Agenda

for the

Planning & Amenity Committee Meeting

To be held at the Council Chambers, Civic Centre, Boxshall Street Brighton

on

Tuesday, 12 February, 2019
at 7:00pm

Councillors:

Cr Alex del Porto
Cr Laurence Evans
Cr Michael Heffernan (Mayor)
Cr James Long BM JP
Cr Clarke Martin
Cr Sonia Castelli
Cr Rob Grinter
Members of the Gallery

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

Section 92 The Chair's Duties and Discretions

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

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

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

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

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

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

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

Your cooperation is appreciated

Chairperson of Council
Planning & Amenity Committee Meeting

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

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

Membership of the Committee
All Councillors

Order of Business

1. Apologies

2. Declarations of Interest

3. Adoption and Confirmation of the minutes of previous meeting

4. Matters of Decision
   4.1 15 Locke Street, Brighton East Notice of Decision to Grant a Permit Application No: 2018/579/1  Ward: Northern ....................... 7
   4.2 15 Stonehaven Crescent, Hampton East Notice of Decision to Grant a Permit Application No: 2018/371/1  Ward: Central ........ 71
   4.3 12 Pacific Boulevard, Beaumaris  Grant a Permit Application No: 2018/673/1 Ward: Southern .................................................. 133
   4.4 260-264 Highett Road, Highett Notice of Decision to Grant a Permit Application No: 2018/411/1  Ward: Central .................... 207
   4.5 109 Abbott Street, Sandringham VCAT Amended Plans - Support the Grant of a Permit Application No: 2018/353/1 Ward: Central ................................................................. 317
   4.6 1/8 Cole Street, Brighton Notice of decision to Amend a Permit Application No: 2016/421/2 Ward: Northern ......................... 425
   4.7 VCAT Report - Decisions made in December 2018 .................. 499

5. Confidential Business
   Nil
### Next Meetings 2019

- Tuesday 26 February 2019
- Tuesday 12 March 2019
- Tuesday 16 April 2019
- Tuesday 30 April 2019
- Tuesday 14 May 2019
- Tuesday 11 June 2019
- Tuesday 16 July 2019
- Tuesday 30 July 2019
- Tuesday 13 August 2019
- Tuesday 10 September 2019
- Tuesday 8 October 2019
- Tuesday 22 October 2019
- Tuesday 12 November 2019
- Tuesday 26 November 2019
- 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 22 January 2019.
4. Matters of Decision

4.1 15 LOCKE STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/579/1 WARD: NORTHERN

City Planning & Amenity - Development Services
File No: PSF/15/8755 – Doc No: DOC/19/11859

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>Andrew Ferris Drafting and Design</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>5 September, 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>89 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>640 sqm</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>4</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes $2,020 Catchment area 4A</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, but a cultural heritage management is not required.</td>
</tr>
</tbody>
</table>

Proposal

The application seeks approval for the construction of two double-storey dwellings and a front fence exceeding 1.2 metres in height on a lot. Key details of the proposal are as follows:

- Number of dwellings: 2
- Building height in metres and storeys: 7.45 metres, 2 storeys
- Site coverage: 42%
- Permeability: 33%
- Car spaces total number and reduction sought: 4 spaces, no reduction sought
- Front fence: 1.2 metres in height.

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) – Construction of two or more dwellings on a lot and a front fence exceeding a height of 1.2 metres.

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>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:
- Neighbourhood character;
- Overlooking;
- Overshadowing;
- Height/ Visual bulk;
- Boundary fencing;
- Overdevelopment;
- Drainage.

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 November 2018, attended by the permit applicant, three (3) objectors and one (1) additional neighbour. The applicant provided amended plans which were informally circulated to all objectors.

The informally amended plans are provided at Attachment 3.
As a result of the consultation meeting and informal amended plans circulated, no objections were withdrawn. The decision plans remain those shown in Attachment 1.

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 2018/579/1 for the land known and described as 15 Locke Street, Brighton East, for the Construction of two double-storey dwellings and a front fence exceeding a height of 1.2 metres on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by Andrew Ferris Drafting and Design Sheets 1, 2, 3, 4 and 5 Issue TPA and Designer Issue Sheets 6 and 7 dated August 2018 but modified to show:

   a) First floor side setbacks at Unit 2 to comply with Standard B17 of Clause 55 of the Bayside Planning Scheme.

   b) The fence within the front setback of Unit 1 and adjacent the driveway must not exceed a height of 1.2 metres.

   c) Crossover to be 3 metres wide and offset 1 metre from the western boundary of the site with a 1 metre wide separator between the crossover and the neighbouring crossover.

   d) Sightlines to be provided in accordance with AS2890.1.

   e) Garages at both units to have minimum a width of 5.5 metres and length of 6 metres with a minimum headroom of 2.1 metres.

   f) Garage doors at both units to have a minimum width of 4.8 metres.

   g) 6sqm externally accessible storage to be provided in the secluded private open space of each dwelling.

   h) The on-site vehicle accessway is to include a pattern or texture to add articulation and break-up the expanse of hard surfacing.

   i) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties.

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

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

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

   m) A Tree Management and Tree Protection Plan in accordance with Condition 13 of this permit.

   n) Provision of the development contributions levy in accordance with Condition 23 of this permit.

All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view, to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens must 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 concept plan drawn by Andrew Ferris Drafting, reference Sheet 6 of 7, dated August 2018, and be drawn to scale with dimensions and three copies must be provided. The plan must show:
a) Development changes.
b) A survey including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
c) A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
d) A planting schedule of all proposed trees and shrubs including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
f) Details of water sensitive urban design elements.
g) Details of surface finishes of pathways and driveways.
h) Two (2) small canopy trees which have the capacity to grow to a minimum 8m height at maturity, or one (1) large canopy tree species which has the capacity to grow to a minimum 12m height at maturity in the front setback of unit 1.
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 unit 1.
j) 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 unit 2.

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.

Street tree protection

16. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.

17. 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.

18. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

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.

22. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the North property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities. Minimum easement width must the greater of; 2m from the boundary or 0.5m from the asset.
Development Contributions Levy

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

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.

5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

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

- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

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

Bayside Planning Scheme

- Clause 11 Settlement
• Clause 13  Environmental Risks
• Clause 15  Built Environment and Heritage
• Clause 16  Housing
• Clause 21.03  Settlement and Housing
• Clause 21.05  Environmental Risks
• Clause 21.06  Built Environment and Heritage
• Clause 22.06  Neighbourhood Character Policy (Precinct D1)
• 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 G1. The proposal is considered to demonstrate an acceptable level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 4.

The area is characterised by a variety of single and double-storey dwellings of traditional and contemporary built form. The proposed dwellings will be constructed in a variety of materials with recessed and projecting elements which will provide a level of interest when viewed from the surrounds. It is noted however that the properties within the immediate streetscape along Locke Street have pitched roof forms with eaves, but the broader area includes flat roofs. On the broader context, the flat roof form of Unit 1 is acceptable and the development sits appropriately within the streetscape.

Whilst the setbacks do not satisfy Council's varied numerical side setback requirement, subject to condition, they will provide reasonable space and separation from all side and rear boundaries to respect the preferred residential siting and pattern of development within this neighbourhood as required by Council objectives.

The majority of the front setback will be given over to landscaping, meaning that there will be sufficient space around the dwellings for substantial landscaping and subject to the recommended landscaping condition, appropriate canopy tree planting will be provided to maintain the garden character of the area.

The proposed front fence will be 1.2 metres in height providing views into and out of the site and maintaining the openness of the development to the street. A portion is 1.5 metres, appropriately defining the letterboxes. This is minor in the extent of front fence and is acceptable.

It is considered that the proposed development will make a positive contribution to the preferred neighbourhood character of Precinct G1, subject to the recommended conditions to the changes to the design and landscaping outlined above and in further detail below.
6.2. Compliance with Clause 55 (ResCode)

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

Street setback (Standard B6)

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locke Street</td>
<td>8.8m</td>
<td>6m</td>
</tr>
</tbody>
</table>

A street setback from Locke Street is a minimum of 6 metres to 7.6 metres is proposed, when a setback of 8.8 metres is required to achieve this standard. The objective of the street setback is to ensure the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of a site.

Due to the irregular lot configuration, the dwellings have varying and stepped setbacks. The neighbouring property to the east, No. 17 is set back approximately 8.8 metres from the street and has a carport located within the front setback area which is setback 4.2 metres from the front of the site. The neighbouring property to the west, No. 13, is setback approximately 5.1 metres from the street.

The buildings are proposed to be articulated at both ground and first floor levels with porches and a number of recessed and projecting elements as well as a variety of materials. In combination, this will ensure that the front and side facades do not appear overly dominant when viewed from the street.

The proposed front setback at the application site will be predominantly given over to landscaping. Whilst it is noted that there is a 2.8 metre variation sought, given that there is a carport located within the front setback of No. 17 immediately to the east of the site, and immediately to the west of the site the dwelling located at No. 13 is set back 5.1 metres from the street, it is considered that the proposed 6 metre setback will be an appropriate design response to the surrounds and respects the preferred neighbourhood character whilst making efficient use of the site.

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>West (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>North (rear)</td>
<td>0m or 3m</td>
</tr>
</tbody>
</table>

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

At ground floor level the majority of the side and rear setbacks accord with the standard. A minor variation of 0.06 metres is sought to the living room of unit 1. This variation will not be recognized from the surrounds. The garage at unit 1 is proposed to be off-set approximately 1 metre from the eastern side setback. A variation of 1 metre is sought. This wall is set back approximately 20 metres from the front of the site and extends for a length of approximately 7 metres adjacent to the driveway at the neighbouring property and as such will not impact unduly on neighbourhood character or on the amenity of neighbours.

At first floor level, the rear setbacks accord with the standard. There are however a number of variations sought to the side setbacks.
In relation to the eastern side boundary, the bathroom at unit 1 is located next to the driveway at the neighbouring property, No. 17 Locke Street. This encroachment would not result in overshadowing or overlooking to the neighbours and will provide some articulation and level of interest as a result of the variety of materials proposed such that the proposal will not appear visually bulky when viewed from the neighbouring property.

The first floor living room at unit 2 is located adjacent to the garage and secluded private open space at No. 17 Locke Street. A condition is recommended, requiring the living room to be set back from the eastern side boundary in accordance with the standard to ensure that the built form does not appear overly dominant from neighbouring properties.

In relation to the western side boundary, the proposed first floor bedroom 2 and bathroom at unit 2 will encroach into the prescribed setbacks. Given that this will be adjacent to No. 13B Locke Street, it is considered that these walls should be set back in accordance with the standard to ensure that the development does not appear unreasonably bulky when viewed from neighbouring properties. A condition to this effect has been included in the recommendation.

When viewed from the street, the first floor setbacks at unit 1 are considered to appropriately maintain an appearance of visual separation between the built form at the site and neighbouring properties. The variations sought in relation to unit 1 are supported.

Walls on Boundary (Standard B18)

The objective of the 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.

The wall on the western site boundary accords with the standard.

The wall on the eastern site boundary has an overall height of approximately 3.7 metres and an average height of approximately 3.6 metres, exceeding the standard. This wall is predominantly proposed to be located adjacent to the existing driveway at No. 17. Only a short part of the wall with a length of approximately 1 metre will be viewed from the neighbouring driveway and given that this is not a highly sensitive interface, this would not have an undue impact on the amenity of the neighbours. The variations would not be highly visible from the street and as such it is recommended that the variation is supported.

Front Fence (Standard B32)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locke Street</td>
<td>1.2m</td>
<td>1.5m</td>
<td>300 mm</td>
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</tbody>
</table>

Pursuant to Standard B32, a front fence to a maximum of 1.2 metres in height is provided preferred. The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

The existing and preferred character for the area is to maintain the openness of dwellings to the streetscape through the use of low, open, front fencing.

The majority of the front fence along Locke Street is proposed to be 1.2 metres in height with a small portion of the fence adjacent to the driveway to have a height of 1.5 metres. This part of the fence is proposed to contain the letterbox for Unit 2. It is considered that this is an appropriate marker to identify the rear unit and given that the remainder of the front fence is only 1.2 metres in height, views into and out of the site will be maintained.

6.3. Landscaping

The application plans show the removal of two trees from the site. The application has been accompanied by an Arboricultural Assessment which is included at Attachment 6.
The table below identifies those trees protected by the Local Law and those which are not protected by any statutory mechanism. The application does not propose to remove any trees protected by the Local Law.

<table>
<thead>
<tr>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed removal for Proposed retention for</td>
<td>Proposed removal for Proposed retention for</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tree No’s 2 (group) and 12</td>
<td>-</td>
</tr>
</tbody>
</table>

Council’s arborist in their referral response advised that the existing vegetation on the site has a low amenity value and there is no objection to the removal of tree No’s 2 and 12 subject to new canopy tree planting in accordance with the Bayside Landscape Guidelines (2016).

A condition is recommended requiring the landscape plan to be amended to include 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 unit 1, 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 unit 1, and 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 unit 2.

Tree Nos. 1, 3, 5, 6, 7, 8, 9 and 10 are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site. As such, consideration must be given to the impact of the development upon these trees. Council’s arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

6.4. Street tree

There is one small street tree located within the nature strip and is proposed for retention. The application would not impact on this street tree subject to protection during construction. Conditions are recommended requiring the tree to be protected.

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 comprises three bedrooms and is afforded two car parking spaces in the form of a double garage. Dwelling 2 also comprises three bedrooms and has a double garage. 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, driveway gradients, 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

The subject site is located within catchment area 4A.

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. Design and Development Overlay, Schedule 3 (DDO3)

A permit is not required to construct a residential building or dwellings pursuant to Design and Development Overlay (Schedule 3).

6.9. Objector issues not already addressed

Boundary fencing

Boundary fencing is not a relevant consideration in assessing an application under the provisions of the Planning and Environment Act 1987, or the Bayside Planning Scheme. This is legislated under the Boundary Fencing Act 1908.

Overdevelopment

Overdevelopment is a commonly used term to dismiss development proposals which seek to remove existing buildings and to introduce significant new built form into particular neighbourhoods. The proposal satisfies the substantive requirements of Clause 55 in respect to site coverage, permeability, car parking, and open space provision and therefore the proposal is not considered to be an over development of the site.

Support Attachments

1. Development Plans ↓
2. Site and surrounds ↓
3. Informally Amended Plans ↓
4. Neighbourhood Character Assessment ↓
5. Clause 55 Assessment ↓
6. Arboricultural Assessment ↓
Site and Surrounds

Figure 1 Aerial overview of the site and surrounds

Legend

- Subject site
- Objectors
Figure 2 View towards the site from the south

Figure 3 View towards the site and neighbouring property from the south
Figure 4 View to the site and neighbouring property from the south

Figure 5 View to the east including the nature strip adjacent to the site
Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision

SHADOW DIAGRAM 22ND SEPTEMBER 9AM 1:200

CONCEPTUAL 3D VIEW - FRONT DWELLING

SHADOW DIAGRAM 22ND SEPTEMBER 12PM 1:200

SITE COVER: 376m² 43.4%

HARD COVER: 455.59m² 57.4%

GARDEN SPACE (30%max): 195.3m² 30.0%
Neighbourhood Character Policy (Precinct G1)

Preferred Future Character Statement

The well-articulated dwellings sit within landscaped gardens, some with established trees. New buildings are frequent and are designed to respond to the site, and include a pitched roof form to reflect the dominant forms in the area. Buildings are occasionally built to the side boundary, however the overall impression of the streetscape is of buildings within garden settings due to the regular front setbacks, well vegetated front yards and additional street tree planting in 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.</td>
<td>Lack of landscaping and substantial vegetation.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>• Retain large, established trees and provide for the planting of new trees wherever possible.</td>
<td>Removal of large trees.</td>
<td>Subject to condition, the application will ensure that trees on neighbouring sites are protected and ensure that substantial canopy tree planting is provided on the site to appropriately maintain the garden setting of the dwellings. A condition is recommended requiring details of proposed canopy trees to be provided in accordance with the Bayside Landscape Guidelines (2016).</td>
</tr>
<tr>
<td></td>
<td>• Buildings should be sited to allow space for the planting of trees and shrubs.</td>
<td>Planting of environmental weeds.</td>
<td></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</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At ground floor level, sufficient space will be retained around the dwellings for the planting of substantial vegetation. Subject to condition, the proposed first floor side setbacks will ensure that an appropriate appearance of space will be maintained around the dwellings and to maintain a rhythm of visual separation between the built form within the streetscape.</td>
</tr>
<tr>
<td>To ensure that new buildings provide an articulated and interesting façade to the street</td>
<td>• Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials.</td>
<td>Large, bulky buildings with poorly articulated</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A variety of materials as well as projecting and recessed elements are proposed to the</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 maintain the openness of the streetscape.</td>
<td>Textures or colours or other elements providing appropriate articulation.</td>
<td>Front and side wall surfaces</td>
<td>Front and side elevations of unit 1 which will ensure that the those facades visible from the street will be appropriately articulated. Both units are proposed to include flat roofs, whilst contrary, will not dominate the streetscape. It is noted that the broader character includes flat roofs. Therefore, is appropriate for this site and context.</td>
</tr>
<tr>
<td></td>
<td>Use pitched roof forms with eaves.</td>
<td></td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The proposed front fence will be predominantly low allowing views into and out of the site. The small section of fence proposed to be 1.5 metres in height will not restrict views into the site. The openness to the streetscape will be retained as a result of the proposal.</td>
</tr>
</tbody>
</table>
## ResCode (Clause 55) Assessment

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **B1 Neighbourhood Character**  
Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.  
Development responds to features of the site and surrounding area. | Complies | Refer to Attachment 4 for further discussion.  
The development will contribute to the preferred neighbourhood character of the street and wider surrounds. |
| **B2 Residential Policy**  
Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.  
Support medium densities in areas to take advantage of public transport and community infrastructure and services. | Complies | The proposal is considered acceptable and will support the construction of multiple dwellings on a lot of this size. |
| **B3 Dwelling Diversity**  
Encourages a range of dwelling sizes and types in developments of ten or more dwellings. | N/A | |
| **B4 Infrastructure**  
Provides appropriate utility services and infrastructure without overloading the capacity. | Complies | The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for upgrading this infrastructure if necessary to accommodate the development.  
Council’s drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area.  
It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.66 of the Bayside Planning Scheme. |
| **B5 Integration with the Street**  
Integrate the layout of development with the street | Complies | Refer to Attachment 4 for further discussion.  
The development will integrate appropriately within the preferred streetscape character and provide a suitable transition to immediately adjoining properties to the east and west. Subject to condition, the side and rear setbacks are considered to be respectful of the site context and surrounding pattern of built form character. |
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Compliance</th>
<th>Requirement</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B6 Street Setback</strong></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>Does not comply</td>
<td>Requirement: 8.8m</td>
<td>Proposed: 6m</td>
<td>Refer to the report for further discussion.</td>
</tr>
<tr>
<td><strong>B7 Building Height</strong></td>
<td>Building height should respect the existing or preferred neighbourhood character.</td>
<td>Complies</td>
<td>Maximum: 8m</td>
<td>Proposed: 7.45m (2 storeys)</td>
<td></td>
</tr>
<tr>
<td><strong>B8 Site Coverage</strong></td>
<td>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td>Complies</td>
<td>Maximum: 50%</td>
<td>Proposed: 42%</td>
<td></td>
</tr>
<tr>
<td><strong>B9 Permeability</strong></td>
<td>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</td>
<td>Complies</td>
<td>Minimum: &gt;20%</td>
<td>Proposed: 33%</td>
<td></td>
</tr>
<tr>
<td><strong>B10 Energy Efficiency</strong></td>
<td>Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</td>
<td>Complies</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B11 Open Space</strong></td>
<td>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</td>
<td>N/A</td>
<td>There is no communal open space in or adjacent to the development.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B12 Safety</strong></td>
<td>Layout to provide safety and security for residents and property.</td>
<td>Complies</td>
<td>The pedestrian entry points recognisable from the street frontage, whilst it is noted that the main entry to unit 2 is located behind unit 1, the upper floor windows allow for the passive surveillance of the driveway and entry to unit 2 as well as Locke Street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B13 Landscaping</strong></td>
<td>To provide appropriate landscaping. To encourage: • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and</td>
<td>Complies</td>
<td>The proposed removal and retention of existing on-site native vegetation is supported by Council’s arborist, subject to an amended landscape plan providing canopy tree planting in accordance with the Bayside Landscape Design Guidelines (2016). The extent of the proposed building footprint and setbacks from boundaries are generally acceptable and allow</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
animals in locations of habitat importance.
- The retention of mature vegetation on the site.

