4, 6, 9, 15, 18 & 19 are influenced by City of Bayside Vegetation Protection Overlay (VPO) and Schedule 3 to that Overlay (VPO3).

- Tree 2, 15 & 19 are environmental weeds and removal is recommended.
- Tree 4, 6 & 18 are in poor condition.

Trees 10, 14, 21, 22, 24 & 25 exempt under VPO3, being less than 0.5m in circumference. They do not warrant preservation or protection in the context of a new single dwelling.

Tree 5, 7, 8, 12, 13, 16, 17, 20, 23 & 26 are non-native trees and predominantly weeds, which do not meet the criteria of VPO3. All of these trees are recommended for removal.

Beyond the trees on the site proper, a factor that may need consideration is the building clearance provided to trees located on adjacent properties or street trees.

Street tree 1 is distant from any proposed site changes and no harm is predicted towards it from the proposed design.

Neighbouring tree 27 - Eucalyptus nicholli (Narrow-leaved Peppermint) is located in the property to the east of the subject site. The proposed design indicates relatively minor Tree Protection Zone encroachment from the new dwelling and services (10.8% of TPZ area). However, there are obstructions to the roots of this tree extending into the site (dense shrubs and weeds between new dwelling and the tree). There is unlikely to be any significant harm towards the neighbouring tree based on the low level of TPZ encroachment.

Neighbouring trees 28-31 are not exposed to any TPZ encroachment and no harm is predicted to this group of weeds located beyond the southern boundary of the site.

There are no other tree protection matters associated with trees or shrubs on adjoining land.

7.1 Tree protection zones on development sites

The level of encroachment and the impact to specific trees can be estimated by comparing standard or modified tree protection clearances with those clearances provided to trees in the development design (as discussed above). The overall impact towards a specific tree will be based on the severity of encroachment into the respective tree protection zones. The degree of root activity in the tree protection zone can vary significantly, which can result in more or less severe impacts to trees. The most accurate means of determining root activity in these zones is to undertake subsurface root investigations but these are often impractical. The alternative to undertaking root investigations is to assign appropriate tree protection zones.
This report adopts AS4970-2009, Australian Standard – Protection of trees on development sites as the preferred tree protection method. The method provides a tree protection zone and a tree protection fencing distance (radial measurement from trunk centre) by using the width of the trunk at 1.4m above ground multiplied by 12. The prescribed TPZ distances are provided for each tree in Appendix 1 and tree protection zones are indicated for specific trees at Appendix 3a.

There is scope to reduce the tree protection zone by an area of 10% without further investigations. The rationale for any reduced tree protection distance is detailed in AS4970-2009 (Australian Standard – Protection of trees on development sites). Under encroachment Type A, it is acceptable to reduce the Tree Protection Zone (TPZ) area by 10%. This translates to a reduction in radial clearance distance of approximately 33% on one side of the tree only. This can be applied if there is contiguous space around the tree for root development to occur. The following diagram, from AS4970-2009, is provided to illustrate the approach.

In conclusion, there are tree controls that influence some trees on the subject site and a permit would be required to remove 2 trees under the Tree Protection Local Law and 8 trees under Schedule 3 to the Vegetation Protection Overlay (VPO3).

Six neighbouring trees and 1 street tree have been considered in the design response.

8 Recommendations

8.1 There are vegetation controls that apply to the property and 8 trees (Trees 2, 3, 4, 6, 9, 15, 18 & 19) meet the criteria of the Vegetation Protection Overlay (VPO) and Schedule 3 to that Overlay (VPO3). Two trees in this group (Trees 3 & 9) also meet the criteria of the City of Bayside Tree Protection Local Law.

8.1.1 Tree 3 - *Corymbia ficifolia* (Red-flowering Gum) is half dead and appears to be 2 mature stems from a stump. Tree 3 is recommended for removal on the basis of its poor condition.

8.1.2 Tree 9 - *Melaleuca styphelioides* (Prickly-leaved Paperbark) was in fair condition. The tree is located awkwardly on the site in relation to any proposed dwelling. The subject tree is recommended for removal because there is no practical way to retain it.

8.1.3 Tree 2, 15 & 19 are environmental weeds and removal is recommended. Trees 4, 6 & 18 are in poor condition.
8.1.4 Tree 10, 14, 21, 22, 24 & 25 are exempt under VPO3, being less than 0.5m in circumference. They do not warrant preservation or protection in the context of a new single dwelling.

8.1.5 Tree 5, 7, 8, 12, 13, 16, 17, 20, 23 & 26 are non-native trees and predominantly weeds, which do not meet the criteria of VPO3. All of these trees are recommended for removal.

8.2 Neighbouring tree 27 - *Eucalyptus nicholii* (Narrow-leaved Peppermint) is located in the property to the east of the subject site. The proposed design indicates relatively minor Tree Protection Zone encroachment from the new dwelling and services (10.8% of TPZ area). However, there are obstructions to the roots of this tree extending into the site (dense shrubs and weeds between new dwelling and the tree). There is unlikely to be any significant harm towards the neighbouring tree based on the low level of TPZ encroachment.

8.3 Neighbouring tree 11 is not exposed to any TPZ encroachment and no harm is predicted to it.

8.4 Neighbouring tree 28-31 are not exposed to any TPZ encroachment and no harm is predicted to this group of weeds located beyond the southern boundary of the site.

8.5 Any vegetation in the study area that was not assessed as part of this report was considered insignificant, generally undesirable or sufficiently clear of any expected works.

8.6 Any proposed development on the site should make provision for landscaping and the planting of new trees.

Dean Simonsen (BAppSc Melb.)
Consultant Arborist

9 References


10 Definitions

The TPZ and SRZ are defined in AS4970-2008, Australian Standard – Protection of trees on development sites as:

Tree protection zone (TPZ)
A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree’s roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

Structural root zone (SRZ)
The area around the base of a tree required for the tree’s stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres. This zone considers a tree’s structural stability only, not the root zone required for a tree’s vigour and long-term viability, which will usually be a much larger area.
## Appendix 1

<table>
<thead>
<tr>
<th>Tree Assessment Table</th>
<th>DBH (cm)</th>
<th>TPZ 43.497</th>
<th>TPZ 43.497</th>
<th>AS4970</th>
<th>AS4970</th>
<th>Age</th>
<th>Structure</th>
<th>Health</th>
<th>Form</th>
<th>Comment</th>
<th>Tree Type</th>
<th>Retention value</th>
<th>Tree Type</th>
<th>Australian native</th>
<th>Exotic</th>
<th>Neighbour's tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. Species</td>
<td>Common Name</td>
<td>Diameter</td>
<td>Tree Type</td>
<td>Health</td>
<td>Form</td>
<td>Comment</td>
<td>Tree Type</td>
<td>Australian native</td>
<td>Exotic</td>
<td>Neighbour's tree</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Melaleuca alternifolia</td>
<td>White Cypress</td>
<td>19.16</td>
<td>2.98</td>
<td>Poor</td>
<td>Fair</td>
<td>None</td>
<td>Remove</td>
<td>Low</td>
<td>Remove</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Pteleospermum undulatum</td>
<td>Whitebox</td>
<td>24.78</td>
<td>4.08</td>
<td>Fair</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Tectona grandis</td>
<td>Indian Laurel</td>
<td>17.57</td>
<td>2.77</td>
<td>Fair</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Vitex coxii</td>
<td>Mexican Elder</td>
<td>17.17</td>
<td>2.77</td>
<td>Fair</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Eucalyptus sideroxylon</td>
<td>Coolibah</td>
<td>20</td>
<td>2.00</td>
<td>Good</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Sideroxylon inerme</td>
<td>Short-stemmed Ironbark</td>
<td>22.5</td>
<td>35.6</td>
<td>Good</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Myrtus communis</td>
<td>Myrtle</td>
<td>24.78</td>
<td>4.08</td>
<td>Fair</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Eucalyptus sideroxylon</td>
<td>Coolibah</td>
<td>20</td>
<td>2.00</td>
<td>Good</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Eucalyptus gunnii</td>
<td>Mountain Grey Gum</td>
<td>12.13</td>
<td>2.04</td>
<td>Fair</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Eucalyptus pauciflora</td>
<td>Snow Gum</td>
<td>6</td>
<td>2.00</td>
<td>Good</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Acacia melanoxylon</td>
<td>Blackbutt</td>
<td>6</td>
<td>2.00</td>
<td>Good</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Unknown wood</td>
<td>Unknown</td>
<td>6</td>
<td>2.00</td>
<td>Good</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Parriostomahe liotaphlaensis</td>
<td>Lodgepole Pine</td>
<td>10</td>
<td>2.00</td>
<td>Good</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Pteleospermum undulatum</td>
<td>Whitebox</td>
<td>24.78</td>
<td>4.08</td>
<td>Fair</td>
<td>Poor</td>
<td>None</td>
<td>None</td>
<td>Australian native</td>
<td>None</td>
<td>Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Item 4.7 – Matters of Decision
## Appendix 1

<table>
<thead>
<tr>
<th>No.</th>
<th>Species</th>
<th>Common Name</th>
<th>DBH (cm)</th>
<th>AGE</th>
<th>ASH (%)</th>
<th>ASH Alloc (m)</th>
<th>Height (m)</th>
<th>Health Structure</th>
<th>Form</th>
<th>Comment</th>
<th>Tree Type</th>
<th>Recommended Action</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Eucalyptus aggregata aggregata</td>
<td>White Gum</td>
<td>10.0/9.5</td>
<td>(13.1)</td>
<td>2.00</td>
<td>2.86</td>
<td>1.08</td>
<td>1.87</td>
<td>Semi-mature</td>
<td>Woody weed</td>
<td>None</td>
<td>Remove</td>
<td>Low</td>
</tr>
<tr>
<td>16</td>
<td>Eucalyptus delegatensis</td>
<td>Red Stringybark</td>
<td>15.0/10.0</td>
<td>(12.1 - 16.2)</td>
<td>2.30</td>
<td>2.26</td>
<td>1.50</td>
<td>1.72</td>
<td>Semi-mature</td>
<td>Woody weed</td>
<td>None</td>
<td>Remove</td>
<td>Low</td>
</tr>
<tr>
<td>17</td>
<td>Eucalyptus camaldulensis</td>
<td>ID Unknown</td>
<td>16.0/10.0</td>
<td>(21.1 - 13.4)</td>
<td>2.40</td>
<td>2.40</td>
<td>1.30</td>
<td>1.23</td>
<td>Semi-mature</td>
<td>Woody weed</td>
<td>None</td>
<td>Remove</td>
<td>None</td>
</tr>
<tr>
<td>18</td>
<td>Eucalyptus deglupta</td>
<td>ID Unknown</td>
<td>15.0/10.0</td>
<td>(12.1 - 16.2)</td>
<td>2.30</td>
<td>2.26</td>
<td>1.50</td>
<td>1.72</td>
<td>Semi-mature</td>
<td>Woody weed</td>
<td>None</td>
<td>Remove</td>
<td>Low</td>
</tr>
<tr>
<td>19</td>
<td>Eucalyptus parramattensis</td>
<td>ID Unknown</td>
<td>15.0/10.0</td>
<td>(12.1 - 16.2)</td>
<td>2.30</td>
<td>2.26</td>
<td>1.50</td>
<td>1.72</td>
<td>Semi-mature</td>
<td>Woody weed</td>
<td>None</td>
<td>Remove</td>
<td>Low</td>
</tr>
</tbody>
</table>

**Item 4.7 – Matters of Decision**

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## Appendix 1

<table>
<thead>
<tr>
<th>No</th>
<th>Species</th>
<th>Common Name</th>
<th>DBH (cm)</th>
<th>TPZ AS4970 (m)</th>
<th>TPZ AS4970 (m)</th>
<th>SRZ AS4970 (m)</th>
<th>HxW (m)</th>
<th>Age</th>
<th>Health</th>
<th>Structure</th>
<th>Fern</th>
<th>Comment</th>
<th>Tree Type</th>
<th>Retention value</th>
<th>Recommend</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>Pittosporum undulatum</td>
<td>Sweet Pittosporum</td>
<td>20</td>
<td>2.40</td>
<td>1.86</td>
<td>1.75</td>
<td>6x7</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>Fair to Poor</td>
<td>Asymmetric</td>
<td>Woody weed</td>
<td>Victorian native</td>
<td>None</td>
<td>Neighbour’s tree</td>
</tr>
<tr>
<td>30</td>
<td>Acacia dealbata</td>
<td>Cootamundra Wattie</td>
<td>30.25 (39.1)</td>
<td>4.69</td>
<td>3.19</td>
<td>2.32</td>
<td>8x7</td>
<td>Maturing</td>
<td>Poor</td>
<td>Poor</td>
<td>Asymmetric</td>
<td>Woody weed</td>
<td>Australian native</td>
<td>None</td>
<td>Neighbour’s tree</td>
</tr>
<tr>
<td>31</td>
<td>Fraxinus angustifolia subsp. angustifolia</td>
<td>Desert Ash</td>
<td>14.14 (19.8)</td>
<td>2.38</td>
<td>1.85</td>
<td>1.74</td>
<td>8x6</td>
<td>Semi-mature</td>
<td>Fair</td>
<td>Poor</td>
<td>Asymmetric</td>
<td>Woody weed</td>
<td>Exotic deciduous</td>
<td>None</td>
<td>Neighbour’s tree</td>
</tr>
</tbody>
</table>

*Descriptors in Appendix 2*

DBH = Diameter at Breast Height in centimetres (bracketed dimension = modified diameter according to AS4970)

HxW = Height and Width of crown, in metres.

TPZ – optimum radial clearance distance as per AS4970

TPC – reduced radial clearance distance allowable on one side of tree as per AS4970

SRZ – minimum radial clearance distance for tree stability as per AS4970
## Appendix 2

### Descriptors (Version C - 2013)

<table>
<thead>
<tr>
<th>Field name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>Tree identification number. Unique numbers are assigned to each assessed individual tree or tree group.</td>
</tr>
<tr>
<td>Species</td>
<td>Identifies the tree using the international taxonomic classification system of binomial (or trinomial) nomenclature (genus, species, variety and cultivar).</td>
</tr>
<tr>
<td>Common Name</td>
<td>Provides the common name as occurs in current Australian horticultural literature. More than one common name can exist for a single tree species, or several species can share the same common name.</td>
</tr>
<tr>
<td>DBH (Diameter at breast height)</td>
<td>Indicates the trunk diameter (expressed in centimetres) of an individual tree usually measured at 1.4m above the existing ground level. Multiple stemmed trees are calculated using a formula to combine the stems into a single stem for tree protection zone calculations.</td>
</tr>
<tr>
<td>TPZ (Tree protection zone)</td>
<td>Tree protection zone expressed as a radial distance in metres, measured from trunk centre. Based on AS 4970.</td>
</tr>
<tr>
<td>TPZr (Tree protection zone reduced)</td>
<td>Reduced tree protection zone expressed as a radial distance in metres measured from trunk centre and justified according to a standard (usually AS4970) or other method.</td>
</tr>
<tr>
<td>HeW (Height x Width)</td>
<td>Indicates height and width of single tree and measurement generally expressed in whole metres.</td>
</tr>
</tbody>
</table>

### Age

<table>
<thead>
<tr>
<th>Description</th>
<th>rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young</td>
<td>Good</td>
</tr>
<tr>
<td>Semi-mature</td>
<td>Fair</td>
</tr>
<tr>
<td>Maturing</td>
<td>Fair to Poor</td>
</tr>
<tr>
<td>Over-mature</td>
<td>Poor</td>
</tr>
</tbody>
</table>

### Health

<table>
<thead>
<tr>
<th>Health</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term assigned that provides a broad description of the health and vigour of the tree.</td>
<td>Good Fair Fair to Poor Poor Very poor Dead</td>
</tr>
</tbody>
</table>

### Structure

<table>
<thead>
<tr>
<th>Structure</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term assigned that provides a broad description of the structure and stability of the tree.</td>
<td>Good Fair Fair to Poor Poor Very poor Failed</td>
</tr>
</tbody>
</table>

### Form

<table>
<thead>
<tr>
<th>Form</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Symmetric</td>
<td>Evenly balanced crown</td>
</tr>
<tr>
<td>Asymmetric</td>
<td>Crown biased in one direction; can be minor or major</td>
</tr>
<tr>
<td>Stump re-sprout</td>
<td>Adventurous shoots originating from stump or trunk</td>
</tr>
<tr>
<td>Manipulated</td>
<td>Hedge, pollard, topary, windrow, managed for specific landscape use or aesthetic outcome</td>
</tr>
</tbody>
</table>

### Comment

<table>
<thead>
<tr>
<th>Comment</th>
<th>Additional comments that provide specific detail on the condition of the tree or management requirements</th>
</tr>
</thead>
</table>

### Tree type

<table>
<thead>
<tr>
<th>Tree type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous</td>
<td>Occurs naturally in the area or region of the subject site</td>
</tr>
<tr>
<td>Victorian native</td>
<td>Occurs naturally within some part of Victoria (not exclusively) but is not indigenous</td>
</tr>
<tr>
<td>Australian native</td>
<td>Occurs naturally within Australia but is not a Victorian native or indigenous</td>
</tr>
<tr>
<td>Exotic deciduous</td>
<td>Occurs outside of Australia and typically sheds its leaves during winter</td>
</tr>
<tr>
<td>Exotic evergreen</td>
<td>Occurs outside of Australia and typically holds its leaves all year round</td>
</tr>
<tr>
<td>Exotic conifer</td>
<td>Occurs outside of Australia and is classified as a gymnosperm</td>
</tr>
<tr>
<td>Native conifer</td>
<td>Occurs naturally within Australia and is classified as a gymnosperm</td>
</tr>
<tr>
<td>Grafted</td>
<td>Woody monoploidly</td>
</tr>
<tr>
<td>Other</td>
<td>Other descriptions as indicated</td>
</tr>
</tbody>
</table>

### Retention value

<table>
<thead>
<tr>
<th>Retention value</th>
<th>Qualitative rating provided on tree based on assessment factors. Provided as a guide for management decisions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ratings</td>
<td>High Moderate Low None</td>
</tr>
</tbody>
</table>

### Recommend

<table>
<thead>
<tr>
<th>Recommended action based on condition of the tree with reference to proposed site changes</th>
<th>Retain</th>
<th>Could be retained</th>
<th>Consider removal</th>
<th>Remove</th>
<th>Street tree</th>
<th>Neighbour’s Tree</th>
<th>Already removed</th>
<th>Transplant</th>
</tr>
</thead>
</table>

Descriptors reviewed annually and subject to change.
Assumptions and limiting conditions of arboricultural consultancy report

1. Any legal description provided to Treemap Arboriculture is assumed to be correct. Any titles and ownerships to any property are assumed to be correct. No responsibility is assumed for matters outside the consultant’s control.

2. Treemap Arboriculture assumes that any property or project is not in violation of any applicable codes, ordinances, statutes or other local, state or federal government regulations.

3. Treemap Arboriculture has taken care to obtain all information from reliable sources. All data has been verified insofar as possible; however Treemap Arboriculture can neither guarantee nor be responsible for the accuracy of the information provided by others not directly under Treemap Arboriculture control.

4. No Treemap Arboriculture employee shall be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

5. Loss of this report or alteration of any part of this report not undertaken by Treemap Arboriculture invalidates the entire report.

6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by anyone other than the client or their directed representatives, without the prior consent of the Treemap Arboriculture.

7. This report and any values expressed herein represent the opinion of the Treemap Arboriculture consultant and the Treemap Arboriculture fee is in no way conditional upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

8. Sketches, diagrams, graphs and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural drawings, reports or surveys.

9. Unless expressed otherwise: 1) Information contained in this report covers only those items that were covered in the project brief or that were examined during the assessment and reflect the condition of those items at the time of inspection; and 2) The inspection is limited to visual examination of accessible components without dissection, excavation or probing unless otherwise stipulated.

10. There is no warranty or guarantee, expressed or implied by Treemap Arboriculture, that the problems or deficiencies of the plants or site in question may not arise in the future.

11. All instructions (verbal or written) that define the scope of the report have been included in the report and all documents and other materials that the Treemap Arboriculture consultant has been instructed to consider or to take into account in preparing this report have been included or listed within the report.

12. To the writer’s knowledge all facts, matter and all assumptions upon which the report proceeds have been stated within the body of the report and all opinion contained within the report have been fully researched and referenced and any such opinion not duly researched is based upon the writer’s experience and observations.
1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Creative Living Innovations</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The site is subject to restrictive covenant 1491960. The covenant does not restrict the proposed development.</td>
</tr>
<tr>
<td>Date application received</td>
<td>7 January 2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>92 Days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
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<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contribution Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>308m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>3</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>Yes</td>
</tr>
</tbody>
</table>

**Proposal**

The application seeks an extension of one dwelling on a lot less than 500 square metres. Key details of the proposal are as follows:

- Ground (14sqm) and first floor (45sqm) extension to an existing dwelling;
- Maximum height of 6.9m at the ridge;
- Site coverage 37.4%;
- Permeability 39.7%; and
- No vegetation would be removed.

The application plans are provided at Attachment 1.

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

**History**

There is no planning permit history relevant to this application.
2. **Planning controls**

   **Planning Permit requirements**
   A planning permit is required pursuant to:
   - Clause 32.09-5 (Neighbourhood Residential Zone – Schedule 3) – Extend an existing dwelling on a lot less than 500sqm.

   **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**
   There are no referrals to Council departments required to be made for this application.

   **Public notification**
   The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and three (3) objections were received.

   3 objections remain outstanding at the time of this report.

   The following concerns were raised:
   - Loss of amenity;
   - Loss of privacy;
   - Drawings are not clear;
   - Objection to tree removal;
   - Overlooking; and
   - Increase in noise.

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

   **Consultation meeting**
   A consultation meeting was held on 15 April 2019 attended by the permit applicant, subject site property owners and 1 objector.

   As a result of this meeting no objections were 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 2019/17/1 for the land known and described as **12B Cromer Road, Beaumaris**, for an **extension to the existing dwelling** 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 but modified to show:

a) Demonstration of compliance with standard A15 (Overlooking) with respect to the ground floor additions and their relationship with the south facing habitable room windows and courtyard of No.14 Cromer Road.

b) Water Sensitive Urban Design measures in accordance with Condition 5.

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. 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.

4. 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.

Water Sensitive Urban Design

5. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

a) The type of water sensitive urban design stormwater treatment measures to be used.

b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

Drainage

7. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

Permit Expiry

8. 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 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 9 Plan Melbourne
- Clause 11 Settlement
- 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 H7)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.03 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 54  One dwelling 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 H7. The proposal is considered to demonstrate an acceptable level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The minor infill extension at ground floor is of little consequence from a neighbourhood character perspective, being hidden from the streetscape and maintaining the ground floor setbacks of the existing dwelling and the predominant setbacks of those dwellings that surround.

Whilst the first floor setback is of greater significance in size and prominence, it maintains a generous setback from the street such that it would unlikely be visible, notwithstanding the fact that double storey dwellings within the vicinity are not unusual and/or unreasonable.

Whilst it would be visible from neighbouring interfaces, the scale of the addition is quite modest, and set significantly lower than that of its adjoining neighbour at No.12a.

Materials would differ to the existing dwelling (weatherboard cladding render as opposed to brick), providing for articulation whilst still respecting the character of its immediate surrounds.

No front fence is proposed, and no vegetation is proposed for removal.

6.2. Compliance with Clause 54 (ResCode)

An assessment against the requirements of Clause 54 is provided at Attachment 4. Those non-compliant standards are discussed below:

Side and rear setbacks (Standard A10)

<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>North (side)</td>
<td>0m or 2m</td>
<td>1.5m</td>
</tr>
<tr>
<td>East (rear)</td>
<td>0m or 2m</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The ground floor extension consists of a minor alteration that will result in the current patio/deck area being infilled. The alteration to the dwelling would match the current setback of 1.5 metres.

Whilst the proposed alterations will increase the amount of wall located along the boundary, it is positioned adjacent to a small court yard area on the abutting property. It is considered that the proposed alteration would not result in any notable building bulk or overshadowing and is therefore considered to be an acceptable variation.
The first floor extension will result in a variation of between 1.3 meters and 400mm, as depicted by the red line in the image below.

The primarily variation of 1.3 metres is in association with the stairwell. This section of built form is approximately 2.7 metres in length before the built form is recessed further so that is it much closer to achieving compliance.

Both variances are acceptable in this instance, given the abutting property to the north consists of a wall on boundary. The variation is not considered to have a significant amenity impact on the abutting property as the overall height of the building has been minimised to reduce visual bulk and will not result in any overshadowing or overlooking towards the north of the site.

**Overlooking (Standard A15)**

The ground floor additions would appear to overlook a small courtyard, and numerous habitable room windows of the existing dwelling to the north. A condition demonstrating compliance with the screening requirement of Standard A15 should be included as part of any planning permit issued for the site.

6.3. Landscaping

No vegetation is being removed. The existing vegetation on site is sufficient to ensure that an adequate natural frame of the additions would remain.

6.4. Car parking and traffic

Clause 52.06 does not apply to this single dwelling extension. Notwithstanding, two car spaces are being retained, which would comply, had the regulations applied.

6.5. 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.
6.6. Development contributions levy
   Based on the proposed application and below recommendation, no development contributions levy is applicable.

6.7. Objector issues not already addressed
   Noise
   The proposed extension is not expected to generate noise inconsistent with the residential location.
   Unclear Plans
   The clarity, and detail of the plans was sufficient to allow for a proper planning assessment.

Support Attachments
1. Development Plans
2. Site and Surrounds
3. Neighbourhood Character Assessment
4. Clause 54 Assessment
Attachment 2 – Site and Surrounds

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>
</tbody>
</table>

Figure 2 View towards the site from Cromer Road
Figure 3 View towards the site from Cromer Road
**Preferred Future Character Statement**

The mixed dwelling styles are set within the topography and established gardens, including occasional tall trees, often remnant eucalypts. Despite the varying site sizes and configurations, spaciousness of the area is retained through the relatively consistent front building setbacks, and side setbacks from at least one side boundary. Low or open style front fencing also assists in retaining a spacious feel to the streetscapes.

### Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To maintain and enhance the garden settings of the dwellings. | • Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, including indigenous species.  
• Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone). | Lack of landscaping and substantial vegetation. Removal of large native trees. Substantial use of exotic species. | Responds  
No trees are being removed and/or impacted on. In light of this (and noting the minor ground floor additions), a landscape plan is not considered to be necessary. |
| To ensure adequate space around dwellings for the retention and planting of trees. | • Buildings should be sited to create the appearance of space between buildings and accommodate trees and shrubs.  
• Ensure buildings are sited to allow space for the planting of substantial vegetation.  
• Minimise impervious surfacing, particularly in the front yard. | Large areas of impervious surfaces particularly in the front setback area. | Responds  
Existing setbacks, and open space to the front and rear of the dwelling would be retained.  
Existing vegetation, all to be retained, provides for (and would continue to provide for) a natural frame of the building. |
| To minimise the loss of front garden spaces and the dominance of car parking structures. | • Locate garages and carparks behind the line of the dwelling.  
Car parking structures that dominate the façade or view of the dwelling. | | Responds  
No change proposed |
| To ensure that buildings and extensions do not dominate the streetscape. | • Recess upper level elements from the front façade.  
• Use low pitched or flat roof forms.  
• Buildings should be designed to follow the contours of the site on sloping sites. | High pitched roof forms with dormer windows. | Responds  
The proposed first floor would be significantly recessed from the front façade, proposing a pitched roof.  
The recessed floor is so recessed that it would... |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To use building materials and finishes that complement the natural setting. | • Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. | Period reproduction styles and detailing.                                                                 | Responds  
The proposed additions would comprise external materials of weatherboard cladding and render, distinguishing itself from the original fabric whilst respecting the character of its surrounds. |
| To maintain the openness of the streetscape.  | • Provide open style front fences, other than along heavily trafficked roads.     | High, solid fences.                                                   | Responds  
No front fence proposed.                                                                                   |
### ResCode Clause 54 (One Dwelling on a Lot)

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Compiles with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer report.</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>A2 Integration with Street</strong></td>
<td>Yes</td>
<td>By enlarge, the existing streetscape would be maintained (due to the generous setback of first floor)</td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A3 Street Setback</strong></td>
<td>Yes</td>
<td>Existing front setback would not alter.</td>
</tr>
<tr>
<td>Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A4 Building Height</strong></td>
<td>Yes</td>
<td>Required: 8m</td>
</tr>
<tr>
<td>Building height respects the existing or preferred neighbourhood character.</td>
<td></td>
<td>Proposed: 6.9m</td>
</tr>
<tr>
<td><strong>A5 Site Coverage</strong></td>
<td>Yes</td>
<td>Maximum: 50%</td>
</tr>
<tr>
<td>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td></td>
<td>Proposed: 37%</td>
</tr>
<tr>
<td><strong>A6 Permeability</strong></td>
<td>Yes</td>
<td>Minimum: 20%</td>
</tr>
<tr>
<td>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</td>
<td></td>
<td>Proposed: 36%</td>
</tr>
<tr>
<td><strong>A7 Energy Efficiency</strong></td>
<td>Yes</td>
<td>The proposal provides appropriate solar access to the dwelling.</td>
</tr>
<tr>
<td>Achieve and protect energy efficient dwellings. Ensure the development's orientation and layout reduce fossil fuel energy use and makes appropriate use of daylight and solar energy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A8 Significant Trees</strong></td>
<td>Yes</td>
<td>Refer report.</td>
</tr>
</tbody>
</table>
Development respects the landscape character of the neighbourhood and retains significant trees on site.

<table>
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<td>N/A</td>
</tr>
</tbody>
</table>

**A10 Side and Rear Setbacks**
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.

No

Refer report and table below. Areas of non-compliance are underlined.

<table>
<thead>
<tr>
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<tr>
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</tr>
<tr>
<td>East (rear)</td>
<td>0m or 2m</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**A11 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 impact on the amenity of existing dwellings.

N/A

**A12 Daylight to existing windows**
To allow adequate daylight into existing habitable room windows.

Yes

The proposal is well setback from property boundaries to ensure daylight to existing windows is maintained.

**A13 North Facing Windows**
Allow adequate solar access to existing north-facing habitable room windows.

Yes

No north facing windows on adjoining properties are affected.

**A14 Overshadowing Open Space**
Ensure buildings do not unreasonably overshadow existing secluded private open space.

Yes

Shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 December.

**A15 Overlooking**
Limit views into existing secluded private open space and habitable room windows

Unclear

Refer report

**A16 Daylight to New Windows**
Allows adequate daylight into new habitable room windows.

Yes

All habitable windows have direct access to daylight.
<table>
<thead>
<tr>
<th>A17 Private Open Space</th>
<th>Yes</th>
<th>Generous SPOS, well in excess of this standard would remain.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide adequate private open space for the recreation and service needs of residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A18 Solar Access to Open Space</td>
<td>Yes</td>
<td>Appropriate solar access to the private open space areas is provided.</td>
</tr>
<tr>
<td>Allow solar access into secluded private open space of a new dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A19 Design Detail</td>
<td>Yes</td>
<td>Refer Attachment 2.</td>
</tr>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A20 Front Fences</td>
<td>N/A</td>
<td>No change proposed.</td>
</tr>
<tr>
<td>Encourage front fence design that respects the exiting or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.9 3 DUMARESQ STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/658/1 WARD: CENTRAL

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>James Livingston 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>8 October 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>122 days</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</td>
</tr>
<tr>
<td></td>
<td>(Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>592.46 square metres</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Three (3)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>N/A</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, however the proposal does not trigger the need for a Cultural Heritage Management Plan</td>
</tr>
</tbody>
</table>

**Proposal**

The application seeks approval for the construction of two (2) double dwellings on a lot. Key details of the proposal are as follows:

- Each dwelling will be two storey in height and a maximum height of 8.6 metres;
- Total site coverage is 46%;
- Total site permeability is 47%; and
- Dwelling 1 and 2 both incorporate 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**

There is no planning permit history relevant to this application.