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

<table>
<thead>
<tr>
<th>B15 Parking Location</th>
<th>Complies</th>
<th>On site car parking is provided in the form of a double garage for each unit. Standard traffic permit conditions related to sightlines, on-site parking provision and internal garage/carport dimensions etc in accordance with Clause 52.06 are recommended. Refer to the report for further discussion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B17 Side and Rear Setbacks</th>
<th>Does Not Comply</th>
<th>A new building not on or within 200mm of a boundary should be set back 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</td>
<td></td>
<td></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><strong>East (side)</strong></td>
<td>0m or 2m</td>
</tr>
<tr>
<td><strong>West (side)</strong></td>
<td>0m or 2m</td>
</tr>
<tr>
<td><strong>North (rear)</strong></td>
<td>0m or 3m</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>B16</td>
<td>Walls on Boundaries</td>
</tr>
<tr>
<td>B19</td>
<td>Daylight to Existing Windows</td>
</tr>
<tr>
<td>B20</td>
<td>North Facing Windows</td>
</tr>
<tr>
<td>B21</td>
<td>Overshadowing Open Space</td>
</tr>
<tr>
<td><strong>B22 Overlooking</strong></td>
<td>Complies</td>
</tr>
<tr>
<td><strong>B23 Internal Views</strong></td>
<td>Complies</td>
</tr>
<tr>
<td><strong>B24 Noise Impacts</strong></td>
<td>Complies</td>
</tr>
<tr>
<td><strong>B25 Accessibility</strong></td>
<td>Complies</td>
</tr>
<tr>
<td><strong>B26 Dwelling Entry</strong></td>
<td>Complies</td>
</tr>
<tr>
<td><strong>B27 Daylight to New Windows</strong></td>
<td>Complies</td>
</tr>
</tbody>
</table>
### B26 Private Open Space

Provide reasonable recreation and service needs of residents by adequate private open space.

<table>
<thead>
<tr>
<th>Complies</th>
<th>Minimum:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25m² secluded, 40m² overall with a minimum dimension of 3m.</td>
</tr>
</tbody>
</table>

**Proposed:**

Each unit meets the requirements of this standard and will be provided with adequate private open space for the reasonable recreation and service needs of 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 site area. This equates to 192 m². The overall garden area proposed is approximately 195 square metres, equating to 30%.

<table>
<thead>
<tr>
<th>Total Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1 32m²</td>
<td>95m²</td>
</tr>
<tr>
<td>Unit 2 70m²</td>
<td>70m²</td>
</tr>
</tbody>
</table>

### B29 Solar Access to Open Space

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

<table>
<thead>
<tr>
<th>Complies</th>
<th>Unit 1 &amp; 2's secluded private open space areas will have an easterly orientation to provide appropriate solar access for future residents.</th>
</tr>
</thead>
</table>

### B30 Storage

Provide adequate storage facilities for each dwelling.

<table>
<thead>
<tr>
<th>Complies, subject to condition</th>
<th>The submitted plans indicate that storage will be provided in each garage. A condition is recommended requiring the 65cm externally accessible storage space to be provided externally to the garages to ensure that these areas to not intrude into the required parking area within the garages.</th>
</tr>
</thead>
</table>

### B31 Design Detail

Encourage design detail that respects the existing or preferred neighbourhood character.

<table>
<thead>
<tr>
<th>Complies</th>
<th>Refer to Attachment 4 and the report for further discussion.</th>
</tr>
</thead>
</table>

### B32 Front Fences

Encourage front fence design that respects the existing or preferred neighbourhood character.

<table>
<thead>
<tr>
<th>Does not comply</th>
<th>The proposed 1.2m high part rendered, part timber paling fence facing Locke Street is considered acceptable and satisfies the schedule to the zone. It is noted that there is a small section of the fence containing the letter box for Unit 1, located adjacent to the common driveway which is 1.5 metres in height.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B33 Common Property</strong></td>
<td>Yes, subject to condition.</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td><strong>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Avoid future management difficulties in common ownership areas.</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B34 Site Services</strong></th>
<th>Complies</th>
<th>All appropriate site services can be catered for on site. Air conditioning units and hot water services are proposed to be located around the dwellings, away from neighbouring habitable room windows. Letter boxes are proposed to be located adjacent to the pedestrian pathway to unit 1 and the vehicle driveway to unit 2. Each dwelling and space is available around the dwellings for metres, waste storage and clotheslines.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Avoid future management difficulties in common ownership areas.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Arboricultural Assessment

Subject Site:
15 Locke St, Brighton East VIC 3187

Report Prepared By:
Nicholas Buckley
Consulting Arborist
Certificate 5 Horticulture (Arboriculture)

Report Commissioned by:
Greer Harris

Date of Assessment: Friday, October 14, 2016
Date of Report: Monday, May 14, 2018
1 Assignment

1.1 Author / Project Arborist

Name
Nicholas Buckley – (AQF) Level 5,
Diploma Horticulture, Arboriculture
Company
Tree-mendous Consulting Pty Ltd

Phone
0401 442 604
Email
treemendousconsulting@gmail.com

1.2 Client

Name
Greer Harris
Site Address
15 Locke St,
Brighton East VIC 3187
Phone
9532 2325

Intended Audience
- The property/tree owner(s)
- The development project
  manager and associated
  construction staff
- Council Planning Department

1.3 Brief

The purpose of this report is to provide an independent Arboricultural assessment of significant trees that are located within the subject site and within five metres of the site boundary lines.

Detail has been requested in relation to the following instructions:

- To provide an objective assessment of the trees in their current state.
- To provide an objective assessment of the retention value of the subject trees.
- To determine to Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of the subject trees.
- To determine if the subject trees are expected to remain viable as a result of the proposed development.
- To propose tree and site management options to minimise the potential impact that development may cause on the subject trees health and/or structural integrity.
2 Data collection

2.1 Site Visit

Nicholas Buckley, of Tree-mendous Consulting Pty Ltd, visited the site for an Arboricultural assessment on Friday the 14th of October at 2.00pm.

2.2 Method of data collection

- The subject trees were assessed from observations made as viewed from ground level.
- Access to neighbouring properties was not permitted. Assessment was therefore limited only to parts of the trees that were visible from within the subject site.
- Field notes were documented stored on a hard drive.
- The height and spread of the trees were estimated.
- A digital camera was used at ground level to gather photographic evidence. Photographs have been stored and can be viewed upon request.
- A diameter tape was used to determine the trunk dimensions. Trunk dimensions of neighbouring trees were estimated.

2.2.1 Documents viewed

- The proposed plan referenced in this report is a preliminary sitting and may be subject to change.
- Trees have been mapped in their approximate locations.

3 Site description

- The subject site is located in a residential area within the City of Bayside.
- The site falls within the Neighbourhood Residential Zone 3 (NRZ3) of the Bayside planning scheme.
- An existing residential dwelling is currently situated within the subject site.
- The terrain of the site appeared to be predominantly flat.
- The subject trees are located within the subject site, within the front nature strip and all adjoining properties (13 & 17 Locke Street and 58 Cluden St).
- The subject trees are located amongst a mixture of native and exotic vegetation that were not assessed as they are insignificant in size and are not suitable for retention.
### Observations

The following table represents the tree data obtained from the site visit:

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name &amp; Common Name</th>
<th>Age</th>
<th>Origin</th>
<th>Height</th>
<th>Canopy Spread N-S &amp; E-W</th>
<th>DBH &amp; DAB</th>
<th>Health</th>
<th>Structure</th>
<th>ULE</th>
<th>Amenity Value</th>
<th>Retention Value</th>
<th>TPZ Radius</th>
<th>SRZ Radius</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><em>Ulmus parvifolia</em>&lt;br&gt;Chinese elm</td>
<td>Young</td>
<td>Exotic</td>
<td>2 m</td>
<td>N-S: 1 m&lt;br&gt;E-W: 1 m</td>
<td>0.10 m&lt;br&gt;0.10 m</td>
<td>Good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
<td>Council owned tree, located within the front nature strip.</td>
</tr>
<tr>
<td>2</td>
<td>Mixed hedge</td>
<td>Mature</td>
<td>Mixed</td>
<td>2 m</td>
<td>N-S: 3 m&lt;br&gt;E-W: 12 m</td>
<td>0.12 m&lt;br&gt;0.15 m</td>
<td>Good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Low</td>
<td>2 m</td>
<td>1.5 m</td>
<td>Mixed hedge row, located within the front yard of the site.</td>
</tr>
<tr>
<td>3</td>
<td>Tree unknown</td>
<td>Mature</td>
<td>Unknown</td>
<td>3 m</td>
<td>N-S: 4 m&lt;br&gt;E-W: 4 m</td>
<td>0.16 m&lt;br&gt;0.20 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.7 m</td>
<td>Neighbouring tree, located within 1 m of the eastern adjoining property (17 Locke St). Tree has been pruned to fence line since initial inspection.</td>
</tr>
<tr>
<td>4</td>
<td><em>Jacaranda mimosifolia</em>&lt;br&gt;Blue Jacaranda</td>
<td>Mature</td>
<td>Exotic</td>
<td>4 m</td>
<td>N-S: 6 m&lt;br&gt;E-W: 6 m</td>
<td>0.22 m&lt;br&gt;0.30 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person’s Tree</td>
<td>2.6 m</td>
<td>2 m</td>
<td>Neighbouring tree, located within 1 m of the western adjoining property (13 Locke St). Tree has been removed since initial inspection and no longer requires protection.</td>
</tr>
<tr>
<td>5</td>
<td><em>Pittosporum undulatum</em>&lt;br&gt;Sweet pittosporum</td>
<td>Mature</td>
<td>Native</td>
<td>3.5 m</td>
<td>N-S: 3 m&lt;br&gt;E-W: 3 m</td>
<td>0.15 m&lt;br&gt;0.17 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.6 m</td>
<td>Neighbouring tree, located within 1 m of the eastern adjoining property (17 Locke St). Tree has been pruned to fence line since initial inspection.</td>
</tr>
<tr>
<td>Tree No.</td>
<td>Botanical Name &amp; Common Name</td>
<td>Age</td>
<td>Origin</td>
<td>Height</td>
<td>Canopy Spread N-S E-W</td>
<td>DBH DAB</td>
<td>Health</td>
<td>Structure</td>
<td>ULE</td>
<td>Amenity Value</td>
<td>Retention Value</td>
<td>TPZ Radius</td>
<td>SRZ Radius</td>
<td>Comments</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------</td>
<td>-----</td>
<td>--------</td>
<td>--------</td>
<td>----------------------</td>
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<td>--------</td>
<td>-----------</td>
<td>-----</td>
<td>--------------</td>
<td>----------------</td>
<td>------------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>6</td>
<td>Pittosporum undulatum</td>
<td>Mature</td>
<td>Native</td>
<td>3.5 m</td>
<td>N-S: 3 m E-W: 3 m</td>
<td>0.12 m  0.15 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within 1 m of the eastern adjoining property (17 Locke St). Tree has been pruned to fence line since initial inspection.</td>
</tr>
<tr>
<td>7</td>
<td>Agonis flexuosa Willow myrtle</td>
<td>Mature</td>
<td>Native</td>
<td>5 m</td>
<td>N-S: 6 m E-W: 6 m</td>
<td>0.50 m  0.60 m</td>
<td>Good</td>
<td>Good</td>
<td>20 + years</td>
<td>Moderate</td>
<td>Other Person's Tree</td>
<td>6 m</td>
<td>2.7 m</td>
<td>Neighbouring tree, located within 1 m of the eastern adjoining property (17 Locke St). Tree has been lopped to fence height since initial inspection and no longer requires protection.</td>
</tr>
<tr>
<td>8</td>
<td>Syzygium sp. Lilly pilly</td>
<td>Mature</td>
<td>Native</td>
<td>6 m</td>
<td>N-S: 6 m E-W: 6 m</td>
<td>0.45 m  0.55 m</td>
<td>Good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Moderate</td>
<td>Other Person's Tree</td>
<td>5.4 m</td>
<td>2.6 m</td>
<td>Neighbouring tree, located within 1 m of the eastern adjoining property (17 Locke St). Tree has been pruned to fence line since initial inspection.</td>
</tr>
<tr>
<td>9</td>
<td>Betula pendula Silver birch</td>
<td>Semi mature</td>
<td>Exotic</td>
<td>4 m</td>
<td>N-S: 3 m E-W: 14 m</td>
<td>0.10 m  0.10 m</td>
<td>Fair</td>
<td>Fair</td>
<td>10 – 20 years</td>
<td>Moderate</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
<td>Neighbouring row of trees, located within 1 m of the northern boundary line (58 Gluden St). Trunk dimensions have been averaged.</td>
</tr>
<tr>
<td>10</td>
<td>Hymenosporum flavum Native frangipani</td>
<td>Mature</td>
<td>Native</td>
<td>2.5 m</td>
<td>N-S: 2 m E-W: 2 m</td>
<td>0.12 m  0.15 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within 1 m of the western adjoining property (13 Locke St).</td>
</tr>
<tr>
<td>11</td>
<td>Leptospermum sp. Tea tree</td>
<td>Mature</td>
<td>Native</td>
<td>4 m</td>
<td>N-S: 3 m E-W: 3 m</td>
<td>0.15 m  0.18 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.8 m</td>
<td>Neighbouring tree, located within 1 m of the western adjoining property (13 Locke St). Tree has been removed since initial inspection.</td>
</tr>
</tbody>
</table>
### Item 4.1 – Matters of Decision

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name &amp; Common Name</th>
<th>Age</th>
<th>Origin</th>
<th>Height</th>
<th>Canopy Spread N-S</th>
<th>Canopy Spread E-W</th>
<th>DBH &amp; DAB (m)</th>
<th>Health</th>
<th>Structure</th>
<th>ULE</th>
<th>Amenity value</th>
<th>Retention Value</th>
<th>TPZ Radius</th>
<th>SRZ Radius</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Camellia sp. Camellia</td>
<td>Mature</td>
<td>Exotic</td>
<td>2.5 m</td>
<td>N-S: 4 m</td>
<td>E-W: 4 m</td>
<td>0.16 m</td>
<td>Good</td>
<td>Good</td>
<td>20+ years</td>
<td>Moderate</td>
<td>Low</td>
<td>2 m</td>
<td>1.7 m</td>
<td>Located along the western boundary line of the rear yard.</td>
</tr>
</tbody>
</table>

---

**TREE-MENDOUS CONSULTING PTY LTD**
5 Site map

5.1 Existing conditions

The following map indicates the tree location in relation to the existing conditions:

---

**LEGEND**

This map is not to scale

Trees are mapped in their approximate locations:

- **Red**: High retention value
- **Orange**: Moderate retention value
- **Yellow**: Low retention value
- **Blue**: Other Person's Tree

---

Tree has been removed

Tree has been lopped to fence height
5.2 Proposed plans

The following plan indicates tree location in relation to the proposed plans:
6 Discussion

6.1 Tree Protection zone

The tree protection zone is determined by multiplying the trunk diameter of the tree at breast height, 1.4m from ground level, by 12. A 10% encroachment on one side of this zone is acceptable without investigation into root distribution or offset of the lost area.

Section 3.2 of the Australian Standard AS4970 – 2009 Protection of Trees on Development Sites states that the TPZ of Palms, other monocots, cycads and tree ferns should not be less than 1 m outside the crown projection.

6.2 Structural root zone

The structural root zone (SRZ) is the setback required to avoid damage to stabilising structural roots. The loss of roots within the SRZ must be avoided. The SRZ is determined by applying the following formula: \( D \times 50 \times 0.42 \times 0.64 \) where \( D \) = trunk diameter in metres.

6.3 Designing Around Trees

It may be possible to encroach into or make variations to the TPZ of the trees that must be retained. Encroachment includes excavation, compacted fill and machine trenching.

The following is referenced from section 3.3 of the Australian Standards AS4970 – 2009 Protection of Trees on Development Sites:

6.3.1 Minor encroachment

If the proposed encroachment is less than 10% of the area of the TPZ and is outside the SRZ, detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.

6.3.2 Major encroachment

If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ the project arborist must demonstrate that the trees would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This will require root investigation by non-destructive methods.
The following is a diagram of encroachment differentials into the TPZ:

![Diagram of encroachment differentials into the TPZ]

**6.3.3 Non-destructive root exploratory investigation**

Where it is proposed that development is considered to be a major encroachment, a non-destructive root exploratory investigation may be required within the alignment of the proposed encroachment.

By undertaking a non-destructive root exploratory investigation, the extent of roots within that particular area may be determined. If a negligible amount of roots are required to be removed in order to construct the proposed development, the tree may remain viable. If a significant amount of roots are proposed to be removed in order to construct the proposed development, the tree may not remain viable.

Root exploratory investigations should be undertaken by a suitably qualified Arborist (AQF Level 5 Arboriculture).
7 Conclusion

7.1 Tree retention value

7.1.1 Other Person's Trees

The following trees do not belong to the property owner:

- Tree 1
- Tree 5
- Tree 8
- Tree 11
- Tree 3
- Tree 6
- Tree 9
- Tree 4
- Tree 7
- Tree 10

7.1.2 Low retention value

The following trees are considered to be of low retention value as they are insignificant to the landscape and surrounding areas:

- Tree 2
- Tree 12

7.2 Proposed impact of subject trees

The following table represents the encroachments of the proposed development:

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Encroachment</th>
<th>TPZ encroachment</th>
<th>SRZ encroachment</th>
<th>Encroachment category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>N/A</td>
<td>0%</td>
<td>0%</td>
<td>N/A</td>
</tr>
<tr>
<td>2</td>
<td>N/A</td>
<td>0%</td>
<td>0%</td>
<td>N/A</td>
</tr>
<tr>
<td>3</td>
<td>Dwelling 1 and related construction</td>
<td>&lt;10%</td>
<td>0%</td>
<td>Minor</td>
</tr>
<tr>
<td>4</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>5</td>
<td>Dwelling 1 and related construction</td>
<td>&lt;40%</td>
<td>&lt;30%</td>
<td>Major</td>
</tr>
<tr>
<td>6</td>
<td>Garage 1 and related construction</td>
<td>&lt;40%</td>
<td>&lt;30%</td>
<td>Major</td>
</tr>
<tr>
<td>7</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>8</td>
<td>Dwelling 2 and related construction</td>
<td>&lt;10%</td>
<td>0%</td>
<td>Minor</td>
</tr>
<tr>
<td>9</td>
<td>N/A</td>
<td>0%</td>
<td>0%</td>
<td>N/A</td>
</tr>
<tr>
<td>10</td>
<td>Undercover car space</td>
<td>&lt;40%</td>
<td>&lt;30%</td>
<td>Major</td>
</tr>
<tr>
<td>11</td>
<td>Undercover car space</td>
<td>&lt;40%</td>
<td>&lt;30%</td>
<td>Major</td>
</tr>
<tr>
<td>12</td>
<td>Driveway</td>
<td>100%</td>
<td>100%</td>
<td>Major</td>
</tr>
</tbody>
</table>

Note: encroachment calculations are approximate as trees are mapped in their approximate locations.

The following trees have been removed or lopped since the initial inspection and no longer require protection:

- Tree 4
- Tree 7
- Tree 11
7.2.1 No encroachment

The proposed development does not encroach into the TPZ or SRZ of the following trees:
- Tree 1
- Tree 2
- Tree 9

The proposed development is therefore not expected to compromise the health and/or structural integrity of the above mentioned trees provided that tree protection measures (section 8.4) are implemented.

7.2.2 Minor encroachment

The proposed development is considered to be a minor encroachment according to section 3.3 of the Australian Standard AS4970 – The Protection of Trees on Development Sites of the following trees:
- Tree 3
- Tree 8

The proposed development is therefore not expected to compromise the health and/or structural integrity of the above mentioned trees provided that tree protection measures (section 7.2) are implemented.

7.2.3 Major encroachment

The proposed development is considered to be a major encroachment according to section 3.3 of the Australian Standard AS4970 – The Protection of Trees on Development Sites of the following trees:
- Tree 5
- Tree 10
- Tree 6
- Tree 12

Refer to page 13 for details:
Tree 5
Dwelling 1 and related construction is considered to be a major encroachment according to section 3.3 of AS 4970 – 2009 (refer to section 7.2). This is a young tree that is likely to be a sucker and is of a hardy species. The construction of the proposed development is therefore not expected to compromise the tree's long term viability.

Tree 6
Garage 1 and related construction is considered to be a major encroachment according to section 3.3 of AS 4970 – 2009 (refer to section 7.2). This is a young tree that is likely to be a sucker and is of a hardy species. The construction of the proposed development is therefore not expected to compromise the tree's long term viability.