2. Planning controls

**Planning Permit requirements**

A planning permit is required pursuant to:

- Clause 32.09-6 (Neighbourhood Residential Zone Schedule 3) – Construction of
two or more dwellings on a lot

\textit{Note: Pursuant to Clause 32.09-4, the construction of a dwelling or residential building on a lot 500-650 square metres, requires the provision of a minimum of 30\% garden area at ground floor level.}

The development plans confirm that the development has a garden area of 247 square metres which equates to 41.12\% and exceeds the minimum of 30\% garden area required.

Planning Scheme Amendments
There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

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

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

<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>Traffic 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 \textit{Planning and Environment Act 1987} and three objections were received.

3 objections remain outstanding at the time of this report.

The following concerns were raised:
- Neighbourhood character;
- Overshadowing to 1C Dumaresq Street;
- Overlooking to 8 Janet Street and 5 Dumaresq Street;
- Devaluation of property at 5 Dumaresq Street; and
- Unsafe building materials.

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

Consultation meeting
A consultation meeting was held on 2 May 2019 attended by the permit applicant and 2 objectors.

An amendment to raise the western window sill height of bedroom 2 associated with dwelling 2 was discussed during the meeting. The applicant agreed to the inclusion of a permit condition to increase the sill height of this window. This condition appeases the concerns raised by the objector at 8 Janet Street while providing a more functional bedroom space.

No objections were 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 2018/658/1 for the land known and described as **3 Dumaresq Street, Brighton East**, for the **construction of two dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Petridis Architects and dated 4 December 2018 but modified to show:
   a) Updated Roof Plan and First Floor Plan to reflect the correct location of the fence associated with Dwelling 1 (as shown on the Ground Floor Plan).
   b) The western window associated with bedroom 2 of dwelling 2 to have a minimum sill height of 1.7 metres above the finished floor level.
   c) Garage doors must be a minimum 4.8m wide for both double garages.
   d) A minimum 2.1m headroom is required beneath the garage doors and within the garages. This must be dimensioned on the elevation plans.
   e) Sightlines in accordance with Clause 52.06-9 (Car Parking) of the Bayside Planning Scheme.
   f) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
   g) A Landscaping Plan in accordance with Condition 10 of this permit.
   h) Arborist impact assessment report in accordance with condition 13.

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 landscape plan drawn by Keystone Alliance, revision A, dated 30/11/2018 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 site not covered by buildings or hard surfaces.
   
   e) Details of surface finishes of pathways and driveways.
   
   f) Detail replacement planting including:
      
      i. Two (2) small canopy tree species which will grow to a minimum 8m height at maturity; or one (1) large canopy tree species which will grow to a minimum 12m height at maturity within the front setback of each dwelling.
ii. Two (2) small canopy tree species which will grow to a minimum 6m height at maturity; or one (1) large canopy tree species which will grow to a minimum 10m height at maturity within the private open space of each dwelling.

11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Arboricultural Impact Assessment Report


The report must:

a) Identify impacts that may be detrimental to trees to be retained within the subject site and in neighbouring properties where TPZ extend within the subject site.

b) Include design responses required to reduce any identified negative impact and ensure trees to be retained will remain viable post development.

14. All plans associated with the development must be modified to include any recommendations made in the Arboricultural Impact Assessment Report.

Street tree protection

15. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. 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.

16. 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 2 metres of 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.

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.

Permit Expiry

19. 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.
- Subsurface water must be treated in accordance with Council’s Policy for “Works on Assets within the Road Reserve Policy 2018”.
- Council records indicate that there is no easement within the property.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The applicant is to bear the cost to reinstate/relocate the Council assets if any, to provide the required access to the proposed development.
- Redundant crossovers must be removed and the nature strip reinstated to Council satisfaction.

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 15 Built Environment and Heritage
• Clause 16 Housing
• Clause 21.02 Bayside Key Issues and Strategic Vision
• Clause 21.03 Settlement and Housing
• Clause 21.06 Built Environment and Heritage
• Clause 22.06 Neighbourhood Character Policy (Precinct D2)
• Clause 22.08 Water Sensitive Urban Design
• Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
• Clause 43.02 Design and Development Overlay (Schedule 3)
• Clause 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 D2. The proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

Dumaresq Street and Janet Street feature a largely consistent pattern of well-spaced dwellings, situated within landscaped gardens.

The proposed double storey dwellings provide adequate front and side setbacks allowing ample space for the planting of vegetation whilst maintaining the rhythm of visual separation between buildings. A condition has been included to ensure the proposal provides reasonable canopy planting throughout the site, in accordance with the Bayside Landscape Guidelines.

The development proposes well-articulated side and front walls of the dwellings, with portions recessed behind the front line of the dwellings effectively ensuring the proposal does not dominate the streetscape.

The dwellings also feature a pitched roof form and incorporate a mix of materials including brick, cladding and render. The proposed materials are of neutral tones, reflecting the building materials in the area. An objection from 5 Dumaresq Street has raised concerns that the development does not include a natural toned colour scheme. It is considered that the dark brown brick, light coloured cladding and brown render adequately responds to the existing and preferred character of the area.

Both dwellings do not include a front fence across the front of the façade, effectively maintaining the openness of the streetscape. Dwelling 1 however incorporates a 1.7 metre high fence along Janet Street to enable sufficient screening of the private open space.

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>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>South (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>West (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.

As underlined above, the first floor side setbacks include an area of non-compliance with the standard.

Bedroom 2, the ensuite and walk in wardrobe associated with Dwelling 1 will be setback 2.8 metres from the southern boundary. The standard requires this wall to be setback of 3.3 metres, as approximately shown by the blue line in the image below.

The proposed 500mm variation to the required setback is considered to be acceptable in this instance as the wall will be adjacent to a non-sensitive interface, including a garage, service yard and driveway to 1C Dumaresq Street. Therefore, the proposed variation will cause no unreasonable loss of amenity particularly by way of overshadowing, visual bulk and overlooking.
6.3. Landscaping

The application plans show the removal of 7 shrubs from the site. The table below identifies those trees protected by the Local Law and those which are not protected by any statutory mechanism. Native trees are marked with a ‘*’.

<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>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Council’s Arborist in their referral response advised that the existing vegetation on the subject site has a low amenity value and would not need a permit for its removal under Local Law as it falls short of the 155 cm trunk circumference required (measured at a height of 1m.)

Trees located within 8 Janet Street are unlikely to have significant roots extending within the subject site due to the presence of an existing concrete block boundary wall, and concrete footpath, however the roots of two Sweet Pittosporums (*Pittosporum undulatum*) located in the neighbouring property (No. 1C, Dumaresq St.) are likely to extend into the garage associated with dwelling 1.

As such consideration must be given to the impact of the development upon these trees. Council’s Arborist has advised that an Arboricultural Impact Assessment Report is required to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

In addition to the above assessment, Council’s Arborist has reviewed the submitted landscape plan and advised that it is not considered acceptable as further planting in accordance with the Bayside Landscaping Guidelines is required. A condition to this effect is included in the recommendation.

6.4. Street tree(s)

Three street trees are located within the nature strip and are proposed for retention. Council’s Street Tree Arborist has advised that tree protection fencing is required to ensure trees remain viable post construction. A condition to this effect is included in the recommendation.

6.5. Car parking and traffic

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

Dwelling 1 and 2 both comprise of four bedrooms and have afforded two car parking spaces in the form of a double garage per dwelling. 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 relating to vehicle access, sightlines and internal parking dimensions. These are included as conditions of the permit.

6.6. Cultural Heritage Management Plan

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

Based on the proposed application and below recommendation, no development contributions levy is applicable as two dwellings are proposed and two dwellings are existing on the site.

6.8. Objector issues not already addressed

Devaluation of property at 5 Dumaresq Street

An objection received from 5 Dumaresq Street raised concerns that the development will reduce the value of their property. 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.

Unsafe building materials

An objection from 5 Dumaresq Street has also raised concerns that the development may incorporate unsafe building materials. The specification of building materials is not required under planning. This matter will be dealt with by the private building surveyor.

Support Attachments

1. Application Plans ↓
2. Site and Surrounds ↓
3. Neighbourhood Character Assessment ↓
4. ResCode Assessment ↓
3 DUMARESQ STREET, BRIGHTON EAST

GARDEN AREA ANALYSIS

DEPARTMENT UNDER CLAUSE 7.2
BAYSIDE PLANNING SCHEME

DRAWING NO: 3
DATE: 31 DECEMBER 2019
SCALE: 1:100

DRAWN BY: DARRA, DARRA D. JF
REQUEST FOR FURTHER INFORMATION

ALL LEVELS ARE TO
AUSTRALIAN HORIZONTAL DATUM

110.6sqm

131.0sqm

5.4sqm
Attachment 2: Site and Surrounds

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>
Figure 2 View towards the site from the corner of Dumaresq Street and Janet Street

Figure 3 View towards the site from Dumaresq Street
Figure 4 View towards the adjoining site 1C Dumaresq Street

Figure 5 View towards the adjoining site 8 Janet Street
Attachment 3 – Neighbourhood Character Assessment

Neighbourhood Character Precinct D2

Preferred Future Character Statement

The simple, articulated dwellings sit within landscaped gardens. Buildings are occasionally built to the side boundary; however, the overall impression of the streetscape is of buildings within a garden setting due to the regular front setbacks and additional tree planting within the area. New buildings blend with the existing, by following these patterns and using materials that harmonise, where brick colours are consistent in a street. Front fences are low or open retaining the openness of the streetscape and view of the front gardens. On properties that adjoin the golf course, buildings are sited and designed so as not to overwhelm the open space. Consistent street tree planting has assisted in unifying the appearance of the area.

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To maintain and enhance the garden settings of the dwellings. | ● Prepare a landscape plan to accompany all applications for new dwellings that include substantial trees and vegetation.  
● Retain existing large trees, wherever possible.  
● Buildings should be sited to allow space for the planting of trees and shrubs. | Lack of landscaping and substantial vegetation.  
Removal of large trees.  
Loss of front garden space | Does not respond  
A condition has been included to the permit to update the landscape plan to be in accordance with the Bayside Landscaping Guidelines. |
| To maintain the rhythm of visual separation between buildings. | ● Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. | | Responds  
The proposal complies with the front and ground floor side setbacks of Clause 55, effectively accommodating substantial opportunities for planting of vegetation. |
| To ensure that buildings do not dominate the streetscape. | ● Incorporate articulated roof forms, plan form and wall surfaces in new buildings visible from the street.  
● Recess second storey elements from the front façade. | Large bulky buildings with poorly articulated front or side wall surfaces. | Responds  
The development proposes well-articulated side and front walls of the dwellings, with portions recessed behind the front line of the dwellings and have incorporated a mix of materials.  
The proposal also incorporates a pitched roof form. |
| To reflect the building materials in locations where | ● Where consistent brick colours are present in the streetscape, use similar brightly coloured external | | Responds  
The proposal has included neutral brown and cream |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>there is a particular consistency.</td>
<td>tonings in the colours of new buildings.</td>
<td>building materials in areas of consistent brick materials.</td>
<td>colours, reflecting similar tones used in the area.</td>
</tr>
<tr>
<td>To maintain the openness of the streetscape.</td>
<td>• Provide open style front fencing, other than along heavily trafficked roads. Where no front fencing predominates, use vegetation as an alternative.</td>
<td>High, solid fencing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Both dwellings do not include a front fence across the front of the facade, effectively maintaining the openness of the streetscape. The development, however does include a 1.7m high front fence associated with dwelling 1's private open space along a portion of Janet Street.</td>
</tr>
<tr>
<td>To encourage development that responds to its location adjacent to the golf course.</td>
<td>• Where development directly borders the golf course, recess upper levels from the boundary nearest the open space.</td>
<td>Poorly articulated or dominating development fronting the golf course.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**Attachment 4**

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> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td>Complies</td>
<td>Refer to Attachment 3.</td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong> 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>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><strong>B3 Dwelling Diversity</strong> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong> Provides appropriate utility services and infrastructure without overloading the capacity.</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.</td>
</tr>
<tr>
<td>B5 Integration with the Street</td>
<td>Complies</td>
<td>The development will integrate appropriately with the street as both front entrances face a street.</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING</strong></th>
<th><strong>Title and Objective</strong></th>
<th><strong>Complies with Standard?</strong></th>
<th><strong>Comments</strong></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. | Complies | **Dwelling 1:**  
Requirement (front wall): 5.34m  
Proposed (front wall): 5.34m  
Requirement (side wall): 2m  
Proposed (side wall): 2m  
**Dwelling 2:**  
Requirement (front wall): 3m  
Proposed (front wall): 3.5m |
| **B7 Building Height** | Building height should respect the existing or preferred neighbourhood character. | Complies | **Maximum:** 9m.  
**Proposed:** 8.6 metres |
| **B8 Site Coverage** | Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | Complies | **Maximum:** 50%  
**Proposed:** 46% |
| **B9 Permeability** | Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration. | Complies | **Minimum:** >20%  
**Proposed:** 47% |
| **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.** |
| **B11 Open Space** | Integrate layout of development with any public and communal open space provided in or adjacent to the development. | N/A | **There is no communal open space in or adjacent to the development.** |
### B12 Safety
- Layout to provide safety and security for residents and property.
  - Complies
  - The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.

### B13 Landscaping
- To provide appropriate landscaping.
  - To encourage:
    - 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.
  - Does not Comply
  - A condition has been included to update the landscape plan to be in accordance with the Bayside Landscaping Guidelines.

### 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
  - Appropriate access off Dumaresq Street and Janet Street has been provided. Standard traffic conditions are included as permit conditions.

### 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 double garages. Standard traffic conditions are included as permit conditions.

### 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>B17 Side and Rear Setbacks</td>
<td>No</td>
<td>Refer to Section 5.2 of the Report.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>South</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>(side)</td>
<td>3m (D2)</td>
</tr>
<tr>
<td>--------</td>
<td>----------</td>
</tr>
<tr>
<td>West</td>
<td>0m or 3m</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

**B19 Daylight to Existing Windows**
Allow adequate daylight into existing habitable room windows.

Complies

**B20 North Facing Windows**
Allow adequate solar access to existing north-facing habitable room windows.

Complies

**B21 Overshadowing Open Space**
Ensure buildings do not significantly overshadow existing secluded private open space.

Complies

<table>
<thead>
<tr>
<th>Dwelling 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length: 6.46m</td>
</tr>
<tr>
<td>Maximum height: 3.4m</td>
</tr>
<tr>
<td>Average height: 3.2m</td>
</tr>
</tbody>
</table>

The development has been sufficiently setback from all habitable room windows to the abutting property at 1C Dumaesq Street. The built form is setback 2 metres from the boundary. The standard requires the development to be setback a minimum of 1.5 metres from the existing habitable room window.

The development has been sufficiently setback from all north facing windows to the abutting property at 1C Dumaesq Street. The built form is setback 2 metres from the boundary. The standard requires the development to be setback a minimum of 2 metres from the existing north facing window.

An objection from 1C Dumaesq Street has raised concerns about the impact the proposal has on their north facing windows on their property. As outlined above the development is setback according to the standard.

Additional overshadowing will occur over the adjoining service yards and the abutting driveway to the south, which are considered to be non-sensitive areas which do not result in any amenity impacts.
### B22 Overlooking
Limit views into existing secluded private open space and habitable room windows.

| Complies | All habitable room windows have been screened to a minimum height of 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. An objection from 5 Dumaresq Street has raised concerns about the front windows of the property facing Janet Street will impose overlooking to their private open space. As their private open space is approximately 17 metres away the proposal does not require screening and is compliant with Standard B22 Overlooking. |

### B23 Internal Views
Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.

| Complies | All habitable room windows have been screened to a minimum height of 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. At ground floor level internal fencing to a height of 1.7m limits views between adjoining areas of secluded private open space within the development. |

### B24 Noise Impacts
Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.

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

### CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES

<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>&lt;br&gt;Consider people with limited mobility in the design of developments.</td>
<td>Complies</td>
<td>Entries are accessible for people with limited mobility. The development could be further retrofitted to accommodate people with limited mobility in the future if required. An objection from 5 Dumaresq Street has raised concerns that the proposed double storey dwelling does not take into account an aging population. The development is considered to be appropriate as there is a bedroom, bathroom, kitchen and living areas on the ground floor and the development could be further retrofitted to accommodate people with limited mobility.</td>
</tr>
</tbody>
</table>
**B26 Dwelling Entry**
Provide a sense of identity to each dwelling/residential building.

| Complies | The development fronts Dumaresq Street and Janet Street and includes a clearly identifiable entry with dedicated pedestrian pathway. The entry provides shelter, a sense of personal address and a transitional space around the building entry. |

**B27 Daylight to New Windows**
Allow adequate daylight into new habitable room windows.

| Complies | All habitable windows will open out onto a space clear to the sky. |

**B28 Private Open Space**
Provide reasonable recreation and service needs of residents by adequate private open space.

| Complies | Minimum:
25m² secluded, 40m² overall with a minimum dimension of 3 m;

**Proposed:**
Dwelling 1: 61.7 m²
Dwelling 2: 70.4 m² |

**B29 Solar Access to Open Space**
Allow solar access into the secluded private open space of new dwellings/buildings.

| Complies |

**B30 Storage**
Provide adequate storage facilities for each dwelling.

| Complies | Designated storage areas are provided. |

---

### CLAUSE 55.06 DESIGN DETAIL

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **B31 Design Detail**
Encourage design detail that respects the existing or preferred neighbourhood character. | Complies | Refer to Section 6.1 of the report for further discussion. |

| **B32 Front Fences**
Encourage front fence design that respects the existing or preferred neighbourhood character. | N/A | No front fences proposed.
1.7m high timber slat fence along Janet Street (side fence) |

| **B33 Common Property**
Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.
Avoid future management difficulties in common ownership areas. | N/A | |
<table>
<thead>
<tr>
<th>B34 Site Services</th>
<th>Complies</th>
<th>All appropriate site services can be easily catered for on-site. Mails boxes are shown to adjoin the pedestrian entry with waste provisions being provided in the rear private open space.</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></td>
<td></td>
</tr>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.10 14 MARTIN STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/186/1 WARD: NORTHERN

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Mr Simon Joel</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants. The site comprises two lots, Lots 1 and 2 on Title Plan 592513A.</td>
</tr>
<tr>
<td>Date application received</td>
<td>1 July 2017</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>55 days</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>Site area</td>
<td>760sqm (Lot 1 554sqm, Lot 2 206sqm)</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Three (3)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Catchment 1 - $2,020</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, however the works are exempt.</td>
</tr>
</tbody>
</table>

Proposal
The application seeks the construction of two dwellings over two lots with an area of 760 sqm, a front fence greater than 1.2m, two roof decks and a realigned subdivision of the two lots. Key details of the proposal are as follows:

- Two dwellings over two lots
- Each dwelling will be two storeys in height with an overall maximum height of 7.2m height above natural ground level
- Roof decks
- Basement car parking (3 spaces per dwelling)
- Front fence of 2.0 metres in height
- Site coverage 53%
• Permeability exceeds 20%
• Garden Area - Lot 1 in excess of 30%, Lot 2 is exempt
• Realigned subdivision of the two lots

The application plans are provided at Attachment 1.

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

History
There is no planning permit history relevant to this application.

2. Planning controls
Planning Permit requirements
A planning permit is required pursuant to:
• Clause 32.09-3 (Neighbourhood Residential Zone) – Subdivision
• Clause 32.09-6 (Neighbourhood Residential Zone) – Construct two dwellings on a lot and construct a fence greater than 1.2m.
• Clause 43.02 (Design and Development Overlay) - Construct a roof deck above the second storey of a building.

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>Traffic 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 (3) objections were received.

Three (3) objections remain outstanding at the time of this report.

The following concerns were raised:
• Subdivision;
• Overdevelopment;
• Built Form and Scale;
• Roof Terraces;
• Wall on boundary;
- Boundary fencing;
- Setbacks;
- Overlooking;
- Loss of solar access;
- Streetscape;
- Impact of existing trees;
- Security and safety during construction; and
- 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.

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 2018/186/1 for the land known and described as 14 Martin Street, Brighton, for the construction of two dwellings, a front fence greater than 1.2m, roof decks and realigned subdivision of the two lots 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 O’Connor and Houle Architecture referenced A03, A04, A05, A07, A08, A09, a10, A11, A12, date 28 November 2018, revision number P6 but modified to show:

   a) Dwelling 2 en suite and dressing room to have a minimum setback of 3 metres to comply with the rear setback requirement of Standard B17 and the garden are requirement of Clause 32.09-4.

   b) Front fence to have 50% visual permeability.

   c) Notation on the basement plan of storage in Dwelling 2 meeting the requirements of Standard B30.

   d) Remove existing vehicle crossing and construct new 3.0m wide crossing at 1.9m offset from western boundary.

   e) Realign ramp for Dwelling 1 to accord with the shifted crossing.

   f) Construct new 3.0m wide vehicle crossing at 0.9m offset from the eastern property boundary.

   g) The proposed columns within the basement carparks to be at least 3.65m from the front wall and 250mm from the parking aisle for 4.9m long parking bay as per the Australian Standards for 90 degree parking.

   h) Walls on the boundaries to comply the maximum and average wall height requirements of Standard B18.
i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

j) A Landscaping Plan in accordance with Condition 11 of this permit.

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

l) Arboricultural Impact Assessment in accordance with Condition 10

m) Tree Management and Protection Plan in accordance with Condition 14

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.

Arboricultural Impact Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, an Arboricultural Impact Assessment Report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites to ensure Trees 2, 3, 5 and 7 remain viable post construction must be submitted to and be endorsed by the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be 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 site not covered by buildings or hard surfaces.
   e) Details of surface finishes of pathways and driveways.

12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:
   a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site, for all trees on neighbouring properties and street
trees where any part of the Tree Protection Zone falls within the subject site.

b) The location of tree protection measures to be utilised.

15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

16. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

17. Any pruning that is required to be done to the canopy of any tree to be retained (Trees 2, 3, 5 and 7) 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 (Trees 2, 3, 5 and 7) is to be done by hand by a qualified Arborist.

Street tree protection

18. Soil excavation must not occur within 2 metres from the edge of the street tree asset’s stem at ground level.

19. A tree protection fence is for the protection of a tree’s canopy and root zone. Conditions for street tree protection fencing during development are as follows:
   a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
   b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
   c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
   d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
   e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

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

Drainage

22. 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.

23. 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.
Subdivision

24. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements

   b) Section 12(2) of the Subdivision Act 1988 shall apply to this subdivision in respect of implied easements.

25. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

26. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

27. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

28. The owner of the land must enter into an agreement with:

   a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

   b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

29. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

   a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and

   b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
30. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority or the construction on site reaching a minimum of a completed frame stage, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:

a) The development of the land indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit No. 2018/186/1 or any amendment to the plans approved by the Responsible Authority.

b) The agreement shall be prepared and executed at the owners cost.

Permit Expiry

31. This permit will expire if one of the following circumstances applies:

a) The development is not started within two years of the date of this permit.

b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

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

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

- If applicable, the applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

- The land may be inspected by Council to ensure compliance with this planning permit and any plans and documents endorsed to this permit. Investigations and possible prosecutions may apply if you fail to accord with all requirements of this Planning Permit and any relevant Building Regulation, Local Law or other legislation. This includes the need for the retention and maintenance of any building, hard and soft landscaping assets and all building services.

- Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, you must contract a carrier to install and operate a telecommunications network. As the Infrastructure Provider of Last Resort (IPOLR) for your area, you should be
able to have the NBN™ broadband access network connected to your development - but you need to apply.

- Telstra is the Infrastructure Provider of Last Resort (IPOLR) supporting voice services for developments with less than 100 lots in areas where the NBN has not established its network.
- Developers are asked to apply six months before the required service date to ensure a connection is ready when residents move in.

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 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.09 Transport and Access
- Clause 22.06 Neighbourhood Character Policy (Precinct C1)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (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 56 Subdivision
- 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 C1. The proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines, as contained in Attachment 3.

The subject site is located along the western end of Martin Street between St Kilda Street and the foreshore.

The existing streetscape has a mixture of contemporary developments emerging, including varied architectural designs, materiality and use of flat roof forms. There are very few older dwellings on this part of Martin Street. The existing dwelling on the site has had ad hoc piecemeal additions over the years and has a high stuccoed fence predominantly hiding it from the street. It contributes little to the emerging, prevailing neighbourhood character of the immediate surrounds, which is of large contemporary dwellings with predominately open fencing to the street front. Built form within the streetscape is shown in Figures 1-3 below.

![Figure 1 – 12 and 12a Martin Street to the west of the site]
Figure 2 – 16 Martin Street to the east of the site,

Figure 3 – 18 and 18a Martin Street, further east of the site

The proposed dwellings will read from the street as one, which relates with the large contemporary single dwellings proximate to the subject site. The proposal will be well articulated, using a variety of materials and finishes with a flat roof, which collectively
reduce the perception of bulk and scale from the streetscape and neighbouring properties.

The proposed side setbacks (apart from the walls on boundary located to the rear of the site) will allow the development to follow the rhythm of the built form in the streetscape. Whilst the first floor will cantilever over the ground floor on the front façade, the use of a central break along this elevation will modulate and articulate the form.

In addition the front setbacks, as well as the rear, internal and side courtyards, have allowed for the opportunity for planting enhancing the garden setting of the proposed dwellings, including the retention of the large established Pin Oak within the front setback.

The materiality will respect the materials of the streetscape and the use of a flat roof form will reflect of the character of the area, including the adjoining properties to the east and west.

Overall, the proposal has a well-considered, contemporary approach to the setting which respond to the modern and mixed architectural styles of the streetscape, as evident within the perspectives at Figures 4 and 5 below.

*Figure 4 – Perspective as viewed from Martin Street*

*Figure 5– Perspective as viewed from Martin Street*

The front fences within the immediate streetscape comprise high, yet permeably visual front fences. The proposal includes a tall solid front fence, however it is considered that
this is a departure from the open style fences in the streetscape. As such, it is recommended that a condition of permit be included which will require fencing with 50% permeability to introduce openness and enhance the garden setting of the development. This will reflect the prevailing neighbourhood character of tall open style front fencing rather than the existing conditions.

6.2. Roof Decks

The application proposes a roof deck on each dwelling. Schedule 1 to the Design and Development Overlay has prescriptive requirements that must be met in regards to roof decks. This includes the requirement that a roof deck must be setback 2 metres from the roof immediately below on all sides.

The application complies with this requirement and all elements of the roof decks, including access structures, are adequately setback on all sides. This negates any concerns about views into secluded private open space and habitable rooms of adjacent dwellings.

In addition there are no structures or elements that exceed 1.7m, apart from the access structures (which does not exceed 2.4m), which due to the setbacks will have minimal impact on the street and adjoining properties. As such, the proposal is compliant with DDO1.

6.3. Clause 32.09-4 Minimum Garden Area

There is a mandatory requirement for a minimum percentage of a lot set aside for garden area on lots over 400sqm. On land in excess of 650 sqm the requirement is 35%.

The site has been designed to meet the garden area requirement, however requires an additional 0.4% (3sqm). This can be achieved via condition requiring the increased setback of Dwelling 2 en suite and dressing room to comply with the rear setback Standard B17.
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:

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>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>West (side)</td>
<td>0m or 2m</td>
<td>0m, 2.45m, 3m, 3.4m</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
<td>0m, 2m, 4.7m</td>
</tr>
<tr>
<td>South (rear)</td>
<td>0m or 3m</td>
<td>0m, 4.6m, 2.3m, 5.6m</td>
</tr>
</tbody>
</table>

The objective of this 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.*

Although the proposal does not meet the numerical standard, it is considered that it acceptably satisfies the objective of Clause 55.04-1.

At ground floor, a setback of 2.3m is proposed associated with the Dwelling 2 en suite and dressing room southern wall, resulting in a non-compliance of 0.7m. While the proposed setbacks, even with the area of minor non-compliance, would be an improvement to the existing conditions it is considered necessary to bring the wall into compliance via a condition of permit to ensure that the development also meets the requirements of the Minimum Garden Space Area as discussed in section 6.3 of this report.

The first floor western side setback, non-complaint by 1.23m (as highlighted in the below image), sits adjacent to the eastern sideage of the dwelling at No. 12 Martin Street, where there is a service yard and three east-facing windows. The length of the first floor will reflect the first floor of No. 12 Martin Street, and will not be located adjacent to its private open space, rather a service yard adjacent to the common boundary. The wall will be punctuated by a window seat centrally located within the façade to assist articulate the form. It is considered that the western wall will not perceive as unreasonable visual bulk when viewed from the adjacent property.
The first floor eastern side setback, non-compliant by 480mm (as identified below), sits adjacent to No. 16 Martin Street, which has a service yard, large tree and west-facing windows along this elevation. The first floor eastern wall, will be punctuated by fenestration to provide visual interest to the façade. The wall will not be located adjacent to the secluded private open space of No. 16 Martin and will not present as unreasonable visual mass.

Moreover, in regard to respecting the existing neighbourhood character, it is noted that the proposal has more generous upper level side setbacks than both adjacent dwellings. From the common boundaries, No. 16 Martin Street is only setback 2.2m and No. 12 Martin Street is setback 2m in comparison to the proposed 3.5m and 3.7m setbacks proposed for the subject site. This can be seen on Drawings A07 P6 and A14 P6 (which shows proposed and existing conditions), these demonstrating that the proposal satisfactorily meets the prevailing neighbourhood character of the immediate surrounds.

Walls on Boundaries (Standard B18)

In regards to the walls on boundaries, both Dwellings 1 and 2 have walls on the southern (rear) boundary which exceed the average and maximum wall height. Each wall along the southern boundary exceeds the average wall height by 0.45m (above 3.2m) and the maximum wall height by 0.05m (above 3.6m). The proposed rear walls abuts the secluded private open space of No. 12 Kent Street and as such, it is considered that the heights of the walls on boundaries should be compliant. Therefore, a condition will be included as such.

The western boundary wall of Dwelling 1 is less than the maximum wall height but exceeds the average (3.2m) wall height by 0.3m. There are no habitable windows adjacent to the wall, with approximately half of the length adjoining private open space. Given the wall is adjacent to the secluded private open space of No. 12 Martin Street, the western wall on boundary should also be made compliant with Standard B18.

The eastern boundary wall of Dwelling 2 exceeds the maximum wall height by 0.2m and the average by 0.55m. The wall on boundary is adjacent to an existing tall frame structure at No. 16 Martin Street and the rear private open space. Similarly, being adjacent to the secluded private open space of No. 16 Martin Street, it is considered that the average height should be made compliant.

As such, it is recommended that a condition of permit, if one is to issue, will require that the heights of the walls on the boundaries comply with Standard B18.

Site coverage (Standard B8)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>50%</td>
<td>53.5%</td>
<td>3.5%</td>
</tr>
</tbody>
</table>
The dwellings exceed the 50% site coverage required by the schedule to the zone. However, the existing neighbourhood character should also be taken into consideration.

There are many new developments within the immediate surrounds and in particular along this southern part of Martin Street. As can be seen by the attached aerial view, properties within the immediate surrounds typically have high site coverage.

Furthermore, the visual bulk of the building when compared to its immediate neighbours is not inappropriate.

Therefore it is considered that the proposed development meets the site coverage objective by respecting the existing neighbourhood character.

Storage (Standard B30)

Each dwelling is to provide at least 6 cubic metres of accessible secure storage. Dwelling 1 has ample storage area within the basement car park, however Dwelling 2 does not have storage notated. A condition of permit would require nomination of storage for Dwelling 2.

Front Fences (Standard B32)

The front fences within the immediate streetscape comprise high, yet permeably visual front fences. The proposal includes a tall solid front fence, however it is considered that this is a departure from the open style fences in the streetscape. As such, it is recommended that a condition of permit be included which will require fencing with 50% permeability to introduce openness and enhance the garden setting of the development. This will reflect the prevailing neighbourhood character of tall open style front fencing rather than the existing conditions.

6.5. Landscaping

The application does not propose to remove any trees protected by the Local Law, all vegetation proposed for removal has low amenity value.

The applicant proposes to retain Tree #2, a large Pin Oak, in the front setback, which has its TPZ encroached by the proposed development. In addition, Tree Nos. #3, #5, and #7 are located on adjoining sites, all have 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 before the development starts, a Tree Management Plan, Tree Protection Plan and a Tree Impact Assessment Report must be submitted to, and endorsed by, the Responsible Authority for all site trees and neighbouring trees where the TPZ is encroached by the proposed development. This can be dealt with by condition of permit. This would include any design responses and modification that would be required to reduce any identified negative impact.

A landscape plan, will also be required by Condition of Permit.

6.6. Street trees

There are three street trees located within the nature strip proximate to the front boundary, which are proposed for retention. These are:

- the street tree centrally fronting the subject site;
- the street tree in line with the boundary of No. 16 Martin Street; and
- the street tree in line with the boundary at No. 12 Martin Street.
Council’s Street Tree Arborist has advised that these trees are at potential risk of being impacted by this development given their size and proximity to the development site. In addition to the normal challenges of street tree retention, these trees are in a cut out in the road way and therefore are more vulnerable to damage.

As recommended by Council’s Street Tree Arborists, Conditions of permit will require a Tree Impact Assessment Report, Tree Management Plan and Tree Protection Plan to be submitted and endorsed all to the satisfaction of the Responsible Authority.

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.

Dwelling 1 comprises three bedrooms and is afforded three (3) car parking spaces in the form of a basement carpark. Dwelling 2 comprises three bedrooms and also has three (3) spaces in the form of a basement carpark. The proposed on site car parking meets, and exceeds, 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 relating to vehicle access, driveway alignment, sightlines and internal parking dimensions. These are included as conditions of the permit.

6.8. 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.

6.9. Subdivision

The application proposes the re-subdivision of the two lots at 14 Martin Street, Brighton. The design and layout of the proposed subdivision is of two lots situated side by side, each with vehicle access to Martin Street. The proposed new lots respond appropriately to the character of the neighbourhood. As the application is accompanied by a development proposal, and a Clause 55 assessment has been carried out, it is considered that the siting of the buildings on the lots, site and street orientation are acceptable. No common areas are proposed.

Ordinarily a Clause 56 assessment would be required for the residential subdivision, however as the proposal also includes the development of two dwellings, the Clause 55 assessment has considered the siting and impacts of the built form. In addition, a condition is included in the recommendation requiring a Section 173 Agreement to be entered into, which ties the development in with the subdivision.

Overall, the lot design is supported. Standard conditions requiring the plan of subdivision to be certified are included in the recommendation.

6.10. Development contributions levy

The subject site is located within catchment area 1.

Based on the proposed application and the below recommendation, a payment of $2,020 is required. The payment of the development contributions is included as a condition of permit.

6.11. Objector issues not already addressed
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.

Security and Safety during construction

This is the responsibility of the owner or their agent appointed for the site development and is not managed through the planning process.

Boundary Fences

Boundary fences are a civil matter and are not dealt with through the planning process.

Support Attachments

1. Attachment 1 - Development Plans ↓
2. Attachment 2 - Aerial Image and Site and Surrounds Photography ↓
3. Attachment 3 - Neighbourhood Character Assessment ↓
4. Attachment 4 - Clause 55 Assessment ↓
Aerial Image and Site and Surrounds Photographs

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>
Fig 2 – Subject Site – 30 Martin Street

Fig 3 – 12 and 12a Martin Street – obutting the site to the west
Fig 4 – 8a and 10 Martin Street

Fig 5 – 6c, 8 and 8a Martin Street
Fig 6 – 5 and 7 Martin Street

Fig 7 – Cnr of Raleigh Avenue and Martin Street
## Neighbourhood Character Precinct C1

### Preferred Future Character Statement

The mix of dwelling styles, including a substantial presence of pre WWII dwellings, sit within spacious gardens and do not dominate or overwhelm the streetscape. Garden plantings, and well-articulated façades and roof forms, assist in minimising the dominance of buildings from within the street space, as well as providing visual interest. Front setbacks allow planting of substantial trees and shrubs and side setbacks on both sides maintain a sense of spaciousness in the area. Trees are a mixture of exotic and natives, with an increasing frequency of traditional coastal and indigenous species, strengthening the visual connection of the area with the coast. Open style front fences retain an ability to view buildings from the street. 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. | Demolition of dwellings that contribute to the valued character of the Precinct. | Responds  
The current dwelling is in poor condition, has had add on additions over the years and does not contribute to the preferred future character of the street. |
| To maintain and enhance the spacious garden settings of the dwellings. | - Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. | Lack of landscaping and substantial vegetation. | Responds  
There are landscaping opportunities within the generous front setback as well as the side and rear open spaces. |
| To enhance the bayside vegetation character of the area. | - Retain large trees and established native and traditional coastal vegetation and provide for the planting of new indigenous coastal trees where possible. | Removal of large native and coastal trees.  
Planting of environmental woods. | Responds  
A large Pin Oak is to be retained within the front setback. |
| To retain the sense of spaciousness in the area and provide adequate space for front gardens. | - 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. | | Responds  
The generous front setback has enhanced the sense of spaciousness to the streetscape. |
| To minimise the dominance of car parking facilities. | - Locate garages and car ports at or behind the line of the dwelling. | Car parking facilities that dominate the | Responds  
Car parking is provided in the basement, the driveways do not dominate |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>driveways and crossovers.</td>
<td>• Minimise hard paving in front yards.</td>
<td>facade or view of the dwelling</td>
<td>the streetscape and have allowed for the front setback to be primarily garden space.</td>
</tr>
<tr>
<td></td>
<td>• Underground car parking accessed from the front of the site should only be provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>where other options are not possible due to site constraints, the garage doors do</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>not dominate the façade and the front setback area is retained as predominantly garden space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure that new buildings and extensions do not dominate the streetscape.</td>
<td>• Recess upper level elements from the front façade.</td>
<td>High pitched roof forms with dormer windows</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>• Where adjoining an identified heritage building, respect the height, building forms, sitting and materials, of the heritage buildings's in the new building design</td>
<td></td>
<td>The building at upper level has been setback on all sides, it is well articulated and proposes a flat roof, all of which help to reduce the dominance on the streetscape</td>
</tr>
<tr>
<td>To respect the identified heritage qualities of adjoining buildings.</td>
<td>• Use a mix of materials including timber or other non-masonry wall materials in building design.</td>
<td>Buildings that dominate heritage buildings by height, siting or massing</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>• Use simple building details and articulate roof forms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To encourage the use of a variety of building materials, finishes and design detail that complement the coastal setting.</td>
<td>• Provide open style fencing, other than along heavily trafficked roads.</td>
<td>High, solid front fencing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>• Articulate the form of buildings and elements, particularly front facades, and include elements that lighten the building form such as balconies, verandahs,</td>
<td></td>
<td>A condition of permit will require 50% permeability for the proposed 2m high fence.</td>
</tr>
<tr>
<td>To encourage the openness of the streetscape.</td>
<td>• Articulate the form of buildings and elements, particularly front facades, and include elements that lighten the building form such as balconies, verandahs,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting the</td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

Item 4.10 – Matters of Decision  
Page 428 of 639
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>reserve and visible from the reserve.</td>
<td>non-reflective glazing and light-transparent balustrading.</td>
<td>Poorly articulated roof and building forms.</td>
<td></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>Highly reflective materials or glazing.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>· Provide a fence or landscaping treatment to delineate the property boundary fronting the foreshore reserve.</td>
<td>Blank walls facing the foreshore.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>· Provide articulated roof forms to create an interesting skyline when viewed from the beach.</td>
<td>Lack of distinction between public and private spaces along the foreshore.</td>
<td></td>
</tr>
</tbody>
</table>
### Attachment 4

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

<table>
<thead>
<tr>
<th>CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title and Objective</strong></td>
<td><strong>Complies with Standard?</strong></td>
<td><strong>Comments</strong></td>
</tr>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Complies</td>
<td>Refer to the report</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>Refer to the report</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.</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>Complies</td>
<td>The development will integrate appropriately with the street. See Neighbourhood Character at Attachment 3 for further discussion.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title and Objective</strong></td>
<td><strong>Complies with Standard?</strong></td>
<td><strong>Comments</strong></td>
</tr>
<tr>
<td><strong>B6 Street Setback</strong></td>
<td>Complies</td>
<td>Requirement: 6m. Proposed: Dwelling 1 – 11m, Dwelling 2 – 9.5m</td>
</tr>
<tr>
<td>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td></td>
<td></td>
</tr>
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<td></td>
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<td>---</td>
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</tr>
</tbody>
</table>
| B7 Building Height | Complies | Maximum: 9m.  
Proposed: 7.2 metres (2 storeys + roof deck)  
It is noted that the basement at no point rises above natural ground level and the roof deck complies with the definition and as such the proposal complies with this Standard and the Design and Development Overlay, Schedule 1. |
| B8 Site Coverage | Variation | Maximum: 50%  
Proposed: 53.5% |
| B9 Permeability | Complies | Minimum: >20%  
Proposed: 20% |
| B10 Energy Efficiency | 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. |
| B11 Open Space | N/A | There is no communal open space in or adjacent to the development. |
| B12 Safety | Complies | The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street. |
| B13 Landscaping | Complies | The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.  
See Section 6.5 of the report for further discussion. |
### B14 Access
Ensure the safe, manageable and convenient vehicle access to and from the development.
Ensure the number and design of vehicle crossovers respects neighbourhood character.

| Complies | An appropriate access off Martin Street to basement parking has been provided. Standard traffic conditions are included as permit conditions. See the report for further discussion. |

### B15 Parking Location
Provide resident and visitor vehicles with convenient parking.
Avoid parking and traffic difficulties in the development and the neighbourhood.
Protect residents from vehicular noise within developments.

| Complies | On site car parking is provided in the form of a basement carpark. Standard traffic conditions are included as permit conditions. Refer to Section 6.4 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>B17 Side and Rear Setbacks</td>
<td>No</td>
<td>Refer to Section 6.3 of the Report.</td>
</tr>
</tbody>
</table>

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

| Variation | Maximum Height: 3.6m
Proposed: West 3.5m, East 3.8m, Rear 3.65m
Maximum Average Height: 3.2m
Proposed: West 3.5m, East 3.75m Rear 3.65m
Maximum Length: West 16.1m, East 16.1m Rear 12.83
Proposed West 9m, East 5.5m, Rear 9.9m |

| Variation | Maximum Height: 3.6m
Proposed: West 3.5m, East 3.8m, Rear 3.65m
Maximum Average Height: 3.2m
Proposed: West 3.5m, East 3.75m Rear 3.65m
Maximum Length: West 16.1m, East 16.1m Rear 12.83
Proposed West 9m, East 5.5m, Rear 9.9m |
<table>
<thead>
<tr>
<th><strong>Item 4.10 – Matters of Decision</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B19 Daylight to Existing Windows</strong></td>
</tr>
<tr>
<td>Allow adequate daylight into existing habitable room windows.</td>
</tr>
<tr>
<td><strong>B20 North Facing Windows</strong></td>
</tr>
<tr>
<td>Allow adequate solar access to existing north-facing habitable room windows.</td>
</tr>
<tr>
<td><strong>B21 Overshadowing Open Space</strong></td>
</tr>
<tr>
<td>Ensure buildings do not significantly overshadow existing secluded private open space.</td>
</tr>
<tr>
<td><strong>B22 Overlooking</strong></td>
</tr>
<tr>
<td>Limit views into existing secluded private open space and habitable room windows.</td>
</tr>
<tr>
<td><strong>B23 Internal Views</strong></td>
</tr>
<tr>
<td>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</td>
</tr>
<tr>
<td><strong>B24 Noise Impacts</strong></td>
</tr>
<tr>
<td>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</td>
</tr>
</tbody>
</table>

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

<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>B25 Accessibility</strong></td>
<td>Complies</td>
<td>Entries are accessible for people with limited mobility with a lift provided from basement car park 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><strong>B26 Dwelling Entry</strong></td>
<td>Complies</td>
<td>The development fronts Martin Street and includes a clearly identifiable entryways with dedicated pedestrian pathways. The entries provide shelter, a sense of personal address and a transitional space around the building entry.</td>
</tr>
<tr>
<td>Title and Objective</td>
<td>Complies with Standard?</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>B27 Daylight to New Windows</strong>&lt;br&gt;Allow adequate daylight into new habitable room windows.</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>&lt;br&gt;Provide reasonable recreation and service needs of residents by adequate private open space.</td>
<td>Complies</td>
<td>Minimum: 25m² secluded, 40m² overall with a&lt;br&gt;Proposed: Both dwellings meet the requirements of this standard and are provided with adequate private open space for the reasonable recreation and service needs of residents.&lt;br&gt;Dwelling 1 – 68sqm Secluded, 181sqm overall&lt;br&gt;Dwelling 2 – 67.2sqm secluded, 182.1sqm overall</td>
</tr>
<tr>
<td><strong>B29 Solar Access to Open Space</strong>&lt;br&gt;Allow solar access into the secluded private open space of new dwellings/buildings.</td>
<td>Complies</td>
<td>There is adequate solar access within the secluded private open space throughout the day. Secluded private open space is provided on the eastern and western side setbacks and roof decks as well as to the rear.</td>
</tr>
<tr>
<td><strong>B30 Storage</strong>&lt;br&gt;Provide adequate storage facilities for each dwelling.</td>
<td>Variation</td>
<td>Storage is provided and notated within the basement carpark of each dwelling 1. A similar notation is required for Dwelling 2. See report.</td>
</tr>
<tr>
<td><strong>CLAUSE 55.06 DESIGN DETAIL</strong>&lt;br&gt;Title and Objective</td>
<td>Complies with Standard?</td>
<td>Comments</td>
</tr>
<tr>
<td><strong>B31 Design Detail</strong>&lt;br&gt;Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td>Complies</td>
<td>Refer to the report for further discussion.</td>
</tr>
<tr>
<td><strong>B32 Front Fences</strong>&lt;br&gt;Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td>Variation</td>
<td>The applicant proposes a 2m high fence, a condition of permit will require 50% permeability to meet the predominant neighbourhood character.</td>
</tr>
<tr>
<td><strong>B33 Common Property</strong>&lt;br&gt;Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.&lt;br&gt;Avoid future management difficulties in common ownership areas.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>B34 Site Services</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and</td>
<td>All appropriate site services can be easily catered for on-site. Meters</td>
<td></td>
</tr>
<tr>
<td>are accessible, adequate and attractive.</td>
<td>and bin areas are shown within the front setback of each dwelling. A</td>
<td></td>
</tr>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
<td>condition has been included requiring the location of mail boxes.</td>
<td></td>
</tr>
</tbody>
</table>
### 4.11 16 TRAMWAY PARADE, BEAMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/599/1 WARD: SOUTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/135417

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>13 September 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>185 Days</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>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>710 sqm</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Five (5)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes - $2,020</td>
</tr>
<tr>
<td></td>
<td>Catchment 26</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 construction of two dwellings on a lot and the removal of vegetation in a Vegetation Protection Overlay (VPO3).

For the purposes of identifying the dwellings in this report, the dwelling fronting Dalgetty Road will be referred to as Dwelling 1 and the dwelling fronting Tramway Parade will be referred to as Dwelling 2.

#### Ground Floor

- Removal of existing crossover located on the west side of the Tramway Parade frontage, and the construction of two new crossovers, one on each street front, which service a double garage at each dwelling.
- Garden area of 43.23%
- Dwelling 1 will have a frontage to Dalgetty Road, with Dwelling 2 fronting Tramway Parade.
- Pedestrian access will be provided to each dwelling with a porch for each dwelling.
- Dwelling 1 is provided with 111.29m² secluded private open space, and Dwelling 2 has 72.97m².
• Each dwelling has an open plan kitchen/dining/living area, study nook and bedroom with a WIR and ensuite, and an additional powder room and laundry area for each.

First Floor
• Both dwellings have three bedrooms, one with an ensuite, main bathroom and ‘retreat’ living space.

Built Form
• The proposed dwellings are double storey and have a total height of approximately 6.77 metres above natural ground level;
• The proposed built form comprises a flat roof form; and
• The facades are proposed to be finished in a variety of materials which include a mix of textures and colours.

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 2011/255/1 was issued by Council on 16 June 2011 for removal of two trees in a Vegetation Protection Overlay 3. Plans were endorsed on 16 June 2011. This permit gave planning permission for the removal of Tree 6, which has not been removed.

Planning Application 2013/715 was submitted for removal of one tree in a Vegetation Protection Overlay (VPO3). This application was withdrawn as the tree in question was removed as emergency works. Investigation was undertaken into this matter, but it was deemed to be inconclusive if the tree was a threat or not.

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, and a front fence exceeding 1.2m in height, on a lot.
• Clause 42.02-2 (Vegetation Protection Overlay) – Removal of 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>
<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>Traffic 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 five (5) objections were received.

Five (5) objections remain outstanding at the time of this report.

The following concerns were raised:

- Neighbourhood character;
- Removal of native vegetation;
- Loss of amenity;
- Parking / Traffic;
- Overdevelopment;
- Site coverage;
- Damage during construction;
- Asbestos concerns;
- Choice of materials used on southern elevation; and
- Retention of boundary fence.

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

Consultation meeting

A consultation meeting was held on 25 March 2019 attended by the permit applicant and five (5) objectors. As a result of this meeting, no objections were withdrawn.

Whilst no agreement was reached nor objections were withdrawn as a result of this consultation meeting, the applicant has provided confirmation that they seek to have conditions added to the planning permit to reach full compliance with Clause 55 Standards B8 (Site Coverage), B18 (Walls on Boundaries) and B17 (Side and Rear Setbacks) in relation to the garage associated with Dwelling 1. These conditions have been included in the recommendation.

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 2018/599/1 for the land known and described as 16 Tramway Parade, Beaumaris, for the construction of two dwellings with a front fence exceeding 1.2 metres and removal of vegetation in a Vegetation Protection Overlay (VPO3) 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 referenced TP03-TP10 but modified to show:

   a) Garage associated with Dwelling 1 to be setback 2 metres from the boundary to the south, with consequential changes not reducing any other setback.
b) Compliance with Standard B8 (Site Coverage) to be demonstrated.

c) Compliance with Standard B18 (Walls on Boundaries) to be demonstrated.

d) The new crossover associated with Dwelling 2 to be 3 metres, with the reduction increasing the distance from the eastern boundary, and the western side remaining in place, with the associated driveway modified to correspond with the crossover.

e) A 4.8 metre wide garage door to be provided to the Dwelling 2 garage.

f) A 4.8 metre wide garage door to be provided to the Dwelling 1 garage if it is maintained as a double garage, or a 3 metre wide garage door to be provided if it is reduced to a single garage.

g) Adequate sightlines are to be provided where each driveway intersects with the footpath in accordance with AS2890.1.

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

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

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

k) A Tree Management and Protection Plan in accordance with Condition 13 of this permit.

l) Provision of the Development Contributions Levy in accordance with Condition 21 of this permit.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 / 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 landscape concept plan drawn by Davidson Design Studio, reference 180804, dated 9 November 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

b) A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.

d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

e) Details of surface finishes of pathways and driveways.

11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management 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.

14. 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.

15. 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.

16. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) 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 (specify particular tree/s) is to be done by hand by a qualified Arborist.

Street tree protection

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.

18. A tree protection fence is for the protection of a tree’s canopy and root zone. Conditions for street tree protection fencing during development are as follows:

a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.

b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.

c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.

e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

19. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree.
using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

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

**Development Contribution**

21. Prior to the 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.

**Drainage**

22. 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.

23. 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.

**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.

- 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.

- Subsurface water must be treated in accordance with Council’s Policy for ‘Works on Assets within the Road Reserve Policy 2018’.
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 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 43.02 Design and Development Overlay (Schedule 1)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 53.18 Stormwater Management in Urban Development
- 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 H4. The proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The proposed development adequately responds to the requirement of this neighbourhood character to enhance the vegetation on site through the retention of the majority of the established trees and the proposed planting of additional indigenous vegetation on the site. Although there are several trees proposed for removal, this is
adequately offset and will continue to aptly respond to the existing and preferred future character of this precinct.

The proposed dwellings have been adequately sited to allow the visual separation between buildings, by way of internal setbacks at both ground and first floor, with substantial vegetation being maintained on the site to continue to offset the appearance of visual bulk of the buildings and reflects the rhythm of built form within the street.

The built form will not dominate the streetscape as it is respectful of the existing built form with its building height lower than adjoining properties, and the form is similar to existing dwellings within the character precinct.

The proposal is adequately designed to respond to the intricacies of the site and the streetscape, with vegetation predominantly in the front setback and the built form incorporating large sections of glazing to give the appearance of light material elements. The development is highly articulated through the use of varying setbacks, fenestration and material changes which utilise different textures and shades, including timber elements.

The roof form of the proposed dwellings is flat, which minimises the visual impact of the built form and eventuates the vegetative characteristics. This is also in line with the built form character existing within this area as there are flat-roofed forms in the streetscape, including the adjoining properties to the south and west.

The proposed development provides for garages and new crossovers to each dwelling. This is considered to respond to the character of the area in this instance as the garages have been separated, with one fronting each street interface and adequately spaced to minimise their visual impact on the streetscape. Additionally, the front setback contains large areas of pervious surfaces to support the retention of the vegetation.

Although the 1.8 metre fence is higher than preferred, this is considered to be appropriate in this setting given the pattern of higher fences on adjoining properties. The higher fence line will also provide the opportunity to include secluded private open space to each dwelling. The proposed material for the fence is brush, which, as a timber element will respond to the bushy character required of the area, and responds to the existing character as adjoining dwellings have similar fence heights. In this location, the high fence is considered to be appropriate and respond to the neighbourhood character in this location.

6.2. Compliance with Clause 55 (ResCode)

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

**Site coverage (Standard B8)**

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>50%</td>
<td>51%</td>
<td>1%</td>
</tr>
</tbody>
</table>

The objective of this standard is to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. The proposed development seeks a 1% variation to this standard; however, the applicant has since requested that a condition be added to ensure this complies with the requirement of the standard. As such, a condition has been added to the recommendation requiring full compliance with this standard, and this can be easily achieved with the increased setback to the garage at Dwelling 1 that will be required as per the below standard.
Side and rear setbacks (Standard B17)

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North (side)</strong></td>
<td></td>
</tr>
<tr>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td>0m or 2m</td>
<td>Unit 1: 4.84m, 2.6m, 3.16m</td>
</tr>
<tr>
<td></td>
<td>Unit 2: 3m, 8m</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>South (side)</strong></td>
<td></td>
</tr>
<tr>
<td>0m or 2m</td>
<td>Unit 1: 1m, 2.12m</td>
</tr>
<tr>
<td></td>
<td>Unit 2: 2m, 0m</td>
</tr>
<tr>
<td></td>
<td>Unit 1: 3.73m, 3.73m, 3.73m, 3.7, 3.69m</td>
</tr>
<tr>
<td></td>
<td>Unit 2: 3.69m, 3.73m, 3.72m, 3.71m</td>
</tr>
<tr>
<td></td>
<td>Unit 1: 8.17m, 4.72m, 3.29m, 4.39m, 4.94m</td>
</tr>
<tr>
<td></td>
<td>Unit 2: 7.42m, 4.46m, 3.38m, 3.78m</td>
</tr>
<tr>
<td><strong>West (rear)</strong></td>
<td></td>
</tr>
<tr>
<td>0m or 3m</td>
<td>Unit 2: 0m, 9.4m</td>
</tr>
<tr>
<td></td>
<td>Unit 2: 4.73m</td>
</tr>
<tr>
<td></td>
<td>Unit 2: 3.78m</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.

The proposed development has areas of non-compliance at the side setback of:

**Ground Floor**
- Dwelling 1 at ground floor, associated with the garage (1m non-compliance).

**First Floor**
- Dwelling 1 at first floor associated with the stairwell (390mm non-compliance).
- Dwelling 2 at first floor associated with the main bathroom (354mm non-compliance).
- Dwelling 2 first floor western wall associated with Bedroom 2 (949mm non-compliance).

The variations have been marked by a red line (approximated) in the following image.
The applicant has advised that they would like conditions to be added to ensure compliance with this standard for Dwelling 1 at ground floor. At the ground level, the garage associated with Dwelling 1 will be required to be setback 2 metres from the boundary. This will ensure compliance with the standard and increase the amenity to the north facing windows on to the adjoining property to the south.

There are three areas of non-compliance at the first floor of the dwellings.

The first non-compliance at first floor is associated with Dwelling 1, which related to the stairwell where a variation of 390mm is sought. This is considered to be acceptable in this context as it is a limited wall length and provides for a strong level of articulation to the built form, which achieves the objectives of this standard.

The second is associated with the first floor bathroom for Dwelling 2, where a 354mm variation is sought. This is considered to be acceptable as the varied setback provides the façade an increased articulation and variation in light and shade when viewed from adjoining properties.

The third non-compliance is associated with Bedroom 2 which seeks a 949mm variation. This is considered to be acceptable as it is adjacent to the garage (constructed to the boundary) on the neighbouring property.

Walls on Boundaries (Standard B18)

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

There is one area of non-compliance with the proposed walls on boundary, being the western boundary which has a proposed average height of 3.25m (exceeding the standard maximum average of 3.2m).

The applicant has requested a condition be added to the permit to ensure compliance with this condition. As such, a condition has been added to the recommendation.
Front Fences (Standard B32)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dalgetty Road</td>
<td>1.2m</td>
<td>1.8m</td>
<td>600 mm</td>
</tr>
<tr>
<td>Tramway Parade</td>
<td>1.2m</td>
<td>1.8m</td>
<td>600 mm</td>
</tr>
</tbody>
</table>

A brush front fence of 1.8 metres in height is proposed to the front boundary of the site on Dalgetty Road and Tramway Parade. Pursuant to Standard B32, a front fence to a maximum height 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 fence does not meet the numerical requirements of this standard; however, the existing streetscape on both Dalgetty Road and Tramway Parade include front fences of a similar height.

The fence will ensure that secluded private open space is provided for the two dwellings and the material proposed as brush is appropriate for the vegetated character of this area and provide an appropriate interface between the streetscape and the existing, established vegetation on the site. The proposed design of the dwellings has attempted to minimise the vegetation loss from the site. The design has located the dwellings to the south (side boundary) and west (rear boundary) as to retain as many trees along the Dalgetty Road and Tramway Parade frontage. Therefore, the need to locate the open space within the front setback area and to provide a higher boundary fence is considered to be an acceptable compromised outcome.

As such, this proposal is considered to be respectful of the neighbourhood character and respond to the objective of this standard.

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 five (5) 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>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>6, 7, 8, 12, 23</td>
<td>5, 14, 15, 16, 17, 18, 19, 21, 25</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>24, 26</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>9, 10, 11, 13, 20, 22</td>
</tr>
</tbody>
</table>

From an arboriculture perspective, Council’s Arborist has reviewed the application and advises that the removal of these trees is supported due to the large number of trees being retained on the site, and ensuring the ‘Preferred Future Character’ of the H4 Precinct is achieved.

An assessment against the decision guidelines of the VPO3 is provided at Attachment 5. 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. 6 and 7, both *Pittosporum undulatum* (Sweet pittosporums) are proposed to be removed. Council’s Arborist has assessed the trees and noted that the trees have poor health, limited life expectancies and are of low habitat value. Council’s Arborist has therefore supported their removal.

Tree no. 8, *Grevillea robusta* (Silky Oak), also proposed for removal, and is noted as having moderate retention value and moderate habitat value. Given the tree’s location to the rear of the site, the tree provides little contribution to the vegetated character of the area and will not unreasonably impact the habitat corridor, thereby is supported for removal by Council’s Arborist.

The applicant has proposed to remove Tree no. 12. Council’s Arborist has suggested that this tree could potentially be maintained through root sensitive construction techniques; however, given the tree would be close to the proposed built form, and the large number of trees proposed for retention (with an additional five (5) indigenous trees proposed for planting), it is considered that the removal of this tree is acceptable.

Tree no. 23, a *Leptospermum laevigatum* (tea tree), located in the south-eastern corner of the site, is proposed for removal. Council’s Arborist has noted the tree, whilst in good health, having fair structure and moderate habitat value its removal would be negated by the replacement planting on site and Council’s Arborist has supported its removal.

Council’s Arborist has suggested that Tree no. 25 may not be viable post-construction, however the applicant has requested to retain it and Planning Officers consider that the trees location (next to the proposed driveway) will allow for the retention of this tree.

Council’s Arborist has advised that to ensure that the trees proposed for retention remain viable post-construction, a Tree Management Plan and Tree Protection Plan will be required. These are included as recommended conditions.

Tree No. 4 is located on the adjoining site with its Tree Protection Zones (TPZ) extending into the subject site, in addition to the large number of trees proposed to be retained on the subject site. As such, consideration must be given to the impact of the development upon these trees. Council’s Arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

In addition to the above assessment, Council’s Arborist has reviewed the submitted landscape plan and advised that it is considered to be acceptable.

### 6.4. Street trees

Trees No. 1 (*Tristaniopsis laurina*), 2 (*Banksia Serrata*) and 3 (*Melaleuca*) are located within the nature strip and are proposed for retention. Council’s Street Tree Arborist has advised that retention of the trees is possible subject to the inclusion of conditions requiring the protection of these trees throughout construction. This has been included a condition in the recommendation.

### 6.5. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, the proposal requires car parking to be provided at a rate of 2 car spaces per dwelling. This has been provided by way of two double garages, one for each dwelling, which will be accessed by new crossovers, with the removal of the existing crossover located at the west of the subject
site.

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 vehicle access, driveway gradients, sightlines and internal parking dimensions. These are included as conditions of the permit.

Whilst it is acknowledged that the development will generate some additional vehicle movements on the local road network, it is not considered that such additional movements associated with one net dwelling would necessarily result in detriment to the road users and residents of Tramway Parade and Dalgetty Road.

The proposal has been reviewed by Council’s Traffic Engineer who is satisfied that the site can accommodate the traffic numbers generated by one additional dwelling in a safe manner without leading to unreasonable congestion across the area.

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 26.

Based on the proposed application and the below recommendation, a payment of $2,020 is required. The payment of the development contributions is included as a condition of permit.

6.8. Objector issues not already addressed

Asbestos

Asbestos is subject to removal and disposal controls separate to planning legislation. Specifically, all asbestos must be removed in accordance with Worksafe requirements, and disposed of in accordance with EPA requirements.

The removal of asbestos is outside of the scope of the Planning and Environment Act 1987 and the Bayside Planning Scheme. There is other legislation which administers the removal and handling of asbestos. The Occupational Health and Safety (Asbestos) Regulations 2003 which apply in Victoria also have regulations regarding the handling and removal of asbestos. Other legislation including the Public Health and Wellbeing Act 2008 provides protection for neighbours during such works.

Noise, disturbance and damage to property during construction

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.

The potential for damage arising to the property during construction are outside the scope of the planning process and are not sufficient to warrant the refusal of the application. These matters are dealt with by the building surveyor.
Choice of materials used on southern elevation

An objection has been raised by the adjoining property at No. 2/5B Dalgetty Road, Beaumaris, regarding a choice of materials being provided to the owners to select from. It is considered that the materials proposed are acceptable in regards to the neighbourhood character, and Council cannot enforce the permit applicant to broach adjoining properties as to materiality choices.

Retention of Boundary Fence

An objection has been raised by the adjoining property at No. 2/5B Dalgetty Road, Beaumaris, regarding whether the boundary fence will be retained as there are proposed walls being built on the boundary. Boundary fencing is a civil matter and will need to be addressed between the permit applicant and adjoining property owners as a civil matter.

Support Attachments

1. Application Plans and Arborist Report ↓
2. Subject Site and Surrounds ↓
3. Neighbourhood Character Assessment ↓
4. Clause 55 Assessment ↓
5. Vegetation Protection Overlay Assessment ↓
6. Arborist Referral ↓
DEVELOPMENT IMPACT ASSESSMENT

Site Address:
16 Tramway Parade
BEAUMARIS

Report Prepared for:
Lowe Design & Build

Prepared by:
Blake Clancy
Arboricultural Consultant

Prepared 30 July 2018
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1. SUMMARY

The objective of the development impact assessment is to determine the impact to trees on or adjoining 16 Tramway Parade, Beaumaris that may be affected by the proposed development. This report includes an assessment of the arboricultural and protection values of the trees and determines the impact to any high or moderate protection value tree.