Tree 10
The undercover car space is considered to be a major encroachment according to section 3.3 of AS 4970 – 2009 (refer to section 7.2). However, less invasive construction measures (section 8.3) are expected to ensure that the tree remains viable.

Tree 12
The tree is located within the footprint of the proposed driveway. The tree is therefore required to be removed in order for the proposed development to be achieved.
8 Recommendations

8.1 Tree retention

The following trees do not belong to the property owner and should therefore be retained:
- Tree 1
- Tree 3
- Tree 5
- Tree 6
- Tree 8
- Tree 9
- Tree 10

The following tree may be considered for retention. However, it should not be a constraint on development:
- Tree 2

In the event of tree retention the following is recommended in order to ensure that retained trees are adequately protected:
- Comply with construction measures in section 8.3
- Comply with tree protection measures in section 8.4
- The area lost to any encroachments should be compensated for elsewhere and contiguous with the TPZ.

8.2 Tree removal

The following trees may be considered for removal:
- Tree 2
- Tree 12

In the event that the removal of a tree is undertaken, the following is recommended:
- Tree removal must be undertaken prior to construction commencing (including demolition).
- An offset planting program to accommodate the loss of the subject tree(s) should be considered.
- Written consent from the responsible authority must be obtained prior to tree removal.
- Written consent from the Tree owner must be obtained in the event that a neighbouring tree is removed.

The following trees have been removed or lopped since the initial inspection and no longer require protection:
- Tree 4
- Tree 7
- Tree 11
8.3 Construction measures

The following construction measures must be undertaken to ensure that the health and/or structural integrity of retained trees are not compromised:

8.3.1 Undercover car space

- Excavations for footings should be undertaken by hand or non-destructive excavation (e.g. airspade or hydro excavation) within the TPZ of Tree 10.
- The surface must be constructed via a permeable material of a pH neutral composition within the TPZ of Tree 10.
8.4 Tree Protection Measures

Tree protection measures must comply with Australian Standard: Protection of Trees on Development Sites (AS4970–2009). Tree Protection Zones must be fenced off temporarily during all works on the site (demolition, site preparation and construction) and before any machinery is brought onsite. The existing fence that runs along the perimeter of the site may be used as Tree Protection Fencing.

Where approved works encroach within Tree Protection Zones the fence must be as close to the works as is practically possible. Fencing should be minimum 1.8m wire mesh and must remain in place at all times. Signs labelled “Tree Protection Zone – Keep Out”, or with similar wording, must be placed on the fence and be visible from all sides.

Tree Protection Zones should be mulched with a 50-mm layer of organic material such as composted woodchips. A sprinkler system must be used to water the root zones of trees during dry spells, as advised by a consulting arborist. Watering once a fortnight when there is no rain, to provide 30 mm of water, will meet the needs of most trees.

When scaffolding must be erected within Tree Protection Zones, cover the ground with a 10cm layer of mulch, and then cover this with boards and plywood to prevent soil compaction.

No filling or excavation is to occur within Tree Protection Zones except as approved by the responsible authority. Any roots encountered when excavating must be cut cleanly with a saw.

A consulting arborist must supervise any excavation works within Tree Protection Zones. Materials and machinery are not to be stored in Tree Protection Zones. Waste is not to be dumped. No residual herbicides are to be used within the Tree Protection Zones.

Utilities must be routed outside Tree Protection Zones. If utilities must pass through this zone, there will be no machine trenching. Rather, a consulting arborist must supervise hand digging and determine if roots may be cut or if services must be tunnelled beneath the roots.

Remedial pruning should be done prior to the commencement of all construction works. Pruning of tree canopies for building or vehicle clearance, or for other reasons, is to be performed by a qualified arborist in accordance with Australian Standard: Pruning of Amenity Trees (AS4373–2007).

All landscaping within Tree Protection Zone radius must be on the existing soil grade and with minimal impervious surfaces.
9 Limitation of Liability

Tree-mendous Consulting Pty Ltd and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Trees are living organisms that fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been made from ground level and limited to accessible components without dissection excavation or probing. There is no guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of this report, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Such issues cannot be taken into account unless complete and accurate information is given prior to or at the time of site inspection.

Information contained in this report covers those items that were examined and reflect the condition of those items at the time of inspection. There is no warranty or guarantee expressed or implied that the problems or deficiencies of the trees or property in question may not arise in the future. Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks involved with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.

10 References


AS 4970-2009 Australian Standard for Protection of Trees on Construction Sites
11 Appendix 2 – Common terms

Canopy: The part of the crown composed of leaves and small twigs.

Central leader: The main stem or bole of the tree.

Co dominant: Equal in size and relative importance, usually associated with either trunks or scaffold branches in the crown.

Crown: The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

Decay: Process of degradation of wood tissue by fungi and bacteria through the decomposition of cellulose and lignin.

DBH: The DBH of a tree is measured at 1.5m above ground level or in the case of multi-stemmed trees, measured at ground level or above a root flare if present. This measurement assists with establishing Tree Protection Zones (TPZs) for vegetation to be retained.

DAB: Diameter at base of tree.

Dieback: Progressive death of twigs and small branches, generally from tip to base.

Drip line: The width of the crown, as measured by the lateral extent of the foliage.

Epicormic growth: Branch development that arises from latent or adventitious buds that occur on stems and branches and as suckers produced at the base of the tree.

Grading: Altering natural terrain and elevation of land, usually through the action of large equipment.

Included Bark: Pattern of development at branch junction where bark is turned inward rather than pushed out.
12 Definition of terms

12.1 Tree health

- Good
- Fair
- Poor
- Very poor
- Dead

Good: The tree is demonstrating good or exceptional growth for the species. The tree should exhibit a full canopy of foliage and have only minor pest or disease problems. Foliage colour size and density should be typical of a health specimen of that species.

Fair: The tree is in reasonable condition and growing well for the species. The tree should exhibit an adequate canopy of foliage. There may be some dead wood in the crown, some grazing by insect or animals may be evident, and/or foliage colour, size or density may be atypical for a healthy specimen of that species.

Poor: The tree is not growing to its full capacity. Extension growth of the laterals may be minimal. The canopy may be thinning or sparse. Large amounts of dead wood may be evident throughout the crown, as well as significant pest and disease problems. Other symptoms of stress indicating tree decline may be present.

Very poor: The tree appears to be in a state of decline, and the canopy may be very thin and sparse. A significant volume of dead wood may be present in the canopy, or pest and disease problems may be causing a severe decline in tree health.

Dead: The tree is no longer alive.
12.2 Structure

- Good
- Fair
- Poor
- Very poor
- Failed

The definition of structure is the likelihood of the tree to fail under normal condition. A tree with good structure is highly unlikely to suffer any significant failure, while a tree with poor to very poor structure is likely or very likely to fail.

Good: The tree has a well-defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunks or the branches. Major limbs are well defined. The tree would be considered a good example for the species. Probability of significant failure is highly unlikely.

Fair: The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance at some branch unions or branches may be exhibiting minor structural faults. If the tree has a single trunk, this may be on a slight lean, or be exhibiting minor defects. Probability of significant failure is low.

Poor: The tree may have a poorly structured crown, the crown may be unbalanced, or exhibit large gaps. Major limbs may not be well defined; branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered major root damage. Probability of significant failure is moderate.

Very poor: The tree has a poorly structured crown. The crown is unbalanced, or exhibits large gaps. Major limbs are not well defined. Branch unions may be poor or faulty at the point of attachment. A section of the tree has failed, or is in imminent danger of failure. Active failure may be present, or failure is probably in the immediate future.

Failed: A significant section of the tree or the whole tree has failed.
12.3 Useful Life Expectancy (ULE)

- Unsafe or 0 years
- Less than 5 years
- 5 to 10 years
- 10 to 20 years
- 20+

Useful life expectancy is approximately how long a tree can be retained safely and usefully in the landscape providing site conditions remain unchanged and the recommended works are completed. It is based on the principles of safety and usefulness in the landscape and should not reflect personal opinions on species suitability.

Unsafe or 0 years: The tree is considered dangerous in the location and/or no longer provides any amenity value.

Less Than 5 years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 5 years. The tree will need to be replaced in the short term. Replacement plants should be established as soon as possible if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.

5 to 10 Years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 10 years. Trees in this category may require regular inspections and maintenance particularly if they are large specimens. Replacement plants should be established in the short term if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.

10 to 20 Years: The tree under normal circumstances and without extra stress should be safe and of value of up to 20 years. During this period, regular inspections and maintenance will be required.

20 + Years: The tree under normal circumstances and without extra stress should be safe and of value of more than years. During this period, regular inspections and maintenance will be required.
12.4 Tree Retention Value

- High
- Moderate
- Low
- Other Person’s Tree

High: The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (e.g. habitat, shade, flowers or fruit). The tree is free from structural defects and is vigorous. Consider the retention of the tree and designing the development to accommodate the tree.

Moderate: The tree may offer some screening in the landscape or serve a particular function in the location and have minor structural defects. The tree may entering the mature stage of its life cycle. The tree may be retained if it does not hamper the design intent.

Low: The tree offers very little in the way of screening or amenity and may have significant structural defects. The tree may also be mature and entering the senescent stage of its life cycle. The tree may be removed if necessary.

Other Person’s Tree: The tree may be located within an adjoining property/land or nature strip. The tree is to be protected unless written consent from the tree owner(s) and/or responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.
12.5 Age

- Young
- Semi Mature
- Mature
- Senescent

Young: Juvenile or recently planted approximately 1-7 years.
Semi Mature: Tree actively growing.
Mature: Tree has reached expected size in situation.
Senescent: Tree is over mature and has started to decline.

12.6 Amenity Value

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

Low: Tree makes some contribution of amenity value to the site but makes no contribution to the amenity value of surrounding areas. The removal of the tree may result in little loss of amenity. Juvenile trees, including street trees are generally included in this category. However, they may have the potential to supply increased amenity in the future.

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

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

The amenity value rating considered the impact that the tree has on any neighbouring sites as being equally important to that supplied to the subject site. However, trees that contribute to the general area (e.g. streetscape) are given a greater weight.
Subject: Arborist report

Note: errors and amendments to attached report:

Page 4 - No.1 This died approx year ago. Council advised. At this date, council is modifying cross over, driveway and level nature strip and will not replace tree at this stage.

No.5. Query Pittosporum undulatum is Native tree?? Also Note height increased

Page 5. No.6 Query Pittosporum undulatum is Native Tree? Also Note height increased

No.10 This is not a Native frangipani - It is Pittosporum undulatum - not native

Page 7 - Tree No.8 has been cut back to fence line

No.10 has been cut back to fence line and maybe removed if required per neighbour

No.11 has been removed per neighbour

No.1 died approx 1 year ago - council at this stage not replacing

Page 8 - refer to above notations on page 7 & 5

Page 11 - No.5 & 6 - refer to

Page 11 - Trees No.10 - 11 Please refer to above notations page 4 & 7,8

No.12 Will be removed by owner before demolition

Page 12 7.2.3 Refer above pages if required

Page 14 Refer to page 7 & 11

Page 15 8.3.1 Not a requirement now due to trees either cut back or removed as required per neighbour’s permission

file://C:/Users/Peter/AppData/Local/IM/Runtime/Message%7BE963E62A-AE62-44D...  4/06/2018

Received
5 SEP 2018
Planning Department
4.2 15 STONEHAVEN CRESCENT, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/371/1 WARD: CENTRAL

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/17869

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>E Goer &amp; S Goer</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>1 July 2017</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>84 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>Site area</td>
<td>786m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>4 (originally there were 6 objections)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes - $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 the construction of two dwellings on a lot.

Key details of the proposal are as follows:

- Two (2) double storey dwellings;
- Site coverage 45.4%;
- Permeability >20%;
- Garden area 38.5%;
- Maximum building height of 8.2m (south-west elevation);
- Car spaces: 2 spaces per dwelling, 1 double garage, 1 single garage and tandem open air space.

The application plans are provided at Attachment 1.
An aerial image and photographs of the site and surrounds are provided at Attachment 2.

History
There is no planning permit history relevant to this application.
2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

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

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

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

Internal referrals

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

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to the inclusion of conditions to address the following concerns:</td>
</tr>
<tr>
<td></td>
<td>- Landscape plan not in accordance with NCP G1 and insufficient canopy trees proposed;</td>
</tr>
<tr>
<td></td>
<td>- Removal of large trees;</td>
</tr>
<tr>
<td></td>
<td>- Impacts to adjoining vegetation.</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 six objections were received.

Two objections were withdrawn after mediation by the applicant prior to the consultation meeting.

Four objections remain outstanding at the time of this report.

The following concerns were raised:

- Design response;
- Non-compliance with ResCode;
- Overlooking;
- Overshadowing;
- Insufficient landscaping;
- Neighbourhood character;
- Traffic and parking impacts;
- Health and safety due to increased congestion;
- Incorrect title boundaries;
Misleading advertising on the planning applications register.

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

Consultation meeting

A consultation meeting was held on 13 December 2018 attended by the permit applicant and 2 objectors.

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 2018/371/1 for the land known and described as 15 Stonehaven Crescent, Hampton 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 Crowhurst Building Design, project number 540, date April 2018 and revision A but modified to show:
   a) The dwelling ID notation on ground floor plan TP3 and first floor plan TP4 correctly labelled to reflect the elevations.
   b) The wall on boundary notations from the elevations removed.
   c) Exact permeability noted in the development summary table.
   d) Further articulation to both dwellings elevations through the implementation of one additional colour and/or material from the material schedule.
   e) The first floor fenestration to the dwellings façade to be redesigned to maximise solar access.
   f) Pedestrian door openings to be provided outwards from the garage.
   g) The driveways modified to include curves to allow for additional landscaping and to reduce the ‘gun barrel’ affect to the streetscape.
   h) The existing vehicle crossing to be removed and replaced to align with the on-site driveway.
   i) Both vehicles crossings are to be constructed at 3.6m wide with a 60-degree splay along the southern edge of each crossing. A 900mm wide separator must be installed in between the two new crossovers and the neighbouring crossovers.
   j) Adequate sight lines where each driveway intersects with the front footpath in accordance with Design Standard 1 – Accessways of Clause 52.06-9 of the Bayside Planning Scheme.
   k) Sections to demonstrate the engineering details of the proposed rain gardens.
l) Location of all plant and equipment including hot water services to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties.

m) An amended material schedule nominating the colour of the roof.

n) A Landscaping Plan in accordance with Condition 8 of this permit.

o) An Arboricultural Impact Assessment Report in accordance with Condition 11.

p) A Tree Management and Protection Plan in accordance with Condition 12.

q) Provision of the development contributions fee in accordance with Condition 22.

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 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**

8. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the advertised landscape concept plan drawn by Bayview Landscaping and be drawn to scale with dimensions and three copies must be provided. The plan must show:

   a) All development changes as required by Condition 1.

   b) The retention of tree 5 - *Lophostemon confertus* (Queensland box brush).

   c) The replacement of the *Eucalyptus pauciflora* (Snow Gum) in the front setback of dwelling with 1 with one large canopy tree (trees with mature heights of 12m or greater).
d) The replacement of the *Eucalyptus pauciflora* (Snow Gum) in the rear setback of dwelling 2 with one large canopy tree (trees with mature heights of 12m or greater) and relocated out of the existing easement.

e) The *Eucalyptus pauciflora* (Snow Gum) proposed to the rear SPOS of dwelling 1 to be relocated out of the existing easement.

f) The provision of permeable paving to the developments front setback to ensure the long term viability of the canopy tree.

g) The deletion of the decking to both side boundaries to allow for extensive landscaping.

h) 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.

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

9. 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.

10. 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.

11. Prior to the endorsement of plans pursuant to Condition 1, an Arboricultural Impact Assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

The report will explain design and construction methods proposed to minimize impacts on trees to be retained trees (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

**Tree Management and Protection Plan**

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

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

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

a) The Tree Protection Zone and Structural Root Zone for:

   i. Tree 5 - *Lophostemon confertus* (Queensland box brush);

   ii. Tree 3 - *Syagrus romanzoffiana* (Queen palm) located on the neighbouring property.

b) The location of tree protection measures to be utilised.

13. 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.
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.

Street tree protection

16. Soil excavation must not occur within 2.8 metres from the edge of the *Liquidambar styraciflua* (Liquidamber) street tree asset’s stem at ground level measured from the edge of the trunk.

17. 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 and maintained to comply with AS4970-2009, Protection of trees on development sites.
   c) Fencing is to encompass the entire nature strip under the drip line of the tree.
   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.

18. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned according to AS 4373-2007.

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.

Development Contribution

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

Permit Expiry

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

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

Permit Notes:

- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the West property boundary as indicated on the drawings provided. The plans indicate that decking, BBQ, separating fence shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities. The decking, BBQ, separating fence shall be partially removable/demountable over the easement, and the proposal may require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage. Minimum easement width must the greater of 2m from the boundary or 0.5m from the asset.

- Subsurface water must be treated in accordance with Council’s Policy for “Works on Assets within the Road Reserve Policy 2018”.

- 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.

- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a ‘Road Opening Permit’ must be obtained to facilitate such work.

- A ‘Road Opening / Stormwater Tapping Permit’ is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- Where 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 12 Environmental and Landscape Values
- Clause 15.01-5S Neighbourhood character
- Clause 16.01-3S Housing diversity
- 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 G1)
- 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 53.18 Storm Water 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 G1. The proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

Stonehaven Crescent contains a combination of older detached single storey dwellings and contemporary detached double storey and multi-unit developments with pitched roofs.

As recognised by the Victorian Civil and Administrative Tribunal (VCAT) in Naqebullah v Bayside CC [2013] VCAT 2155 and Shangri La Construction v Bayside CC [2018] VCAT

Item 4.2 – Matters of Decision
1132, the most uniforming feature in Stonehaven Crescent is of treed front garden settings and consistent street tree planting.

The proposal positively responds to the preferred neighbourhood character of Precinct G1 in regards to its siting, massing and design response. A pitched roof and highly articulated elevations respond favourably to the established and preferred neighbourhood character.

The horizontal form is visually softened by utilisation of recessed sections and projecting elements including box extrusions that work in combination to provide an articulated and interesting façade to the streetscape.

Material and colours are indicated to comprise of render, timber cladding and fenestration in muted tones. The light render finish is proposed to be applied to all external walls, increasing the opportunity for visual bulk impacts to adjoining properties.

It is considered that the proposed building could improve its appearance and passive surveillance of the street by increasing the size of the first floor northeast facing windows to the streetscape which currently feature highlight windows with sill heights of 1.7 metres above finished floor levels. A condition of permit will require the redesign of the first floor fenestration to the dwellings façade.

A condition of permit will require the utilisation of an additional nominated material and/or colour as indicated in the material schedule to be utilised across the elevations, including the nomination of colour to the metal roof in a muted tone. This will assist in reducing off-site impacts to adjoining properties whilst increasing the level of articulation to the streetscape.

Subject to an amended landscape plan showing the retention of a large canopy tree to the rear, and the deletion of excessive decking, the proposal will present good landscaping opportunities to assist in maintaining the established garden setting.

With respect to the proposed ‘gun barrel’ driveway, there is an opportunity for increased landscaping if the driveway is to be modified to include curves. This will also reduce the dominance of the two crossovers in the streetscape. A condition to this effect will form part of the recommendation.

On balance, subject to minor conditions, it is considered that on balance the development has proper regard to the established streetscape and development pattern in terms of building height, scale and siting whilst contributing to the treed streetscape setting.

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:

Access (B14)

The objective of the standard is to ensure that the number and design of vehicle crossovers respects neighbourhood character.

On lots less than 20 metres wide, the widths of accessways should not exceed more than 40% of the street frontage. The lot is 16.1 metres wide and the proposed access amounts to 54% of the frontage dedicated to the crossovers.

To ensure the safe, manageable and convenient vehicle access to and from the development, Councils traffic engineers have requested a condition of permit to require the existing crossover to be removed and reinstated. Two new crossovers are proposed to be conditioned, with a width of 3.6 metres wide. This results in a maximum of 44% of the frontage dedicated to the crossovers.

Whilst this continues to exceed the standard, the irregular shaped lot that features a narrow frontage in the convex of the crescent requires an extra 500mm to each crossover to ensure safe vehicular movement and pedestrian safety.
Accordingly, the 4% variation is considered to be acceptable as neighbourhood character impacts are negligible and safety is improved.

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

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.