The protection value of the trees takes into account the arboricultural value, landscape and environmental significance, ownership and relevant legislative controls. Based on the arboricultural value and protection value criteria it has been determined that from the 26 trees or groups of trees assessed:

- 5 trees are of high protection value
  - Trees 1, 2 & 3 are located on Council road reserves
  - Tree 4 is located on the western adjoining property
  - Tree 5 is located in the north-east corner of the subject site
- 9 trees are of moderate protection value
  - Trees 8, 12, 14, 19 & 23 are located within the subject site
- 12 trees have no protection value as they are of low arboricultural value

The proposed development plans were viewed in the preparation of this development impact report (Note: no elevation plans were viewed as part of this assessment). Based on the proposed design:

**Trees that cannot be protected**

- 17 trees cannot be protected as they are located within or close to the proposed building footprint
  - Tree 5 is considered to be of high protection value
  - Trees 8, 12, 19 & 23 are considered to be of moderate protection value
  - Trees 6, 7, 9, 10, 11, 13, 20-22 & 24-26 are considered to be of no protection value

**Trees that will incur Major Encroachment**

- 3 trees will incur an encroachment of 10% or greater into the Tree Protection Zone (TPZ) from the proposed development
  - Trees 4, 14 & 18 - mitigation and protection measures are recommended in order to reduce impact.
    - Mitigation includes supervision of works within the TPZ, root sensitive alfresco construction and maintaining existing soil levels outside building footprints

**Trees that will incur Minor or no Encroachment**

- 6 trees will incur no or less than 10% encroachment into the TPZ from the proposed design
  - Trees 3, 15, 16, & 17 - mitigation and protection measures are recommended in order to further reduce impact.
  - Trees 1 & 2 - standard protection is recommended

Recommendations of the appropriate impact mitigation measures for trees that have been determined as having moderate and high protection value and can be retained based on the proposed development plans are provided in Section 6. The recommendations are based on the tree protection zones (TPZ) as calculated in accordance with the Australian Standard AS4970 - 2009 - Protection of Trees on Development Sites. The tree location / development impact plans in Section 7.2 provide a visual representation of the protection values of the trees and indicates the tree protection zone (TPZ) and structural root zone (SRZ) of trees that have been determined as having a high or moderate protection value. The development impact plan indicates the encroachment (where applicable) by the proposed development into the Tree Protection Zone (TPZ) of trees that have been determined as being of high or moderate protection value.
2. Introduction

Arbor Survey Pty Ltd has been engaged by Lowe Design & Build to conduct a development impact assessment for the trees on and adjoining 16 Tramway Parade, Beaumaris. This assessment is an analysis of 26 trees or groups of trees that are located within the site and on land adjacent to the site where the tree protection zones may extend into the subject site and may be affected by any proposed development.

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 value, landscape and environmental significance, ownership and relevant legislative controls including local municipal laws and vegetation, environmental/landscape significance and cultural or heritage overlays.

The assessment of the trees in terms of their overall condition has been made in accordance with the survey methodology in Appendix 8.1 and the descriptors as set out in Appendix 8.3. These must be referenced when reading this report.

Tree protection and impact mitigation measures have been recommended to reduce the impact on high and moderate protection value trees were possible.

3. Report Objectives and Relevant Documents

3.1. Report Objectives

The development impact assessment has been prepared in accordance with relevant industry standards. The report objectives are:

- To comment on the health, structure and overall condition of the trees on the site, affected neighbouring properties and adjoining road reserves where relevant
- To assess tree condition based on the characteristics observed of the subject trees based on the Visual Tree Assessment Methodology (VIA)
- To provide a response to the relevant decision criteria of any local laws or planning controls that may be applicable to the site
- To investigate the suitability for retention/ protection of the trees
- To assess the impact from the proposed development where relevant (based upon the Australian Standard AS 4970 - 2009 - Protection of Trees on Development Sites).

The results of this assessment and a discussion of the relevant arboricultural characteristics are provided. The 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 the proposed development of the land and recommendations are provided regarding trees that are of moderate or high protection value where applicable.

Trees that are considered to be worthy of protection are afforded general guidelines for tree protection measures. 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).
3.2. DOCUMENTS VIEWED IN PREPARATION OF THIS REPORT

The following documents were viewed in preparation of this report:

- Bayside Planning Scheme
- Plan of Survey from Land Dimensions (Ref: 18034FL, Date: 07/02/18)
- Development Plans from Lowe Design & Build (Ref: 542TRA, Dwgs: SK03-02, Rev: E, Date: 18/07/18)
- Aerial Photograph of the site (Nearmaps ™)

4. SITE ANALYSIS AND PLANNING CONTROLS

4.1. SITE AND VEGETATION ANALYSIS

The subject site is located on the corner of Tramway Parade and Dalgetty Road, Beaumaris. The site is approximately 720m² in size and contains a single storey dwelling and detached garage. The aerial photograph to the right shows the subject property and the outline of the property boundaries.

The collection of data was undertaken by Blake Clancy on Thursday 12 April 2018. A table of the data collected is documented in Section 7.1. The data has been used to develop a Tree Location Plan and Development Impact Plan (Section 7.2) which indicates the protection value of the trees and shows the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of the high and moderate value trees. Encroachment into the Tree Protection Zone (TPZ) is illustrated where relevant.

Of the 26 trees or groups of trees assessed:
- 22 trees or groups of trees are located within the subject property boundaries
- 1 tree is located on the adjoining western property
- 3 trees are located on the Council owned road reserve

The majority of trees assessed are generally considered to be of moderate to high landscape significance in terms of their mass and contribution to the canopy coverage to the immediate local area. Trees 1, 2 and 3 are Australian native specimens in fair-good condition located on Council road reserves. Tree 4 is a group of semi-mature Stick Yucca's located on the adjoining western property (the only vegetation assessed on adjoining properties). The remaining trees (5-26) are located within the subject site. Tree 5 is a large Australian native species located in the north-east corner of the site. This tree is in fair-good overall condition and given its large size, is considered to be of high landscape value. Trees 5, 7, 13 and 25 are all native Pittosporum undulatum (weed species). Trees 8, 9, 11, 18, 19, 21 and 24 are Australian natives which generally have structural defects (included stems, trunk decay etc.). Trees 12, 14-17 and 23 are Indigenous Leptospermum foetidum which display typical form and structure, several having been propped over the footpath. Trees 10, 12, 24 and 26 are exotic specimens which are small or have structural defects.
4.2. Planning and Local Law Controls

The subject site is located within Neighbourhood Residential Zone – Schedule 3 (NRZ3) of the Bayside Planning Scheme and is subject to the following planning overlays:

- Design & Development Overlay – Schedule 1 (DDO1)
- Development Contributions Plan Overlay – Schedule 1 (DCPO1)
- Vegetation Protection Overlay – Schedule 3 (VPO3)

Under VPO3, a permit is required to remove, destroy or lop any vegetation native to Australia. This does not apply to:

- The removal, destruction or lopping of vegetation which is less than 2 metres high or has a single trunk circumference of less than 0.5 metre (16cm diameter) at a height of 1 metre above ground level
- The pruning of vegetation to remove that part of any branch which overhangs an existing dwelling or is within 2 metres of an existing dwelling

From the assessments a permit would be required to remove Trees 5, 8, 12, 19, 21, 23 and 25.

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 and does not take into account the environmental status or suitability of the tree in the landscape or the ownership of the tree (Refer to Appendix 8.3 for further information on the descriptors used).

Of the 26 trees or groups of trees on and adjoining the site:

- 1 tree is of high arboricultural value
- 10 trees are of medium arboricultural value
- 15 trees or groups of trees are of low arboricultural value

The following trees have been assessed as being of high, medium and low arboricultural value categories. The determination of the arboricultural value is discussed for each group.

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Genus/Species</th>
<th>Common Name</th>
<th>Origin</th>
<th>Health</th>
<th>Structure</th>
<th>Age Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Eucalyptus botryoides</td>
<td>Southern stringybark</td>
<td>Native</td>
<td>Fair-Good</td>
<td>Fair-Good</td>
<td>Mature</td>
</tr>
</tbody>
</table>

The tree is a mature Australian native specimen of approximately 18 metres height and 16 metres in canopy spread. It has been assigned a high arboricultural value given fair-good overall condition, long useful life expectancy, native status and landscape/streetscape value.
Table 2: Medium Arboricultural Value Trees

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Genus/Species</th>
<th>Common Name</th>
<th>Origin</th>
<th>Health</th>
<th>Structure</th>
<th>Age Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tristania x laurina</td>
<td>Water Gum</td>
<td>Native</td>
<td>Good</td>
<td>Fair</td>
<td>Mature</td>
</tr>
<tr>
<td>8</td>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>Native</td>
<td>Good</td>
<td>Poor</td>
<td>Mature</td>
</tr>
<tr>
<td>12</td>
<td>Leptospermum laevigatum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>Good</td>
<td>Fair-Poor</td>
<td>Mature</td>
</tr>
<tr>
<td>14</td>
<td>Leptospermum laevigatum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>Fair-Good</td>
<td>Fair</td>
<td>Mature</td>
</tr>
<tr>
<td>15</td>
<td>Leptospermum laevigatum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>Fair</td>
<td>Fair</td>
<td>Mature</td>
</tr>
<tr>
<td>16</td>
<td>Leptospermum laevigatum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>Fair-Good</td>
<td>Fair</td>
<td>Mature</td>
</tr>
<tr>
<td>17</td>
<td>Leptospermum laevigatum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>Fair-Good</td>
<td>Fair</td>
<td>Mature</td>
</tr>
<tr>
<td>18</td>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>Native</td>
<td>Good</td>
<td>Poor</td>
<td>Mature</td>
</tr>
<tr>
<td>19</td>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>Native</td>
<td>Fair-Good</td>
<td>Fair-Good</td>
<td>Mature</td>
</tr>
<tr>
<td>23</td>
<td>Leptospermum laevigatum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>Good</td>
<td>Fair</td>
<td>Mature</td>
</tr>
</tbody>
</table>

The trees are mature indigenous or Australian native specimens of approximately 5-16 metres height and 6-14 metres in canopy spread. They have been assigned a medium arboricultural value given fair overall condition, reasonable useful life expectancy and landscape/screening value.

Table 3: Low Arboricultural Value Trees

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Genus/Species</th>
<th>Common Name</th>
<th>Origin</th>
<th>Health</th>
<th>Structure</th>
<th>Age Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Banksia serrata</td>
<td>Saw Banksia</td>
<td>Native</td>
<td>Good</td>
<td>Fair-Poor</td>
<td>Semi-Mature</td>
</tr>
<tr>
<td>3</td>
<td>Melaleuca armillaris</td>
<td>Bracelet-Honey Myrtle</td>
<td>Native</td>
<td>Fair</td>
<td>Good</td>
<td>Young</td>
</tr>
<tr>
<td>4</td>
<td>Yucca elephantipes</td>
<td>Stick Yucca</td>
<td>Exotic</td>
<td>Good</td>
<td>Good</td>
<td>Semi-Mature</td>
</tr>
<tr>
<td>6</td>
<td>Pittosporum undulatum</td>
<td>Sweet Pittosporum</td>
<td>Native</td>
<td>Poor</td>
<td>Fair-Poor</td>
<td>Mature</td>
</tr>
<tr>
<td>7</td>
<td>P. undulatum</td>
<td>Sweet Pittosporum</td>
<td>Native</td>
<td>Fair-Good</td>
<td>Fair-Good</td>
<td>Mature</td>
</tr>
<tr>
<td>9</td>
<td>Corymbia ficifolia</td>
<td>Flowering Gum</td>
<td>Native</td>
<td>Good</td>
<td>Fair</td>
<td>Semi-Mature</td>
</tr>
<tr>
<td>10</td>
<td>Olea europaea</td>
<td>Olive</td>
<td>Exotic</td>
<td>Good</td>
<td>Fair-Poor</td>
<td>Semi-Mature</td>
</tr>
<tr>
<td>11</td>
<td>Melaleuca armillaris</td>
<td>Bracelet-Honey Myrtle</td>
<td>Native</td>
<td>Good</td>
<td>Fair-Poor</td>
<td>Semi-Mature</td>
</tr>
<tr>
<td>13</td>
<td>P. undulatum</td>
<td>Sweet Pittosporum</td>
<td>Native</td>
<td>Fair-Good</td>
<td>Fair-Good</td>
<td>Semi-Mature</td>
</tr>
<tr>
<td>20</td>
<td>Paulownia tomentosa</td>
<td>Foxglove</td>
<td>Exotic</td>
<td>Poor</td>
<td>Poor</td>
<td>Mature</td>
</tr>
<tr>
<td>21</td>
<td>Acacia melanoxylon</td>
<td>Blackwood</td>
<td>Native</td>
<td>Good</td>
<td>Poor</td>
<td>Mature</td>
</tr>
<tr>
<td>22</td>
<td>P. tomentosa</td>
<td>Foxglove</td>
<td>Exotic</td>
<td>Fair-Good</td>
<td>Poor</td>
<td>Mature</td>
</tr>
<tr>
<td>24</td>
<td>Corymbia maculata</td>
<td>Spotted Gum</td>
<td>Native</td>
<td>Good</td>
<td>Good</td>
<td>Semi-Mature</td>
</tr>
<tr>
<td>25</td>
<td>P. undulatum</td>
<td>Sweet Pittosporum</td>
<td>Native</td>
<td>Fair</td>
<td>Fair</td>
<td>Mature</td>
</tr>
<tr>
<td>26</td>
<td>Ficus carica</td>
<td>Common Fig</td>
<td>Exotic</td>
<td>Fair-Good</td>
<td>Fair</td>
<td>Mature</td>
</tr>
</tbody>
</table>

These trees are given this rating due to their overall condition in terms of health/structure and or their low landscape significance.

5.2. Protection Value Assessment

The protection value of the trees has been determined by taking into consideration the arboricultural value, landscape significance environmental status, ownership and relevant legislative controls (including local municipal laws, vegetation protection and environmental/landscape significance overlays and cultural/heritage overlays). Only trees of high and moderate protection value should be considered for protection (Refer to Appendix 8.3 for further information).

Table 4 documents the trees that are worthy of protection and states the ideal tree protection zone (TPZ) distance (radius 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.
This table should be viewed in conjunction with the Tree Location Plans located in Section 7.2. These maps have been drawn to scale however are not to print scale within this report. Trees that have been determined to have a high and moderate protection value are shown in green and orange respectively and have the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) drawn.

Table 4: High and Moderate Protection Value Trees - Tree Protection Distances

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Genus/Species</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>TPZ10% (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tristanias laurina</td>
<td>Council</td>
<td>High</td>
<td>36</td>
<td>40</td>
<td>2.3</td>
<td>4.3</td>
<td>3.0</td>
</tr>
<tr>
<td>2</td>
<td>Banksia serrata</td>
<td>Council</td>
<td>High</td>
<td>24</td>
<td>45</td>
<td>2.4</td>
<td>5.4</td>
<td>3.7</td>
</tr>
<tr>
<td>3</td>
<td>Melaleuca arnoldii</td>
<td>Council</td>
<td>High</td>
<td>2</td>
<td>3</td>
<td>1.5</td>
<td>2.0</td>
<td>1.5</td>
</tr>
<tr>
<td>4</td>
<td>Yucca elephantipes</td>
<td>Neighbours</td>
<td>High</td>
<td>10</td>
<td>18</td>
<td>1.6</td>
<td>2.0</td>
<td>1.5</td>
</tr>
<tr>
<td>5</td>
<td>Eucalyptus botryoides</td>
<td>Subject Site</td>
<td>High</td>
<td>71</td>
<td>85</td>
<td>3.1</td>
<td>8.5</td>
<td>5.8</td>
</tr>
<tr>
<td>8</td>
<td>Grevillea robusta</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>66</td>
<td>75</td>
<td>2.9</td>
<td>7.9</td>
<td>5.4</td>
</tr>
<tr>
<td>12</td>
<td>Leptospermum laevigatum</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>29</td>
<td>40</td>
<td>2.3</td>
<td>3.5</td>
<td>2.4</td>
</tr>
<tr>
<td>14</td>
<td>Leptospermum laevigatum</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>25/18 (31)</td>
<td>40</td>
<td>2.3</td>
<td>3.7</td>
<td>2.5</td>
</tr>
<tr>
<td>15</td>
<td>Leptospermum laevigatum</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>26</td>
<td>40</td>
<td>2.0</td>
<td>3.1</td>
<td>2.1</td>
</tr>
<tr>
<td>16</td>
<td>Leptospermum laevigatum</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>25/30 (39)</td>
<td>40</td>
<td>2.3</td>
<td>4.7</td>
<td>3.2</td>
</tr>
<tr>
<td>17</td>
<td>Leptospermum laevigatum</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>29</td>
<td>30</td>
<td>2.0</td>
<td>3.5</td>
<td>2.4</td>
</tr>
<tr>
<td>18</td>
<td>Grevillea robusta</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>55</td>
<td>70</td>
<td>2.8</td>
<td>6.6</td>
<td>4.5</td>
</tr>
<tr>
<td>19</td>
<td>Grevillea robusta</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>35</td>
<td>42</td>
<td>2.3</td>
<td>4.2</td>
<td>2.9</td>
</tr>
<tr>
<td>23</td>
<td>Leptospermum laevigatum</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>35</td>
<td>40</td>
<td>2.3</td>
<td>4.2</td>
<td>2.9</td>
</tr>
</tbody>
</table>

*Note: DBH (cm) is the diameter at breast height (1.3 m) from natural ground level, Basal Dia (cm) is the diameter of the trunk above the root flare. SRZ (m) is the structural root zone in metres in a radius from the centre of the trunk. TPZ (m) is the tree protection zone in metres in a radius from the centre of the trunk. TPZ10% (m) identifies the 10% encroachment radial distance into the tree protection zone on one side of the tree only (Minor Encroachment). These measurements and distances are calculated from the Australian Standard AS4970-2009 - Protection of Trees on Development sites.

Trees 1, 2, 3 and 4 have been given a high protection value due to their location on the adjoining land. Consideration must be given for their protection throughout any future proposed development on the site unless consent is given by the property owner and/or Responsible Authority for their removal.

Trees 5, 8, 12, 14-19 and 23 have been given high and moderate protection value respectively based on overall condition, indigenous/native stations, landscape/screening value and life expectancy.

6. Development Impact Assessment

Trees that have been determined to have no protection value should not be considered for long term retention and or protection as part of any future development on the subject site. Trees of no protection value are not provided impact mitigation recommendations in this development impact assessment.

Of the 14 high protection value trees:

- Trees 4, 5, 8, 12, 14, 18, 19 & 23 will incur an encroachment of >10% into the TPZ from the proposed design which is deemed major encroachment under AS4970-2009
- Trees 2, 3, 16 & 17 will incur an encroachment of <10% into the TPZ from the proposed design which is deemed minor encroachment under AS4970-2009
- Trees 1 & 15 will incur no encroachment from the proposed design

Table 5 provides a summary of TPZ % encroachment from the proposed design. Only trees that are of moderate or high protection value are listed below.
Table 5: Impact Summary

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Genus/Species</th>
<th>Protection Value</th>
<th>Encroachment</th>
<th>Element</th>
<th>Comment/ Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Triotoma leuca</td>
<td>High</td>
<td>0%</td>
<td>U2 footprint</td>
<td>Standard protection (fencing)</td>
</tr>
<tr>
<td>2</td>
<td>Banksia serrata</td>
<td>High</td>
<td>~9%</td>
<td>U2 footprint</td>
<td>Standard protection (fencing)</td>
</tr>
<tr>
<td>3</td>
<td>Melaleuca armillaris</td>
<td>High</td>
<td>9%</td>
<td>U1 crossover</td>
<td>Supervise works in TPZ</td>
</tr>
<tr>
<td>4</td>
<td>Yucca elephantipes</td>
<td>High</td>
<td>~31%</td>
<td>U1 garage</td>
<td>Semi-mature specimens will tolerate disturbance</td>
</tr>
<tr>
<td>5</td>
<td>Eucalyptus botryoides</td>
<td>High</td>
<td>~27%</td>
<td>U2 footprint &amp; driveway</td>
<td>-</td>
</tr>
<tr>
<td>8</td>
<td>Grevillea robusta</td>
<td>Moderate</td>
<td>100%</td>
<td>U2 footprint</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>Leptospermum laevigatum</td>
<td>Moderate</td>
<td>45%</td>
<td>U1 footprint</td>
<td>-</td>
</tr>
<tr>
<td>14</td>
<td>Leptospermum laevigatum</td>
<td>Moderate</td>
<td>14%</td>
<td>U1 alfresco</td>
<td>Supervise works in TPZ, root sensitive alfresco, maintain existing levels &amp; permeability in TPZ</td>
</tr>
<tr>
<td>15</td>
<td>Leptospermum laevigatum</td>
<td>Moderate</td>
<td>0%</td>
<td>-</td>
<td>Standard protection</td>
</tr>
<tr>
<td>16</td>
<td>Leptospermum laevigatum</td>
<td>Moderate</td>
<td>&lt;5%</td>
<td>U1 alfresco</td>
<td>Standard protection</td>
</tr>
<tr>
<td>17</td>
<td>Leptospermum laevigatum</td>
<td>Moderate</td>
<td>&lt;5%</td>
<td>U1 alfresco</td>
<td>Standard protection</td>
</tr>
<tr>
<td>18</td>
<td>Grevillea robusta</td>
<td>Moderate</td>
<td>11%</td>
<td>U1 alfresco</td>
<td>Supervise works in TPZ, maintain existing levels &amp; permeability in TPZ</td>
</tr>
<tr>
<td>19</td>
<td>Grevillea robusta</td>
<td>Moderate</td>
<td>41%</td>
<td>U1 alfresco</td>
<td>-</td>
</tr>
<tr>
<td>23</td>
<td>Leptospermum laevigatum</td>
<td>Moderate</td>
<td>100%</td>
<td>U1 driveway</td>
<td>-</td>
</tr>
</tbody>
</table>

All retained trees must be protected in accordance with the Australian Standard AS4970-2009 Protection of Trees on Development Sites. For further information on general guidelines for tree protection see Appendix 8.4. The following impact mitigation measures are recommended in order to reduce the potential of direct and indirect impacts:

- All works within the tree protection zones are supervised by a qualified arborist
  - Any roots uncovered are pruned with sharp/sterile hand tools
  - Tree protection fencing is established around Trees 1, 2, 3 & 14-18 prior to any works on-site
  - Ground protection is established around Trees 14-18 (between building footprint and fencing) immediately following demolition works
  - The Unit 1 alfresco area is constructed root sensitively (stumps etc) above grade
  - The TPZ areas of Trees 14-18 remains at existing and permeable (strictly no hard surface landscaping or additional decking) outside the building footprint
  - Any construction clearance pruning must be in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees

Dependant on the final design, it is recommended that a tree management and protection plan is created as a condition of permit that will specify the exact requirements for tree protection of all high protection value trees to be retained as part of the development and the timing of supervision and certification by the project arborist.

Suitable replacement specimens should be planted for those trees removed to facilitate the development.

Yours sincerely,

Blake Clancy
B.App. Sc (Hort) - Melb
Adv.Dip. Hort (Arb) - Melb
# 7. Tree Data and Tree Location Plans

## 7.1. Tree Data

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Genus/Species</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>Arb Value</th>
<th>Ownership</th>
<th>Protection Value</th>
<th>SRZ (m)</th>
<th>TPZ (m)</th>
<th>TPZ Area (m²)</th>
<th>TRZ (m)</th>
<th>Enroach (%)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tristaniopsis laurina</td>
<td>Water Gum</td>
<td>Native</td>
<td>36</td>
<td>40</td>
<td>10</td>
<td>8</td>
<td>Good</td>
<td>Fair</td>
<td>Mature</td>
<td>Medium</td>
<td>Council</td>
<td>High</td>
<td>2.3</td>
<td>4.3</td>
<td>58</td>
<td>3.0</td>
<td>0%</td>
<td>Street tree</td>
</tr>
<tr>
<td>2</td>
<td>Banksia serrata</td>
<td>Saw Banksia</td>
<td>Native</td>
<td>Multi-stem</td>
<td>43</td>
<td>6</td>
<td>5</td>
<td>Good</td>
<td>Fair-Poor</td>
<td>Semi-Mature</td>
<td>Low</td>
<td>Council</td>
<td>High</td>
<td>2.4</td>
<td>5.4</td>
<td>92</td>
<td>8.7</td>
<td>Approx 9%</td>
<td>Street tree</td>
</tr>
<tr>
<td>3</td>
<td>Melaleuca corinj Barret</td>
<td>Beaucarnea Myrtle</td>
<td>Native</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>Good</td>
<td>Young</td>
<td>Low</td>
<td>Council</td>
<td>High</td>
<td>1.5</td>
<td>2.0</td>
<td>33</td>
<td>1.5</td>
<td>9%</td>
<td>Street tree</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Yucca elephantipes</td>
<td>Stick Yucca</td>
<td>Exotic</td>
<td>10</td>
<td>18</td>
<td>6</td>
<td>1.5</td>
<td>Good</td>
<td>Good</td>
<td>Semi-Mature</td>
<td>Low</td>
<td>Neighbours</td>
<td>High</td>
<td>1.6</td>
<td>2.0</td>
<td>13</td>
<td>1.5</td>
<td>Approx 31%</td>
<td>Caper</td>
</tr>
<tr>
<td>5</td>
<td>Eucalyptus botryoides</td>
<td>Southern Mahogany</td>
<td>Native</td>
<td>71</td>
<td>95</td>
<td>18</td>
<td>16</td>
<td>Fair-Good</td>
<td>Fair-Good</td>
<td>Mature</td>
<td>High</td>
<td>Subject Site</td>
<td>High</td>
<td>3.3</td>
<td>8.5</td>
<td>227</td>
<td>5.8</td>
<td>Approx 27%</td>
<td>Root damage from adjoining development?</td>
</tr>
<tr>
<td>6</td>
<td>Pittosporum undulatum</td>
<td>Sweet Pittosporum</td>
<td>Native</td>
<td>20</td>
<td>24</td>
<td>6</td>
<td>5</td>
<td>Poor</td>
<td>Fair-Poor</td>
<td>Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>1.8</td>
<td>2.4</td>
<td>38</td>
<td>1.7</td>
<td>34%</td>
<td>Weed, root damage from adjoining development?</td>
</tr>
<tr>
<td>7</td>
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<td>Sweet Pittosporum</td>
<td>Native</td>
<td>20</td>
<td>24</td>
<td>7</td>
<td>6</td>
<td>Fair-Good</td>
<td>Fair-Good</td>
<td>Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>1.8</td>
<td>2.4</td>
<td>38</td>
<td>1.7</td>
<td>100%</td>
<td>Wood</td>
</tr>
<tr>
<td>8</td>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>Native</td>
<td>66</td>
<td>79</td>
<td>16</td>
<td>14</td>
<td>Good</td>
<td>Poor</td>
<td>Mature</td>
<td>Medium</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.9</td>
<td>7.9</td>
<td>156</td>
<td>5.4</td>
<td>100%</td>
<td>Included @ 5m (pruning required), new garage on adjoining property in SRZ</td>
</tr>
<tr>
<td>9</td>
<td>Corymbia ficifolia</td>
<td>Flowering Gum</td>
<td>Native</td>
<td>10</td>
<td>15</td>
<td>5</td>
<td>3</td>
<td>Good</td>
<td>Fair</td>
<td>Semi-Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>1.5</td>
<td>2.0</td>
<td>13</td>
<td>1.5</td>
<td>0%</td>
<td>Multiple stems</td>
</tr>
<tr>
<td>10</td>
<td>Olea europaea</td>
<td>Olive</td>
<td>Exotic</td>
<td>Multi-stem</td>
<td>10</td>
<td>4</td>
<td>3</td>
<td>Good</td>
<td>Fair-Poor</td>
<td>Semi-Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>1.5</td>
<td>2.0</td>
<td>13</td>
<td>1.5</td>
<td>0%</td>
<td>Multiple stems</td>
</tr>
<tr>
<td>11</td>
<td>Melaleuca corinj Barret</td>
<td>Beaucarnea Myrtle</td>
<td>Native</td>
<td>Multi-stem</td>
<td>15</td>
<td>5</td>
<td>4</td>
<td>Good</td>
<td>Fair-Poor</td>
<td>Semi-Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>1.5</td>
<td>2.0</td>
<td>13</td>
<td>1.5</td>
<td>10%</td>
<td>x2</td>
</tr>
<tr>
<td>12</td>
<td>Lantana camara</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>29</td>
<td>40</td>
<td>5</td>
<td>7</td>
<td>Good</td>
<td>Fair-Poor</td>
<td>Semi-Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.3</td>
<td>3.5</td>
<td>38</td>
<td>2.4</td>
<td>45%</td>
<td>Lean</td>
</tr>
<tr>
<td>13</td>
<td>Pittosporum undulatum</td>
<td>Sweet Pittosporum</td>
<td>Native</td>
<td>15</td>
<td>38</td>
<td>6</td>
<td>4</td>
<td>Fair-Good</td>
<td>Fair-Good</td>
<td>Semi-Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>1.6</td>
<td>2.0</td>
<td>13</td>
<td>1.5</td>
<td>&lt;5/15%</td>
<td>x3, weed</td>
</tr>
<tr>
<td>14</td>
<td>Lantana camara</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>25/18</td>
<td>40</td>
<td>6</td>
<td>10</td>
<td>Fair-Good</td>
<td>Fair</td>
<td>Mature</td>
<td>Medium</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.3</td>
<td>3.7</td>
<td>43</td>
<td>2.5</td>
<td>14%</td>
<td>Typical structure</td>
</tr>
<tr>
<td>Tree No.</td>
<td>Common Name</td>
<td>Origin</td>
<td>DBH (cm)</td>
<td>Basal Dia (cm)</td>
<td>Height (m)</td>
<td>Spread (m)</td>
<td>Health</td>
<td>Structure</td>
<td>Age Class</td>
<td>Arb Value</td>
<td>Ownership</td>
<td>Protection Value</td>
<td>SKZ (m)</td>
<td>TPZ (m)</td>
<td>TPZ Area (m²)</td>
<td>Encroach (%)</td>
<td>Notes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>--------</td>
<td>----------</td>
<td>---------------</td>
<td>------------</td>
<td>------------</td>
<td>--------</td>
<td>-----------</td>
<td>-----------</td>
<td>-----------</td>
<td>-----------</td>
<td>----------------</td>
<td>---------</td>
<td>---------</td>
<td>--------------</td>
<td>-------------</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Leptospermum leucotrichum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>26</td>
<td>20</td>
<td>5</td>
<td>6</td>
<td>Fair</td>
<td>Good</td>
<td>Fair</td>
<td>Mature</td>
<td>Medium</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.0</td>
<td>3.1</td>
<td>30</td>
<td>2.1</td>
<td>0%</td>
</tr>
<tr>
<td>16</td>
<td>Leptospermum leucotrichum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>25/30 [30]</td>
<td>40</td>
<td>5</td>
<td>7</td>
<td>Fair</td>
<td>Good</td>
<td>Fair</td>
<td>Mature</td>
<td>Medium</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.3</td>
<td>4.7</td>
<td>69</td>
<td>3.2</td>
<td>&lt;5%</td>
</tr>
<tr>
<td>17</td>
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<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>29</td>
<td>30</td>
<td>5</td>
<td>6</td>
<td>Fair</td>
<td>Good</td>
<td>Fair</td>
<td>Mature</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.0</td>
<td>3.5</td>
<td>38</td>
<td>2.4</td>
<td>&lt;5%</td>
<td>Propped over footpath</td>
</tr>
<tr>
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<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>Native</td>
<td>55</td>
<td>70</td>
<td>16</td>
<td>14</td>
<td>Good</td>
<td>Poor</td>
<td>Fair</td>
<td>Good</td>
<td>Mature</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.8</td>
<td>6.6</td>
<td>137</td>
<td>4.5</td>
<td>11%</td>
</tr>
<tr>
<td>19</td>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
<td>Native</td>
<td>35</td>
<td>42</td>
<td>14</td>
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<td>Poor</td>
<td>Fair</td>
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<td>2.3</td>
<td>4.2</td>
<td>55</td>
<td>2.9</td>
<td>41%</td>
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<tr>
<td>20</td>
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<td>Foglieve</td>
<td>Exotic</td>
<td>18</td>
<td>22</td>
<td>10</td>
<td>4</td>
<td>Poor</td>
<td>Poor</td>
<td>Mature</td>
<td>Low</td>
<td>Subject Site</td>
<td>None</td>
<td>1.8</td>
<td>2.2</td>
<td>35</td>
<td>1.5</td>
<td>0%</td>
<td>Shaded, deadwood</td>
</tr>
<tr>
<td>21</td>
<td>Acacia melanoxylon</td>
<td>Blackwood</td>
<td>Native</td>
<td>23</td>
<td>28</td>
<td>10</td>
<td>6</td>
<td>Good</td>
<td>Poor</td>
<td>Poor</td>
<td>Mature</td>
<td>Subject Site</td>
<td>None</td>
<td>1.9</td>
<td>2.8</td>
<td>25</td>
<td>1.9</td>
<td>0%</td>
<td>Trunk decay</td>
</tr>
<tr>
<td>22</td>
<td>Pultenaea tomentosa</td>
<td>Foglieve</td>
<td>Exotic</td>
<td>23</td>
<td>28</td>
<td>10</td>
<td>10</td>
<td>Fair</td>
<td>Good</td>
<td>Poor</td>
<td>Mature</td>
<td>Subject Site</td>
<td>None</td>
<td>1.9</td>
<td>2.8</td>
<td>25</td>
<td>1.9</td>
<td>43%</td>
<td>Failures</td>
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<tr>
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<td>Leptospermum leucotrichum</td>
<td>Coastal Tea-tree</td>
<td>Indigenous</td>
<td>35</td>
<td>40</td>
<td>5</td>
<td>7</td>
<td>Good</td>
<td>Poor</td>
<td>Fair</td>
<td>Mature</td>
<td>Subject Site</td>
<td>Moderate</td>
<td>2.3</td>
<td>4.2</td>
<td>55</td>
<td>2.9</td>
<td>100%</td>
<td>Typical structure</td>
</tr>
<tr>
<td>24</td>
<td>Corymbia eximia var. maculata</td>
<td>Spotted Gum</td>
<td>Native</td>
<td>10</td>
<td>15</td>
<td>7</td>
<td>3</td>
<td>Good</td>
<td>Good</td>
<td>Semi</td>
<td>Mature</td>
<td>Subject Site</td>
<td>None</td>
<td>1.5</td>
<td>2.0</td>
<td>13</td>
<td>1.5</td>
<td>100%</td>
<td>Semi-mature</td>
</tr>
<tr>
<td>25</td>
<td>Pittosporum undulatum</td>
<td>Sweet Pittosporum</td>
<td>Native</td>
<td>29/18 [11]</td>
<td>31</td>
<td>6</td>
<td>5</td>
<td>Fair</td>
<td>Fair</td>
<td>Mature</td>
<td>Subject Site</td>
<td>None</td>
<td>2.0</td>
<td>3.7</td>
<td>43</td>
<td>2.5</td>
<td>20%</td>
<td>Approx Wood</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Ficus carica</td>
<td>Common Fig</td>
<td>Exotic</td>
<td>Multi-stem</td>
<td>30</td>
<td>3.5</td>
<td>4</td>
<td>Fair</td>
<td>Good</td>
<td>Fair</td>
<td>Mature</td>
<td>Subject Site</td>
<td>None</td>
<td>2.0</td>
<td>3.6</td>
<td>38</td>
<td>2.5</td>
<td>100</td>
<td>Low landscape value</td>
</tr>
</tbody>
</table>

*Note: DBH (cm) is the diameter at breast height (1.4m from natural ground level), Basal Dia (cm) is the diameter of the trunk above the root flare, SKZ (m) is the structural root zone in metres in a radius from the centre of the trunk, TPZ (m) is the tree protection zone in metres in a radius from the centre of the trunk. TPZ Area (m²) is the tree protection zone in square metres 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). The Encroach (%) is the level of encroachment into the tree protection zone of the tree from the excavation/ construction works. These measurements and distances are calculated from the Australian Standard AS4970 - 2009 - Protection of Trees on Development sites.*
7.2. TREE LOCATION PLANS

7.2.1. EXISTING CONDITIONS

[Diagram showing tree locations in Dalgetty]

Drawing Notes:
- Two numbers represented in black. Only those for which the protection zones have been assessed are shown.
- No numbers represent no protection zone.
7.2.2. Development Impact Plan

[Diagram of Development Impact Plan with various markers indicating high, medium, and low protection values, trees, and other symbols.]

Project Address: 16 Tramway Pde, Beaumaris

Development Impact Plan

[Diagram showing the layout of the project area with numbers indicating different zones and protection values.]
7.3. Site Photographs
8. APPENDICES

8.1. SURVEY METHODOLOGY

Data was recorded on site of the characteristics of each tree in accordance with the Visual Tree Assessment (VTA) methodology (Mateck & Breloer, 1998). The data is included in this report in a detailed table, located in Section 7.1. Tree location plans are provided in Section 7.2. Site photographs (if relevant) are provided in Section 7.3.

Each tree was assessed and the Genus/species, estimated height and canopy width (Note: canopy width is provided as a single figure which is generally the largest canopy spread, Where the canopy spread may be an issue with any proposed development this is specifically discussed within the report), diameter at breast height (DBH) and the characters of health and structure were recorded. These characteristics were used to determine the arboricultural value. Additionally, the protection value was assessed taking into consideration the site significance, sustainable life expectancy, landscape and or environmental contribution, and ownership of the trees. Descriptors used are found in the explanation of terms in Appendix 8.3.

Data collected has been used to calculate the Structural Root Zone (SRZ) and the Tree Protection Zone (TPZ) and the total area of tree protection. These calculations form a basis to determine the level of intrusion onto the tree protection zone throughout any future development. These calculations are based upon the Australian Standard AS 4970:2009 - Protection of Trees on Development Sites.

The survey and assessment undertaken of all of the subject 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.

8.2. BIBLIOGRAPHY AND CITED REFERENCES

Ceder, 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


8.3. Explanation of Terms

8.3.1. Glossary 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 (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).

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. (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.

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.

Tree Protection Zone (TPZ)
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 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 / Reaction Wood
Lignified, partially differentiated tissue which develops from the callus associated with wound or pruning cuts.
8.3.2. 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).

8.3.3. 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 has greater than 60% 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 visible extension growth if it is in active growth and is showing no signs of nutrient deficiency or pest or disease (i.e. chlorosis). The tree may also have good wound wood development.</td>
</tr>
<tr>
<td>Fair</td>
<td>Crown has a live crown ratio of between 30-60%. 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 (i.e. pest or disease).</td>
</tr>
<tr>
<td>Poor</td>
<td>The tree may have less than 30% live crown ratio and the 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 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>

8.3.4. 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 plate 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 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 defects (bifurcations etc). 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 major branch or trunk failure under normal environmental 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 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>
8.3.5. Age Class

The age class is given as a guide to the current life stage of the tree. Ultimately, the level of maturity that a tree may reach is dependant 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 between 5 - 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>

8.3.6. Arboricultural Value

Arboricultural Value is rated according to the overall health, structure and life expectancy of the tree (ULE). Often the Useful Life Expectancy (ULE) of a tree may be difficult to quantify as there are too many variables. The arboricultural value takes into account the life expectancy of the tree whereas the protection value considers the ‘usefulness’ of the tree in the landscape. The arboricultural value only relates to the physical condition of the tree and does not take into account the status or suitability of the tree in the landscape.

The arboricultural value is rated based on the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>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. 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).</td>
</tr>
<tr>
<td>Medium</td>
<td>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. This tree may have a medium landscape significance in terms of its height and mass within the landscape (i.e. generally 8 - 12 metres in height and spread).</td>
</tr>
<tr>
<td>High</td>
<td>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. 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).</td>
</tr>
</tbody>
</table>
8.3.7. Protection Value

The Protection Value is determined based on a combination of the Arboricultural Value, the ownership/location of the tree, the landscape/ecological and or cultural/heritage significance of the tree. The Protection Value also takes into account the suitability of the tree in the current and future landscape and the species status (i.e., identified weed species). The tree may also be protected under any relevant planning or local law legislation 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 of ‘No’ protection value may be considered to be in poor condition overall and is assigned a low arboricultural value and is within the subject 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. Only trees within the subject site may be given a rating of ‘None’. Trees that are located on adjoining land are not given a rating of ‘None’ unless they are found to be dead or extremely hazardous. In such instances this will be defined within the report. This tree may or may not be subject to any local planning or other legislative control (i.e. Local Law).</td>
</tr>
<tr>
<td>Moderate</td>
<td>A tree of ‘Moderate’ protection value may be considered to be in fair to good condition overall and is located within the subject 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 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 subject site may be given a rating of ‘Moderate’. Trees that are located on adjoining land are not given a rating of ‘Moderate’. This tree may be subject to any local planning or other legislative control (i.e. Local Law).</td>
</tr>
<tr>
<td>High</td>
<td>A tree of ‘High’ protection value may be considered to be in good condition overall and is suitably located within the subject site (i.e., within the front setback). The tree (if within the subject site) will be of high arboricultural value and should have a life expectancy of greater than 20 years if protected and managed. The tree may provide a moderate to high level of landscape 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 on the site. The design should have regard to the adequate protection of this tree throughout any development on the subject site. Trees located on adjoining lands, not of the ownership of the subject 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). High protection value may also be assigned to known weed species, however this will be noted within the report. These trees are likely to be subject to any local planning or other legislative control (i.e. Local Law).</td>
</tr>
</tbody>
</table>
8.4. Tree Protection Guidelines

8.4.1. Background

Arbor Survey Pty Ltd assesses individual tree protection requirements based upon the Australian Standard AS 4970-2009 - 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 AS 4970-2009. 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 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. Helliwell (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
**8.4.2. 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.

- 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 management and 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 following (as recommended by the *Australian Standard AS4570-2009*) and should be of a size no smaller than 400mm x 300mm:

![Tree Protection Zone Sign](image-url)
- 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 fenced area. 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 AS4973-2007 – 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.
8.5. Company Profile and Qualifications

8.5.1. 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)

8.5.2. 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 – Boroondara 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

8.5.3. 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
8.6. 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 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 Arbor Survey Pty Ltd and the client on the subject, and is the entire agreement and understanding between the two parties.
ATTACHMENT 2
Site Surrounds and Imagery

Figure 1. Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
<tr>
<td>Objector(s)</td>
</tr>
</tbody>
</table>

* Council received one objection from an address not shown on the above image, and two objections that did not provide street addresses.
Figure 2. A photo of the subject site at 16 Tramway Parade, Beaumaris, from the west along Tramway Parade.

Figure 3. A photo of the subject site at 16 Tramway Parade from the east along Tramway Parade.
Figure 4. A photo of the subject site at 16 Tramway Parade from the north looking down Dalgety Road.

Figure 5. A photo of the subject site at 16 Tramway Parade from the south looking up Dalgety Road.
Figure 6. 14 Tramway parade, adjoining the subject site.

Figure 7. 2/58 Dalgetty Road, adjoining the subject site.
Figure 8. A view of the dwelling across the road at 18 Tramway Parade.

Figure 9. A view of the dwelling across the road at 15 Tramway Parade.
Figure 10. A view of the development at 9 Tramway Parade from the subject site
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>
</table>
| To enhance the bayside vegetation character of the area through the planting of indigenous coastal species. | • 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 root zone). | Lack of a landscape plan.  
Removal of large established trees.  
Use of exotic species and planting of environmental weeds | Responds  
The proposal seeks to remove several large established trees that align with the existing and preferred future character of the precinct. It is considered appropriate given the retention of a large number of established trees within the site, and will continue to respond to the existing character with the proposed planting of additional indigenous vegetation.  
Refer to section 6.1 of the report for further discussion. |
| To maintain the rhythm of spacious visual separation between buildings.    | • Dwellings should be sited to create the appearance of space between buildings and to accommodate substantial vegetation. |                                                                                                  | Responds  
The proposed dwellings have been appropriately sited towards the rear of the site to allow for the retention of substantial vegetation, and provides adequate space between the dwellings to provide for visual separation of the buildings. |
| To minimise the dominance of car parking structures and the loss of front garden space. | • Locate garages and carports behind the line of the dwelling.  
• Minimise paving in front garden areas including driveways and crossovers. | Car parking facilities that dominate the façade or view of the dwelling. | Responds  
The proposed dwellings have a new crossover proposed to each dwelling, with the car parking structure for dwelling 1 |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that new buildings and extensions do not dominate the streetscape</td>
<td>• 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>Creation of new crossovers and driveways or wide crossovers. Front setbacks dominated by impervious surfaces.</td>
<td>Fronting Dalgetty Road and the car parking structure for dwelling 2 fronting Tramway Parade. This minimises the prominence of the car parking structures and allows for the retention of front garden area along both street frontages.</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. • Incorporate building elements and details that contribute to a lightness of structure including balconies, verandahs, glazing and light transparent balustrading.</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 proposed development is respectful of the existing built forms, and is low in scale with a similar form to adjoining properties.</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 proposed dwelling have been appropriately designed to respond to the site, with the vegetation predominate in the front setback and the built form incorporating large sections of glazing. The development is highly articulated, with the use of setbacks and a variety of materials with different textures and shades.</td>
</tr>
<tr>
<td>To maintain the openness of the streetscape and view 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>Does not respond The proposed front fence is 1.8 metre high solid fencing along both the Dalgetty Road</td>
</tr>
<tr>
<td>Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td></td>
<td></td>
<td></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></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Responses</th>
</tr>
</thead>
<tbody>
<tr>
<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>
</tr>
<tr>
<td>• Use landscaping materials and coastal plants within the front setback that contribute to the coastal character and amenity of the street.</td>
</tr>
<tr>
<td>• Provide articulated roof forms to create an interesting skyline when viewed from the beach.</td>
</tr>
<tr>
<td>• Provide low or open style front fencing along Beach Road frontages.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Avoid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat, poorly articulated roof forms and facades visible from the public domain.</td>
</tr>
<tr>
<td>High, solid front fencing on Beach Road.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>and Tramway Parade street frontages. This is required to provide secluded private open space to each dwelling in the front area of the site to maintain the existing, established vegetation.</td>
</tr>
</tbody>
</table>

| N/A |
ATTACHMENT
ResCode (Clause 55) Assessment

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

<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 Attachment 2 and Section 8.1 of the report.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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 two dwellings.</td>
</tr>
<tr>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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>Any upgrades required will be the responsibility of the developer.</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>Complies</td>
<td>The dwellings appropriately address the street and entries are clearly identifiable from either the streetscape or the common pedestrian access.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B6 Street Setback</strong></td>
<td>Complies</td>
<td>Minimum: 6.98m</td>
</tr>
<tr>
<td>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td></td>
<td>Proposed: 7.016</td>
</tr>
</tbody>
</table>
| B7 Building Height | Complies | Required: 9m  
Proposed: 6.77m |
|--------------------|----------|----------------|
| B8 Site Coverage   | Complies, subject to condition | Maximum: 50%  
Proposed: 51% |
| B9 Permeability    | Complies | Minimum: 20%  
Proposed: 48.32% |
| B10 Energy Efficiency | 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. |
| B11 Open Space     | N/A      |                         |
| B12 Safety         | Complies | The pedestrian entry points are clearly recognisable while ground and first floor windows allow for passive surveillance of the street. |
| B13 Landscaping    | Complies | Refer to Section 6.3 of this report. |
### 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 | Appropriate vehicle crossings have been provided. With the standard traffic conditions, the crossover for each dwelling will be a minimum 3m wide, with one on each street frontage. Refer to Section 6.5 of this report. |

### 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 | The proposed car parking areas are appropriately located. |

### 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.

| Non-compliant | Refer report and table below. Areas of non-compliance are underlined. |

### Ground Floor

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>North (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td></td>
<td>Unit 2: 3m, 8m</td>
</tr>
<tr>
<td>South (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td></td>
<td>Unit 2: 2m, 0m</td>
</tr>
<tr>
<td>West (rear)</td>
<td>0m or 3m</td>
</tr>
</tbody>
</table>

### First Floor

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>North (side)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unit 2: 3.88m, 4.42m, 7.37m</td>
</tr>
<tr>
<td>South (side)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unit 2: 3.38m - 7.42</td>
</tr>
<tr>
<td>West (rear)</td>
<td></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.

<table>
<thead>
<tr>
<th>Complies, subject to condition</th>
<th>Western Wall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum Height: 3.6m</td>
</tr>
<tr>
<td></td>
<td>Proposed: 3.28m</td>
</tr>
<tr>
<td></td>
<td>Maximum Average Height: 3.2m</td>
</tr>
<tr>
<td></td>
<td>Proposed: 3.25m</td>
</tr>
<tr>
<td></td>
<td>Maximum Length: 17.18m</td>
</tr>
<tr>
<td></td>
<td>Proposed: 8.14m</td>
</tr>
<tr>
<td></td>
<td>Southern Wall</td>
</tr>
<tr>
<td></td>
<td>Maximum Height: 3.6m</td>
</tr>
<tr>
<td></td>
<td>Proposed: 3.17m</td>
</tr>
<tr>
<td></td>
<td>Maximum Average Height: 3.2m</td>
</tr>
<tr>
<td>B19 Daylight to Existing Windows</td>
<td>Complies</td>
</tr>
<tr>
<td>B20 North Facing Windows</td>
<td>Complies</td>
</tr>
<tr>
<td>B21 Overshadowing Open Space</td>
<td>Complies</td>
</tr>
<tr>
<td>B22 Overlooking</td>
<td>Complies</td>
</tr>
<tr>
<td>B23 Internal Views</td>
<td>Complies</td>
</tr>
<tr>
<td>B24 Noise Impacts</td>
<td>Complies</td>
</tr>
<tr>
<td>B25 Accessibility</td>
<td>Complies</td>
</tr>
<tr>
<td>B26 Dwelling Entry</td>
<td>Complies</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Complies</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>B28 Private Open Space</td>
<td>Provide reasonable recreation and service needs of residents by adequate pos.</td>
</tr>
<tr>
<td>B29 Solar Access to Open Space</td>
<td>Allow solar access into the secluded private open space of new dwellings/buildings.</td>
</tr>
<tr>
<td>B30 Storage</td>
<td>Provide adequate storage facilities for each dwelling.</td>
</tr>
<tr>
<td>B31 Design Detail</td>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
</tr>
<tr>
<td>B32 Front Fences</td>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
</tr>
<tr>
<td>B33 Common Property</td>
<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>
</tr>
<tr>
<td>B34 Site Services</td>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
</tr>
</tbody>
</table>
## Attachment 5

### Landscaping and Vegetation

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>High level of vegetation on site currently. There is proposed planting of indigenous species as replacements. Likely one of the most vegetated sites in the locale.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>Non indigenous trees being removed are being replaced with indigenous trees whilst still achieving the 'Preferred Future character' of H4.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>The removal of the tree will have a minimal impact on the appearance of the built form due to the amount or vegetation that will remain and the replacement planting schedule.</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>Likely to have a minimal impact due to the amount or vegetation that will remain at the site include the retention of several large canopy trees.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site.</td>
<td>There are an additional five indigenous trees proposed to be planted as well as the large number of established trees being retained.</td>
</tr>
</tbody>
</table>
### Tree profile

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td>Pittosporum undulatum</td>
</tr>
<tr>
<td>Common Name:</td>
<td>Sweet Pittosporum</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>6m/5m</td>
</tr>
<tr>
<td>Trunk Circ.@1m:</td>
<td>83cm</td>
</tr>
<tr>
<td>Location 1</td>
<td>W0</td>
</tr>
<tr>
<td>Location 2</td>
<td>N3</td>
</tr>
<tr>
<td>Origin:</td>
<td>Indigenous, Victorian, Australian, Exotic</td>
</tr>
<tr>
<td>Age:</td>
<td>Young, Semi-mature, Mature, Over-mature</td>
</tr>
<tr>
<td>Health:</td>
<td>Good, Fair, Poor, Dead</td>
</tr>
<tr>
<td>Structure:</td>
<td>Good, Fair, Poor, Hazardous</td>
</tr>
<tr>
<td>Amenity Value:</td>
<td>High, Moderate, Low, None</td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years +, 10-19 years, 4-9 years, 0 - 3 years</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High, Medium, Low, None</td>
</tr>
<tr>
<td>Habitat value:</td>
<td>High, Moderate, Low</td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes, No</td>
</tr>
</tbody>
</table>

#### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>Indigenous, Victorian, Australian, Exotic</td>
</tr>
<tr>
<td>Occupation by native shrubs</td>
<td>3 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;50mm</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&lt;5 years</td>
</tr>
<tr>
<td>Wildlife corridor</td>
<td>Within 50 m of a green space, park or reserve</td>
</tr>
<tr>
<td>Impact on adjacent trees</td>
<td>Minimal with minor negative impacts on indigenous shrubs</td>
</tr>
<tr>
<td>Total</td>
<td>5 points</td>
</tr>
</tbody>
</table>

---

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<table>
<thead>
<tr>
<th>Tree No.</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td>Pittosporum undulatum</td>
</tr>
<tr>
<td>Common Name:</td>
<td>Sweet pittosporum</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>6m/6m</td>
</tr>
<tr>
<td>Trunk Circ.@1m:</td>
<td>63cm</td>
</tr>
<tr>
<td>Location 1</td>
<td>S0</td>
</tr>
<tr>
<td>Location 2</td>
<td>W3</td>
</tr>
<tr>
<td>Origin:</td>
<td>Indigenous</td>
</tr>
<tr>
<td>Age:</td>
<td>Young</td>
</tr>
<tr>
<td>Health:</td>
<td>Good</td>
</tr>
<tr>
<td>Structure:</td>
<td>Good</td>
</tr>
<tr>
<td>Amenity Value:</td>
<td>High</td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years +</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High</td>
</tr>
<tr>
<td>Habitat value:</td>
<td>High</td>
</tr>
<tr>
<td>Support removal:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Tree Habitat Value Assessment Matrix**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indigenous</th>
<th>Victorian</th>
<th>Australian/Exotic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>3 points</td>
<td>2 points</td>
<td>0 points</td>
</tr>
<tr>
<td>Occupation by native fauna</td>
<td>Occupied by native fauna: 6 points</td>
<td>Slightly affected by fauna: 2 points</td>
<td>No signs of any fauna: 0 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;90cm: 8 points</td>
<td>40-50cm: 4 points</td>
<td>&gt;50cm: 2 points</td>
</tr>
<tr>
<td>Dead canopy</td>
<td>2 points</td>
<td>Dead canopy: 1 point</td>
<td>Dead canopy: 0 points</td>
</tr>
<tr>
<td>Hollow-bearing tree</td>
<td>Tree bearing a natural hollow, Low to moderate level of maintenance: 5 points</td>
<td>No natural hollow, artificial hollow can be installed, Low to moderate level of maintenance: 2 points</td>
<td>No natural hollow and unsuitable for installation of artificial hollow, High level of maintenance: 0 points</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt;15 years: 5 points</td>
<td>4 - 9 years: 3 points</td>
<td>0 - 3 years: 0 points</td>
</tr>
<tr>
<td>Wildlife corridor</td>
<td>Within 50 m of a green space, park or reserve: 6 points</td>
<td>Within 5.5 km of a green space, park or reserve: 3 points</td>
<td>Greater than 0.5 km from a green space, park or reserve: 0 points</td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td>Removal will have negative impacts on indigenous flora: 3 points</td>
<td>Removal will have negative impacts on native flora: 2 points</td>
<td>Removal will have no negative impacts on indigenous or native flora: 0 points</td>
</tr>
<tr>
<td>Total</td>
<td>8 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree No.</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Botanical Name:</td>
<td>Grevillea robusta</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Name:</td>
<td>Silky oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>16m/12m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trunk Circ.@1m:</td>
<td>209cm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location 1</td>
<td>S0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location 2</td>
<td>W4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Origin:</td>
<td>Indigenous  Victorian  Australian  Exotic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age:</td>
<td>Young  Semi-mature  Mature  Over-mature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health:</td>
<td>Good  Fair  Poor  Dead</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Amenity Value:</td>
<td>High  Moderate  Low  None</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years + 10-19 years 4-9 years 0 - 3 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High  Medium  Low  None</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Habitat value:</td>
<td>High  Moderate  Low</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes  No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Origin</th>
<th>Victorian</th>
<th>Australian/Fats</th>
<th>No signs of use by fauna</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupation by native fauna</td>
<td>Occupied by native fauna</td>
<td>6 points</td>
<td>2 points</td>
<td>0 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;50cm</td>
<td>5 points</td>
<td>3 points</td>
<td>1 point</td>
</tr>
<tr>
<td></td>
<td>50cm - 100cm</td>
<td>4 points</td>
<td>2 points</td>
<td>1 point</td>
</tr>
<tr>
<td></td>
<td>&gt;100cm</td>
<td>3 points</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td>Hollow bearing tree</td>
<td>Dead cany</td>
<td>3 points</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt;10 years</td>
<td>3 points</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td></td>
<td>4-9 years</td>
<td>3 points</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td></td>
<td>0-3 years</td>
<td>3 points</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td>Wildlife corridor</td>
<td>Within 50 m of a green space, park or reserve</td>
<td>3 points</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td></td>
<td>Within 0.5 km of a green space, park or reserve</td>
<td>2 points</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td></td>
<td>Greater than 0.5 km from a green space, park or reserve</td>
<td>1 point</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td>Impact on adjacent flora</td>
<td>Removal will have negative impacts on indigenous flora</td>
<td>1 point</td>
<td>1 point</td>
<td>0 point</td>
</tr>
<tr>
<td>Total</td>
<td>13 points</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Tree No.** 12  
**Botanical Name:** *Leptospermum laevigatum*  
**Common Name:** Tea tree  
**Height / Canopy:** 7m/4m  
**Trunk Circ @ 1m:** 92cm  
**Location 1:** N3  
**Location 2:** E8  
**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  
**Support for removal:** Yes, No

---

### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indigenous (6 points)</th>
<th>Victorian (4 points)</th>
<th>Australian (2 points)</th>
<th>Exotic (0 points)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupation by native fauna</td>
<td>0 points</td>
<td>0 points</td>
<td>0 points</td>
<td>0 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;50cm</td>
<td>&gt;50 - 80cm</td>
<td>&gt;80 cm</td>
<td>No points</td>
</tr>
<tr>
<td>Depth canopy</td>
<td>2 points</td>
<td>3 points</td>
<td>1 point</td>
<td>1 point</td>
</tr>
<tr>
<td>Hollow-bearing tree</td>
<td>Tree losing natural hollow (low to moderate level of maintenance) 6 points</td>
<td>No natural hollow, artificial hollow below 6 points</td>
<td>No natural hollow, artificial hollow below</td>
<td>No points</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt; 10 years</td>
<td>6 - 9 years</td>
<td>0 - 3 years</td>
<td>0 points</td>
</tr>
<tr>
<td>Wildlife corridors</td>
<td>0 points</td>
<td>0 points</td>
<td>0 points</td>
<td>0 points</td>
</tr>
<tr>
<td>Impact on adjacent flora</td>
<td>Removal will have negative impacts on indigenous flora 2 points</td>
<td>Removal will have negative impacts on native flora 2 points</td>
<td>Removal will have negative impacts on indigenous flora 2 points</td>
<td>Removal will have negative impacts on indigenous flora 2 points</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>10 points</td>
<td>10 points</td>
<td>10 points</td>
<td>10 points</td>
</tr>
</tbody>
</table>

---

**Item 4.11 – Matters of Decision**  

---

**Page 511 of 639**
### Tree No.
23

### Botanical Name:
Leptospermum laevigatum

### Common Name:
Tea tree

### Height / Canopy:
6m/8m

### Trunk Circ @ 1m:
110cm

### Location 1:
N3

### Location 2:
S6

### 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

### Support removal:
Yes, No

---

#### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>Indigenous</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Victorian</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Australian/Exotic</td>
<td>0 points</td>
</tr>
<tr>
<td>Occupation by native fauna</td>
<td>Occupied by native fauna</td>
<td>6 points</td>
</tr>
<tr>
<td></td>
<td>Signs of use by fauna</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>No signs of use by fauna</td>
<td>6 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;50cm</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Living canopy</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>&lt;50 - 500cm</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Living canopy</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>&gt;500</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Living canopy</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Dead canopy</td>
<td>1 point</td>
</tr>
<tr>
<td></td>
<td>Dead canopy</td>
<td>1 point</td>
</tr>
<tr>
<td></td>
<td>Dead canopy</td>
<td>1 point</td>
</tr>
<tr>
<td>Hollow-bearing tree</td>
<td>Tree bearing a natural hollow</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Low to moderate level of maintenance</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>No natural hollow - artificial habitat take can be installed</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Low to moderate level of maintenance</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Artificial hollow and inaccessible to installation of artificial hollow</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>High level of maintenance</td>
<td>2 points</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt;10 years</td>
<td>6 points</td>
</tr>
<tr>
<td></td>
<td>4 - 9 years</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>0 - 3 years</td>
<td>0 points</td>
</tr>
<tr>
<td>Wildlife corridors</td>
<td>Within 50 m of a green space, park or reserve</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Within 0.5 km of a green space, park or reserve</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Greater than 0.5 km from a green space, park or reserve</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>0 points</td>
<td>0 points</td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td>Removal will have negative impacts on indigenous flora</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Removal will have negative impacts on native flora</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Removal will have no negative impacts on indigenous or native flora</td>
<td>2 points</td>
</tr>
</tbody>
</table>

**Total**
16 points
## Tree No.
24

### Botanical Name:
Corymbia maculata

### Common Name:
Spotted gum

### Height / Canopy:
6m/8m

### Trunk Circ @ 1m:
31cm

### Location 1
N3

### Location 2
S6

### 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

### Support removal:
Yes, No

---

### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>Indigenous</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Victorian</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Australian/Exotic</td>
<td>2</td>
</tr>
<tr>
<td>Occupation by native forest</td>
<td>Changed by native forest</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Signs chased by forest</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>No signs of use by forest</td>
<td>2</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;80cm</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Living canopy</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>&gt;80 – 85cm</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Living canopy</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Dead canopy</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Dead canopy</td>
<td>3</td>
</tr>
<tr>
<td>Hollow bearing tree</td>
<td>Tree bearing a natural</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>hollow, Loss to moderate</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>trunk of maintenance</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>0-1 years</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>1-9 years</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>10-19 years</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>&gt;19 years</td>
<td>3</td>
</tr>
<tr>
<td>Wildlife corridors</td>
<td>Within 50 m of a green</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>space, park or reserve</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Within 0.5 km of a green</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>space, park or reserve</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Greater than 0.5 km from</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>a green space, park or</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>reserve</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>No natural hollow</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Artificial hollow can be</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>installed, Loss to moderate</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>trunk of maintenance</td>
<td>2</td>
</tr>
<tr>
<td>Impact on adjacent flora</td>
<td>Removal will have negative</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>impacts on Indigenous flora</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>0.5 points</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>1.0 points</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>16</td>
</tr>
</tbody>
</table>

---

Item 4.11 – Matters of Decision
Other VPO trees on site:

<table>
<thead>
<tr>
<th>Name</th>
<th>HxW</th>
<th>Trunk circ</th>
<th>Location 1</th>
<th>Location 2</th>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Eucalyptus botryoides</em></td>
<td>16/16</td>
<td>230cm</td>
<td>N0</td>
<td>W0</td>
<td>High</td>
</tr>
<tr>
<td><em>Leptospermum laevigatum</em></td>
<td>6/9</td>
<td>80cm</td>
<td>N2</td>
<td>E3</td>
<td>High</td>
</tr>
<tr>
<td><em>Leptospermum laevigatum</em></td>
<td>5/6</td>
<td>80cm</td>
<td>N0</td>
<td>E2</td>
<td>High</td>
</tr>
<tr>
<td><em>Leptospermum laevigatum</em></td>
<td>5/7</td>
<td>92cm</td>
<td>N1</td>
<td>E2</td>
<td>High</td>
</tr>
<tr>
<td><em>Leptospermum laevigatum</em></td>
<td>5/6</td>
<td>92cm</td>
<td>N2</td>
<td>E1</td>
<td>High</td>
</tr>
<tr>
<td><em>Grevillea robusta</em></td>
<td>16/13</td>
<td>175cm</td>
<td>N1</td>
<td>E3</td>
<td>High</td>
</tr>
<tr>
<td><em>Grevillea robusta</em></td>
<td>14/9</td>
<td>111cm</td>
<td>N8</td>
<td>E3</td>
<td>High</td>
</tr>
<tr>
<td><em>Acacia melanoxylon</em></td>
<td>10/6</td>
<td>74cm</td>
<td>E1</td>
<td>N8</td>
<td>High</td>
</tr>
<tr>
<td><em>Pittosporum undulatum</em></td>
<td>6/4</td>
<td>70cm</td>
<td>E0</td>
<td>S0</td>
<td>High</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.
The following comments have been added after I was shown the update Landscape plan (Davidson Design Studio 9/11/18 Ref: 180804 & Lowe ground Floor Plan 19/11/16) and the information from Anna Fajgman regarding the decrease in size of the driveway at Unit 2.