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Requirement</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td><strong>Northwest</strong> (side)</td>
<td>0 or 2m</td>
</tr>
<tr>
<td><strong>Southeast</strong> (side)</td>
<td>0 or 2m</td>
</tr>
<tr>
<td><strong>Southwest</strong> (rear)</td>
<td>0 or 3m</td>
</tr>
</tbody>
</table>

A 3.8 metre setback to dwelling 1’s first floor rear setback associated with bedroom 1 (incorrectly labelled as dwelling 2 on the first floor plan TP4) fails Council’s varied numerical side setback requirement required by the schedule to the zone by a maximum of 1 metre.

Owing to the angle of the rear title boundary, this area of non-compliance is confined to a section of the wall that increases to full compliance after a maximum width of 1.7 metres. This is demonstrated in Image 1 below.
The maximum variation of one metre is acceptable because the varied setback provides a level of articulation and delivers visual relief from the built form. Considering that this variation is confined to a 1.7 metre section, the variation will be negligible to the naked eye.

Similarly, dwelling 2’s first floor rear setback (incorrectly labelled as dwelling 1 on the first floor plan TP4) seeks a variation of 1 metre from the corner of the robe wall associated with bedroom 1, and fully complying with the standard by the edge of the window.

This transgression is confined to a section of the wall that spans a maximum width of 1.5 metres. Likewise, this transgression is considered minor and poses no significant visual bulk impact to the abutting properties given the siting of the dwellings on the quadrilateral shaped site.

These variations will not generate any third party or offsite amenity impacts due to its location adjacent to the adjoining neighbour’s habitable room windows

Accordingly, the variations are considered acceptable and are worthy of support.

6.3. Landscaping

The application plans show the removal of 4 trees from the site including 2 native trees. The applicants Arborist Report is provided at Attachment 5.

Councils Arborist referral response is provided at Attachment 6.

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>
</table>

Image 1: The 1.7m and 1.5m section of non-compliance to the first floor rear setbacks of dwelling 1 and 2 highlighted.
Councillor’s arborist in their referral response advised that the removal of trees 2, 4 and 6 are supported due to their low useful life expectancy, size and poor/declining health.

However, tree 5, a Lophostemon confertus (Queensland box brush) is located to the rear of dwelling 1 and is situated within the existing easement. Council’s arborist does not agree with the assessment in the submitted arborist report, noting that the native tree demonstrates fair health and structure, moderate amenity value and life expectancy of 10 – 19 years.

The tree has a high retention value and its preservation aligns with the neighbourhood character precinct that seeks to retain large established trees and maintain and enhance the garden settings of the subject site.

Additionally, the tree will soften any off-site amenity impacts to the adjoining neighbours and its establishment to the rear of the site despite being located within the easement, exhibits qualities of a robust tree. Subsequently, the retention of the tree is preferred over its replacement and a condition to this effect is included as a recommendation.

The submission of a Tree Management Report and Tree Protection Plan will be required to be submitted to ensure this tree remains viable both during and post construction. A condition to this effect is included in the recommendation.

Tree No. 3, a Syagrus romanzoffiana (Queen palm) is located on the adjoining site with its Tree Protection Zones (TPZ) extend into the subject site. As such, consideration must be given to the impact of the development upon this trees. Council’s arborist has advised that the submitted arborist report advising that the tree is not required to be protected is insufficient. As a result, protection measures will be required in the requested Tree Management Report and Tree Protection Plan.

In addition to the above assessment, Council’s arborist has reviewed the submitted landscape plan and advised that it is not considered acceptable due to insufficient canopy tree planting and landscaping.

The landscape plan includes the planting of one small canopy tree in the front setback and two small canopy trees to the rear. The size of the proposed canopy trees are not satisfactory. Likewise, the location of the proposed trees in the easement located to the rear title boundary is not supported.

The submission of an amended landscape plan will form a condition of permit, requiring the replacement of the proposed Eucalyptus pauciflora (Snow Gum) in the front setback with the planting of one large canopy tree (trees with mature heights of 12m or greater).

A Eucalyptus pauciflora (Snow Gum) proposed in the rear setback of dwelling 1 is required to be relocated out of the easement. Likewise, the Eucalyptus pauciflora (Snow Gum) located in the rear setback of dwelling 2 is required to be replaced with one large canopy tree and relocated out of the easement.

Permeable paving will be required to ensure sufficient growing conditions for the canopy tree in the front setback, and the deletion of decking to the side boundaries will also form a recommendation of permit to ensure extensive landscaping to the development to ensure that the development accords with the NCP.

6.4. Street tree(s)
Tree No. 1, a Liquidambar styraciflua (Liquidamber) is located within the nature strip and is proposed for retention.

Council’s street tree arborist has advised that the design is supported, provided that conditions requiring tree protection fencing prior to and during demolition and construction of the development.

6.5. Car parking and traffic

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

Both dwellings comprise of four bedrooms and are afforded two car parking spaces in the form of a single garage with open air tandem car space to dwelling 1 and a double garage to dwelling 2. 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 a number of concerns with the development relating to accessway widths, sightlines and gradients.

These have been addressed in the recommended conditions of the planning permit with the omissions of the driveway gradient requirements that are only applicable to developments of three or more dwellings. Equally, it is noted that the level site and proposed garage finished floor levels do not necessitate conditions to be placed on permit to mandate gradients.

In addition, car parking congestion was not raised as a concern by Council’s traffic engineer.

6.6. Development contributions levy

The subject site is located within catchment area 8B.

Based on the proposed application and the below recommendation, a payment of $2020 is required. The payment of the development contributions is included as a condition of permit.

6.7. Objector issues not already addressed

Health and safety due to increased congestion

A development of this nature, within an established urban setting, will not have noticeable impact on noise / air pollution levels.

The noise levels generated by the development will not be significantly above that of the surrounding area. Residents are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings and businesses.

A number of proposed permit conditions at 1) g and 1) h are recommended to ensure pedestrian safety. These conditions work to address vehicle access, site lines and visibility.

The health and wellbeing of future occupants of the proposed development due to insufficient space for recreation is outside the scope of the planning process and are not sufficient grounds to warrant the refusal of the application.

Incorrect title boundaries

The Title Re-establishments survey lodged with the application demonstrates a discrepancy with the position of the existing boundary fencing and legal boundary as registered on title.

This is a common occurrence and does not preclude the application from been assessed against the current legal title boundaries.
These civil disputes cannot be resolved by any application as assessed by the *Planning and Environment Act 1987*, nor is the power vested in Council to resolve these issues.

Should the boundary of the subject lot change at any time, an amended planning permit would be required.

**Misleading advertising on the planning applications register**

An administrative error occurred when a generic field associated with Council’s Planning Application Register was not manually updated to reflect the true description of the proposal as outlined on the advertising notices, sign and advertised plans.

This was immediately rectified after notification by the objector and clarification was provided to the affected persons.

Notwithstanding, notice of the application was given pursuant to Section 52 of the *Planning and Environments Act 1987* and the notice requirements were satisfied.

**Support Attachments**

1. Development Plans ↓
2. Site and surrounds ↓
3. Neighbourhood Character Assessment (Precinct G1) ↓
4. ResCode (Clause 55) Assessment ↓
5. Arborist Report ↓
6. Council Arborist referral response ↓
Item 4.2 – Matters of Decision
Item 4.2 – Matters of Decision
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2</td>
<td>Matters of Decision</td>
</tr>
</tbody>
</table>

**Advertised Plan**

**Streetscape Existing**

**Streetscape Proposed**

[Diagram of streetscape existing and proposed]
Item 4.2 – Matters of Decision
ATTACHMENT 2
SITE AND SURROUNDS 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>
<tr>
<td>Withdrawn</td>
</tr>
</tbody>
</table>

Figure 2 View north towards the site from the southern entrance of Burgess Street from Beach Road.

Figure 4 View toward the site frontage from the west, showing the driveway sloping up into the site.
ATTACHMENT 3
Neighbourhood Character Policy (Precinct G1)

Preferred Future Character Statement

The well-articulated dwellings sit within landscaped gardens, some with established trees. New buildings are frequent and are designed to respond to the site, and include a pitched roof form to reflect the dominant forms in the area. Buildings are occasionally built to the side boundary, however the overall impression of the streetscape is of buildings within garden settings due to the regular front setbacks, well vegetated front yards and additional street tree planting in 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 includes substantial trees and vegetation.  
• Retain large, established trees and provide for the planting of new 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.  
Planting of environmental weeds. | Complies  
The building is sited to allow for extensive planting to wrap around the building.  
Sufficient space in the front and rear setbacks will allow for the planting of canopy trees. |
| 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. |                                            | Complies  
The proposed siting of the dwelling creates sufficient offsets from all title boundaries.  
This assists in maintaining the rhythm of visual separation between adjoining buildings whilst providing oblique views through the site. |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To ensure that new buildings 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, combinations of materials, textures or colours or other elements providing appropriate articulation.  
• Use pitched roof forms with eaves. | Large, bulky buildings with poorly articulated front and side wall surfaces. | Does not Comply  
Incorporating a pitched roof, the development appears to utilise a combination of materials, textures and muted colours to articulate the façade.  
Whilst the massing of the proposal provides varied building planes, the elevations do not satisfactorily appear to apply the materials to soften the visual impact of the development in the streetscape, as indicated on the material schedule.  
Amended elevations will form a condition of permit, requiring the full extent of materials and colours to be utilised. |

To maintain the openness of the streetscape. | High, solid front fencing. | N/A  
No front fencing in proposed. |
## ATTACHMENT 4
ResCode (Clause 55) Assessment

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer to Attachment 3.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>character or contributes to a preferred</td>
<td></td>
<td></td>
</tr>
<tr>
<td>neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development responds to features of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Yes</td>
<td>The subject site is appropriately located with regard to services and</td>
</tr>
<tr>
<td>Residential development is consistent with</td>
<td></td>
<td>facilities to support the construction of three dwellings on a lot of</td>
</tr>
<tr>
<td>housing policies in the SPPF, LPPF and</td>
<td></td>
<td>this size.</td>
</tr>
<tr>
<td>local planning policies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support medium densities in areas to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>take advantage of public transport and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>types in developments of ten or more</td>
<td></td>
<td></td>
</tr>
<tr>
<td>dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Yes</td>
<td>The proposal will make use of existing infrastructure servicing the</td>
</tr>
<tr>
<td>Provides appropriate utility services and</td>
<td></td>
<td>site. The developer will be responsible for upgrading this infrastructure</td>
</tr>
<tr>
<td>infrastructure without overloading the</td>
<td></td>
<td>if necessary to accommodate the development.</td>
</tr>
<tr>
<td>capacity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council’s drainage engineers have reviewed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the application and raise no issues with</td>
<td></td>
<td></td>
</tr>
<tr>
<td>infrastructure capacity in the area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>It is noted that the developer will be</td>
<td></td>
<td></td>
</tr>
<tr>
<td>required to pay a development contributions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>levy in accordance with the requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Clause 45.06 of the Bayside Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scheme.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B5 Integration with the Street</strong></td>
<td>Yes</td>
<td>The proposed building has front setbacks varying between 7.6 metres to</td>
</tr>
<tr>
<td>Integrate the layout of development with</td>
<td></td>
<td>10.4 metres.</td>
</tr>
<tr>
<td>the street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recessive and projective elements across</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the elevations are utilised to reduce the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>visual bulk and dominance of the proposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to immediately adjoining properties.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item 4.2 – Matters of Decision</td>
<td>Pedestrian access delineates the clearly identifiable entries. The open front setbacks will allow the proposed landscaping to allow the development to blend seamlessly into the streetscape, positively contribute to the preferred streetscape character. See Neighbourhood Character assessment for further discussion at Section 6.1 of the report.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</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. | Yes  
Requirement: 7.6m  
Proposed:  
GF: 7.6m – 9.3m  
FF: 9.3m – 10.4m |
| **B7 Building Height**  
Building height should respect the existing or preferred neighbourhood character. | Yes  
Maximum: 9m  
Proposed: 8.4m (south-west elevation) |
| **B8 Site Coverage**  
Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | Yes  
Maximum: 50%  
Proposed: 45.4% |
| **B9 Permeability**  
Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration. | Yes  
Minimum: >20%  
Proposed: >20% |
| **B10 Energy Efficiency**  
Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy. | Yes  
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.  
Consideration of the impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in the Neighbourhood Residential Zone has also been completed.  
One adjoining lot, 13B, contains a number of solar panels located on the north-eastern elevation at ground and first floor. Sections demonstrating the shadowing to these solar panels indicate that until 3pm, there is no overshadowing to the solar panels as a result of the proposed dwellings.  
In fact, shadow modelling demonstrate that the ground floor panels are |
<table>
<thead>
<tr>
<th>Item 4.2 – Matters of Decision</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>B11 Open Space</td>
<td>N/A</td>
</tr>
<tr>
<td>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</td>
<td></td>
</tr>
<tr>
<td>B12 Safety</td>
<td>Yes</td>
</tr>
<tr>
<td>Layout to provide safety and security for residents and property.</td>
<td></td>
</tr>
<tr>
<td>B13 Landscaping</td>
<td>No</td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>B14 Access</td>
<td>No</td>
</tr>
<tr>
<td>Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</td>
<td></td>
</tr>
<tr>
<td>B15 Parking Location</td>
<td>Yes</td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>
**B17 Side and Rear Setbacks**
Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest (side)</td>
<td>0 or 2m</td>
<td>2m</td>
<td>3.2m – 3.6m</td>
</tr>
<tr>
<td>Southeast (side)</td>
<td>0 or 2m</td>
<td>2m, 3m</td>
<td>3.4m, 3.5</td>
</tr>
<tr>
<td>Southwest (rear)</td>
<td>0 or 3m</td>
<td>4.9m – 7.4m</td>
<td>4.8m</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.

- **Yes**

- The development has been sufficiently setback from all habitable room windows to abutting properties.

**B20 North Facing Windows**
Allow adequate solar access to existing north-facing habitable room windows.

- **Yes**

- 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.

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

- **Yes**

- Additional overshadowing will occur to areas of secluded private open space associated with dwellings 13a and 13b, located to the southeast of the subject site.

  From 9am to 1pm, the only increase in shadows is to one of the ground floor north east facing windows of 13b facing Stonehaven Crescent.

  The increase in overshadowing affects the secluded private open space (SPOS) for all dwellings to the southeast from 1pm to 3pm, however the SPOS receives a minimum of five hours of sunlight between the hours of 9 am and 1 pm, complying with the standard.

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

- **Yes**

- All habitable room windows have sill heights to a minimum height of 1.7 metres above finished floor level according with the standard.
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Decision</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>B23</td>
<td>Internal Views</td>
<td>Yes</td>
<td>Internal fencing at ground floor level to a height of 2.1m limits views between adjoining areas of secluded private open space within the development.</td>
</tr>
<tr>
<td>B24</td>
<td>Noise Impacts</td>
<td>Yes</td>
<td>It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.</td>
</tr>
<tr>
<td>B25</td>
<td>Accessibility</td>
<td>Yes</td>
<td>A master bedroom and ensuite facilities are located at ground floor within each dwelling. Dwelling entries could be retrofitted to accommodate people with limited mobility in the future if required.</td>
</tr>
<tr>
<td>B26</td>
<td>Dwelling Entry</td>
<td>Yes</td>
<td>The development includes clearly delineated and unfenced entries to both dwellings. Shelter is provided at the dwellings entries with the provision of porches for weather protection. On balance, the design response is considered to be acceptable.</td>
</tr>
<tr>
<td>B27</td>
<td>Daylight to New Windows</td>
<td>Yes</td>
<td>All habitable windows will open out onto a space clear to the sky or a covered external space which itself is open to the sky.</td>
</tr>
<tr>
<td>B28</td>
<td>Private Open Space</td>
<td>Yes</td>
<td>Minimum: 25m² secluded, 40m² overall with a minimum dimension of 3 m. Proposed: Both dwellings have been provided with a minimum of 68 m² of private and secluded private open space in accordance with the Standard.</td>
</tr>
<tr>
<td>B29</td>
<td>Solar Access to Open Space</td>
<td>Yes</td>
<td>Appropriate solar access to the areas of secluded private open space are provided. Areas of secluded private open space are located to the west interface and will achieve varying level of solar access from the midday sun until sunset.</td>
</tr>
<tr>
<td>B30</td>
<td>Storage</td>
<td>Yes</td>
<td>A minimum area of 6 cubic metres of designated storage areas are provided within the garages of both dwellings.</td>
</tr>
<tr>
<td>Item</td>
<td>Decision</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>------</td>
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<td>-------</td>
<td></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>Yes</td>
<td>Refer to Section 6.1 of the report and Attachment 3 for further discussion.</td>
<td></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>N/A</td>
<td>No front is proposed.</td>
<td></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>No areas of common property are proposed.</td>
<td></td>
</tr>
<tr>
<td><strong>B34 Site Services</strong>&lt;br&gt;Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.&lt;br&gt;Avoid future management difficulties in common ownership areas.</td>
<td>Yes</td>
<td>All appropriate site services are shown on the plans.&lt;br&gt;Air conditioning units are shown to be located away from adjoining habitable room windows.</td>
<td></td>
</tr>
</tbody>
</table>
Arboricultural Assessment and Tree Preservation Strategy

Site Address:
15 Stonehaven Crescent,
Hampton East

Report Commissioned By:
Mr. Sam Geor
The Property Owner

Prepared By:
Mr. Jack Sinclair
Dip.App.Sci (Hort/Arb)
Adv. Cert. (Hort)

8th October 2018

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Introduction

This report is undertaken at the request of Mr. Sam Geor, the property owner. The report contents should not be made available to any other parties, other than affected parties, unless by the express permission of McLeod Trees Pty Ltd.

This report is an analysis of a number of trees, which are located on the site of 15 Stonehaven Crescent, Hampton East and surrounding properties and council owned nature strips. The arboricultural assessment and tree preservation strategy identifies the health, condition and worthiness of retention of the trees, with a view to comment on, and make recommendations as to, the future management of the same in regard to proposed redevelopment of the site.

The report covers a number of aspects, but essentially provides comment on the impact of any vegetation on the potential for proposed extensions and renovations of the existing dwelling on the site and provides guidelines and management techniques to address any potential conflicts.

The results and recommendations of this assessment are provided within Section 7 of this report. This final section outlines the guidelines and recommended management techniques required for addressing tree management on the site prior to the planning stage of the development.
1. Key Objectives

1.1. To inspect and assess the trees on the subject site at 15 Stonehaven Crescent, Hampton East and any within adjoining properties and council nature strips which have potential to be affected by any redevelopment of the site.

1.2. To provide information on the species, dimensions, health, structure, condition, useful life expectancy (ULE) and worthiness of retention of the trees and identify any potential conflicts between trees and the proposed development.

1.3. To provide recommendations and management strategies to resolve any potential conflicts between trees and proposed development, with a view to retention and protection of significant trees where possible.

2. Methodology

2.1. A site inspection was undertaken on Monday, 8 October, 2018. The nominated trees were inspected from the ground only and observations made of the growing environment and surrounding area. The trees were not climbed and no samples of the tree or site soil were taken.

2.2. Observations were made of the trees to determine their health and condition, with measurements taken to establish canopy and trunk dimensions.

2.3. Tree Protection Zones were calculated using the Australian Standard – Protection of Trees on Development Sites (AS 4970 – 2009).

2.4. Each tree has been appointed an individual Tree Id. No. and marked accordingly on the attached site plan (Appendix 1).

2.5. The trees were classified with a Useful Life Expectancy and Retention Value based on structural integrity, condition and environmental and landscape character.

2.6. The data was recorded on Monday, 8 October, 2018. All details were accurate and correct at this time. All data was collected on site by Mr. Jack Sinclair.

Advertised Plan

Received
12 OCT 2018
Planning Department
Stonohaven 15 AM

McLeod Trees
Page 3

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3. Report Limitations

3.1. The survey undertaken of the subject site trees was of a preliminary nature, with a visual inspection being made from ground level only. None of the subject trees were climbed and no samples (soil, fungal etc.) were taken for analysis. Tree defects, not apparent from the ground-based visual inspection, are expressly excluded from the scope of this report.

3.2. In collecting the data, measurements such as Trunk Diameter (DBH) were obtained using a specialist diameter measuring tape designed for the purpose. Tree heights and canopy spread were estimated using the assessors' experience, education and knowledge. Tree Protection Zone calculations were made using the formula as per Australian Standard 4970 – 2009.

3.3. The report is limited, as per the brief, to offer recommendations in regard to tree retention and management strategies and associated recommended arboricultural works. Any works recommended or further investigation are not included as part of the scope of this report.

4. Supplementary Information

4.1. The following information was used in preparation of this report:
- Australian Standard – Protection of Trees on Development Sites (AS 4970 – 2009)
- Bayside Council Planning Scheme
- Bayside Council Local Law No 2 – Neighbourhood Amenity
- Bayside Council Street and Park Tree Management Policy (2012)
- Existing Site Survey – Crowhurst Building Design, Job No. 540, Dated April 2018.
- Proposed Development Plan – Crowhurst Building Design, Job No. 540, Dated April 2018

5. Observations

5.1. The property is located within Bayside Council and is covered by Bayside Council Local Law 2 – Neighbourhood Amenity, which classifies Significant Trees as those with a combined or single trunk circumference of greater than 155cm when measured at 1.0m from ground. Such trees require a council Local Laws permit for removal on private property.

5.2. The property displays an overgrown and poorly managed landscape, which includes a number of small trees and areas of overgrown vegetation within the subject site, however most consist of smaller shrubs and ornamental plants which have been excluded from this report.

5.3. There are a number of trees within the site which meet the size criteria to be classified as significant under Council Permit guidelines, as well as a significant tree located on the council nature strip. These trees have been assessed and form topic of discussion within this report.

5.4. There is one palm tree located within adjoining private property to the north which has been included within this assessment and subsequent report.
6. **Discussion**

6.1. Retention Values

A trees worthiness of retention is based upon a number of criteria, taking into consideration such factors as health, condition and structure, as well as age, species, location and other factors which may affect the long-term tenure of the tree. The retention value does not take into consideration the future use of the land, rather that of the current situation and conditions, whereas worthiness of retention considers the trees tenure in the future use of the landscape.

Trees designated as high retention value are those of good health, site significance and semi-mature trees with potential for good growth and development within the completed landscape.

Trees designated as moderate retention value are those of fair health and structure which are considered to have potential within the future landscape, provided they do not impact upon the necessary development works. If these trees can be retained with minimal changes, they should be. However, they are not considered valuable enough to necessitate changes and adaptations to any development plans. By default, all trees on adjoining properties are classified with a moderate retention value, regardless of health or structural condition.

Low retention values have been attributed to trees within the subject site that are either displaying poor health and/or structural integrity, are of inappropriate species selection, are inappropriate for the site or have reached their useful life expectancy.

6.2. Tree Retention

The existing trees on the site could be considered an opportunity or a constraint within the context of future management of the property; however, this would depend on many factors. The condition of the trees, the types of trees present and their location on the site are a few of the issues that may be considered when assessing which trees should be retained.

The possible retention and management of trees in the landscape relies on more substantial criteria than simply perceived visual benefits, although this is certainly considered. Issues such as tree health, structure and stability are fundamental and primary considerations in the process of identifying trees that could be potentially retained in the long term. These attributes are assessed using risk management concepts as a platform and they assist with determining the retention value of individual trees.

Importantly, tree removal should not always be considered a negative issue. Retention for retention's sake is a pointless activity if there is not a high possibility that the tree will not only survive, but will be viable in the longer term (Hitchmough, 1994).
6.3. Tree Protection Zones

The Tree Protection Zone (TPZ) measurements provided are based on the Australian Standard for Protection of Trees on Development Sites (AS 4970 – 2009). These calculations are based on the formula of 12 X the Trunk Diameter (DBH).

Where it is deemed necessary that the development encroach upon the calculated Tree Protection Zone measurements of any tree to be retained, the Australian Standard allows for a 10% encroachment on one side of the TPZ, provided allowances are made to the remaining TPZ area and the Structural Root Zone (SRZ) is not compromised.

If during the preliminary design period it is determined that the area will require encroachment within the TPZ of greater than 10%, then exploratory root excavation may need to be undertaken in accordance with specifications as outlined in the Australian Standard.

6.4. Exploratory Root Excavation

Where it is proposed that development or excavation occur within the adjusted TPZ, exploratory root excavation should be undertaken prior to the final design of any proposed works.

Such exploratory root excavation should be undertaken in the form of hydro-excavation technology which is able to remove the soil and leave an undamaged, skeletonised root system which is then inspected by the arborist and root data collated accordingly.

By undertaking such exploration, the exact extent of roots within the area can be determined, thereby allowing for future design plans and/or construction methods to be developed as necessary, utilising the knowledge of exact root development and locations.

6.5. Overview of Site

All trees of value or significance within the site or on adjacent properties that warrant further discussion in terms of retention and protection recommendations have been assessed and are addressed within this report.
7. Conclusion and Recommendations

7.1. Tree 1

- This mature exotic tree is located within the nature strip at the front of the property.
- The tree displays evidence of good health and structure, however evidence of damage can be seen to the surrounding footpath and concrete kerb as a result of the aggressive shallow root system.
- It is proposed that a new crossover be installed to provide access to the property which will significantly encroach the TPZ area and is likely to impact upon tree health.
- Such crossover design will need to be discussed with council during the planning stage with a view to either tree removal, or design techniques which will ensure the tree remains viable post development.
- The tree has a minimum Tree Protection Zone of 5.0m radius and will require protection through the implementation of TPZ fencing within the nature strip.

7.2. Tree 2

- This mature exotic tree located within the subject site has been inundated with a profusion of English Ivy – *Hedera helix* growth, which has caused heavy decline of the tree.
- At the time of inspection there was no evidence of live growth or any new bud formation within the upper canopy, and the tree was considered dead at this time. However due to the semi-deciduous nature of the species, there is potential that some foliage may emerge during the coming spring months.
- The tree will conflict with proposed development and is recommended for removal to allow for development to occur.
- The tree does not meet the size criteria to require a permit under Bayside Council Local Laws.

7.3. Tree 3

- This mature Palm tree is located within the adjoining property to the north at an approximate distance of 500mm from the boundary.
- Although the calculated TPZ encroaches the subject site, it is expected that the palm will not be affected by proposed development, as such no further discussion is required in regard to the ongoing retention and subsequent protection of this tree.
7.4. Tree 4

- This mature exotic tree is located within the rear yard of the subject site where it displays evidence of significant decline and mortality.
- At the time of inspection there appeared no live foliage or new bud development with the tree now considered dead.
- However due to the deciduous nature of the species, there is potential that some foliage may sprout during the coming spring months, however this is considered unlikely.
- The tree will conflict with proposed development and as such is recommended for removal prior to the same.
- The tree does not meet the size criteria to require a permit under Bayside Council Local Laws.

7.5. Tree 5

- This mature native tree is located within the rear yard of the subject site where it displays evidence of significant structural issues, with a large wound and previous failure within the main trunk structure at approximately 4.0m from ground level.
- Whilst there is potential for the design and construction of the dwelling to incorporate this specimen, the limited safe useful life expectancy of the tree would dictate that removal of the tree prior to development be undertaken, thereby providing for unlimited construction access and an opportunity for replanting of a significant growing specimen tree as part of the completed project.
- The tree meets the size criteria to be considered significant under Bayside Council Local Laws, as such a permit will be required for its removal.

7.6. Tree 6

- This mature native tree is located within the rear yard of the subject site where it displays evidence of decline and poor health, as well as infestation of English Ivy – *Hedera helix* on the trunk and within the upper canopy.
- Whilst there is potential for the design and construction of the dwelling to incorporate this specimen, the limited safe useful life expectancy of the tree would dictate that removal of the tree prior to development be undertaken, thereby providing for unlimited construction access and an opportunity for replanting of a significant growing specimen tree as part of the completed project.
- The tree meets the size criteria to be considered significant under Bayside Council Local Laws, as such a permit will be required for its removal.
7.7. Tree 7

- This spreading, multi-stemmed overgrown Palm tree is located within the subject site, amongst a garden bed of heavy Bamboo growth.
- The specimen displays evidence of significant decline, with the majority of the upper stems completely dead.
- It is recommended that the tree be removed prior to development, however the specimen does meet the size criteria to necessitate a Bayside Council local Law permit for its removal.

7.8. Overview

There are no other trees within the subject site, adjoining private property or nature strips which will be affected by redevelopment within the site, nor require inclusion within this report.

Numerous smaller trees and shrubs within the site are considered insignificant by way of Bayside Council guidelines and no further mention is required in their regard.

Such insignificant vegetation can be removed at any time within further consent or consideration.

In order to facilitate development as proposed, discussions with Bayside Council Planning Department will need to consider the future of Tree 1 located on the nature strip.

Furthermore, the removal of trees within the subject site (Trees 5, 6 and 7) will require approval under Bayside Council Local Laws.
8. References

Coder K., 1996 Construction Damage Assessments; Trees and Sites, University of Georgia, School of Forestry Resources, Extension Publication for 96-039A 10/1996


Hitchmough, J., 1988, Landscape Plant Manual – Volume One, University of Melbourne


Standards Australia, 2007, Pruning of Amenity Trees, (AS 4373 – 2007), Standards Australia, NSW

Standards Australia, 2009, Protection of Trees on Development Sites, (AS 4970 – 2009), Standards Australia, NSW

Watson G. W. & Neely D., 1995, Trees and Building Sites, International Society of Arboriculture, USA
## Appendix 2: Tree Details Database

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>DBH (cm)</th>
<th>HAB (cm)</th>
<th>Height (m)</th>
<th>TPE (m)</th>
<th>MZ (m)</th>
<th>Health</th>
<th>Workbase</th>
<th>Condition</th>
<th>VSN</th>
<th>Significance</th>
<th>Revocation Value</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td>Eucalyptus nitens</td>
<td>Blue Gum</td>
<td>413</td>
<td>630</td>
<td>12.0</td>
<td>5.6</td>
<td>1.7</td>
<td>Good</td>
<td>Poor</td>
<td>Poor</td>
<td>6.20</td>
<td>High</td>
<td>Medium</td>
<td>Memo</td>
<td>Return to Reforest</td>
</tr>
<tr>
<td>2</td>
<td>Atriplex semibaccata</td>
<td>Silver Bush</td>
<td>519</td>
<td>480</td>
<td>10.0</td>
<td>1.9</td>
<td>0.8</td>
<td>Fair</td>
<td>Poor</td>
<td>Poor</td>
<td>0.5</td>
<td>Moderate</td>
<td>Low</td>
<td>Memo</td>
<td>Return to Biofilter</td>
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<tr>
<td>3</td>
<td>Eucalyptus oblongifolia</td>
<td>Queen Palms</td>
<td>310</td>
<td>420</td>
<td>8.0</td>
<td>1.7</td>
<td>2.3</td>
<td>Good</td>
<td>Poor</td>
<td>Poor</td>
<td>6.20</td>
<td>Moderate</td>
<td>Low</td>
<td>Memo</td>
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</tr>
<tr>
<td>4</td>
<td>Casuarina equisetifolia</td>
<td>Fan Palm</td>
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<td>490</td>
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<td>Poor</td>
<td>Poor</td>
<td>Poor</td>
<td>0.5</td>
<td>Moderate</td>
<td>Low</td>
<td>Memo</td>
<td>Return to Biofilter</td>
</tr>
<tr>
<td>5</td>
<td>Lithospermum rugulosum</td>
<td>Queensland Box</td>
<td>660</td>
<td>740</td>
<td>12.0</td>
<td>7.4</td>
<td>1.9</td>
<td>Fair</td>
<td>Poor</td>
<td>Poor</td>
<td>0.5</td>
<td>Moderate</td>
<td>Low</td>
<td>Memo</td>
<td>Return to Biofilter</td>
</tr>
<tr>
<td>6</td>
<td>Lithospermum rugulosum</td>
<td>Queensland Box</td>
<td>560</td>
<td>780</td>
<td>12.0</td>
<td>6.7</td>
<td>1.5</td>
<td>Poor</td>
<td>Poor</td>
<td>Poor</td>
<td>0.5</td>
<td>Moderate</td>
<td>Low</td>
<td>Memo</td>
<td>Return to Biofilter</td>
</tr>
<tr>
<td>7</td>
<td>Grevillea robusta</td>
<td>Cushion Forsythia</td>
<td>515</td>
<td>370</td>
<td>6.3</td>
<td>1.5</td>
<td>1.6</td>
<td>Poor</td>
<td>Poor</td>
<td>Poor</td>
<td>0.5</td>
<td>Low</td>
<td>Low</td>
<td>Memo</td>
<td>Return to Biofilter</td>
</tr>
</tbody>
</table>

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**McLeod Trees**

**Page 12**

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**Received**

**12 OCT 2018**

**Planning Department**

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**Item 4.2 – Matters of Decision**

Page 118 of 509
Appendix 3: Definition of Terms

The following is a definition of terms used for arboricultural assessments.

**Tree #** - Identification number provided and tagged for individual trees.

**Genus/Species** - Botanical name of tree to Genus and species level.

**Common Name** - Common name of tree.

**Diameter at Breast Height (DBH)** - DBH is measured at 1400mm above ground level. In cases where the tree has multiple stems, the measurement is taken at the narrowest point below the stems, or ground level on multi-stemmed specimens.

**Height** - Average height in metres measured from ground only using specialised equipment where possible, or estimated from ground level.

**Canopy Spread** - The average distance in meters of the spread of the canopy. For simplification, the distance measured North – South and East – West is averaged out to provide an overall canopy spread measurement.

**Health** - Health pertains to the tree vigor, performance and ability to withstand pathogenic entry. Health is measured as a rating of Good, Fair to Poor.

**Structure** - Pertains to the physical structure of the tree, including the main scaffold branches and roots. Structure includes those attributes that may influence the probability of major trunk, root or limb failure. Structure is measured as a rating of Good, Fair to Poor.

**Condition** - Condition is a combination of health and structure and provides an overall rating for each tree. As such a tree with a good health rating and a poor structure rating would be classified with a rating of Fair. Condition is measured as a rating of Good, Fair to Poor.

**Retention Value** - Retention Value of a tree pertains to the worthiness for retention. Based on a combination of factors, including species, location, condition, and future growth potential. The retention value is classified as a rating of High, Medium and Low.
Useful Life Expectancy (ULE) - ULE quantifies the span of time the tree might reasonably be expected to provide useful amenity value, with an acceptable level of safety with acceptable standards of maintenance.

ULE classifications are measured over the following time spans:

- 0
- < 5 years
- 6 – 20 years
- > 21 years

Tree Protection Zone (TPZ) - The Tree Protection Zone is a specified area above and below ground and at a given distance from the trunk set aside for the protection of the trees' roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

The TPZ is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable.

The TPZ is calculated using the formula as outlined in the Australian Standard (AS 4970 – 2009).
Appendix 4: Tree Protection Guidelines

1. General

1.1. Tree Protection measures include a range of activities and structures. Structures are used to identify and isolate the Tree Protection Zone (TPZ) (refer to section 3).

1.2. The TPZ is a restricted area usually delineated by protective fencing (or use of an existing structure such as an existing fence or wall). It is installed prior to site establishment and remain intact until completion of the works.

1.3. Some works and activities within the TPZ may be authorized by the determining authority. These must be supervised by the project arborist. Any additional encroachment that becomes necessary as the site works progress must be reviewed by the project arborist and be acceptable to the determining authority before being carried out.

2. Activities restricted within the TPZ

- Activities generally excluded from the TPZ include but are not limited to:
  - machine excavation including trenching;
  - excavation for fencing;
  - cultivation;
  - storage;
  - preparation of chemicals, including preparation of cement products;
  - parking of vehicles and plant;
  - refuelling;
  - dumping of waste;
  - wash down and cleaning of equipment;
  - placement of fill;
  - lighting of fires;
  - soil level changes;
  - temporary or permanent installation of utilities and signs, and physical damage to the tree.

3. Protective fencing

3.1. Fencing should be erected before any machinery or materials are brought onto the site and before the commencement of works, including demolition. Once erected, protective fencing must not be removed or altered without approval by the project arborist. The TPZ should be secured to restrict access.

3.2. AS 4687 specifies applicable fencing requirements. Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area.

3.3. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots.

3.4. Existing perimeter fencing and other structures may be suitable as part of the protective fencing.
4. Signs

4.1. Signs identifying the TPZ should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should comply with AS 1319. A warning sign shall prominently be displayed on each fence. The sign shall be a minimum of 300mm X 200mm and clearly state: "WARNING – Tree Protection Zone – This fence must not be removed without authorisation or consent".

5. Other Tree Protection Measures

5.1. General

When tree protection fencing cannot be installed or requires temporary removal, other tree protection measures should be used, including those set out below.

5.2. Trunk and branch protection

Where necessary, install protection to the trunk and branches of trees as required. The materials and positioning of protection are to be specified by the project arborist.

Do not attach temporary power lines, etc. to the tree. Do not drive nails into the trunks or branches.

5.3. Ground protection

If temporary access for machinery is required within the TPZ ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Measures may include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards.

These measures may be applied to root zones beyond the TPZ.

5.4. Root protection during works within the TPZ

Some approved works within the TPZ, such as regrading, installation of piers or landscaping may have the potential to damage roots.

If the grade is to be raised the material should be coarser or more porous than the underlying material. Depth and compaction should be minimized.

Manual excavation should be carried out under the supervision of the project arborist to identify roots critical to tree stability. Relocation or redesign of works may be required.

Where the project arborist identifies roots to be pruned within or at the outer edge of the TPZ, they should be pruned with a final cut to undamaged wood. Pruning cuts should be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds should not be treated with dressings or paints. It is not acceptable for roots within the TPZ to be ‘pruned’ with machinery such as backhoes or excavators.

Where roots within the TPZ are exposed by excavation, temporary root protection should be installed to prevent them drying out. This may include jute mesh or hessian sheeting as multiple layers over exposed
roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.

Other excavation works in proximity to trees, including landscape works such as paving, irrigation, and planting can adversely affect root systems. Seek advice from the project arborist.

5.5. Installing underground services within the TPZ

All services should be routed outside the TPZ. If underground services must be routed within the TPZ, they should be installed by directional drilling or in manually excavated trenches.

The directional drilling bore should be at least 600 mm deep. The project arborist should assess the likely impacts of boring and bore pits on retained trees.

For manual excavation of trenches the project arborist should advise on roots to be retained and should monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools.

5.6. Scaffolding

Where scaffolding is required it should be erected outside the TPZ. Where it is essential for scaffolding to be erected within the TPZ, branch removal should be minimized. This can be achieved by designing scaffolding to avoid branches or tying back branches. Where pruning is unavoidable it must be specified by the project arborist in accordance with AS 4373.

NOTE: Pruning works may require approval by determining authority.

Ground below the scaffolding should be protected by boarding (e.g. scaffold board or plywood sheeting). Where access is required, a board walk or other surface material should be installed to minimize soil compaction. Boarding should be placed over a layer of mulch and impervious sheeting to prevent soil contamination. The boarding should be left in place until the scaffolding is removed.

6. Maintaining the TPZ

6.1. Mulching

The area within the TPZ should be mulched. The mulch must be maintained to a depth of 50 - 100 mm using material that complies with AS 4454. Where the existing landscape within the TPZ is to remain unaltered (e.g. garden beds or turf) mulch may not be required.

6.2. Watering

Soil moisture levels should be regularly monitored by the project arborist. Temporary irrigation or watering may be required within the TPZ. An above-ground irrigation system should be installed and maintained by a competent individual.

6.3. Weed removal

All weeds should be removed by hand without soil disturbance or should be controlled with appropriate use of herbicide.
Appendix 5: Assumptions and Limiting Conditions

- McLeod Trees Pty Ltd contracts with you on the basis that you promise that all legal information which you provide, including land title and ownership of other property, are correct. McLeod Trees Pty Ltd is not responsible for verifying or ascertaining any of these issues.

- McLeod Trees Pty Ltd contracts with you on the basis that your promise that all affected property complies with all applicable statutes and subordinate legislation.

- McLeod Trees Pty Ltd will take all reasonable care to obtain necessary information from reliable sources and to verify data. However, McLeod Trees Pty Ltd neither guarantees nor is responsible for the accuracy of information provided by others.

- If, following delivery of this report, you later require a representative of McLeod Trees Pty Ltd to attend court to give evidence or to assist in the preparation for a hearing because of this report, you must pay an additional hourly fee at our then current rate for expert evidence.

- Alteration of this report invalidates the entire report.

- McLeod Trees Pty Ltd retains the copyright in this report. Possession of the original or a copy of this report does not give you or anyone else any right of reproduction, publication or use without the written permission of McLeod Trees Pty Ltd.

- The contents of this report represent the professional opinion of the consultant. McLeod Trees Pty Ltd’s consultancy fee for the preparation of this report is in no way contingent upon the consultant reporting a particular conclusion of fact, nor upon the occurrence of a subsequent event.

- Sketches, diagrams, graphs and photographs in this report are intended as visual aids, are not to scale unless stated to be so, and must not be construed as engineering or architectural reports or as surveys.