As these plans have changed from the original I viewed in October 2018 there is still a requirement for tree sensitive footings to be applied to any part of the development where TPZ encroachment is >10%.

Landscape character of the site: Typical and ideal site for NCP H4 where a single storey dwellings sits within the topography and informal landscaped surrounds, including remnant and indigenous coastal trees. Not unlike the ‘Preferred Future character’ that H4 wishes to achieve.

Landscape character of adjacent area: A mixture of indigenous costal vegetation/native vegetation with spacious visual separations between buildings and imposing 2 storey dwellings with exotic and native vegetation.

The requirements of NCP are:

- 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 root zone).
- Use landscaping materials and coastal plants within the front setback that contribute to the coastal character and amenity of the street.

Are there any trees on the subject site or adjoining properties that need protection?

Yes ☑  No ☐

Provision of Tree Management Report

The Tree Management Report must include the:
Appointee a Project Arborist detailing their roles and responsibilities
- Details of Tree Protection Zones, as per AS4970, 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;
- Protection measures to be utilised and when they will be implemented; and
- Stages of development at which the project arborist will inspect tree protection measures.

The Tree Protection Plan must be drawn to scale and show the location of all tree protection measures to be utilised. Any modification to the report or plan 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 and Tree Protection Plans

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

Contact for Implementation of Tree Management and Protection Plans

Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report and Tree Protection Plan must be submitted to the Responsible Authority.

*Proposed tree removal*

The application plans show the removal of 7 trees from the site, including 5 (possibly 6; See Tree No. 24) 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><strong>Proposed for removal</strong></td>
<td><strong>Proposed for retention</strong></td>
<td><strong>Proposed for removal</strong></td>
<td><strong>Proposed for retention</strong></td>
</tr>
<tr>
<td>6, 7, 8, 12, 23</td>
<td>5, 14, 15, 16, 17, 18, 19, 21, 25</td>
<td>5, 18, 19, 20, 21</td>
<td>24, 26</td>
</tr>
</tbody>
</table>
BAYSIDE CITY COUNCIL - STATUTORY PLANNING DEPARTMENT - INTERNAL REFERRAL

Removal of the following trees is supported:

- 6, 7, 8, 23, 24, 25 & 26

Tree removal is supported due to the large number of trees that are being retained whilst still achieving the 'Preferred Future character' of H4 through retention of trees replacing with coastal indigenous species.
Trees being removed as part of the development

<table>
<thead>
<tr>
<th>Tree No</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name</td>
<td>Pittosporum undulatum</td>
</tr>
<tr>
<td>Common Name</td>
<td>Sweet pittosporum</td>
</tr>
<tr>
<td>Height / Canopy</td>
<td>6m/5m</td>
</tr>
<tr>
<td>Trunk Cir @1m</td>
<td>63cm</td>
</tr>
<tr>
<td>Location 1</td>
<td>W0</td>
</tr>
<tr>
<td>Location 2</td>
<td>N3</td>
</tr>
<tr>
<td>Origin</td>
<td>Indigenous  Victorian  Australian  Exotic</td>
</tr>
<tr>
<td>Age</td>
<td>Young  Semi-mature  Mature  Over-mature</td>
</tr>
<tr>
<td>Health</td>
<td>Good  Fair  Poor  Dead</td>
</tr>
<tr>
<td>Structure</td>
<td>Good  Fair  Poor  Hazardous</td>
</tr>
<tr>
<td>Amenity Value</td>
<td>High  Moderate  Low  None</td>
</tr>
<tr>
<td>Life Expectancy</td>
<td>20 years +  10-19 years  4-9 years  0 - 3 years</td>
</tr>
<tr>
<td>Retention Value</td>
<td>High  Medium  Low  None</td>
</tr>
<tr>
<td>Habitat value</td>
<td>High  Moderate  Low</td>
</tr>
<tr>
<td>Support for removal</td>
<td>Yes  No</td>
</tr>
</tbody>
</table>

### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indigenous</th>
<th>Australian/Exotic</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>2 points</td>
<td>2 points</td>
<td>4 points</td>
</tr>
<tr>
<td>Occupation by native forest</td>
<td>2 points</td>
<td>2 points</td>
<td>4 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>1 point</td>
<td>1 point</td>
<td>2 points</td>
</tr>
<tr>
<td>Habitat value</td>
<td>2 points</td>
<td>2 points</td>
<td>4 points</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt;10 years</td>
<td>4 - 8 years</td>
<td>3 points</td>
</tr>
<tr>
<td>Habitat criteria</td>
<td>2 points</td>
<td>2 points</td>
<td>4 points</td>
</tr>
<tr>
<td>Impacts on adjacent area</td>
<td>2 points</td>
<td>2 points</td>
<td>4 points</td>
</tr>
</tbody>
</table>

Total 8 points
### Bayside City Council - Statutory Planning Department - Internal Referral

<table>
<thead>
<tr>
<th>Tree No</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Botanical Name:</strong></td>
<td><em>Pittosporum undulatum</em></td>
</tr>
<tr>
<td><strong>Common Name:</strong></td>
<td>Sweet pittosporum</td>
</tr>
<tr>
<td><strong>Height / Canopy:</strong></td>
<td>6m/6m</td>
</tr>
<tr>
<td><strong>Trunk Circ @1m:</strong></td>
<td>63cm</td>
</tr>
<tr>
<td><strong>Location 1</strong></td>
<td>S0</td>
</tr>
<tr>
<td><strong>Location 2</strong></td>
<td>W3</td>
</tr>
</tbody>
</table>

**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

**Support for Removal:**
- Yes
- No

---

#### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Origin</strong></td>
<td>Indigenous</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Victorian</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Australian/Exotic</td>
<td>0 points</td>
</tr>
<tr>
<td><strong>Occupation by native fauna</strong></td>
<td>Occupied by native fauna</td>
<td>5 points</td>
</tr>
<tr>
<td></td>
<td>Signs of native fauna</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>No signs of native fauna</td>
<td>0 points</td>
</tr>
<tr>
<td><strong>Diameter of tree trunk</strong></td>
<td>&lt;90cm</td>
<td>5 points</td>
</tr>
<tr>
<td></td>
<td>Living canopy</td>
<td>5 points</td>
</tr>
<tr>
<td></td>
<td>Dead canopy</td>
<td>1 point</td>
</tr>
<tr>
<td></td>
<td>&lt;30cm</td>
<td>Living canopy</td>
</tr>
<tr>
<td></td>
<td>Dead canopy</td>
<td>0 points</td>
</tr>
<tr>
<td><strong>Hollow bearing tree</strong></td>
<td>Tree bearing a natural hollow, low to moderate level of maintenance</td>
<td>6 points</td>
</tr>
<tr>
<td></td>
<td>No natural hollow, artificial hollow can be installed, low to moderate level of maintenance</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>No natural hollow and unsuitable for installation of artificial hollow, high level of maintenance</td>
<td>0 points</td>
</tr>
<tr>
<td><strong>Useful life expectancy</strong></td>
<td>&gt;10 years</td>
<td>8 points</td>
</tr>
<tr>
<td></td>
<td>4 - 9 years</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>0 - 3 years</td>
<td>0 points</td>
</tr>
<tr>
<td><strong>Wildlife corridors</strong></td>
<td>Within 50 m of a green space, park or reserve</td>
<td>8 points</td>
</tr>
<tr>
<td></td>
<td>Within 5.5 km of a green space, park or reserve</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Greater than 5.5 km from a green space, park or reserve</td>
<td>0 points</td>
</tr>
<tr>
<td><strong>Impacts on adjacent flora</strong></td>
<td>Removal will have negative impacts on indigenous flora</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Removal will have negative impacts on native flora</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Removal will have no negative impacts on indigenous or native flora</td>
<td>0 points</td>
</tr>
</tbody>
</table>

**Total**: 6 points
### Bayside City Council - Statutory Planning Department - Internal Referral

**Tree No:** 8

**Botanical Name:** *Grevillea robusta*

**Common Name:** Silky oak

**Height / Canopy:** 16m/12m

**Trunk Circ @ 1m:** 209 cm

**Location 1:** S0

**Location 2:** V4

**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

**Support for removal:** Yes  No

---

#### Tree Habitability Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
<th>1 points</th>
<th>2 points</th>
<th>3 points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>Indigenous</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Victorian</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Australian/Exotic</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupation by native flora</td>
<td>Occupied by native flora</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Signs of use by flora</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No signs of use by flora</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;90cm</td>
<td>1 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>90-100cm</td>
<td>2 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;100cm</td>
<td>3 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hollow-bearing tree</td>
<td>Tree bearing a natural hollow.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Low to moderate level of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No natural hollow.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Animal habitat hollow can be</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>installed.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Low to moderate level of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No natural hollow and unsuitable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>for establishment of animal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>hollow.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>High level of nestbox use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&gt;10 years</td>
<td>1 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6 - 9 years</td>
<td>2 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0 - 3 years</td>
<td>3 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wildlife corridors</td>
<td>Within 50 m of a green space,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>park or reserve</td>
<td>1 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;0.5 km of a green space, park</td>
<td>2 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or reserve</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;5 km from a green space, park</td>
<td>3 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or reserve</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td>Removal will have negative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>impacts on indigenous flora</td>
<td>1 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Removal will have negative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>impacts on native flora</td>
<td>2 points</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Removal will have no negative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>impacts on indigenous or native</td>
<td>3 points</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total:** 13 points
No. 12 – A simple redesign via root sensitive footing within the TPZ can occur to retain this tree as per NCP guideline.
**BAYSIDE CITY COUNCIL - STATUTORY PLANNING DEPARTMENT - INTERNAL REFERRAL**

<table>
<thead>
<tr>
<th>Tree No</th>
<th>23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td><em>Leptospermum laevigatum</em></td>
</tr>
<tr>
<td>Common Name:</td>
<td>Tea tree</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>6m/8m</td>
</tr>
<tr>
<td>Trunk Circ @1m:</td>
<td>110cm</td>
</tr>
<tr>
<td>Location 1</td>
<td>N3</td>
</tr>
<tr>
<td>Location 2</td>
<td>S6</td>
</tr>
<tr>
<td>Origin:</td>
<td>Indigenous Victorian Australian Exotic</td>
</tr>
<tr>
<td>Age:</td>
<td>Young Semi-mature Mature Over-mature</td>
</tr>
<tr>
<td>Health:</td>
<td>Good Fair Poor Dead</td>
</tr>
<tr>
<td>Structure:</td>
<td>Good Fair Poor Hazardous</td>
</tr>
<tr>
<td>Amenity Value:</td>
<td>High Moderate Low None</td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years + 10-19 years 4-9 years 0 - 3 years</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High Medium Low None</td>
</tr>
<tr>
<td>Habitat value:</td>
<td>High Moderate Low</td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes No</td>
</tr>
</tbody>
</table>

### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>Indigenous 2 points Victorian 2 points Exotic 0 points</td>
</tr>
<tr>
<td>Occupation by native fauna</td>
<td>Occupied by native fauna 6 points Signs of native fauna 2 points No signs of use by fauna 0 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;50mm 2 points 50mm - 50cm 2 points &gt;50cm 2 points Living canopy 2 points Dead canopy 1 point Dead canopy 0 points</td>
</tr>
<tr>
<td>Hollow bearing tree</td>
<td>Tree bearing a natural hollow. Low to moderate level of maintenance 2 points No natural hollow, artificial hollow/bole can be installed. Low to moderate level of maintenance 2 points No natural hollow and unsuitable for installation of artificial hollow/bole, high level of maintenance 2 points</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>&lt;15 years 2 points 15 - 39 years 2 points 40 - 59 years 0 points 60 - 79 years 0 points</td>
</tr>
<tr>
<td>Wildlife corridors</td>
<td>Within 50m of a green spine, park or reserve 2 points Within 0.5km of a green spine, park or reserve 2 points Greater than 0.5km from a green spine, park or reserve 0 points</td>
</tr>
<tr>
<td>Impacts on adjacent flora</td>
<td>Removal will have negative impacts on indigenous flora 2 points Removal will have negative impacts on native flora 2 points Removal will have no negative impacts on indigenous or native flora 0 points</td>
</tr>
<tr>
<td>Total</td>
<td>16 points</td>
</tr>
</tbody>
</table>
### Tree No 24

**Botanical Name:** *Corymbia maculata*

**Common Name:** Spotted gum

**Height / Canopy:** 6m/8m

**Trunk Circ @1m:** 31cm

**Location 1:** N3

**Location 2:** S6

**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

**Support for removal:** Yes  No

---

#### Tree Habitat Value Assessment Matrix

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indigeneous</th>
<th>Victorian</th>
<th>Australian/Exotic</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupation by nesting bees</td>
<td>Occupied by native fauna</td>
<td>5 points</td>
<td>No signs of use by fauna</td>
<td>3 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt; 50cm</td>
<td>Living canopy</td>
<td>Living canopy</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>50cm -59cm</td>
<td>Living canopy</td>
<td>Living canopy</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>&gt; 59cm</td>
<td>Draft canopy</td>
<td>Draft canopy</td>
<td>2 points</td>
</tr>
<tr>
<td>Hollow bearing tree</td>
<td>Tree bearing a natural hollow, low to moderate level of maintenance</td>
<td>2 points</td>
<td>No natural hollow, artificial habitat likely can be 2 points</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6 - 9 years</td>
<td>3 points</td>
<td>6 - 3 years</td>
<td>3 points</td>
</tr>
<tr>
<td>Useful life expectancy</td>
<td>1 - 9 years</td>
<td>3 points</td>
<td>0 - 3 years</td>
<td>3 points</td>
</tr>
<tr>
<td>Wildlife corridor</td>
<td>Within 50m of a green space, park or reserve</td>
<td>5 points</td>
<td>Within 0.5km of a green space, park or reserve</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Over 0.5km</td>
<td>Outside area</td>
<td>3 points</td>
<td>3 points</td>
</tr>
<tr>
<td>Impact on adjacent flora</td>
<td>Removal will have no negative impacts on indigenous flora</td>
<td>2 points</td>
<td>Removal will have no negative impacts on indigenous or native flora</td>
<td>2 points</td>
</tr>
</tbody>
</table>

**Total:** 16 points
<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>High level of vegetation on site currently. There is proposed planting of indigenous species as replacements. Likely one of the most vegetated sites in the locale.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>Non indigenous trees being removed are being replaced with indigenous trees whilst still achieving the “Preferred Future character’ of H4.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>The removal of the tree will have a minimal impact on the appearance of the built form due to the amount or vegetation that will remain and the replacement planting schedule.</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>Likely to have a minimal impact due to the amount or vegetation that will remain at the site include the retention of several large canopy trees.</td>
</tr>
</tbody>
</table>

Other VPO trees on site:

<table>
<thead>
<tr>
<th>Name</th>
<th>HxW</th>
<th>Trunk circ</th>
<th>Location 1</th>
<th>Location 2</th>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eucalyptus botryoides</td>
<td>16/16</td>
<td>230cm</td>
<td>N0</td>
<td>W0</td>
<td>High</td>
</tr>
<tr>
<td>Leptospermum faeavigatum</td>
<td>6/9</td>
<td>80cm</td>
<td>N2</td>
<td>E3</td>
<td>High</td>
</tr>
<tr>
<td>Leptospermum faeavigatum</td>
<td>5/6</td>
<td>80cm</td>
<td>N0</td>
<td>E2</td>
<td>High</td>
</tr>
<tr>
<td>Leptospermum faeavigatum</td>
<td>5/7</td>
<td>92cm</td>
<td>N1</td>
<td>E2</td>
<td>High</td>
</tr>
<tr>
<td>Leptospermum faeavigatum</td>
<td>5/6</td>
<td>92cm</td>
<td>N2</td>
<td>E1</td>
<td>High</td>
</tr>
<tr>
<td>Grevillea robusta</td>
<td>16/13</td>
<td>176cm</td>
<td>N1</td>
<td>E3</td>
<td>High</td>
</tr>
<tr>
<td>Grevillea robusta</td>
<td>14/9</td>
<td>111cm</td>
<td>N8</td>
<td>E3</td>
<td>High</td>
</tr>
<tr>
<td>Acacia melanoxylon</td>
<td>10/6</td>
<td>74cm</td>
<td>E1</td>
<td>N8</td>
<td>High</td>
</tr>
<tr>
<td>Pittosporum undulatum*</td>
<td>6/4</td>
<td>70cm</td>
<td>E0</td>
<td>S0</td>
<td>High</td>
</tr>
</tbody>
</table>

*See profile below
Trees being recommended by Council to be removed as part of the development

<table>
<thead>
<tr>
<th>Tree No</th>
<th>25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td>Pittosporum undulatum</td>
</tr>
<tr>
<td>Common Name:</td>
<td>Sweet pittosporum</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>6m/4m</td>
</tr>
<tr>
<td>Trunk Circ.@1m:</td>
<td>70cm</td>
</tr>
<tr>
<td>Location 1</td>
<td>S0</td>
</tr>
<tr>
<td>Location 2</td>
<td>E0</td>
</tr>
<tr>
<td>Origin:</td>
<td>Indigenous, Victorian, Australian, Exotic</td>
</tr>
<tr>
<td>Age:</td>
<td>Young, Semi-mature, Mature, Over-mature</td>
</tr>
<tr>
<td>Health:</td>
<td>Good, Fair, Poor, Dead</td>
</tr>
<tr>
<td>Structure:</td>
<td>Good, Fair, Poor, Hazardous</td>
</tr>
<tr>
<td>Amenity Value:</td>
<td>High, Moderate, Low, None</td>
</tr>
<tr>
<td>Life Expectancy:</td>
<td>20 years +, 10-19 years, 4-9 years, 0 - 3 years</td>
</tr>
<tr>
<td>Retention Value:</td>
<td>High, Medium, Low, None</td>
</tr>
<tr>
<td>Habitat value:</td>
<td>High, Moderate, Low</td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes, No</td>
</tr>
</tbody>
</table>

**Tree Habit Value Assessment Matrix**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>Indigenous</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Victorian</td>
<td>4 points</td>
</tr>
<tr>
<td></td>
<td>Australian/Exotic</td>
<td>5 points</td>
</tr>
<tr>
<td>Occupation by native fauna</td>
<td>Occurred in native fauna</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Species at risk to fauna</td>
<td>4 points</td>
</tr>
<tr>
<td></td>
<td>Species at risk to fauna</td>
<td>5 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>&lt;0.5m</td>
<td>1 point</td>
</tr>
<tr>
<td></td>
<td>0.5 - 1.5m</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>1.5 - 2.5m</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>&gt;2.5m</td>
<td>4 points</td>
</tr>
<tr>
<td>Hollow-bearing trees</td>
<td>None</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Trees 1-2m tall</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Trees &gt;2m tall</td>
<td>4 points</td>
</tr>
<tr>
<td>Tree hollow value</td>
<td>None</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Trees 1-2m tall</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Trees &gt;2m tall</td>
<td>4 points</td>
</tr>
<tr>
<td>Instability expectancy</td>
<td>&lt;15 years</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>15 - 30 years</td>
<td>4 points</td>
</tr>
<tr>
<td></td>
<td>&gt;30 years</td>
<td>5 points</td>
</tr>
<tr>
<td>Wildlife frequency</td>
<td>Within 0.5km of a green space, park or reserve</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Within 0.5 - 1.0km of a green space, park or reserve</td>
<td>4 points</td>
</tr>
<tr>
<td></td>
<td>Further than 1.0km from a green space, park or reserve</td>
<td>5 points</td>
</tr>
<tr>
<td>Threats on adjacent land</td>
<td>No</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Small trees have negative impacts on indigenous flora</td>
<td>2 points</td>
</tr>
<tr>
<td></td>
<td>Large trees have negative impacts on native flora</td>
<td>3 points</td>
</tr>
<tr>
<td></td>
<td>Removal will have no negative impacts on indigenous or native flora</td>
<td>4 points</td>
</tr>
<tr>
<td>Total</td>
<td>13 points</td>
<td></td>
</tr>
</tbody>
</table>
Whilst No. 25 is scheduled for retention I believe the proposed design will not allow the tree to remain viable post construction. Removal of this tree is supported also, for the reason given above.

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>Ronan Hamill</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE</td>
<td>27/05/19</td>
</tr>
</tbody>
</table>
This matter has been reported to the Planning and Amenity Committee for a decision as the application seeks to remove two or more trees protected by the Vegetation Protection Overlay Schedule 3 (VPO3).

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Ausdraft 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>16 November 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>87 days</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</td>
</tr>
<tr>
<td></td>
<td>(Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>632m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>One (1)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>$2,020</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 double storey dwellings on a lot including the removal of native vegetation from the site. Key details of the proposal are as follows:

- Two dwellings on the lot.
- Two storeys and a maximum of 6.9m in height.
- Setbacks for Dwelling 1 are:
  
  Ground Floor:
  - West: 0.205m – 2.015m
  - North: 4.3m

  First Floor:
  - West: 3.8m – 5.05m
  - North: 6.46m
Setbacks for Dwelling 2 are:

Ground Floor:
- East: 0.202m – 2.015m
- North: 5.55m

First Floor:
- East: 3.7 - 5.05m
- North: 6.1m

- Site coverage 49.8%
- Permeability 41.2%
- Garden area 41% (260m²)
- Two car parking spaces per dwelling in the form of a single garage and tandem driveway parking.
- Removal of eight trees from the site, including three native trees protected by the Vegetation Protection overlay (VPO3). Tree No.2 and two trees (Dicksonia Antarctica (ferns)) within the front setback are protected by the VPO3.

The application plans are provided at Attachment 1.

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

History

There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.

Note: Clause 32.09-4 requires that for the construction of a dwelling or residential building on a lot above 500-600 square metres, a lot must provide a minimum of 30% garden area at ground floor level. This equates to a required garden area of 189.6m². The plans show that a total of 260m² (41%) would be provided across the site and thus the development complies with the minimum garden area requirement.

- Clause 42.02 Vegetation Protection Overlay (Schedule 3) – 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>
<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>Traffic 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 one (1) objection was received.

One (1) objection remains outstanding at the time of this report.

The following concerns were raised:

- Insufficient/inaccurate information;
- Overlooking;
- Overshadowing;
- Site coverage;
- Private open space provision across the site;
- Site permeability; and
- Impact on neighbouring trees.

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 given the objection relate to the development as opposed to the protected VPO trees on the site.

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 2018/757/1 for the land known and described as 31 Rossmith Avenue, Beaumaris, for the construction of two dwellings on a lot and the removal of native vegetation 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 Ausdraft referenced Sheet 2, 3, 4 and 6 of 8 dated 13/11/18 but modified to show:
   a) The garage of Dwelling 2 to be setback a minimum of two metres from the east boundary, with any consequential changes being made to the internal layout of the building being absorbed within the building footprint.
b) A minimum 3m wide garage door of to the garage of each dwelling.

c) The driveway of Dwelling 2 where it intersects with the footpath to be 3.6m wide and constructed with a 0.8m offset from the western property boundary.

d) Gradient to the driveway of Dwelling 2 not to exceed 1 in 16 complying with AS2890.1 for car parking and/or the Bayside Planning Scheme.

e) Sightline triangles provided where the driveway, intersects with the front footpath as per AS2890.1 and/or the Bayside Planning Scheme.

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

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

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

i) A Tree Management and Protection Plan in accordance with Condition 13 of this permit.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

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 landscape plan drawn by Ausdraft page 6 of 8, file name 18040TP dated 13/11/2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) A survey, including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

b) A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.

d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

e) Details of surface finishes of pathways and driveways.

f) The construction of the driveway associated with Dwelling 2 above natural ground level with no site excavation or retaining wall cut/ fill and a porous driveway surface.

g) The planting of 1 large indigenous canopy capable of reaching a height of 12 metres at maturity or 2 indigenous canopy trees capable of reaching a height of 8 metres at maturity in the front setback of each dwelling.

h) The planting of 1 large indigenous canopy capable of reaching a height of 12 metres at maturity or 2 indigenous canopy trees capable of reaching a height of 8 metres at maturity in the rear setback of each dwelling.

i) Any development changes required by condition 1.

11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management 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 construction of the driveway associated with Dwelling 2 above natural ground level with no site excavation or retaining wall cut/fill and a porous driveway surface.

Any modifications to the report or plan must be approved by the site Arborist. Such approval must be noted and provided to the Responsible Authority within seven days of issue of such approval.

14. 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.

15. 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.

16. 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

17. Soil excavation must not occur within 2.5 metres from the edge of the street tree (Tree #1) asset’s stem at ground level.

18. A tree protection fence is for the protection of a tree’s canopy and root zone. Conditions for street tree protection fencing during development are as follows:

a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.

b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.

e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

19. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

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

Development Contribution

21. Prior to the endorsement of plans required under Condition 1 of this permit, the permit holder must pay a drainage contribution 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

22. 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.

23. 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.

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.
• Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a ‘Road Opening Permit’ must be obtained to facilitate such work.

• A ‘Road Opening / Stormwater Tapping Permit’ is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

• Council records indicate that there is no easement within the property.

• Subsurface water must be treated in accordance with Council’s Policy for ‘Works on Assets within the Road Reserve Policy 2018’.

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 10 Planning Policy Framework
• Clause 11 Settlement
• Clause 12 Environmental and Landscape Values
• Clause 14 Natural Resource Environment
• Clause 15 Built Environment and Heritage
• Clause 16 Housing
• Clause 18 Transport
• 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 21.09 Transport and Access
• Clause 22.06 Neighbourhood Character Policy (Precinct H2)
• Clause 22.08 Water Sensitive Urban Design (Stormwater Management)
• 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)
Item 4.12 – Matters of Decision

6. Considerations

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

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct H2. The proposal is considered to demonstrate an appropriate 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 single and double storey traditional and modern built form constructed predominantly of face brick and render with pitched tiled roofs. Front gardens are established but are generally obscured behind medium to high front fencing.

The design response featuring a pitched roof form and appropriately articulated facades responds to the preferred residential character, scale and built form. The choice of face brick with render and timber cladding would suitably respect and compliment the materials evident within the street and which form part of the existing and preferred neighbourhood character within the wider precinct setting.

Dwellings are generally built to one boundary, with a side setback to the other boundary, which allows visual separation between built form and a spacious garden to prevail. To be consistent with the existing and preferred character of the area and the grain of the streetscape, it would be prudent to impose a condition on the permit that the garage associated with Dwelling 2 of the development be set 2 metres from the eastern boundary adjacent to No. 33 Rossmith Avenue. This condition is included in the recommendation. The consequential effect of this condition would provide greater response to the detached forms of the streetscapes, providing greater landscaping opportunities throughout the site thus providing a spacious garden setting to the development.

It is indicated on the development plans submitted as part of this application that a 1.2 metre high fence would be erected along the roadside frontage of the subject site. This is supported and will allow visual permeability of the site and an appreciation of the landscape setting to be provided to the development.

Subject to the aforementioned control, it is considered that the proposed development will make a positive contribution to the preferred neighbourhood character of Precinct H2.

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:

<table>
<thead>
<tr>
<th>Side and rear setbacks (Standard B17)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground floor</strong></td>
</tr>
<tr>
<td>Requirement</td>
</tr>
<tr>
<td>West (side)</td>
</tr>
<tr>
<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.

The walls adjacent to the eastern and western boundary are setback 202mm and 205mm respectively. Clause 55.04-2 of the Bayside Planning Scheme (Standard B18) defines a wall on boundary as ‘a new wall constructed on or within 200mm of a side or rear boundary of a lot’. It is noted that both walls fall short of this definition by 2mm and 5mm respectively and, should they have been considered under Standard B18 of ResCode, would have been compliant. However, being setback beyond 200mm, these walls are assessed pursuant to Standard B17, which requires a 2.0m setback and discussed below.

The areas of non-compliance with the 2.0m setback relate to each of the garages associated with the development. The variations being sought are 1.795mm for the garage of Dwelling 1 and 1.798mm for the garage of Dwelling 2.

Such variations are considered negligible and would not have a detrimental impact on the amenity of neighbouring residential properties as a result of overshadowing or contribute to the perception of visual bulk.

Notwithstanding the variations being sought would cause no material detriment to any third party, in the interests of maintaining visual separation between dwellings and improving the landscape setting of the development, it is a recommended condition of permit that the garage of Dwelling 2 be setback two metres from the mutual boundary with the neighbouring residential property of No. 33 Rossmith Avenue to the east. Subject to this condition and as discussed above at section 6.1 of this report, the development would be consistent with the preferred neighbourhood character for the precinct.
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 8 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. Indigenous trees are marked with a ‘*’.

<table>
<thead>
<tr>
<th>VPO3 protected trees</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 2 + two ferns not included in the arborist report.</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Council’s Arborist advises that the Arboricultural Report prepared by PSY Inv Ltd submitted in support of the application incorrectly identifies all trees on the subject site as being protected by the Vegetation Protection Overlay. This is incorrect as only Tree 2, a Callistemon, identified within the Report, is protected. In addition, the Report fails to plot and identify two trees (Dicksonia Antarctica {ferns}) within the front setback of the property that are also protected.

Figure 2: Tree #2 on roadside boundary marked X and the Two ferns marked as XX above.
Council’s Arborist has reviewed the application and is content with the removal of Tree 2 and the two ferns being satisfied that by their size they provide minimal amenity value and their loss would not significantly impact the character of the area. The Arborist Referral comments can be found at Attachment 7.

An assessment against the decision guidelines of the VPO3 is provided at Attachment 5. 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 enhanced 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. 8, 9 and 10 are located within the front setback of the adjoining property of No. 33 Rossmith Avenue with their Tree Protection Zones (TPZ) extending into the subject site being the area where the driveway of Dwelling 2 would be constructed. As such consideration must be given to the impact of the development upon these trees. Council’s Arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation and includes tree sensitive construction methods such as above grade driveway construction, porous driveway surfacing and no cut and fill.

Further, a condition of permit is included in the recommendation that a revised landscape plan be submitted to include the planting of 1 large indigenous canopy capable of reaching a height of 12 metres at maturity or 2 indigenous canopy trees capable of reaching a height of 8 metres at maturity in the front and rear setbacks of each dwelling, and thereafter provide for at least 80% native vegetation across the subject site.

6.4. Street tree(s)

Tree No. 1 is located within the nature strip and is proposed for retention. Council’s Street Tree Arborist has advised that the tree will not be affected by the development and recommends measures for its protection during construction. These measures are controlled by a condition or permit and are included in the recommendation.

6.5. Car parking and traffic

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

Dwelling 1 comprises four bedrooms and is afforded two car parking spaces in the form of a single carport and tandem outdoor parking. Dwelling 2 comprises four bedrooms and has a single garage and tandem outdoor parking. The proposed on site car parking meets the requirements of Clause 52.06-5.

Council’s Traffic Engineer advises that the roadway comprising Rossmith Avenue has a bend in it adjacent to the subject site, making access and egress difficult. Permit conditions relating to the width and setback of the proposed vehicular access and crossover, driveway gradients, sightlines and internal parking dimensions are thus included in the recommendation.

Matters recommended by Council’s Traffic Engineer with respect to the existing vehicular access and crossover which are to be retained are considered unreasonable.

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 30.

Based on the proposed application and the below recommendation, a payment of $2,020 is required. The payment of the development contributions is included as a condition of permit.

6.8. Objector issues not already addressed

Insufficient/ inaccurate information

Sufficient information to enable an informed view of the application has been made available for viewing at Council offices as part of the notification process, which has been carried out in accordance with Section 57 of the Planning and Environment Act 1987. Additional information submitted with the application has been made available at the request of interested parties and included amended shadow diagrams.

Site Coverage (Standard B8)

Schedule 3 to the Neighbourhood Residential Zone requires that site coverage be limited to 50% of the subject site. The application drawings demonstrate that 49.8% of the site would be covered by buildings. This has been checked by the case officer.

Permeability (Standard B9)

Standard B9 requires at least 20% of the site be covered by pervious surfaces. The development plans indicate that 48.2% of the site would be covered by pervious surfaces. This has been checked by the case officer.

Overshadowing (Standard B21)

Additional overshadowing will occur over a part of the private open space of No. 29 Rossmith Avenue to the west at 9am. This would be to a decreasing extent between the hours of 10am to 3pm.

Additional overshadowing would occur over a part of the private open space of No. 33 Rossmith Avenue to the east at 3:00pm.

In each instance however, 75% or 40m² of secluded private open space would receive a minimum 5 hours of sunlight between the hours of 9am and 3pm on 22 September and therefore would be compliant with the Standard.

Overlooking (Standard B22)

Existing boundary fencing would limit overlooking from the ground floor habitable room glazed openings of the proposed new dwellings.

First floor habitable room windows in the west elevation of Dwelling 1 and east elevation of Dwelling 2 would be highlight windows and thus have a sill height of 1.7m measured from finished first floor level in accordance with the standard.

Private open space (Standard B28)

Dwelling 1 would be provided with 151m² of private open space, 41m² of which would be secluded. Dwelling 2 would be provided with 163m² of private open space, 50m² of which would be secluded. In this, each dwelling meets the requirements of this standard in being provided with in excess of 25m² of secluded private open space and in excess of 40m² of private open space overall. This provision is considered more than adequate for the reasonable recreation and service needs of future residents.

It is noted that Clause 32.09-4 of the Bayside Planning Scheme requires a minimum garden area at ground floor level of 30% of the lot. This equates to a required garden area of 189.6m². The plans show that a total of 260m² (41%) will be provided on the lot which exceeds the garden area requirement.
Impact on neighbouring trees

The impact on neighbouring trees is considered at Section 6.3 and 6.4 of this report.

Included in the recommended conditions of permit is a requirement to provide a revised landscape plan supplemented by a tree management plan for all trees adjacent to the site where their Tree Protection Zones encroach within the subject site. Measures for the protection of those adjacent trees are to be included in any Tree Management Plan that will be endorsed.

Support Attachments
1. Development Plans ↓
2. Site & Surrounds Imagery ↓
3. Neighbourhood Character Precinct H2 ↓
4. Rescode Clause 55 Assessment ↓
5. VPO Assessment ↓
6. Tree Location Plan ↓
7. Arborist Referral Response ↓
8. Photos of Trees ↓
Figure 1: Aerial overview of the site and surrounds

Legend

<table>
<thead>
<tr>
<th>Subject site</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td>✪</td>
<td>★</td>
</tr>
</tbody>
</table>
Figure 2 View towards the site from the southeast

Figure 3 View west along Rossmith Avenue.
Figure 4 View east along Rossmith Avenue.

Figure 5 View opposite subject site towards 30 & 32 Rossmith Avenue to the south.
Figure 6 View towards 29 Rossmith Avenue from the southwest.
**Neighbourhood Character Precinct H2**

**Preferred Future Character Statement**

The low scale dwelling styles sit within established gardens that contain some substantial vegetation including trees. Front setbacks are large, and sometimes variable, and dwellings usually include a pitched roof form of some type. The streetscapes have an open feel due to buildings being offset from at least one side boundary and a lack of intrusive front fencing, complemented by wide roads and nature strips. Linkages with the remainder of the Beaumaris area are strengthened through the use of more indigenous planting in the private and public domains.

**Precinct Guidelines**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To maintain and enhance the garden settings of the dwellings. | - Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, preferably indigenous species.  
- Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone). | Lack of landscaping and substantial vegetation.  
Removal of large trees.  
Planting of environmental weeds. | Responds  
8 trees would be removed from the site, 3 of which are protected by the Vegetation Protection Overlay  
The proposed siting of the proposed building footprints and setbacks allow spaces for appropriate landscaping throughout the subject site.  
The Council’s Arborist supports their removal subject to a revised landscape plan being submitted to show canopy tree planting consistent with the Bayside Landscape Design Guidelines June 2016 including 90 of plantings of indigenous species type and count. This matter can be controlled by a condition of permit and is included in the recommendation. |

To maintain the rhythm of spacious visual separation between buildings and allow space for trees and other planting.

- Buildings should be sited to create the appearance of space between buildings and accommodate vegetation.  
- Buildings should be sited to allow space for a garden including trees and shrubs.  
- Minimise impervious surfaces, particularly in the front garden. | Responds  
The proposed development is boundary to boundary in its composition, in the interests of maintaining between dwellings it would be prudent to set the garage of Unit 2 two metres from the mutual east boundary of the site in order to be responsive to neighbourhood character. |
<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 parking structures.</td>
<td>• Locate garages and carports at or behind the line of the dwelling.</td>
<td>Car parking structures that dominate the façade or view of the dwelling.</td>
<td>Responds The single garage components of each dwelling are recessed from their front porch and otherwise by their extent would be relatively innocuous.</td>
</tr>
<tr>
<td>To ensure that new buildings reflect the low scale forms of the area, and 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, pitched roof forms, combinations of materials, textures or colours or other elements providing appropriate articulation.</td>
<td>Large, bulky buildings Poorly articulated roof, front and side wall surfaces.</td>
<td>Responds The two storey design response would utilise a mixture of external materials such as facebrick, render and vertical and horizontal weatherboard cladding evident in the immediate area to respond to the prevailing and preferred neighbourhood character. Further, the pitched roof form with eave features assists in keeping the scale and potential visual bulk impact to the street and/or neighbours low. Whilst, the staggered first floor element facing the street and recessive side and rear setbacks also minimize any visual bulk impact to the street and immediately adjoining neighbours to the north, east and west.</td>
</tr>
<tr>
<td>To use building materials and</td>
<td>• Use a mix of materials, textures and finishes</td>
<td>Period reproduction</td>
<td>Responds</td>
</tr>
</tbody>
</table>

Item 4.12 – 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>finishes that complement the natural setting</td>
<td>including render, timber, non-masonry sheeting, glazing, stone and brick</td>
<td>styles and detailing.</td>
<td>Natural materials and finishes, such as brick, render and cladding, satisfactorily complement the streetscape aesthetic and preferred character.</td>
</tr>
<tr>
<td>To enhance the openness and informality of the streetscape and maintain views into front gardens.</td>
<td>• Provide open style front fencing, other than along heavily trafficked roads.</td>
<td>High or solid front fencing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>• Use vegetation as an alternative where possible.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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</tr>
</tbody>
</table>

*Responds*

A 1.2 metres high front fence is proposed which will allow visual permeability of the subject site and an appreciation of the landscape setting to be provided to the proposed development.
**ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)**

<table>
<thead>
<tr>
<th>CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title and Objective</strong></td>
</tr>
<tr>
<td><strong>B1 Neighbourhood Character</strong></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>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></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>
</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
</tr>
<tr>
<td>Provides appropriate utility services and infrastructure without overloading the capacity.</td>
</tr>
<tr>
<td>Title and Objective</td>
</tr>
<tr>
<td>------------------------------</td>
</tr>
<tr>
<td><strong>B5 Integration with the Street</strong></td>
</tr>
<tr>
<td><strong>CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING</strong></td>
</tr>
<tr>
<td><strong>B6 Street Setback</strong></td>
</tr>
<tr>
<td></td>
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<td></td>
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<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td><strong>B7 Building Height</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>B8 Site Coverage</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>B9 Permeability</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>B10 Energy Efficiency</strong></td>
</tr>
</tbody>
</table>
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.  

<table>
<thead>
<tr>
<th>B11 Open Space</th>
<th>N/A</th>
<th>There is no communal open space in or adjacent to the development.</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>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B12 Safety</th>
<th>Complies</th>
<th>Pedestrian entry points are recognisable from the street frontage, whilst upper levels allow for the passive surveillance of the street.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Layout to provide safety and security for residents and property.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B13 Landscaping</th>
<th>Complies</th>
<th>Council's Arborist supports the removal and retention of existing on-site vegetation subject to conditions requiring mitigation canopy tree planting in accordance with the Bayside Landscape Design Guidelines and 80% indigenous by species and count. These requirements form part of the recommended conditions. Refer to the report for further discussion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide appropriate landscaping.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To encourage:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Development that respects the landscape character of the neighbourhood.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The retention of mature vegetation on the site.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B14 Access</th>
<th>Complies</th>
<th>Appropriate access from Rossmith Avenue for the proposed new dwellings would be provided. Standard traffic conditions are included as permit conditions with regard sightline visibility from the access. An existing crossover would be retained which would serve Unit 1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure the safe, manageable and convenient vehicle access to and from the development.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure the number and design of vehicle crossovers respects neighbourhood character.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B15 Parking Location</th>
<th>Complies</th>
<th>On-site car parking is conveniently located adjacent to the entry of each dwelling and provided in the form of a single garage with tandem car space.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide resident and visitor vehicles with convenient parking.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avoid parking and traffic difficulties in the development and the neighbourhood.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protect residents from vehicular noise within developments.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 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>B17 Side and Rear Setbacks</td>
<td>Does Not Comply</td>
<td>Requirement: A new building not on or within 200mm of a boundary should be setback 2m from the side boundary and</td>
</tr>
</tbody>
</table>
Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.

3m from the rear boundary at ground, plus 0.6m of height over 3.6m up to 6.9m. Areas of non-compliance are underlined. Refer to the report for further discussion.

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

Maximum Height: 3.6m
Maximum Average: 3.2m
Proposed: Max. height and average: U1 – 3.02m & 3.08m respectively. U2 – 3.18m & 3.12m respectively.

Maximum Length:
U1 – 15.98m –
U2 - 16.28m
Proposed:
U1 – 6.47m
U2 - 6.47m

**B19 Daylight to Existing Windows**
Allow adequate daylight into existing habitable room windows.

Complies

Habitable room windows of the neighbouring property of 29 Rossmith Avenue to the west and 33 Rossmith Avenue to the east are within 3 metres from the mutual subject site boundary. However Unit 1 is setback between 3.2m – 5.015m from the habitable room windows in the east elevation of 29 Rossmith and U2 is setback 3.312m from the habitable room windows in the west elevation of 33 Rossmith Avenue to the east, in each circumstance, far in excess than the setback required by the standard which is 2.85m.

**B20 North Facing Windows**
Allow adequate solar access to existing north-facing habitable room windows.

N/A

There are no north facing habitable room windows within 3m of the shared boundary.
| **B21 Overshadowing Open Space** | Complies | Additional overshadowing will occur over a part of the private open space of 29 Rossmith Avenue to the west at 9am. This would be to a decreasing extent between the hours of 10am to 3pm. Additional overshadowing would occur over a part of the private open space of 33 Rossmith Avenue to the east at 3pm. In each instance however, 75% or 40sqm of secluded private open space would receive a minimum 5 hours of sunlight between the hours of 9am and 3pm on 22 September. |
| **B22 Overlooking** | Complies | Existing boundary fencing would limit overlooking from the ground floor habitable room glazed openings of the proposed new dwellings. First floor habitable room windows in the west elevation of Unit 1 and east elevation of Unit 2 would be highlight windows and thus have a sill height of 1.7m measured from finished first floor level in accordance with the standard. |
| **B23 Internal Views** | Complies | The submitted plans indicate a fence will be erected between the private open space of each dwelling to a height of 1.8 metres. This would sufficiently limit inter-visibility between the two properties. |
| **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><strong>B25 Accessibility</strong></td>
<td>Complies</td>
<td>Entries are accessible for people with limited mobility and a bedroom and/or a room capable of being converted into a bedroom would be conveniently located at ground floor within each dwelling for people with limited mobility. In addition, the development could be further retrofitted to accommodate people with limited mobility in the future if required.</td>
</tr>
</tbody>
</table>
**B26 Dwelling Entry**
Provide a sense of identity to each dwelling/residential building.

Complies
The development fronts Rossmith Avenue and includes a clearly identifiable entry with dedicated pedestrian pathway. The entry to each dwelling provides shelter, a sense of personal address and a transitional space around it.

**B27 Daylight to New Windows**
Allow adequate daylight into new habitable room windows.

Complies
All habitable windows will open out onto a space clear to the sky.

**B28 Private Open Space**
Provide reasonable recreation and service needs of residents by adequate private open space.

Complies
Required Minimum:
25m² secluded, 40m² overall with a minimum dimension of 3m.

**Proposed:**
Each dwelling meets the requirements of this standard and is provided with adequate private open space for the reasonable recreation and service needs of future residents.

It is noted that Clause 32.09-4 of the Bayside Planning Scheme requires a minimum garden area at ground floor level of 30% of the lot. This equates to a required garden area of 189.6m². The plans show that a total of 260m² (41%) will be provided on the lot which exceeds the garden area requirement.

<table>
<thead>
<tr>
<th>Total Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1</td>
<td>110m²</td>
</tr>
<tr>
<td></td>
<td>41m²</td>
</tr>
<tr>
<td>Unit 2</td>
<td>113m²</td>
</tr>
<tr>
<td></td>
<td>50m²</td>
</tr>
</tbody>
</table>

**B29 Solar Access to Open Space**
Allow solar access into the secluded private open space of new dwellings/buildings.

Complies
The subject site has a northerly aspect and will receive an appropriate level of solar access.

**B30 Storage**
Provide adequate storage facilities for each dwelling.

Complies
Designated storage areas are provided within the rear setback of each dwelling and are a minimum area 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>
</table>
| **B31 Design Detail**
Encourage design detail that respects the existing or preferred neighbourhood character. | Complies | Refer to Attachment 3 and the report for further discussion. The development responds well to the preferred neighbourhood character. |
<table>
<thead>
<tr>
<th>B32 Front Fences</th>
<th>Complies</th>
<th>A 1.2m front fence would enclose the roadside boundary which can be constructed as of right.</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>B33 Common Property</th>
<th>N/A</th>
<th>There is no common property.</th>
</tr>
</thead>
<tbody>
<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>B34 Site Services</th>
<th>Complies</th>
<th>All appropriate site services can be easily catered for on-site with sufficient space for storage of rubbish bins and provision of mailboxes. A condition has been included requiring the location of hot water systems and air conditioning units to be nominated on the development plans.</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></td>
<td></td>
</tr>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Attachment 5

**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 existing vegetation is small and insignificant in amenity value. Its loss would not have a detrimental impact on the character of the area and a condition of permit will ensure replacement planting would be consistent with the VPO and Bayside Landscape Design Guidelines.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>No indigenous trees exist on the site. The loss of native trees on the site would be mitigated with 80% indigenous plantings.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>Proposed planting coupled with the trees to be retained on the site, will mitigate the medium term impact on the streetscape associated with the proposed tree removal.</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>Whilst there is some element of habitat provision, it is not significant. There is no evidence to suggest the proposed tree removal would impact on local fauna.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site.</td>
<td>The proposed landscape plan is inadequate in terms of its composition of indigenous species and mature tree planting. A condition of permit is included in the recommendation to ensure mature tree planting and a planting schedule of 80% indigenous by species type and count providing an appropriate setting to native vegetation elsewhere within the streetscape.</td>
</tr>
</tbody>
</table>
Tree profile below

- ARBOCULTURAL DATA COLLECTED IN ASSESSMENT

<table>
<thead>
<tr>
<th>Tree No.</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Street tree</td>
<td></td>
</tr>
<tr>
<td>Species:</td>
<td>Melaleuca laurifolia (Smooth Leaf Paperbark)</td>
<td></td>
</tr>
<tr>
<td>DBH:</td>
<td>500x160x210 mm</td>
<td></td>
</tr>
<tr>
<td>TFZ:</td>
<td>5m radius</td>
<td></td>
</tr>
<tr>
<td>SRZ:</td>
<td>2.25m radius</td>
<td></td>
</tr>
<tr>
<td>Canopy:</td>
<td>6m</td>
<td></td>
</tr>
<tr>
<td>Height:</td>
<td>7m</td>
<td></td>
</tr>
<tr>
<td>Health:</td>
<td>Good</td>
<td></td>
</tr>
<tr>
<td>Structure:</td>
<td>Good</td>
<td></td>
</tr>
<tr>
<td>Form:</td>
<td>Good</td>
<td></td>
</tr>
<tr>
<td>Significance:</td>
<td>Native Evergreen Street Tree – for streetscape greenery amenity</td>
<td></td>
</tr>
<tr>
<td>ULE:</td>
<td>Long (depends on future maintenance)</td>
<td></td>
</tr>
<tr>
<td>Retention:</td>
<td>Street tree to be retained</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tree No.</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Callistemon spp (Bottlebrush)</td>
<td></td>
</tr>
<tr>
<td>DBH:</td>
<td>Multiple Stems of 50-60 mm</td>
<td></td>
</tr>
<tr>
<td>Canopy:</td>
<td>4m</td>
<td></td>
</tr>
<tr>
<td>Height:</td>
<td>4m</td>
<td></td>
</tr>
<tr>
<td>Health:</td>
<td>Good – thick dense foliage canopy</td>
<td></td>
</tr>
<tr>
<td>Structure:</td>
<td>Poor – multiple stems</td>
<td></td>
</tr>
<tr>
<td>Form:</td>
<td>Fair</td>
<td></td>
</tr>
<tr>
<td>Significance:</td>
<td>Native greenery flowering tree for screening &amp; shade</td>
<td></td>
</tr>
<tr>
<td>ULE:</td>
<td>Medium (depends on future maintenance)</td>
<td></td>
</tr>
<tr>
<td>Retention:</td>
<td>Low – removal</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tree No.</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Callistemon spp (Bottlebrush)</td>
<td></td>
</tr>
<tr>
<td>DBH:</td>
<td>Multiple Stems of 50-60 mm</td>
<td></td>
</tr>
<tr>
<td>Canopy:</td>
<td>4m</td>
<td></td>
</tr>
<tr>
<td>Height:</td>
<td>4m</td>
<td></td>
</tr>
<tr>
<td>Health:</td>
<td>Good – thick dense foliage canopy</td>
<td></td>
</tr>
<tr>
<td>Structure:</td>
<td>Poor – multiple stems</td>
<td></td>
</tr>
<tr>
<td>Form:</td>
<td>Fair</td>
<td></td>
</tr>
<tr>
<td>Significance:</td>
<td>Native greenery flowering tree for screening &amp; shade</td>
<td></td>
</tr>
<tr>
<td>ULE:</td>
<td>Medium (depends on future maintenance)</td>
<td></td>
</tr>
<tr>
<td>Retention:</td>
<td>Low – removal</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tree No.</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Callistemon spp (Bottlebrush)</td>
<td></td>
</tr>
<tr>
<td>DBH:</td>
<td>Multiple Stems of 50-60 mm</td>
<td></td>
</tr>
<tr>
<td>Canopy:</td>
<td>4m</td>
<td></td>
</tr>
<tr>
<td>Height:</td>
<td>4m</td>
<td></td>
</tr>
<tr>
<td>Health:</td>
<td>Good – thick dense foliage canopy</td>
<td></td>
</tr>
<tr>
<td>Structure:</td>
<td>Poor – multiple stems</td>
<td></td>
</tr>
<tr>
<td>Form:</td>
<td>Fair</td>
<td></td>
</tr>
<tr>
<td>Significance:</td>
<td>Native greenery flowering tree for screening &amp; shade</td>
<td></td>
</tr>
<tr>
<td>ULE:</td>
<td>Medium (depends on future maintenance)</td>
<td></td>
</tr>
<tr>
<td>Retention:</td>
<td>Low – removal</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tree No.</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Pittosporum undulatum (Sweet Pittosporum)</td>
<td></td>
</tr>
<tr>
<td>DBH:</td>
<td>90x90x110 mm</td>
<td></td>
</tr>
<tr>
<td>Canopy:</td>
<td>4m</td>
<td></td>
</tr>
<tr>
<td>Height:</td>
<td>5m</td>
<td></td>
</tr>
<tr>
<td>Health:</td>
<td>Good</td>
<td></td>
</tr>
<tr>
<td>Structure:</td>
<td>Poor – 110mm trunk splitting apart</td>
<td></td>
</tr>
<tr>
<td>Form:</td>
<td>Poor</td>
<td></td>
</tr>
<tr>
<td>Significance:</td>
<td>Native greenery tree in backyard – environmental weed species</td>
<td></td>
</tr>
<tr>
<td>ULE:</td>
<td>Medium (depends on future maintenance)</td>
<td></td>
</tr>
<tr>
<td>Retention:</td>
<td>Low – removal</td>
<td></td>
</tr>
</tbody>
</table>
Tree No. 6
Species: Pittosporum undulatum (Sweet Pittosporum)
DBH: 60 mm
Canopy: 2m
Height: 5m
Health: Good
Structure: Fair
Form: Fair
Significance: Native greenery tree in backyard – environmental weed species
ULE: Medium (depends on future maintenance)
Retention: Low – removal

Tree No. 6A
Species: Photinia glabra (Photinia)
DBH: 4x stems of 90mm
Canopy: 3m
Height: 3m
Health: Good
Structure: Fair
Form: Fair
Significance: EXOTIC greenery tree in backyard
ULE: Medium (depends on future maintenance)
Retention: Low – removal

Tree No. 7
Species: Pittosporum undulatum (Sweet Pittosporum)
DBH: 160 mm
Canopy: 4m
Height: 6m
Health: Good
Structure: Fair
Form: Fair
Significance: Native greenery tree in backyard – environmental weed species
ULE: Medium (depends on future maintenance)
Retention: Low – removal

Tree No. 7A
Species: Photinia glabra (Photinia)
DBH: 100mm
Canopy: 4m
Height: 3m
Health: Good
Structure: Fair
Form: Fair
Significance: EXOTIC greenery tree in backyard
ULE: Medium (depends on future maintenance)
Retention: Low – removal

Tree No. 7B – group of 5x cabbage palms
Species: Cordyline australis (Cabbage Palm)
DBH: 80-100mm
Canopy: 2m
Height: 5m
Health: Good
Structure: Fair
Form: Fair
Significance: EXOTIC (NZ) greenery monocot tree in backyard
ULE: Medium (depends on future maintenance)
Retention: Low – removal
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 Location Plan – Attachment 6
Council Arborist Referral Response - Attachment 7

<table>
<thead>
<tr>
<th>TO</th>
<th>Arborist</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td>Kirsty Slater</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>31 Rossmith Avenue BEAUMARIS</td>
</tr>
<tr>
<td>APPLICATION NO.</td>
<td>5/2018/757/1</td>
</tr>
<tr>
<td>PROPOSAL</td>
<td>2 New Dwellings</td>
</tr>
<tr>
<td>TRIM REFERENCE</td>
<td>DOC/19/38939</td>
</tr>
<tr>
<td>STATUS</td>
<td>Under assessment</td>
</tr>
</tbody>
</table>
| COMMENTS | An assessment against the following is required:  
- Vegetation Protection Overlay  
- Clause 55.03-8 (landscaping), Standard B13 |
| DATE OF REFERRAL | 1 March 2019 |

ARBORIST COMMENTS / CONDITIONS:

Landscape character of the site:
The property contains small trees and medium to large shrubs with mothing providing anything other than low amenity.

Landscape character of adjacent area:
Occasional medium and mostly smaller trees, predominately native with occasional large trees.

The requirements of NCP are:

| H2 |  
|----|---|
|    | • Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, preferably indigenous species.  
• Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone).  
• Buildings should be sited to create the appearance of space between buildings and accommodate vegetation.  
• Buildings should be sited to allow space for a garden including trees and shrubs.  
• Minimise impervious surfaces, particularly in the front garden. |
|    | • Lack of landscaping and substantial vegetation.  
• Removal of large trees.  
• Planting of environmental weeds. |

Are there any trees on the subject site or adjoining properties that need protection?  
Yes [ ]

If yes, comments regarding tree management plan. Request a tree management plan if it hasn't been provided (T1).

Neighbouring trees only.

The following trees are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site:

- 8, 9 and 10

Landscape plan

Has a landscape plan has been submitted  
Yes [ ]
Council Arborist Referral Response - Attachment 7

Is the landscape plan in accordance with NCP  No □

Is the landscape plan in accordance with BLG? No □

Does the built form and/or surface treatments need to be reduced/modified to improve post construction landscaping opportunities? Yes □

Reduction of decking in rear to allow for planting of trees in accordance with NCP and BLG.

Arborist report

Has an arborist report been submitted? Yes □

Does the arborist report cover the following topics?
- Tree inventory Yes □
- Impact assessment Insufficient
- Tree protection method Insufficient

Is more information required?

Provides direction on eastern drive that must be incorporated into design.

Is this information required prior to the application being determined? No □

Does the built form and/or surface treatments need to be reduced to protect trees? Must follow the following extract from Page 1 of Psy report, dated 4 February 2019.

Trees 8-9-10 are close to driveway – construction must be tree sensitive, above NGL grade level with no site excavation or retaining wall cut/fill, using porous materials for driveway surface eg porous concrete or porous asphalt or porous pavers or equivalent.

Proposed tree removal

The application plans show the removal of 6 trees from the site, including 1 protected by the Vegetation Protection Overlay (VPO). It does not show two ferns protected by the VPO that will need to be removed.

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>
</table>

Item 4.12 – Matters of Decision
Council Arborist Referral Response - Attachment 7

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2 and two Ferns.</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Removal of the following trees is supported:

2 and two Ferns

All are very small and provide minimal amenity which will be easily replaced.

Location of vegetation protected by VPO.

Psy Report incorrectly states that a number of trees are protected by the VPO and fails to identify two ferns that are.

The western Callistemon and two Dicksonia antarctica trigger the VPO, no other vegetation on site has a trunk circumference greater than 50cm at 1m above ground level. They were all measured during the site visit.

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 existing vegetation is small and mostly insignificant in amenity values. It is readily replaceable post development.</td>
</tr>
</tbody>
</table>
## Council Arborist Referral Response - Attachment 7

| The impact the vegetation removal would have on the presence of indigenous species in the locality | No indigenous trees are being removed. |
| The impact the vegetation removal would have on the appearance of development | Trees/vegetation at the front of the property would do little to screen any development. |
| The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors. | Whilst small there is some element of habitat provision, nothing appears to be significant. |
| Any proposal to regenerate or plant indigenous vegetation on the site | The replacement planting plan is inadequate. |

### Support for removal

The application is supported subject to the following conditions:

#### L1 Landscape plan required

Before the commencement of any works associated with the approved development, a landscape plan must be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions. The plan must 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) One large 12 metre indigenous tree or two 6-8 metre tall indigenous trees to the rear of each dwelling
- f) One 12m indigenous canopy tree or two 8m indigenous canopy trees in the front setbacks

#### L2 Completion of landscaping

Before the occupation of the development the landscaping on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

#### L3 Landscaping maintenance and replacement


Council Arborist Referral Response - Attachment 7

The landscaping on the endorsed plans must be maintained. Landscaping that is dead, diseased or damaged must be replaced to the satisfaction of the Responsible Authority.

Tree Management Report and Tree Protection Plan

The Tree Management Report must include:

- Details of Tree Protection Zones, as per AS4970, 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;
- Protection measures to be utilised and when they will be implemented; and
- Stages of development at which the site arborist will inspect tree protection measures.

The Tree Protection Plan must be drawn to scale and show:

- The location of all tree protection measures to be utilised.

Any modification to the report or plan must be approved by the site arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

T2 Adherence to Tree Management Report and Tree Protection Plans

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

T3 Contact for Implementation of Tree Management and Protection Plans

Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report and Tree Protection Plan must be submitted to the Responsible Authority.

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>Shane Hall</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE</td>
<td>09/05/2019</td>
</tr>
</tbody>
</table>
Arborist Site Photographs - Attachment 8

Tree #2
Arborist Site Photographs - Attachment 8

Ferns x 2
Arborist Site Photographs - Attachment 8
Arborist Site Photographs - Attachment 8
4.13 1/10 & 2/10 LUCAS STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/609/1 WARD: CENTRAL

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning 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>17 September 2018 Section 57A Amendment: 10 May 2019</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>33 days</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>Site area</td>
<td>920sqm</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>4</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>Yes</td>
</tr>
</tbody>
</table>

Proposal
The application seeks the construction of two double-storey dwellings and a front fence exceeding 1.2 metres in height on a lot, removal of easements and a two lot re-subdivision.

Key details of the proposal are as follows:

- Demolition of 2 existing dwellings.
- Construction of 2 attached dwellings.
- Building height in metres and storeys: 7.2 metres, two storeys (plus basement).
- Front fence height: 1.8 metres.
- 2 swimming pools, 1 in the rear private open space of each dwelling.
- Site coverage: 54%.
- Permeability: 20%.
- Garden Area: 37%.
- Car spaces: 4 spaces, no reduction sought.
- Removal of easements located along the eastern and northern parts of the site.
Two lot re-subdivision.

The application plans were amended as discussed in more detail below. A copy of the amended development plans and original landscape plan and plan of subdivision are provided at **Attachment 1**.

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

**History**

Planning Permit 2017/311 sought **Construction of two new double storey dwellings with basement car parking and a front wall in excess of 1.2 metres in height, removal of easements and a two lot re-subdivision**. This application was refused by Council on 19 January 2018 for the following reasons:

1. **The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct E1) of the Bayside Planning Scheme, on the following grounds:**
   a) The proposal fails to maintain and enhance the garden setting of the precinct given the exceed amount of pavements and accessway within the front setbacks and lack of available room for landscaping.
   b) The proposal fails to maintain the rhythm of spacious visual separation between buildings.
   c) The proposal fails to respects the dominant building form and scale of buildings in the Precinct.
   d) The proposal fails to incorporate a mix of materials, textures and finishes that complement the natural setting and will therefore cause visual dominance to the streetscape.

2. **The proposal fails to comply with the objectives and standards of Clause 55 of the Bayside Planning Scheme, in particular:**
   a) Standard B1 – Neighbourhood Character
   b) Standard B2 – Residential Policy
   c) Standard B5 – Integration With The Street
   d) Standard B6 – Street Setback
   e) Standard B13 – Landscaping
   f) Standard B17 – Side and Rear Setbacks
   g) Standard B22 – Overlooking
   h) Standard B32 – Front Fences

3. **The proposed driveway including the width of crossovers for each dwelling fails to comply with the Clause 52.06 of the Bayside Planning Scheme.**

**2. Planning controls**

**Planning Permit requirements**

A planning permit is required pursuant to:

- Clause 32.09-3 (Neighbourhood Residential Zone) – Subdivision of land.
- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.
- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of a front fence exceeding 1.2 metres in height associated with two or more dwellings on a lot.
- Clause 52.02 (Easements, restrictions and reserves) – Removal of easements.

**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>Melbourne Water</td>
<td>No objection.</td>
</tr>
<tr>
<td>South East Water</td>
<td>No objection.</td>
</tr>
<tr>
<td>United Energy</td>
<td>No objection.</td>
</tr>
<tr>
<td>Multinet Gas</td>
<td>No objection.</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>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</td>
<td>Raised concerns that any changes to the existing driveways would impact on the established street trees. Refer to report for further details.</td>
</tr>
<tr>
<td>Traffic 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 four (4) objections were received.

Four (4) objections remain outstanding at the time of this report.

The following concerns were raised:

- Site coverage
- Street setbacks
- Side setbacks;
- Overshadowing
- Overlooking
- Inaccuracies in plans.