- Unless expressly stated otherwise:
  - The information in this report covers only those items which were examined and reflects the condition of those items at the time of the inspection.
  - Our inspection is limited to visual examination of accessible components without dissection, excavation or probing. There is no warranty or guarantee, express or implied, that even if they were not present during our inspection, problems or defects in plants or property examined may not arise in the future.

- This agreement supersedes all prior discussions and representations between McLeod Trees Pty Ltd and the client on the subject, and is the entire agreement and understanding between these parties.
### STORM Rating Report

- **TransactionID:** 664300
- **Municipality:** BAYSIDE
- **Rainfall Station:** BAYSIDE
- **Address:** 15 Stonehaven Crescent

**Assessor:** David Biro  
**Development Type:** Residential - Subdivision  
**Allotment Site (m²):** 766.63  
**STORM Rating %:** 104

<table>
<thead>
<tr>
<th>Description</th>
<th>Impervious Area (m²)</th>
<th>Treatment Type</th>
<th>Treatment Area/Volume (m² or L)</th>
<th>Occupants / Number Of Bedrooms</th>
<th>Treatment %</th>
<th>Tank Water Supply Reliability (%)</th>
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<tr>
<td>Dwelling 1</td>
<td>179.12</td>
<td>Rainwater Tank</td>
<td>2,500.00</td>
<td>4</td>
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<td>88.90</td>
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<td>41.12</td>
<td>Raingarden 100mm</td>
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<td>100.60</td>
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**Date Generated:** 19-Sep-2018  
**Program Version:** 1.0.0

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**Advertised Plan**

**Received**

**Planning Department**
TO | Arborist  
FROM | Anita Rozankovic-Stevens  
ADDRESS | 15 Stonehaven Crescent HAMPTON EAST  
APPLICATION NO. | 5/2018/371/1  
PROPOSAL | Construction of two dwellings on a lot  
TRIM REFERENCE | DOC/18/254164 – Development Plans  
 | DOC/18/254163 – Arborist Report  
COMMENTS | An assessment against the following is required:  
 | - Clause 22.06 - Neighbourhood Character Policy (Precinct G1)  
 | - Clause 55.03-6 Landscaping objectives (Standard B13)  
DATE OF REFERRAL | 13 December 2018  

ARBORIST COMMENTS / CONDITIONS:

Landscape character of the site: Two large native trees in the rear and one exotic in the front.

Landscape character of adjacent area: similar to subject site also includes exotic species.

The requirements of NCP are:

- Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and vegetation.
- Retain large, established trees and provide for the planting of new trees wherever possible.
- 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.

Are there any trees on the subject site or adjoining properties that need protection?  
Yes ☒ No ☐

Whilst the accompanying arborist report (McLeod Trees dated 8/10/18) refers to tree protection I am not satisfied with the content, therefore a Tree Management Report and Tree Protection Plan must be supplied by the applicant.

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.

**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.

**Landscape plan**

<table>
<thead>
<tr>
<th>Has a landscape plan has been submitted</th>
<th>Yes ☒</th>
<th>No ☐</th>
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<tr>
<td>Is the landscape plan in accordance with NCP</td>
<td>Yes ☐</td>
<td>No ☒</td>
</tr>
<tr>
<td>Large trees are not being retained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the landscape plan in accordance with BLG?</td>
<td>Yes ☐</td>
<td>No ☒</td>
</tr>
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Insufficient amount of trees proposed. See below the requirements for this site.
TABLE 3: EXAMPLE LANDSCAPE REQUIREMENTS FOR NEW BUILDINGS

<table>
<thead>
<tr>
<th>APPLICATION TYPE</th>
<th>PREFERRED NUMBER OF CANOPY TREES</th>
<th>PREFERRED SCALE OF TREES*</th>
</tr>
</thead>
<tbody>
<tr>
<td>SINGLE DWELLING APPLICATION</td>
<td>1 large canopy tree</td>
<td>1 large tree to grow to 10-15 metres tall / greater than 6 metres</td>
</tr>
<tr>
<td>LOW DENSITY (DUAL OCCUPANCY) APPLICATION</td>
<td>1 large canopy tree or 2 smaller canopy trees in the front</td>
<td>1 tree to grow to 12 metres tall or greater or 2 trees to grow to 8 metres or greater</td>
</tr>
<tr>
<td></td>
<td>1 large tree or 2 smaller trees in the rear of each dwelling</td>
<td>One large 10-15 metre tree or two 6-8 metre tall trees to the rear of each dwelling</td>
</tr>
</tbody>
</table>

Examples of landscape plans are included in Appendix 1.

*Consideration will be given to alternative canopy heights in exceptional circumstances. For example where there are existing medium to large trees on the site or there is insufficient setback to accommodate the tree root zone of a large canopy tree.

In addition, all new developments should have vegetation planted across the site. Refer to Appendix 4 for examples of vegetation planting. Soil volume and required planted area requirements for trees are provided in Table 7, Appendix 3.

Does the built form and/or surface treatments need to be reduced/modified to improve post construction landscaping opportunities? Yes ☒ No ☐

I am advising on the retention of Tree 5. Redesign to occur to ensure tree remains viable post constriction. See tree profile in Tree(s) worthy of retention section.

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 ☒


The report will explain design and construction methods proposed to minimize impacts on trees to be retained trees (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

Is this information required prior to the application being determined? Yes ☒ No ☐
**Proposed tree removal**

The application plans show the removal of 4 trees from the site, including 2 native trees. The table below identifies trees that align with the Neighbourhood Character Policy (NCP), protected by the Local Law and those which are not protected by any statutory mechanism.

Removal of the following trees is supported: 2, 4 & 6

<table>
<thead>
<tr>
<th>Trees that align with the NCP?</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
<td>Proposed for removal</td>
</tr>
<tr>
<td>2, 5, 6</td>
<td>5, 6</td>
<td>2, 4</td>
</tr>
</tbody>
</table>

Support for removal of these trees is due to low ULE and that one is not protected by local law.

**Tree(s) worthy of retention**

<p>| Tree No | 5 |
| Botanical Name: | Lophostemon confertus |
| Common Name: | Queensland box brush |
| Height / Canopy: | 13m/8m |
| Trunk Circ.@1m: | 220cm |
| Location 1 | W0 |
| Location 2 | N3 |
| 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 + | <strong>10-19 years</strong> | 4-9 years | 0 - 3 years |
| Retention Value: | High | Medium | Low | None |
| Align with NCP | Yes | No |
| Support for removal: | Yes | No |</p>
<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>Ronan Hamill</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE</td>
<td>24/1/190</td>
</tr>
</tbody>
</table>
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 Permit</th>
</tr>
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<tbody>
<tr>
<td>Applicant</td>
<td>Michelle Celebicanin</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The site is subject to restrictive covenant A244715. The covenant does not restrict the proposed development.</td>
</tr>
<tr>
<td>Date application received</td>
<td>11 October 2018</td>
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<tr>
<td>Current statutory days</td>
<td>79 days</td>
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<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
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<tr>
<td>Overlays</td>
<td>Special Building Overlay</td>
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<tr>
<td></td>
<td>Design and Development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
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<tr>
<td></td>
<td>Development Contributions Plans Overlay (Schedule 1)</td>
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<tr>
<td>Site area</td>
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<tr>
<td>Number of outstanding objections</td>
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<tr>
<td>Is a Development Contribution Levy applicable?</td>
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</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 730 square metres.

Key details of the proposal are as follows:
- Removal of 10 trees from the site, including 7 trees which are protected by the Vegetation Protection Overlay (Schedule 3).

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 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 considered necessary as no objections were received.

4. Recommendation

That Council resolve to Issue a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/673/1 for the land known and described as 12 Pacific Boulevard, Beaumaris, 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 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) A Landscaping Plan in accordance with Condition 4 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.
Landscaping

4. 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 front setback.

b) Replacement planting of 1 small canopy tree reaching a mature height of at least 8 metres within the rear setback.

c) The retention of Tree 30 (Coastal Teatree) in the south east corner of the subject site.

d) A survey including botanical names of all existing trees to be retained and removed 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) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

h) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.

5. 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.

6. 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

7. 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.

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 21.02  Bayside Key Issues and Strategic Vision
• Clause 21.04  Environmental and Landscape Values
• Clause 21.05  Environmental Risks
• Clause 22.06  Neighbourhood Character Policy (Precinct H3)
• Clause 32.09  Neighbourhood Residential Zone (Schedule 3)
• Clause 42.02  Vegetation Protection Overlay (Schedule 3)
• Clause 43.02  Design and Development Overlay (Schedule 1)
• Clause 44.05  Special Building Overlay
• Clause 45.06  Development Contributions Plan Overlay (Schedule 1)
• Clause 65  Decision Guidelines

6. Considerations

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

6.1. Neighbourhood character

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

The subject site is situated within a heavily vegetated area which features a variety of native and indigenous trees. The preferred character of Precinct H3 seeks to retain large
established trees and understorey, and to provide for the planting of new indigenous
trees wherever possible.

A key objective of the Precinct Guidelines is to strengthen the bushy garden character
of the area through the planting of appropriate species. The extent of native vegetation
removal associated with this application as proposed does not achieve this objective.
However, Council’s arborists are generally supportive of the proposal, due to the poor
health of the existing trees.

In addition, replacement planting has been included as part of the recommendation
which will adequately achieve the neighbourhood character objective of the area.
Replacement planting of 1 small canopy tree reaching a mature height of at least 8
metres within the front setback and replacement planting of 1 small canopy tree reaching
a mature height of at least 8 metres within the rear setback has been included as a part
of the condition 1 of the permit.

The replacement planting will be sufficient planting for the subject site that will still allow
for the development shown on the advertised plans dated 21/9/2018.

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 10 trees from the site including 7 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 an ‘*’.

<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>Trees 22, 23, 24, 25, 26, 28 and 30.</td>
<td>-</td>
<td>Tree 20, 21 and 29</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>Tree 1 (street tree), 27</td>
</tr>
</tbody>
</table>

From an arboriculture perspective, Council’s arborist has reviewed the application and
advises that all trees on the site are considered to be of poor health and structure and
their removal is supported, with the exception of Tree 30.

An assessment against the decision guidelines of the VPO3 is provided at Attachment
4. 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 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.

Notwithstanding, Council’s arborist has reviewed the submitted landscape plan and
advised that it is not considered to be acceptable in its current form. The requirement for
the preparation of an amended landscape plan has been included and requires at least 80% native vegetation to be planted on the site, and replacement planting of 1 small canopy tree reaching a mature height of at least 8 metres within the front setback and replacement planting of 1 small canopy tree reaching a mature height of at least 8 metres within the rear setback.

Trees 22, 23, 24, 25, 26 and 28 to be removed are native to Australia. Council's arborist has supported the removal of these trees due to a mixture of poor health and structure, low life expectancy and low amenity and retention values.

Trees 20, 21 and 29 to be removed are not native to Australia and do not require a planning permit or Local Laws permit for their removal.

Tree 27 is a Canary Island Palm (Phoenix Canariensis) located on the north east side of the subject site. The tree is exotic with fair – good health and structure. The tree is not protected by the VPO3 nor Local Laws; however, the tree has been proposed to be retained.

Tree 30 is a Coastal Teatree (Leptospermum Laevigatum) located on the south eastern side of the subject land. The tree is an indigenous semi-mature in age, of good health and structure with high retention and moderate habitat value. Council's arborist has recommended that this tree is retained owing to the health and structure. A condition has been included to retain this tree.

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 and below recommendation, no development contributions levy is applicable.

Support Attachments

1. Decision Plans ⇩
2. Site and Surrounds Imagery ⇩
3. Neighbourhood Character Assessment ⇩
4. VPO3 Assessment ⇩
5. Arborist Referral ⇩
6. Applicants Arboricultural Assessment ⇩
Item 4.3 – Matters of Decision
Preliminary Arboricultural Assessment

REPORT COMMISSIONED BY:
Carter Grange Homes

DATE OF ASSESSMENT:
Monday, July 23, 2018

SUBJECT SITE:
12 Pacific Blvd,
Beaumaris VIC 3193

DATE OF REPORT:
Tuesday, July 24, 2018

REPORT PREPARED BY:
Samuel Munro,
Consulting Arborist
Certificate 5 Horticulture (Arboriculture)

VERSION 1

TAYLOR'S TREES

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             Bayswater North 3193

WEBSITE www.taylorstrees.com.au
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1 Assignment

1.1 Author/Consulting Arborist

Name  
Samuel Munro – (AQF)  
Level 5,  
Diploma Horticulture,  
Arboriculture  
Company  
Taylor’s Trees

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Phone  
(03) 9720 6025

Mobile  
0401 442 604

Email  
info@taylorstrees.com.au

1.2 Client

Name  
Carter Grange Homes  
Site Address  
12 Pacific Blvd,  
Beaumaris VIC 3193  
Phone  
(03) 9585 6953

Intended Audience  
• The property/tree owner(s)  
• The development project manager and associated construction staff  
• Council Planning Department

1.3 Brief

The purpose of this report is to provide an independent Arboricultural assessment of prominent trees that are located within the subject site, the nature strip and within three metres of adjoining properties.

Detail has been requested in relation to the following instructions:

• To provide an objective assessment of the trees in their current state.
• To provide an objective assessment of the retention value of the subject trees.
• To determine the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of the subject trees.
• To propose tree and site management options to minimise the potential impact that development may cause on the subject trees health and/or structural integrity.
2 Data collection

2.1 Site Visit

- Samuel Munro, of Taylors Tree and Stump Removal, visited the site for an Arboricultural assessment on Monday the 23rd of July 2018 at 11.30pm.

2.2 Method of data collection

- The subject trees were assessed from observations made as viewed from ground level.
- Access to neighbouring properties was not permitted therefore, assessment was limited only to parts of the trees that were visible from within the subject site.
- Field notes were documented, the summary of observations is an accurate account of notes gathered whilst in the field.
- The height and spread of the trees were estimated.
- A digital camera was used at ground level to gather photographic evidence.
- A diameter tape was used to determine the trunk dimensions of trees within the subject site and council nature strip (Trees 1 and Trees 20-30).
- Trunk dimensions of neighbouring trees were estimated due to restricted access (Trees 2 - 19).

3 Site description

- The subject site is located in a Neighbourhood Residential Zone – Schedule 3 (NRZ3) within the City of Bayside.
- An existing residential dwelling is currently situated within the site.
- The terrain of the site presented as predominately flat.
- The subject trees are located within the subject site, front nature strip and within the adjoining properties (10 & 14 Pacific Blvd and 9 Florida Ave).
- The subject trees are located amongst a mixture of native and exotic vegetation that were not assessed as they are insignificant in size and are not suitable for retention.
3.1 Permit requirements

3.1.1 Vegetation Protection Overlay – Schedule 3

The site is subject to the Vegetation Protection Overlay – Schedule 3 (VPO3) which states the following:

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.

3.1.2 Local law

The site is subject to the Bayside City Council local law which states the following:

Under Clause 36 of Council’s Local Law No 2, a person must not, without a Permit, “destroy, damage or remove or allow to be destroyed, damaged or removed; cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned” any Significant Tree or any other protected tree on private property.

A protected tree is:

- A tree with a single or combined trunk circumference greater than 155 centimetres measured at one metre above ground level; to reach the combined trunk circumference, the four largest trunk circumferences should be measured.
- A tree listed on Council’s Register of Significant Trees.
- A tree planted in accordance with the replacement planting condition of a Local Law permit.
4 Tree data

The following tables indicates the tree data obtained during the site visit:

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name &amp; Common Name</th>
<th>Age</th>
<th>Origin</th>
<th>Height</th>
<th>Canopy Spread NS &amp; EW</th>
<th>DBH &amp; DAB</th>
<th>Health</th>
<th>Structure</th>
<th>UFL</th>
<th>Amenity Value</th>
<th>Retention Value</th>
<th>TFZ Radius</th>
<th>SRZ Radius</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Angophora costata Smooth-barked</td>
<td>Mature</td>
<td>Native</td>
<td>6 m</td>
<td>N-S: 8 m</td>
<td>E-W: 4 m</td>
<td>Fair</td>
<td>Fair</td>
<td>36 + years</td>
<td>High</td>
<td>Council Owned Tree</td>
<td>3.7 m</td>
<td>2.2 m</td>
<td>Council owned tree, located within the front nature strip. Planned to accommodate L.V. and H.V. powerlines.</td>
</tr>
<tr>
<td>2</td>
<td>Magnolia x soulangiana Chinese magnolia</td>
<td>Mature</td>
<td>Exotic</td>
<td>2 m</td>
<td>N-S: 2 m</td>
<td>E-W: 2 m</td>
<td>Fair</td>
<td>Fair</td>
<td>26 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.0 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd). Decision taken that was consistent with the time of inspection.</td>
</tr>
<tr>
<td>3</td>
<td>Liguvarum sp.</td>
<td>Mature</td>
<td>Exotic</td>
<td>2 m</td>
<td>N-S: 3 m</td>
<td>E-W: 1 m</td>
<td>Fair</td>
<td>Fair</td>
<td>26 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.0 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd).</td>
</tr>
<tr>
<td>4</td>
<td>Unknown sp. Unknown shrub</td>
<td>Mature</td>
<td>Unknown</td>
<td>2 m</td>
<td>N-S: 1.5 m</td>
<td>E-W: 1.6 m</td>
<td>Fair</td>
<td>Fair</td>
<td>26 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.0 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd).</td>
</tr>
<tr>
<td>5</td>
<td>Acacia</td>
<td>Mature</td>
<td>Native</td>
<td>2 m</td>
<td>N-S: 1 m</td>
<td>E-W: 1 m</td>
<td>Fair</td>
<td>Fair</td>
<td>26 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.0 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd).</td>
</tr>
<tr>
<td>6</td>
<td>Grevillea robusta Common camellia</td>
<td>Mature</td>
<td>Exotic</td>
<td>2 m</td>
<td>N-S: 1 m</td>
<td>E-W: 1 m</td>
<td>Fair</td>
<td>Fair</td>
<td>26 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.0 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd).</td>
</tr>
<tr>
<td>7</td>
<td>Cynara sp.</td>
<td>Mature</td>
<td>Unknown</td>
<td>3 m</td>
<td>N-S: 1 m</td>
<td>E-W: 1 m</td>
<td>Fair</td>
<td>Fair</td>
<td>26 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.0 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd). Adjusted TFZ in accordance with section 5.3 of Act 2008.</td>
</tr>
<tr>
<td>Tree No.</td>
<td>Botanical Name &amp; Common Name</td>
<td>Age</td>
<td>Origin</td>
<td>Height</td>
<td>Canopy Spread N-S E-W</td>
<td>DBH &amp; EAB</td>
<td>Health</td>
<td>Structure</td>
<td>ULE</td>
<td>Amenity Value</td>
<td>Retention Value</td>
<td>Type Radius</td>
<td>SPZ Radius</td>
<td>Comments</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------</td>
<td>-----</td>
<td>--------</td>
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<td>-------------</td>
<td>---------------</td>
<td>-------------</td>
<td>-------------</td>
<td>----------</td>
</tr>
<tr>
<td>8</td>
<td>Gyllebea sp. Fern</td>
<td>Mature</td>
<td>Escoto</td>
<td>3 m</td>
<td>N-S: 1 m E-W: 1 m</td>
<td>0.36 m 0.45 m</td>
<td>Fair</td>
<td>Poor</td>
<td>20+ years Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>2.4 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd).</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Banisea arista Old man beard</td>
<td>Mature</td>
<td>Native</td>
<td>3 m</td>
<td>N-S: 1.5 m E-W: 1 m</td>
<td>0.15 m 0.20 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20+ years Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.7 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd).</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Pittosporum undulatum</td>
<td>Mature</td>
<td>Native</td>
<td>4 m</td>
<td>N-S: 1.5 m E-W: 1.5 m</td>
<td>0.20 m 0.25 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20+ years Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd).</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Mixed hedge</td>
<td>Mature</td>
<td>Unknown</td>
<td>2 m</td>
<td>N-S: 9 m E-W: 1.5 m</td>
<td>0.10 m 0.15 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20+ years Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
<td>Neighbouring hedge comprised of several trees, located within the western adjoining property (10 Pacific Blvd).</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Giroe = Emon Lemon</td>
<td>Mature</td>
<td>Escoto</td>
<td>3 m</td>
<td>N-S: 2 m E-W: 2 m</td>
<td>0.10 m 0.15 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20+ years Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
<td>Neighbouring tree, located within the western adjoining property (10 Pacific Blvd).</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Dead</td>
<td>Non-existent</td>
<td>NA</td>
<td>5 m</td>
<td>N-S: 2 m E-W: 3 m</td>
<td>0.15 m 0.20 m</td>
<td>Poor</td>
<td>Poor</td>
<td>3 years Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.7 m</td>
<td>Neighbouring tree, located within the western adjoining property (5 Florida Ave).</td>
<td></td>
</tr>
<tr>
<td>Tree No.</td>
<td>Botanical Name &amp; Common Name</td>
<td>Age</td>
<td>Origin</td>
<td>Height</td>
<td>Canopy Spread</td>
<td>DBH &amp; DAS</td>
<td>Health</td>
<td>Structure</td>
<td>ULE</td>
<td>Amenity Value</td>
<td>Retention Value</td>
<td>TPZ Radius</td>
<td>SRZ Radius</td>
<td>Comments</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>
</tr>
<tr>
<td>14</td>
<td>Lapeyreana nitida</td>
<td>Mature</td>
<td>Exotic</td>
<td>3 m</td>
<td>H=5.3 m</td>
<td>W=3.2 m</td>
<td>0.15 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.7 m</td>
</tr>
<tr>
<td>15</td>
<td>Camellia japonica</td>
<td>Mature</td>
<td>Exotic</td>
<td>3 m</td>
<td>H=5.3 m</td>
<td>W=3.2 m</td>
<td>0.15 m</td>
<td>Fair/ good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>16</td>
<td>Unknown sp.</td>
<td>Mature</td>
<td>Unknown</td>
<td>4 m</td>
<td>H=4.4 m</td>
<td>W=4.2 m</td>
<td>0.20 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>17</td>
<td>Prunus sp.</td>
<td>Mature</td>
<td>Exotic</td>
<td>3 m</td>
<td>H=5.4 m</td>
<td>W=2.2 m</td>
<td>0.25 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>18</td>
<td>Cinnamomum camphora</td>
<td>Semi</td>
<td>mature</td>
<td>5 m</td>
<td>H=5.3 m</td>
<td>W=3.2 m</td>
<td>0.20 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>19</td>
<td>Carphorhiza mimosoides</td>
<td>Semi</td>
<td>mature</td>
<td>5 m</td>
<td>H=5.3 m</td>
<td>W=3.2 m</td>
<td>0.20 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>20</td>
<td>Citrus sp.</td>
<td>Mature</td>
<td>Exotic</td>
<td>3 m</td>
<td>H=3.3 m</td>
<td>W=3.2 m</td>
<td>0.19 m</td>
<td>Fair/ good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Low</td>
<td>2.9 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>21</td>
<td>Mixed vegetation</td>
<td>Mixed</td>
<td>(VIC TAG WA NSW QLD)</td>
<td>2 m</td>
<td>H=5.2 m</td>
<td>W=2.2 m</td>
<td>0.15 m</td>
<td>Fair/ good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Low</td>
<td>2 m</td>
<td>1.8 m</td>
</tr>
</tbody>
</table>
### Tree Table

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name &amp; Common Name</th>
<th>Age</th>
<th>Origin</th>
<th>Height</th>
<th>Canopy Spread N-S E-W</th>
<th>DBH &amp; DAB</th>
<th>Health</th>
<th>Structure</th>
<th>ULBE</th>
<th>Amenity Value</th>
<th>Retention Value</th>
<th>TRP Radius</th>
<th>BZE Radius</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Leptospermum laevigatum Coastal trainer</td>
<td>Mature</td>
<td>Native (VIC, TAS, SA, NSW, QLD)</td>
<td>2 m</td>
<td>N-S: 2 m E-W: 2 m</td>
<td>0.22 m 0.22 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Low</td>
<td>2.6 m 1.7 m</td>
<td>Multi-stemmed just above base of tree. DBH measured at base of tree.</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Leptospermum laevigatum Coastal trainer</td>
<td>Mature</td>
<td>Native (VIC, TAS, SA, WA, NSW, QLD)</td>
<td>3 m</td>
<td>N-S: 3 m E-W: 3 m</td>
<td>0.48 m 0.83 m</td>
<td>Fair/ poor</td>
<td>Poor</td>
<td>6 - 5 years</td>
<td>Low</td>
<td>Low</td>
<td>2.5 m 5.9 m</td>
<td>Very sparse canopy mass. Severe lean to the south. The tree has 3 posts supporting its weight.</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Leptospermum laevigatum Coastal trainer</td>
<td>Mature</td>
<td>Native (VIC, TAS, SA, WA, NSW, QLD)</td>
<td>3 m</td>
<td>N-S: 3 m E-W: 3 m</td>
<td>0.11 m 0.15 m (0.015m) 0.23 m</td>
<td>Poor</td>
<td>Fair/ poor</td>
<td>6 - 5 years</td>
<td>Low</td>
<td>Low</td>
<td>2.3 m 1.8 m</td>
<td>Very sparse canopy mass. Severe lean to the south.</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Leptospermum laevigatum Coastal trainer</td>
<td>Mature</td>
<td>Native (VIC, TAS, SA, WA, NSW, QLD)</td>
<td>6 m</td>
<td>N-S: 6 m E-W: 6 m</td>
<td>0.88 m 0.88 m</td>
<td>Fair</td>
<td>Fair</td>
<td>5 - 10 years</td>
<td>Low</td>
<td>Low</td>
<td>6.2 m 2.8 m</td>
<td>Sparse canopy mass. Moderate lean to the south. DBH measured at base of tree.</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Bambusa textilis Coastal bamboo</td>
<td>Mature</td>
<td>Native (VIC, NSW, QLD)</td>
<td>5 m</td>
<td>N-S: 5 m E-W: 5 m</td>
<td>0.26 m 0.26 m</td>
<td>Fair</td>
<td>Fair</td>
<td>10 - 20 years</td>
<td>Low</td>
<td>Low</td>
<td>3.1 m 1.8 m</td>
<td>Lopped at 1.8M above ground level. Majority of the canopy is comprised of epiphytic growth.</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Phoenix canariensis Canary Island palm</td>
<td>Semi mature</td>
<td>Exotic</td>
<td>2 m</td>
<td>N-S: 3 m E-W: 3 m</td>
<td>N/A</td>
<td>Fair</td>
<td>Good</td>
<td>20 + years</td>
<td>Low</td>
<td>Low</td>
<td>2.5 m 1.5 m</td>
<td>Adjusted TPZ in accordance with section 3.2 of AS4970:2009.</td>
<td></td>
</tr>
</tbody>
</table>

---

**TAYLORS**

---

**Advertised Plan**
<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name &amp; Common Name</th>
<th>Age</th>
<th>Origin</th>
<th>Height</th>
<th>Canopy Spread</th>
<th>Girth &amp; GDB</th>
<th>Health</th>
<th>Structure</th>
<th>ULB</th>
<th>Amenity Value</th>
<th>Retention Value</th>
<th>TPZ Radius</th>
<th>SRZ Radius</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Lepidothamnus decipiens Coastal Conifer</td>
<td>Mature</td>
<td>Native (VIC, TAS, SA, WA, NSW, QLD)</td>
<td>4 m</td>
<td>N-S: 4 m E-W: 2 m</td>
<td>0.16 m 0.21 m (0.26m)</td>
<td>Poor</td>
<td>Poor</td>
<td>0-5 years</td>
<td>Low</td>
<td>Low</td>
<td>3.1 m 2.5 m</td>
<td>Very sparse canopy mass. Severe lean to the south. The tree has 2 posts supporting its weight.</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Callistemon sp. Bottletree</td>
<td>Semi Mature</td>
<td>Native (AUS)</td>
<td>2 m</td>
<td>N-S: 2 m E-W: 1 m</td>
<td>0.11 m 0.18 m</td>
<td>Fair</td>
<td>Good</td>
<td>30+ years</td>
<td>Low</td>
<td>Low</td>
<td>2 m 1.5 m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Lepidothamnus decipiens Coastal Conifer</td>
<td>Mature</td>
<td>Native (VIC, TAS, SA, WA, NSW, QLD)</td>
<td>3 m</td>
<td>N-S: 3 m E-W: 2 m</td>
<td>0.21 m 0.21 m</td>
<td>Fair</td>
<td>Fair</td>
<td>30+ years</td>
<td>Low</td>
<td>Low</td>
<td>2.5 m 1.7 m</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Item 4.3 – Matters of Decision
4.1 Photographic evidence

The following photographs were obtained during the site visit:

- Tree 1
- Tree 2
- Tree 3
- Tree 4
- Tree 5
- Tree 6
- Tree 7
- Tree 8
- Tree 9
- Tree 10

Advertised Plan
5 Site map

The following map indicates tree location in relation to existing conditions:

LEGEND

- LOW RETENTION VALUE
- HIGH RETENTION VALUE
- COUNCIL OWNED TREE
- MODERATE RETENTION VALUE
- OTHER PERSON'S TREE
6 Discussion

6.1 Tree Protection zone

The tree protection zone is determined by multiplying the trunk diameter of the tree at breast height, 1.4m from ground level, by 12. A 10% encroachment on one side of this zone is acceptable without investigation into root distribution or offset of the lost area.

Clause 3.2 of the Australian Standard AS4970 – 2009 Protection of Trees on Development Sites states that the TPZ of Palms, other monocots, cycads and tree ferns should not be less than 1 m outside the crown projection.

6.2 Structural root zone

The structural root zone (SRZ) is the setback required to avoid damage to stabilising structural roots. The loss of roots within the SRZ must be avoided. The SRZ is determined by applying the following formula: (D X 50) 0.42 X 0.64 where D = trunk diameter in metres.

6.3 Designing Around Trees

It may be possible to encroach into or make variations to the TPZ of the trees that must be retained. Encroachment includes excavation, compacted fill and machine trenching.

The following is referenced from section 3.3 of the Australian Standards AS4970 – 2009 Protection of Trees on Development Sites:

6.3.1 Minor encroachment

If the proposed encroachment is less than 10% of the area of the TPZ and is outside the SRZ, detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.

6.3.2 Major encroachment

If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborist must demonstrate that the trees would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This will require root investigation by non-destructive methods.
6.3.3 Non-destructive root exploratory investigation

Where it is proposed that development is considered to be a major encroachment, a non-destructive root exploratory investigation may be required within the alignment of the proposed encroachment.

By undertaking a non-destructive root exploratory investigation, the extent of roots within that particular area may be determined. If a negligible amount of roots are required to be removed or damaged in order to construct the proposed development, the tree may remain viable. If a significant amount of roots are proposed to be removed or damaged in order to construct the proposed development, the tree may not remain viable.

Obstructions (paving, vegetation, structures) within the alignment of proposed encroachments may be required to be removed prior to the non-destructive root exploratory investigation occurring.

The non-destructive root exploratory investigation report should:
- Be undertaken by a suitably qualified Arborist (AQF Level 5 Arboriculture).
- Detail the total distance of each excavation line.
- Detail the closest distance from the trunk centre to the excavation line.
- The size (diameter) and number of roots discovered and the depth of roots (where relevant).
- Include photographs of the subject tree(s) trenches and roots.
- Include a discussion of the findings of the root investigation and the impact of the proposed works on the long term health/structural stability of the tree(s).
7 Conclusion

7.1 Tree retention value

7.1.1 Council owned tree

The following tree is a Bayside City Council owned tree:

- Tree 1

7.1.2 Other person's trees

The following trees do not belong to the property owner and are therefore considered to be other person’s trees:

- Tree 2   •   Tree 7   •   Tree 12   •   Tree 17
- Tree 3   •   Tree 8   •   Tree 13   •   Tree 18
- Tree 4   •   Tree 9   •   Tree 14   •   Tree 19
- Tree 5   •   Tree 10  •   Tree 15
- Tree 6   •   Tree 11  •   Tree 16

7.1.3 Low retention value

The following trees are considered to be of low retention value as they are insignificant to the landscape:

- Tree 20  •   Tree 23   •   Tree 26   •   Tree 29
- Tree 21  •   Tree 24   •   Tree 27   •   Tree 30
- Tree 22  •   Tree 25   •   Tree 28

7.2 Trees requiring a permit to remove, destroy or lop

A permit is required to remove, destroy or lop the following trees under the VPO3 (3.1.1):

- Tree 9   •   Tree 23   •   Tree 26
- Tree 10  •   Tree 24   •   Tree 28
- Tree 22  •   Tree 25   •   Tree 30

A permit is required to destroy, damage or remove the following trees under Bayside Local Law (3.1.2):

- Tree 23
- Tree 25

The following tree is a Bayside City Council owned tree and must only be maintained by Council staff or Council contractors:

- Tree 1
8 Recommendations

8.1 Tree retention

The following trees do not belong to the property owner and should be considered for retention:

- Tree 1  
- Tree 2  
- Tree 3  
- Tree 4  
- Tree 5  
- Tree 6  
- Tree 7  
- Tree 8  
- Tree 9  
- Tree 10  
- Tree 11  
- Tree 12  
- Tree 13  
- Tree 14  
- Tree 15  
- Tree 16  
- Tree 17  
- Tree 18  
- Tree 19

In the event of tree retention the following is recommended in order to ensure that retained trees are adequately protected:

- Comply with construction measures (8.3)
- Comply with tree protection measures (8.4)

8.2 Tree removal

The following trees are of low retention value and may be considered for removal if necessary:

- Tree 20  
- Tree 21  
- Tree 22  
- Tree 23  
- Tree 24  
- Tree 25  
- Tree 26  
- Tree 27  
- Tree 28  
- Tree 29  
- Tree 30

In the event that the removal of a tree is undertaken, the following is recommended:

- Tree removal must be undertaken prior to construction commencing (including demolition).
- An offset planting program to accommodate the loss of the subject tree(s) should be considered.
- Written consent from the responsible authority must be obtained prior to tree removal.
8.3 Construction measures

The following construction measures must be undertaken to ensure that the health and/or structural integrity of retained trees are not compromised:

Development (including excavation) must not encroach into the SRZ, or greater than 10% into the TPZ unless the Project Arborist can determine that the trees health and/or structural integrity is not expected to be compromised.

Development must not require more than 20% of a retained tree's canopy to be removed in order to be constructed.

Internal paths and driveways may be required to be constructed above grade and constructed via permeable materials of a pH neutral composition where an encroachment is proposed within the SRZ or greater than 10% into the TPZ or within the SRZ.

8.4 Tree Protection Measures

8.4.1 Pruning

- Only the minimum amount necessary for clearance in order to complete construction should be removed.
- Pruning should be undertaken by a suitably qualified Arborist (minimum AQF level 3).
- The pruning should be undertaken in accordance with the Australian Pruning Standard AS 4373 - 2007.
- Pruning should be undertaken prior to machinery being brought onto site, demolition and construction.

8.4.2 Tree protection fencing

- Tree protection fencing should be installed in pending locations that are recommended by the Project Arborist.
- TPF should be erected prior to machinery being brought onsite for the demolition of the existing dwelling.
- Fencing should be a minimum 1.8m high and comprised of wire mesh (or similar).
- Fencing should not encroach onto the footpath or roadway.
- The fencing should remain intact for the duration of the project.
- If the TPF should only be removed or shifted with the approval of the Project Arborist and the Responsible Authority.
8.4.3 Tree protection signage

- The signage on the TPF should be placed on TPZ fencing at regular intervals so that it is visible from any angle outside the TPZ.
- Signage should state 'Tree Protection Zone, No Access' or similar.
- Signage should be greater than 600mm X 400mm in size.

8.4.4 Ground protection

- In the event that ground protection is recommended by the Project Arborist it should consist of a layer of permeable membrane such as geotextile fabric beneath a 100mm thick layer of mulch or single-grade (no fines) crushed rock, then cover the mulch or crushed rock with a layer of strapped rumble boards.

8.4.5 TPZ maintenance

- Soil moisture during construction should be maintained at not less than 50% of field capacity (usually 10 litres of water per 1mm of each tree DBH per week).
- Irrigation may be applied by hand, automatic or manual irrigation system, or by fine spray from water tanker located outside the previously submitted exclusion zones.
- Water is to be applied at a volume and frequency required so as to maintain turgor and leaf retention and encourage healthy root development.
- The area within the tree protection fence should be covered with a layer of organic mulch (woodchips) to a depth of 100mm prior to the commencement of the project. Mulch material should comply with Australian Standard AS 4454.
8.4.6 Prohibitions within the TPZ

The following activities are prohibited within the TPZ:
  - Machine excavation including trenching (unless approved by the Project Arborist, Arborist supervision may be required)
  - Cultivation
  - Storage
  - Preparation of chemicals, including cement products
  - Parking of vehicles
  - Refuelling
  - Dumping of waste
  - Wash down and cleaning of equipment
  - Placement of fill
  - Lighting of fires
  - Physical damage to the tree
  - Pruning or damaging of roots greater than 30mm in diameter.

8.4.7 Scaffolding

- When scaffolding must be erected within Tree Protection Zones, cover the ground with a 10cm layer of mulch, and then cover this with boards and plywood to prevent soil compaction.

8.4.8 Drains and services

- In the event that any drains or services are required to encroach into the TPZ, the drains or services must only be implemented by non-root destructive means such as horizontal boring at greater than 1100mm depth or by low pressure hydro-excavation to ensure that the bark remains intact under Arboricultural supervision.
- This process must be conducted under the above conditions listed unless it has been shown by non-root destructive exploratory trenching that there will be minimal impact upon the tree and all roots greater than 40mm in diameter are capable of being retained.

8.4.9 Site storage

- A designated storage area where building materials, chemicals etc. can be stored should be located outside the TPZ of retained trees.
9 Limitation of Liability

Taylors Trees and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Taylors Trees and their employees cannot detect every condition that could possibly lead the structural failure of a tree. Trees are living organisms that fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated observations have been made from ground level and limited to accessible components without dissection excavation or probing.

Taylors Trees cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed. Treatment, pruning and removal of trees may involve considerations beyond the scope of Taylors Trees services, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Taylors Trees cannot take such issues into account unless complete and accurate information is given prior to or at the time of site inspection. Likewise, Taylors Trees cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

In the event that Taylors Trees recommends retesting or inspection of trees at stated intervals or installs any cable/s, bracing systems and support systems Taylors Trees must inspect the system installed at intervals not greater than 12 months unless otherwise specified in written reports. It is the client’s responsibility to make arrangements with Taylors Trees to conduct the re-inspection.

Information contained in this report covers those items that were examined and reflect the condition of those items at the time of inspection. There is no warranty or guarantee expressed or implied that the problems or deficiencies of the trees or property in question may not arise in the future. Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks involved with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.

If this written report is to be used in a court of law or any legal situation Taylors Trees must be advised in writing prior to the written assessment being presented in any form to any other party.
10 Definition of terms

10.1 Tree health

- Good
- Fair
- Poor
- Very poor
- Dead

Good: The tree is demonstrating good or exceptional growth for the species. The tree should exhibit a full canopy of foliage and have only minor pest or disease problems. Foliage colour, size and density should be typical of a healthy specimen of that species.

Fair: The tree is in reasonable condition and growing well for the species. The tree should exhibit an adequate canopy of foliage. There may be some dead wood in the crown, some grazing by insect or animals may be evident, and/or foliage colour, size or density may be atypical for a healthy specimen of that species.

Poor: The tree is not growing to its full capacity. Extension growth of the laterals may be minimal. The canopy may be thinning or sparse. Large amounts of dead wood may be evident throughout the crown, as well as significant pest and disease problems. Other symptoms of stress indicating tree decline may be present.

Very poor: The tree appears to be in a state of decline, and the canopy may be very thin and sparse. A significant volume of dead wood may be present in the canopy, or pest and disease problems may be causing a severe decline in tree health.

Dead: The tree is no longer alive.

10.2 Structure

- Good
- Fair
- Poor
- Very poor
- Failed

The definition of structure is the likelihood of the tree to fall under normal condition. A tree with good structure is highly unlikely to suffer any significant failure, while a tree with poor to very poor structure is likely or very likely to fail.

Good: The tree has a well-defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunks or the branches. Major limbs are well defined. The tree would be considered a good example for the species. Probability of significant failure is highly unlikely.

Fair: The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance at some branch unions or branches may be exhibiting minor structural faults. If the tree has a single trunk, this may be on a slight lean, or be exhibiting minor defects. Probability of significant failure is low.

Poor: The tree may have a poorly structured crown, the crown may be unbalanced, or exhibit large gaps. Major limbs may not be well defined; branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered major root damage. Probability of significant failure is moderate.

Very poor: The tree has a poorly structured crown. The crown is unbalanced, or exhibits large gaps. Major limbs are not well defined; branch unions may be poor or faulty at the point of attachment. A section of the tree has failed, or is in imminent danger of failure. Active failure may be present, or failure is probably in the immediate future.