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

**Consultation meeting**

A consultation meeting was held on 29 March 2019 attended by the permit applicant and representatives of all four objecting parties. No objections were withdrawn as a result of the consultation meeting.
Amended Plans

The plans were formally amended to address some of the concerns raised at the consultation meeting, pursuant to Section 57A of the Planning and Environment Act 1987 on 10 May 2019. The plans include the following changes:

- **Dwelling 10:**
  - Ground floor setback to the formal living room increased to 3.8 metres
  - Ground floor setback to the guest bedroom increased to 2 metres
  - First floor setback to the main bedroom increased to 3.8 metres
  - First floor setback to bedroom 3 increased to 3.3 metres
  - Internal reconfiguration of layout and provision of bulkhead to bedroom 2 and en-suite
  - Screening to south facing bedroom 1 and 2 windows
  - Reduction of screening to front façade to provide increased transparency and additional greening.

- **Dwelling 10A:**
  - Ground floor setback to the living room increased to 2 metres
  - First floor setback to the main bedroom increased to 3.8 metres
  - First floor setback to bedroom 2 increased to 3.6 metres
  - Internal reconfiguration of layout and setback of bathroom (previously rumpus room) increased to 4 metres
  - Screening to south facing bedroom 1 and 2 windows
  - Reduction of screening to front façade to provide increased transparency and additional greening.

The formally amended plans were circulated to the objectors on 10th May 2019 and at the time of report writing, no objections were withdrawn as a result of the amended plans.

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 2018/609/1 for the land known and described as 1/10 & 2/10 Lucas Street, Brighton East, for the construction of two double-storey dwellings and a front fence exceeding 1.2 metres in height on a lot, removal of easements and two lot re-subdivision, in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) Plan of Subdivision PS811838 S Ref: 210F91 Version 01 and (amended) prepared by KG Architecture referenced Drg No. 18022_TP05 - 18022_TP09 dated 04/04/2019 and Revision B but modified to show:
   a) All south facing first floor windows for bedroom 2 of Dwelling 10 to be screened in accordance with Standard B22 of the Bayside Planning Scheme.
b) Ground floor en-suite and guest bedroom of dwelling 10A to be set back 2 metres from the eastern side boundary.

c) Ground floor en-suite of dwelling 10 to be set back 2 metres from the western side boundary.

d) All ground and first floor street setbacks to be in accordance with Standard B6 of the Bayside Planning Scheme without any changes to the other boundary setbacks.

e) Swimming pools to be shown on the plans.

f) A longitudinal section of each ramp showing all grades, lengths of grades, levels and headroom in accordance with the Planning Scheme and AS2890.1.

g) Sightlines to be provided to each crossover in accordance with AS2890.1 to be dimensioned on the ground floor plans.

h) Manufacturer details of the proposed vehicle turntables.

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

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

k) An Arboricultural Impact Assessment Report in accordance with Condition 10 of this permit.

l) A Landscaping Plan in accordance with Condition 11 of this permit.

m) A Tree Management and Tree Protection Plan in accordance with Condition 14 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.

**Arboricultural Impact Assessment**

10. Prior to the endorsement of plans pursuant to Condition 1, provision of an Arboricultural Impact Assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites to be provided to ensure Trees 1, 2, 6 and 11 remain viable post construction must be submitted to and be endorsed by the Responsible Authority. The report should include the following information to the satisfaction of the responsible authority:

a) Tree root mapping for trees 1 and 2 to be undertaken with air or hydro non-destructive excavation techniques by a minimum level 4 arborist. The investigation must be to a depth of 400mm below the road and to a depth of 200mm back from the edge of the vehicle crossings. The findings of the tree root investigation must be inclusive of photographs and root map drawing.

b) Recommendations where necessary to include any changes to the built form including the basement ramps/landscaping and pools to ensure that trees 1, 2, 6 and 11 remain viable post construction.

c) Details of the type of root sensitive design/materials to be used for the proposed wall separating the secluded private open space of the new dwellings and any other parts of the development where appropriate.

**Landscaping**

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Le Page Design, reference Proposed Landscape Design Revision E Sheets 1 and 2, dated 03/12/2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

b) Any development changes required by condition 1.

c) 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.
d) 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.

e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

g) Details of surface finishes of pathways and driveways including all paving in the front and rear setbacks to be permeable.

h) Removal of curved retaining wall from the rear setback of Unit 10 to be removed.

i) Two (2) small canopy trees which have the capacity to grow to a minimum 6m height at maturity; or one (1) large canopy tree species which has the capacity to grow to a minimum 10m height at maturity in the private open space of each dwelling.

12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

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

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

b) The location of tree protection measures to be utilised.

15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

16. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
Street tree protection

17. Soil excavation must not occur within 2 metres from the edge of the street trees (Trees 1 and 2) asset’s stems at ground level.

18. Tree protection fencing is to be provided for the protection of Trees 1 and 2 (the street tree’s) canopies and root zones. Conditions for street tree protection fencing during development are as follows:
   a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
   b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
   c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
   d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
   e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

19. Any installation of services and drainage within the TPZ 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.

Permit Expiry for Development

22. 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.

Subdivision

23. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.

24. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.

25. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
26. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

27. The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

28. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time;

- and a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

29. Before the Plan of Subdivision being certified by the Responsible Authority, the owner must enter into an agreement with the Responsible Authority and (name of other authority or person) made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following:

a) The development of the land indicated on the plan of subdivision shall be in accordance with approved plans forming part of planning Permit No. 2018/609/1 or any amendment to the plans approved by the Responsible Authority.

b) The agreement shall be prepared and executed at the owners cost.

c) The agreement shall be submitted to the Registrar of Titles to register the Section 173 on the title to the land under Section 181 of the Act.

Except with the written consent of the Responsible Authority.

**Permit Expiry for Subdivision**

30. This permit will expire if:

a) The plan of subdivision is not certified within two years of the date of this permit.

b) The registration of the subdivision is not completed within five years of the date of this permit.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.
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.
- 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.

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 20.03 Settlement and Housing
- Clause 20.04 Environmental and Landscape Values
- Clause 20.06 Built Environment and Heritage
- Clause 20.06 Neighbourhood Character Policy (Precinct E1)
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.02 Easements, restrictions and reserves
- Clause 52.06 Car Parking
- Clause 53.18 Stormwater Management in Urban Development
- Clause 55 Two or more dwellings on a lot
- Clause 56 Residential Subdivision
- 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 E1. The proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The area is characterised by a variety of single and double storey traditional and contemporary built form constructed of a variety of materials, but predominantly brick or render and with a mix of flat and pitched tiled roofs.

The proposed dwellings comprise a contemporary built form with flat roofs which are considered to be acceptable in this location given that there are a number of examples of flat roofs within the immediate surrounding area including the adjacent property, the dwellings directly opposite on Lucas Street and directly behind the application site.

The development has well-articulated front and side elevations with a variety of materials including render with differing painted finishes, tiled cladding and face brick. Aluminium transparency screens to the first floor front facades of the dwellings are proposed to provide green walls which will soften the appearance of the building and add interest to the streetscape.

At ground floor level, conditions are recommended to the side setbacks to ensure that there is sufficient space around the buildings for the planting of vegetation and to maintain the garden setting of the dwellings. The street setback ensures that there is space for the planting of canopy trees and the basement parking ensures that the front setback is not dominated by vehicle parking areas.

Whilst it is noted that there are some variations to the side setbacks sought at first floor level it is considered sufficient space will be maintained between the new dwelling and the neighbouring properties to maintain an appropriate rhythm of visual separation along this side of Lucas Street.

6.2. Compliance with Clause 55 (ResCode)

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

**Street setback (Standard B6)**

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lucas Street</td>
<td>GF: 6m – 7.15m</td>
<td>1.1m</td>
</tr>
<tr>
<td></td>
<td>FF: 6.5m – 6.7m</td>
<td></td>
</tr>
</tbody>
</table>

A setback from Lucas Street of 7.1 metres is required when a setback of between 6 metres and 7.15 metres is proposed at ground floor level and a setback of 6.5 metres and 6.7 metres is proposed at first floor level.

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.

A variation of 1.1 metres to the street setback is sought to the ground floor formal living room and first floor main bedroom at dwelling 10, and a variation of 0.4 metres is sought to the first floor main bedroom at dwelling 10A. The required setback is identified in the image below with the red line.
It is recognised that the largest variations to the street setback is sought adjacent to No. 8A Lucas Street, which is set back 5.9 metres from the street. It is noted that the proposed development has attempted to respect the streetscape by stepping the built form and providing a transition between the two abutting properties. Furthermore, it is noted that there are a variety of street setbacks along Lucas Street.

However, the ample size of the site is such that there is sufficient space available within the site for the street setback to be complied with. Setting the building back in accordance with the street setback will also ensure that there are sufficient soil volumes available within the front setback to allow for the planting of canopy trees in accordance with the Bayside Landscape Guidelines. A condition is recommended requiring the built form to be amended to accord with the standard with respect to the street setback.

<table>
<thead>
<tr>
<th>Site coverage (Standard B8)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
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<tr>
<td>50%</td>
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</tbody>
</table>

The objective of this standard is to ensure that the site coverage respects the existing and preferred neighbourhood character and responds to the features of the site.

Lucas Street has a varied character made up of a range of lot sizes and dwelling styles including properties in the immediate vicinity with a site coverage in excess of 50%.

Nevertheless, a condition is recommended requiring the en-suite at Dwelling 10 to be set back 2 metres from the western boundary of the site. This will ensure that there is an appearance of visual separation maintained between the application site and the neighbouring site at No. 8A Lucas Street where a two-storey building is located on the common boundary with the application site. As mentioned previously, a condition is also recommended requiring the ground floor formal living room and first floor main bedroom at No. 10 and the first floor main bedroom at No. 10A to be set back in accordance with the prescribed street setback standard.

These conditions, in combination with a conditions requiring the en-suite and guest bedroom at No. 10A to be set back further, discussed in more detail below, will subsequently reduce the overall site coverage to approximately 52%.
The proposed garden area is 37%, and this will increase to at least 38%, subject to the recommended conditions, ensuring that there is ample space around the dwellings for the planting of shrubs and vegetation and subject to condition, the application will include the planting of canopy trees within the front and rear setbacks to maintain the garden setting of the area.

On balance, it is considered that a 2% variation to the overall site coverage set out in the standard would be acceptable given the varied character of the neighbourhood. It is recommended that this variation be supported subject to the conditions mentioned.

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 majority of the proposal is set back in accordance with the standard, however, the en-suite and guest bedroom at dwelling 10A are setback 1 metre and 1.4 metres respectively from the eastern boundary (the required setbacks are identified in the image below). A condition is recommended requiring these rooms to be set back 2 metres from the boundary so that all of the ground floor setbacks comply with the standard. This will ensure that there is sufficient space around the dwellings for the planting of vegetation in accordance with the neighbourhood character guidelines for the precinct. As mentioned above, a condition is also recommended requiring the ground floor en-suite at dwelling 10 to be set back 2 metres from the side boundary.

<table>
<thead>
<tr>
<th>Side and rear setbacks (Standard B17)</th>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
<td>Requirement</td>
</tr>
<tr>
<td><strong>East (side)</strong></td>
<td>0m or 2m</td>
<td>1m – 3.65m</td>
</tr>
<tr>
<td><strong>West (side)</strong></td>
<td>0m or 2m.</td>
<td>0m – 3.6m</td>
</tr>
<tr>
<td><strong>South (rear)</strong></td>
<td>0m or 3m</td>
<td>9.2m – 10.2m</td>
</tr>
</tbody>
</table>
At first floor level, the development is set back in accordance with the standard towards the rear of the site. For dwelling 10, bedroom 2, the bathroom and bedroom 3 comply with the requirements with respect to the western boundary. These parts of the dwelling are adjacent to the secluded private open space and rear windows of the neighbouring property at No. 8A Lucas Street. A variation of 0.9 metres is sought to the first floor main bedroom and a variation of 0.5 metres is sought to the first floor en-suites. These areas are set back more than 3 metres from the nearest windows at the neighbouring property at No. 8A Lucas Street and are not considered to have any adverse impact.

For dwelling 10A, the first floor bedroom 2 and the bathroom comply with the requirements with respect to the eastern boundary. These parts of the dwelling are adjacent to the secluded private open space and rear windows of the neighbouring property at No. 12 Lucas Street. A variation of 0.8 metres is sought to the main bedroom, en-suite, bathroom and bedroom 3, adjacent to the eastern boundary of the site. At first floor level, these parts of the dwelling are set back more than 4 metres from the nearest windows at facing windows at the neighbouring property at 12 Lucas Street.
Both the east and west facing first floor facades are proposed to be well articulated and constructed in a variety of materials including tile cladding and cladding with a paint finish. This is considered to be appropriate to ensure that the dwellings do not appear overly dominant when viewed from the neighbouring properties.

On balance, the first floor setbacks are considered to be respectful to the preferred siting and built form pattern of development within the neighbourhood and would not unreasonably impact on neighbouring amenity.

Overlooking (Standard B22)

The proposal includes a number of first floor windows serving habitable rooms that are within 9 metres of the secluded private open space (SPOS) and habitable room windows at No’s 8A and 12 Lucas Street.

The amended plans show the majority of windows to be screened in accordance with the standard, however, there is a thin, south facing first floor window associated with bedroom two at Unit 10 which has not been screened. A condition is recommended requiring this window to be screened in accordance with the standard to ensure that the development does not result in unreasonable overlooking to neighbouring properties.

Front Fences (Standard B32)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lucas Street</td>
<td>1.2m</td>
<td>1.8m</td>
<td>600 mm</td>
</tr>
</tbody>
</table>

A front fence constructed of powder coated, aluminium bars of 1.8 metres in height is proposed to the front boundary of the site on Lucas Street. Pursuant to Standard B31 a front fence to a maximum of 1.2 metres in height is provided preferred.

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

Whilst the proposed front fence will be 1.8 metres in height, it will comprise of powder coated, aluminium bars which will be spaced at 80mm apart, allowing views into and out
of the site. In addition, the fence is proposed to be curved and to be landscaped with vines and trained plantings which will contribute to the garden setting of the area.

The front fences along Lucas Street are varied in style and include a number of high, fences and therefore the proposal is considered to be appropriate and respects the character of the streetscape.

6.3. Landscaping

The application does not propose to remove any trees protected by the Local Law. The table below identifies those trees shown to be removed’.

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

Council’s Arborist in their referral response advised that the tree removal is supported as none of the trees on the site are worthy of retention due to a mixture of poor health and low amenity values.

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

Council’s Arborist has raised concerns in relation to the encroachment of the proposed swimming pool and site cut at Dwelling 10 into the TPZ of Tree No. 6, located at the neighbouring property to the rear of the site.

Council’s Arborist has also commented that the design recommendations in the submitted arborist report should be followed to ensure that Tree No. 11, located within the secluded private open space of the neighbouring property at No. 12 Lucas Street, remains viable post construction. The submitted arborist report recommends that the basement and ground floor walls of dwelling 10A, located within the TPZ of Tree 11, be set back 500mm from the eastern boundary to ensure that this tree remains viable post construction. It is noted that the amended plans show the ground floor walls set back in accordance with this requirement, however the basement remains unchanged.

Council’s Arborist has also commented that the paving located in the front and rear setbacks of the site should be permeable. In addition, it is recommended that the curved retaining wall in the rear setback of Unit 10 is to be removed and the solid wall proposed to be constructed to divide the secluded private open space of the new dwellings to be constructed using root sensitive design/materials. Whilst these design changes will go some way to ensuring that the neighbouring trees remain viable, a condition is recommended requiring an Arboricultural Impact Assessment and report to be provided and any recommendations followed to ensure that this tree remains viable post construction.

Council’s Arborist has also reviewed the submitted landscape plan and advised that it is required to be amended to include the planting of one large (trees with mature heights of 10m or greater) or two small canopy trees (trees with mature heights of 6m or greater)
rear setback of each dwelling in accordance with the Bayside Landscape Guidelines (2016). This is included in the recommendation.

6.4. Street Trees

Tree No’s 1 and 2 are located in the nature strip adjacent to the site. Council’s Street Tree Arborist has advised that these trees are between 30 and 50 years of age and in accordance with the street and park management policy their removal is not supported.

These trees are proposed for retention, however Council’s Open Space Arborist has advised that the trees can only be retained if the existing crossovers are maintained as any changes to the crossovers would be likely to be detrimental to the street trees.

In addition, Council’s Street Tree Arborist has commented that the assessment of the street trees in the arborist report submitted with the application does not include root investigation to determine if there are any structural roots within the proposed ramp excavation area and therefore does not consider potential encroachments into the Structural Root Zones (SRZ’s) of trees 1 and 2.

An Arboricultural Impact Assessment is recommended to be required by condition, demonstrating that the street trees will remain viable. Any recommendations including re-location of the ramps, found in the assessment must be followed and down on the development plans, to ensure that the street trees remain viable post construction. Conditions will also be recommended requiring appropriate tree protection fencing being erected around the street tree asset during demolition and construction.

6.5. Car parking and traffic

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

Dwelling 10 comprises five bedrooms and is afforded two car parking spaces in the form of a basement car park. Dwelling 10A comprises five bedrooms and also has two car parking spaces in the form of a basement car park. 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 relating to driveway gradients, sightlines and details of proposed turntables. These are included as conditions of the permit.

It is noted that Council’s Traffic Engineer raised concerns relating to the width of the vehicle accessways and commented that these should be reconstructed. However, it is noted that the vehicle accessways are existing and each provide access to one dwelling. As the application proposes to retain these crossovers, with each crossover continuing to provide vehicle access to one dwelling, it would be considered unreasonable to require to reconstruction of these accessways as this would also require the relocation of services located within the nature strip and would most likely detrimentally impact on the street trees. On balance, it is considered acceptable for the existing crossovers to be re-used.

6.6. Cultural Heritage management plan

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

6.7. Development contributions levy

Based on the proposed application and below recommendation, no development contributions levy is applicable.
6.8. Removal of Easements

The application proposes to removal of easements on the current certificate of title. The application was referred to all of the beneficiaries of the easements.

Melbourne Water and South East water raised no objection to the removal of the easements and United Energy and Multinet Gas also raised no objection to the development. Standard conditions are included in the recommendation.

6.9. Subdivision

The application proposes the re-subdivision of Units 1 and 2 at 10 Lucas Street and the removal of common property. The design and layout of the proposed subdivision is of two lots situated side by side, each with vehicle access to Lucas Street. The proposed new lots respond appropriately to the character of the neighbourhood. As the application is accompanied by a development proposal, and a Clause 55 assessment has been carried out, it is considered that the siting of the buildings on the lots, site and street orientation are acceptable. No common areas are proposed.

Ordinarily a Clause 56 assessment would be required for the residential subdivision, however as the proposal also includes the development of two dwellings, the Clause 55 assessment has considered the siting and impacts of the built form. In addition, a condition is included in the recommendation requiring a Section 173 Agreement to be entered into, which ties the development in with the subdivision.

Overall, the lot design is supported. Standard conditions requiring the plan of subdivision to be certified are included in the recommendation.

6.10. Objector issues not already addressed

Insufficient information

During the consultation meeting concerns in relation to inaccuracies in the plans were discussed and the applicant advised that these details at the neighbouring property would be shown on the plans amended pursuant to Section 57A of the Planning and Environment Act 1987. The plans the subject of this report details the neighbouring properties accurately.

Support Attachments
1. Development Plans
2. Site and Surrounds
3. Neighbourhood Character Assessment
4. Clause 55 Assessment
external finishes legend

1. Landscape
   high quality landscaping to compliment building materials
2. SCA
   select black timber screen
3. R1
   render - dark charcoal
4. TC
   tile cladding
5. R2
   render - neutral
6. AWH
   charcoal powder coated aluminium windows - glass clear; opaque; louvres
Plan of Subdivision

Location of Land

Moorabbin

Parish:

Part of Dendys Crown Special Survey

Township:

Section:

Crown Allotment:

Crown Portion:

Title Reference:

VOL 9171 FOL 189

VOL 9171 FOL 190

Last Plan Reference:

Lot 1 & 2 on CS 1041

Postal Address:

10 Lucas Street,
Brighton East 3187.

MGA 94:

E 324 810

N 5 800 870

Zone: 55

Vesting of Roads and/or Reserve

Identifier:

Council / Body / Person:

Nil

Nil

Notations

Purpose of Plan:

(i) To re-subdivide CS 1041 and dissolve the owners corporation created in CS 1041.

Easements shown on CS 1041 will merge upon registration of this plan.

Area of Site: 923 m²

No. of Lots: 2

Easement Information

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

Easements & Rights Implied by Section 12(2) of the Subdivision Act 1965 Apply to the Whole of the Land on This Plan

Easement Reference:

Purpose:

Width (Metres):

Origin:

Land Benefited/in Favour of:

Ref:

21091 01

Version:

Original Sheet:

Size:

Sheet:

Size:

A3

1

0

1 of 2
Item 4.13 – Matters of Decision
Site and Surrounds

Figure 1 Aerial overview of the site and surrounds

Legend

<p>| | |</p>
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
<td>⭐</td>
</tr>
<tr>
<td>Objectors</td>
<td>🔴</td>
</tr>
</tbody>
</table>
Figure 2 View towards the site from the northeast.

Figure 3 View towards the site and No. 8A Lucas Street from the north.
Figure 4 View to the site and No. 12 Lucas Street from the north including the eastern crossover to the application site.

Figure 5 View to the nature strip and western crossover to the site.
Figure 6 View towards No’s 11 and 13 Lucas Street opposite the site.

Figure 7 View towards No’s 15 Lucas Street and 17 Lucas Street (under construction) opposite the site.
### Neighbourhood Character Policy (Precinct E1)

#### Preferred Future Character Statement

The well articulated dwellings with roof eaves are set within spacious landscaped grounds. In some streetscapes, there is a continued presence of pre WWII era dwellings, with complementary new development. Dwellings do not dominate the streetscape and vegetation appears to wrap around the buildings. The sense of spaciousness is retained by the dwellings being set back from front and side boundaries, which also provides space for garden planting. Buildings incorporate a variety of materials or design details providing visual interest within the streetscape.

#### 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 the design of new development.  
• Alterations and extensions should retain the front of these dwellings. | Demolition of dwellings that contribute to the valued character of the Precinct.             | Responds  
The existing dwellings are not heritage and therefore the application does not propose to remove any buildings that contribute to the valued character of the precinct. |
| To maintain and enhance the garden settings of the dwellings.              | • Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs.  
• Retain large trees and provide for additional trees wherever possible. | Lack of landscaping and substantial vegetation.  
Removal of large trees.                                                                 | Responds  
The application has been accompanied by a landscape plan that includes the planting of canopy trees and subject to condition, will include canopy tree planting in accordance with the Bayside Landscape Guidelines (2016).  
Conditions are also recommended requiring trees on neighbouring properties and street trees to be protected as these trees contribute to the garden setting of Lucas Street. The proposed front fence, comprising open bars will provide a frame for climbing plants which will contribute to the appearance of well vegetated gardens when the site is viewed from the street and will maintain the garden setting of the dwellings. |
| To provide space for front gardens.                                       | • Buildings should be sited to allow space for the planting of trees and shrubs. | Loss of front garden space.                                                               | Responds  
Subject to condition, the buildings will be set back from Lucas Street appropriately to allow for the |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>To maintain the rhythm of spacious visual separation between buildings.</strong></td>
<td></td>
<td>planting of shrubs and vegetation and to ensure that sufficient space will also be available for the planting of canopy trees to provide for a front garden for each dwelling.</td>
</tr>
<tr>
<td></td>
<td>• Buildings should be sited to create the appearance of space between buildings</td>
<td></td>
<td>Responds Responds Responds</td>
</tr>
</tbody>
</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                  |       | Car parking structures that dominate the façade or view of the dwelling. Car parking structures that dominate the façade or view of the dwelling. Car parking structures that dominate the façade or view of the dwelling. Car parking structures that dominate the façade or view of the dwelling. |
|            | • Minimise paving in front garden areas including driveways and crossovers.     |       | Front setbacks dominated by impervious surfaces. Front setbacks dominated by impervious surfaces. Front setbacks dominated by impervious surfaces. |

<p>|            |                                                                 |       | Responds Responds Responds |
|            |                                                                 |       | The application proposes to maintain the existing vehicle crossovers to provide access to the new dwellings. Parking areas for each dwelling will be provided in the basement accessed via single driveways. As such, there will be sufficient space given over to landscaping and front gardens to ensure that the driveways do not dominate the front setback. |</p>
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
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</thead>
</table>
| To ensure new development respects the dominant building form and scale of buildings in the Precinct. | • Recess second storey elements from the front façade.  
• Articulate front facades, and provide roofs with eaves. | Reproduction of historic building styles. | Responds  
The front and side elevations of the building are highly articulated. The ground and first floor facades facing Lucas Street are set back to varying degrees. Whilst the design of the dwellings is contemporary with flat roofs, this is not considered to be wholly out of character with the neighbouring by virtue of a number of flat roofed properties surrounding the site. The first floor has been set back in parts from the ground floor below, providing articulation to the built form. Recessed and projecting elements along east and west elevations ensure that the sides of the dwellings, when viewed from Lucas Street do not appear as dominant blank facades. |
| To respect the identified heritage qualities of adjoining buildings. | • Where adjoining an identified heritage building, respect the height, building forms, siting and materials, of the heritage building(s) in the new building design. | Buildings that dominate heritage buildings by height, siting or massing.  
Period reproduction detailing. | Responds  
There are no heritage buildings adjoining the site. |
| To encourage building facades to add visual interest to the streetscape. | • Use a mix of materials, colours and finishes in building facades, drawn from the palette commonly found in the area. | Excessive use of render or one material on external wall surfaces. | Responds  
The area is dominated by render and brick. The proposed materials are of a contemporary style and include a variety of textures such as tile cladding, coloured render, face brickwork and aluminium screens. The screens proposed to the second floor façade facing Lucas Street will act partly as green walls, providing the opportunity for climbing plants to be grown which will soften the appearance of the contemporary buildings. It is considered that the combination of materials proposed would present as an interesting design to the street. |
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>Complies</td>
<td>Refer to Attachment 3 for further discussion. The development will contribute to the preferred neighbourhood character of the street and wider surrounds.</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 two 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. 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. The application was referred to Council’s Drainage Engineer who has recommended that standard drainage conditions are included on the permit.</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>Complies</td>
<td>The development would integrate appropriately with the street; both dwellings would front Lucas Street with pedestrian entries visible from the road and appropriate vehicle access points. Views into and out of the site will be minted through the front fence.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B6 Street Setback</strong></td>
<td>Complies, subject to condition</td>
<td>Requirement: 7.1m</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Compliance</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>------------</td>
</tr>
<tr>
<td>4.13</td>
<td>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td>Complies</td>
</tr>
<tr>
<td>B7</td>
<td>Building Height</td>
<td>Complies</td>
</tr>
<tr>
<td>B8</td>
<td>Site Coverage</td>
<td>Does not comply</td>
</tr>
<tr>
<td>B9</td>
<td>Permeability</td>
<td>Complies</td>
</tr>
<tr>
<td>B10</td>
<td>Energy Efficiency</td>
<td>Complies</td>
</tr>
<tr>
<td>B11</td>
<td>Open Space</td>
<td>N/A</td>
</tr>
<tr>
<td>B12</td>
<td>Safety</td>
<td>Complies</td>
</tr>
<tr>
<td>B13</td>
<td>Landscaping</td>
<td>Complies, subject to conditions</td>
</tr>
</tbody>
</table>
- The retention of mature vegetation on the site.

**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 application proposes to maintain the two existing vehicle accessways which have a total width of approximately 5.4 metres, equating to 25% of the street frontage. This will maintain the character of the neighbourhood.

**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 garages and which would be secure and conveniently located.
Refer to the report for further discussion.

**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
A new building not on or within 200mm of a boundary should be setback 2 metres from the side boundary and 3 metres from the rear boundary, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres.

Areas of non-compliance are **underlined**.
Refer to the report for further discussion.

<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></td>
</tr>
<tr>
<td>0m or 2m</td>
<td>1m – 3.65m</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>West (side)</td>
<td></td>
</tr>
<tr>
<td>0m or 2m.</td>
<td>0m – 3.6m</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>South (rear)</td>
<td>0m or 3m</td>
</tr>
<tr>
<td></td>
<td>4.92m</td>
</tr>
</tbody>
</table>

---

Item 4.13 – Matters of Decision
<table>
<thead>
<tr>
<th>B18 Wells on Boundaries</th>
<th>Complies</th>
<th>With regard to walls on boundaries, all walls on the western boundary meet the length, average height and maximum height criteria of this standard.</th>
</tr>
</thead>
</table>
|                         |          | Western boundary  
|                         |          | Total length (kitchen and en-suite): 9.1m  
|                         |          | Average height of 3.1m  
|                         |          | Maximum height: 3.6m (parapet)  
| B19 Daylight to Existing Windows | Complies | The dwellings are appropriately setback from property boundaries to ensure daylight to existing windows on the adjoining properties are not compromised. |  
| B20 North Facing Windows | N/A      | There are no existing north facing habitable room windows within 3m of the site. |  
| B21 Overshadowing Open Space | Complies | All surrounding properties will retain acceptable levels of sunlight to their secluded private open space in accordance with the standard. |  
| B22 Overlooking | Complies subject to conditions | All first floor habitable room windows have been screened of fixed and obscure glazed to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard.  
|                         |          | It is noted that there is a thin, south-facing slot window at bedroom 2 at Unit 10A. A condition is recommended requiring this window to be screened in accordance with the standard.  
|                         |          | At ground floor level, views towards neighbouring properties will be obscured by boundary fencing.  
|                         |          | Refer to the report for further discussion. |  
| B23 Internal Views | Complies | As noted above, all habitable room windows have or will be screened to a minimum height 1.7 metres or have been sited appropriately in accordance with this Standard. In addition, a wall is proposed to the rear of the dwellings to avoid overlooking between the secluded private open spaces of the development. |
### B24 Noise Impacts
Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.

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

### B25 Accessibility
Consider people with limited mobility in the design of developments.

| Complies | The dwellings are provided with level accesses and have bedrooms, along with all essential amenities, at ground floor level. The dwellings also have lift access from basement through to first floor level and could be retrofitted to accommodate people with limited mobility in the future if required. |

### B26 Dwelling Entry
Provide a sense of identity to each dwelling/residential building.

| Complies | The development fronts the street and includes a clearly identifiable entries. The entries provide shelter, a sense of personal address and a transitional space around the dwellings. |

### B27 Daylight to New Windows
Allow adequate daylight into new habitable room windows.

| Complies | All habitable windows will open out onto a space clear to the sky. |

### B28 Private Open Space
Provide reasonable recreation and service needs of residents by adequate private open space.

| Complies | Minimum:
40m² of total private open space; with a minimum of 25m² to be secluded private open space, with a minimum dimension of 3m and convenient access from a living room.

**Proposed:**
Both dwellings meet the requirements of this standard and are provided with adequate private open space. |

<table>
<thead>
<tr>
<th>Total Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling 10</td>
<td>197m²</td>
</tr>
<tr>
<td></td>
<td>111m²</td>
</tr>
<tr>
<td>Dwelling 10A</td>
<td>198m²</td>
</tr>
<tr>
<td></td>
<td>100m²</td>
</tr>
</tbody>
</table>

### B29 Solar Access to Open Space
Allow solar access into the secluded private open space of new dwellings/buildings.

| Complies | The bulk of the secluded private open space for both dwellings would be south facing, however both dwellings are set back more than 9 metres from the rear boundary of the site in accordance with the standard. |

### B30 Storage
Provide adequate storage facilities for each dwelling.

<p>| Complies | Both dwellings have sufficient space to accommodate appropriate storage in the basement areas. |</p>
<table>
<thead>
<tr>
<th><strong>B31 Design Detail</strong></th>
<th>Complies</th>
<th>Refer to Attachment 3 and the report for further discussion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **B32 Front Fences** | Does not comply | Maximum: 1.2m  
Proposed: 1.8m  
Refer to report for further discussion. |
<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>

| **B33 Common Property** | Complies | The development does not incorporate common property.  
However, public and private areas are clearly delineated. |
|-------------------------|----------|-------------------------------------------------------------|
| Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.  
Avoid future management difficulties in common ownership areas. | | |

<table>
<thead>
<tr>
<th><strong>B34 Site Services</strong></th>
<th>Complies</th>
<th>All appropriate site services can be easily catered for on-site.</th>
</tr>
</thead>
</table>
| 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. | | |
5. Confidential Business

Nil