Failed: A significant section of the tree or the whole tree has failed.
10.3 Useful Life Expectancy (ULE)

- Unsafe or 0 years
- Less than 5 years
- 5 to 10 years
- 10 to 20 years
- 20 +

Useful life expectancy is approximately how long a tree can be retained safely and usefully in the landscape providing site conditions remain unchanged and the recommended works are completed. It is based on the principles of safety and usefulness in the landscape and should not reflect personal opinions on species suitability.

Unsafe or 0 years: The tree is considered dangerous in the location and no longer provides any amenity value.

Less Than 5 years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 5 years. The tree will need to be replaced in the short term. Replacement plants should be established as soon as possible if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.

5 to 10 Years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 10 years. Trees in this category may require regular inspections and maintenance particularly if they are large specimens. Replacement plants should be established in the short term if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.

10 to 20 Years: The tree under normal circumstances and without extra stress should be safe and of value of up to 20 years. During this period, regular inspections and maintenance will be required.

20 + Years: The tree under normal circumstances and without extra stress should be safe and of value of more than years. During this period, regular inspections and maintenance will be required.

10.4 Tree Retention Value

- High
- Moderate
- Low
- Other Person’s Tree

High: The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (e.g. habitat, shade, flowers or fruit). The tree is free from structural defects and is vigorous. Consider the retention of the tree and design the development to accommodate the tree.

Moderate: The tree may offer some screening in the landscape or serve a particular function in the location and have minor structural defects. The tree may enter the mature stage of its life cycle. The tree may be retained if it does not hamper the design intent.

Low: The tree offers very little in the way of screening or amenity and may have significant structural defects. The tree may be mature and entering the senescent stage of its life cycle. The tree may be removed if necessary.

Other Person’s Tree: The tree may be located within an adjoining property, band or nature strip. The tree is to be protected unless written consent from the tree owner(s) and/or responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner(s) and/or responsible authority.
10.5 Age

- Young: Juvenile or recently planted approximately 1-7 years.
- Semi Mature: Tree actively growing.
- Mature: Tree has reached expected size in situation.
- Senior: Tree is over mature and has started to decline.

10.6 Amenity Value

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

Low: Tree makes some contribution of amenity value to the site but makes no contribution to the amenity value of surrounding areas. The removal of the tree may result in little loss of amenity. Juvenile trees, including street trees are generally included in this category. However, they may have the potential to supply increased amenity in the future.

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

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

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

10.7 Terms within tree data table

- DBH
- DAB
- CA1
- TPZ
- SRZ

DBH: Diameter at breast height (1.4m from ground level)
DAB: Diameter at base of tree
CA1: Circumference of trunk at 1m from ground level
TPZ: Tree Protection Zone
SRZ: Structural Root Zone
Site and Surrounds Imagery

Figure 1: Aerial Overview of subject site

<table>
<thead>
<tr>
<th>Legend</th>
<th>Subject Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✫</td>
</tr>
</tbody>
</table>
Figure 2: Image of subject site from Pacific Boulevard.

Figure 3: Image of subject site from Pacific Boulevard.
Figure 4: Image of subject site from Pacific Boulevard
Neighbourhood Character Precinct H3

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To strengthen the bushy garden character of the area through the planting of appropriate species. | • Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone).  
• Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate native, preferably indigenous, vegetation.  
• Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings. | Lack of landscaping and substantial vegetation. Removal of large established trees. Planting of environmental weeds. | Does not respond  
A landscape plan has not been submitted, a condition has been added to the permit for the submission of a landscape plan with plantings which are 80% indigenous species by type and count. |
| To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation. | • Buildings should be sited to allow space for a garden, including trees and shrubs.  
• Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. | Loss of front garden space. | N/A to application |
| To minimise the loss of front garden spaces and the dominance of car parking structures. | • Locate garages and carports behind the line of the dwelling.  
• Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site conditions. | Car parking structures that dominate the façade or view of the dwelling. | N/A to application |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To minimise site disturbance and impact of the building on the landscape | • Buildings should be designed to follow the contours of the site on sloping sites.  
• Minimise the use of retaining walls and battering of slopes.  
• Design new buildings and extensions so as not to exceed the predominant tree canopy height. | Major excavation works and site levelling. Buildings that protrude above the tree canopy height. | N/A to application |
| To ensure that new buildings 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, combinations of materials, textures or colours or other elements providing appropriate articulation.  
• Recess upper levels from the front façade. | Large, bulky buildings  
Poorly articulated 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 maintain the openness of the front garden to the street | • Provide open style front fences, 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>All site trees, except for tree 30, are approved for removal due to a combination of poor health/structure and/or having no VPO3 or Local Law 2 protection. Whilst tree 30 has no amenity value it possesses good health and structure with a ULE of &gt;10 years.</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>No impact</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>Tree is ~200m from the nearest habitat precinct. Removal 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.</td>
</tr>
</tbody>
</table>

---

**Attachment 4**
### Tree profile Copy from Arborists referral response

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical Name:</td>
<td>Leptospermum laevigatum</td>
</tr>
<tr>
<td>Common Name:</td>
<td>Coastal tea tree</td>
</tr>
<tr>
<td>Height / Canopy:</td>
<td>7m/4m</td>
</tr>
<tr>
<td>Trunk Circ.@1m:</td>
<td>81cm</td>
</tr>
<tr>
<td>Location 1</td>
<td>S10</td>
</tr>
<tr>
<td>Location 2</td>
<td>E1</td>
</tr>
</tbody>
</table>

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

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

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

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

(L) Low
ARBOРИST COMMENTS / CONDITIONS:

Landscape character of the site: Heavily vegetated with native and indigenous trees.

Landscape character of adjacent area: Similar to subject site but with less trees.

The requirements of NCP H3 are:

- Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone).
- Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate native, preferably indigenous, vegetation.
- Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings.
- Buildings should be sited to allow space for a garden, including trees and shrubs.
- Buildings should be sited to create the appearance of space between buildings.

Landscape plan

Has a landscape plan has been submitted

Yes ☐ No ☒

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 generally in accordance with the landscape concept plan and 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.

Before the occupation of the development the landscaping on the endorsed plans must be completed to the satisfaction of the Responsible Authority. 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.

**Proposed tree removal**

The application plans are unclear as not landscape plan has been provided to indicate which trees remain and which trees are to be retained. However, I support the removal of all trees on site with the exception of Tree 30.

Trees are approved for removal due to a combination of poor health/structure and/or having no VPO3 or Local Law 2 protection.

<table>
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<td>Low</td>
<td></td>
</tr>
<tr>
<td>Support for removal:</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Habitat assessment:

#### 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>6 points</td>
</tr>
<tr>
<td>Occupied by native fauna</td>
<td>5 points</td>
<td>2 points</td>
<td>2 points</td>
</tr>
<tr>
<td>Diameter of tree trunk</td>
<td>100cm</td>
<td>40-200cm</td>
<td>400cm</td>
</tr>
<tr>
<td>Dead canopy</td>
<td>2 points</td>
<td>1 point</td>
<td>5 points</td>
</tr>
<tr>
<td>Hollow bearing tree</td>
<td>3 points</td>
<td>2 points</td>
<td>6 points</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>
</tbody>
</table>

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

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<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
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</tr>
<tr>
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<tr>
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</tr>
</tbody>
</table>
BAYSIDE CITY COUNCIL - STATUTORY PLANNING DEPARTMENT - INTERNAL REFERRAL

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>Ronan Hamill</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE</td>
<td>22/01/19</td>
</tr>
</tbody>
</table>
Preliminary Arboricultural Assessment

REPORT COMMISSIONED BY:
Carter Grange Homes

DATE OF ASSESSMENT:
Monday, July 23, 2018

SUBJECT SITE:
12 Pacific Blvd,
Beaumaris VIC 3193

DATE OF REPORT:
Tuesday, July 24, 2018

REPORT PREPARED BY:
Samuel Munro,
Consulting Arborist
Certificate 5 Horticulture (Arboriculture)

VERSION 1

TAYLOR’S TREES

ABN
36 119 781 118

CONTACT
Ph. 9720 6025
Fax. 9720 3789
Email. info@taylorstrees.com.au

ADDRESS
194 Canterbury Rd
Bayswater North 3193

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www.taylorstrees.com.au
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  10.5 Age ...................................................................................................................... 26
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1 Assignment

1.1 Author/Consulting Arborist

Name
Samuel Munro – (AQF)
Level 5,
Diploma Horticulture,
Arboriculture
Company
Taylor's Trees

Address
194 Canterbury Rd
Bayswater North VIC 3153
Phone
(03) 9720 6025
Email
info@taylorstrees.com.au

1.2 Client

Name
Carter Grange Homes
Site Address
12 Pacific Blvd,
Beaumaris VIC 3193
Phone
(03) 9585 6953

Intended Audience
- The property/tree owner(s)
- The development project manager and associated construction staff
- Council Planning Department

1.3 Brief

The purpose of this report is to provide an independent Arboricultural assessment of prominent trees that are located within the subject site, the nature strip and within three metres of adjoining properties.

Detail has been requested in relation to the following instructions:

- To provide an objective assessment of the trees in their current state.
- To provide an objective assessment of the retention value of the subject trees.
- To determine the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of the subject trees.
- To propose tree and site management options to minimise the potential impact that development may cause on the subject trees health and/or structural integrity.

Advertised Plan
2 Data collection

2.1 Site Visit

- Samuel Munro, of Taylors Tree and Stump Removal, visited the site for an Arboricultural assessment on Monday the 23rd of July 2018 at 11:30pm.

2.2 Method of data collection

- The subject trees were assessed from observations made as viewed from ground level.
- Access to neighbouring properties was not permitted therefore, assessment was limited only to parts of the trees that were visible from within the subject site.
- Field notes were documented, the summary of observations is an accurate account of notes gathered whilst in the field.
- The height and spread of the trees were estimated.
- A digital camera was used at ground level to gather photographic evidence.
- A diameter tape was used to determine the trunk dimensions of trees within the subject site and council nature strip (Trees 1 and Trees 20-30).
- Trunk dimensions of neighbouring trees were estimated due to restricted access (Trees 2 - 19).

3 Site description

- The subject site is located in a Neighbourhood Residential Zone – Schedule 3 (NRZ3) within the City of Bayside.
- An existing residential dwelling is currently situated within the site.
- The terrain of the site presented as predominately flat.
- The subject trees are located within the subject site, front nature strip and within the adjoining properties (10 & 14 Pacific Blvd and 9 Florida Ave).
- The subject trees are located amongst a mixture of native and exotic vegetation that were not assessed as they are insignificant in size and are not suitable for retention.
3.1 Permit requirements

3.1.1 Vegetation Protection Overlay – Schedule 3

The site is subject to the Vegetation Protection Overlay – Schedule 3 (VPO3) which states the following:

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.

3.1.2 Local law

The site is subject to the Bayside City Council local law which states the following:

Under Clause 36 of Council’s Local Law No 2, a person must not, without a Permit, “destroy, damage or remove or allow to be destroyed, damaged or removed; cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned” any Significant Tree or any other protected tree on private property.

A protected tree is:
- A tree with a single or combined trunk circumference greater than 155 centimetres measured at one metre above ground level; to reach the combined trunk circumference, the four largest trunk circumferences should be measured.
- A tree listed on Council’s Register of Significant Trees.
- A tree planted in accordance with the replacement planting condition of a Local Law permit.
## 4 Tree data

The following tables indicates the tree data obtained during the site visit:

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name &amp; Common Name</th>
<th>Age</th>
<th>Origin</th>
<th>Height</th>
<th>Canopy Spread (m)</th>
<th>DBH (m)</th>
<th>Health</th>
<th>Structure</th>
<th>U/L</th>
<th>Amenity Value</th>
<th>Retention Value</th>
<th>TPZ Radius</th>
<th>BRZ Radius</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Angophora costata Smooth-barked gums</td>
<td>Mature</td>
<td>Native (Qld)</td>
<td>6 m</td>
<td>N: 5 m</td>
<td>E-W: 4 m</td>
<td>0.31 m</td>
<td>Fair</td>
<td>Fair</td>
<td>30 years</td>
<td>High</td>
<td>Council Owned Tree</td>
<td>3.7 m</td>
<td>2.2 m</td>
</tr>
<tr>
<td>2</td>
<td>Magnolia x soulangeana Chinese magnolia</td>
<td>Mature</td>
<td>Exotic</td>
<td>2 m</td>
<td>N: 2 m</td>
<td>E-W: 2 m</td>
<td>0.16 m</td>
<td>Fair</td>
<td>Fair</td>
<td>25 years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>3</td>
<td>Ligustrum sp. Privet</td>
<td>Mature</td>
<td>Exotic</td>
<td>2 m</td>
<td>N: 3 m</td>
<td>E-W: 1 m</td>
<td>0.16 m</td>
<td>Fair</td>
<td>Poor</td>
<td>25 years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>4</td>
<td>Unknown sp. Unknown shrub</td>
<td>Mature</td>
<td>Unknown</td>
<td>2 m</td>
<td>N: 1.5 m</td>
<td>E-W: 1 m</td>
<td>0.16 m</td>
<td>Fair</td>
<td>Fair</td>
<td>25 years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>5</td>
<td>Halbea sp. Halba</td>
<td>Mature</td>
<td>Native (Aust)</td>
<td>2 m</td>
<td>N: 1 m</td>
<td>E-W: 1 m</td>
<td>0.16 m</td>
<td>Fair</td>
<td>Poor</td>
<td>25 years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>6</td>
<td>Gardenia jasminoides Common gardenia</td>
<td>Mature</td>
<td>Exotic</td>
<td>2 m</td>
<td>N: 1 m</td>
<td>E-W: 1 m</td>
<td>0.16 m</td>
<td>Fair</td>
<td>Fair</td>
<td>25 years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>7</td>
<td>Cryptandra sp. Fern</td>
<td>Mature</td>
<td>Unknown</td>
<td>3 m</td>
<td>N: 1 m</td>
<td>E-W: 1 m</td>
<td>0.20 m</td>
<td>Fair</td>
<td>Poor</td>
<td>25 years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>No.</td>
<td>Botanical Name &amp; Common Name</td>
<td>Age</td>
<td>Height</td>
<td>Canopy Spread N-S-E-W</td>
<td>DBH &amp; DAP</td>
<td>Health</td>
<td>Structure</td>
<td>U/L</td>
<td>Amenity Value</td>
<td>Retention Value</td>
<td>Type Radius</td>
<td>SRZ Radius</td>
<td>Comments</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------</td>
<td>-----</td>
<td>--------</td>
<td>-----------------------</td>
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<td>-----</td>
<td>--------------</td>
<td>----------------</td>
<td>-------------</td>
<td>-----------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>CYPRESS SP (Fern)</td>
<td>Mature</td>
<td>Exco</td>
<td>3 m</td>
<td>N-S: 1 m E-W: 1 m</td>
<td>0.55 m 0.45 m</td>
<td>Fair</td>
<td>Fair</td>
<td>good</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person’s Tree</td>
<td>2 m</td>
<td>2.4 m</td>
</tr>
<tr>
<td>9</td>
<td>Banksia serrata (Old man beard)</td>
<td>Mature</td>
<td>Exco</td>
<td>3 m</td>
<td>N-S: 1.5 m E-W: 1 m</td>
<td>0.15 m 0.20 m</td>
<td>Fair</td>
<td>Good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person’s Tree</td>
<td>2 m</td>
<td>1.7 m</td>
</tr>
<tr>
<td>10</td>
<td>PITTOSPORUM SHOREANUM</td>
<td>Mature</td>
<td>Exco</td>
<td>4 m</td>
<td>N-S: 1.5 m E-W: 1.5 m</td>
<td>0.20 m 0.25 m</td>
<td>Fair</td>
<td>Good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person’s Tree</td>
<td>2 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>11</td>
<td>Mixed hedge</td>
<td>Mature</td>
<td>Unknown</td>
<td>2 m</td>
<td>N-S: 1 m E-W: 1.5 m</td>
<td>0.10 m 0.15 m</td>
<td>Fair</td>
<td>Good</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person’s Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>12</td>
<td>Citrus = Lemon</td>
<td>Mature</td>
<td>Exco</td>
<td>3 m</td>
<td>N-S: 2 m E-W: 2 m</td>
<td>0.15 m 0.15 m</td>
<td>Fair</td>
<td>Fair</td>
<td>Fair</td>
<td>20 + years</td>
<td>Low</td>
<td>Other Person’s Tree</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>13</td>
<td>Dead</td>
<td>Non-</td>
<td>N/A</td>
<td>5 m</td>
<td>N-S: 3 m E-W: 3 m</td>
<td>0.15 m 0.20 m</td>
<td>Poor</td>
<td>Poor</td>
<td>Poor</td>
<td>2 years</td>
<td>Low</td>
<td>Other Person’s Tree</td>
<td>2 m</td>
<td>1.7 m</td>
</tr>
<tr>
<td>Tree No.</td>
<td>Botanical Name &amp; Common Name</td>
<td>Age</td>
<td>Origin</td>
<td>Height</td>
<td>Canopy Spread IS 0-2.0 M E-W</td>
<td>DBH &amp; DAS</td>
<td>Health</td>
<td>Structure</td>
<td>ULE</td>
<td>Amenity Value</td>
<td>Retention Value</td>
<td>TPZ &amp; SRZ</td>
<td>Comments</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>
</tr>
<tr>
<td>14</td>
<td>Laportea caelata</td>
<td>Mature</td>
<td>Exotic</td>
<td>3 m</td>
<td>H-S: 3.0 m E-W: 3.0 m</td>
<td>0.15 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20+ years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.7 m</td>
<td>Neighbouring tree located within the eastern adjoinng property (14 Pacific Blvd). Double orc species that was denoted at the time of inspection.</td>
</tr>
<tr>
<td>15</td>
<td>Camellia japonica</td>
<td>Mature</td>
<td>Exotic</td>
<td>3 m</td>
<td>H-S: 3.0 m E-W: 3.0 m</td>
<td>0.15 m</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>20+ years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>16</td>
<td>Unknown sp.</td>
<td>Mature</td>
<td>Unknown</td>
<td>4 m</td>
<td>H-S: 4.0 m E-W: 4.0 m</td>
<td>0.20 m</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>20+ years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>17</td>
<td>Prunus sp.</td>
<td>Mature</td>
<td>Exotic</td>
<td>3 m</td>
<td>H-S: 4.0 m E-W: 2.0 m</td>
<td>0.25 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20+ years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
<td>Neighbouring tree located within the eastern adjoinng property (14 Pacific Blvd). Double orc species that was denoted at the time of inspection.</td>
</tr>
<tr>
<td>18</td>
<td>Cinnamomum camphora</td>
<td>Semi mature</td>
<td>Exotic</td>
<td>5 m</td>
<td>H-S: 3.0 m E-W: 3.0 m</td>
<td>0.20 m</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>20+ years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
</tr>
<tr>
<td>19</td>
<td>Cinnamomum camphora</td>
<td>Semi mature</td>
<td>Exotic</td>
<td>5 m</td>
<td>H-S: 3.0 m E-W: 3.0 m</td>
<td>0.20 m</td>
<td>Fair</td>
<td>Fair</td>
<td>20+ years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
<td>Neighbouring tree located within the eastern adjoinng property (14 Pacific Blvd).</td>
</tr>
<tr>
<td>20</td>
<td>Citrus sp.</td>
<td>Mature</td>
<td>Exotic</td>
<td>3 m</td>
<td>H-S: 3.0 m E-W: 3.0 m</td>
<td>0.15 m</td>
<td>Fair</td>
<td>good</td>
<td>Fair</td>
<td>20+ years</td>
<td>Low</td>
<td>Other Person's Tree</td>
<td>2.4 m</td>
<td>1.8 m</td>
</tr>
</tbody>
</table>
| 21       | Mixed vegetation             | Mature | Mixed (Vic TAG SA WA NSW QLID) | 2 m    | H-S: 2.0 m E-W: 2.0 m | 0.16 m   | Fair | good      | Fair | 20+ years | Low           | Other Person's Tree | 2.4 m | 1.8 m | Mixed vegetation comprised of: - Camellia japonica - Pittosporum tenuifolium - Lantana camara - Citrus sp.
  - Dimensions and heights averaged. |
<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name &amp; Common Name</th>
<th>Age</th>
<th>Origin</th>
<th>Height</th>
<th>Canopy Spread N-S E-W</th>
<th>DBH &amp; DAB</th>
<th>Health</th>
<th>Structure</th>
<th>ULK</th>
<th>Amenity Value</th>
<th>Retention Value</th>
<th>TPE Value</th>
<th>Size Radius</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Leptoporus acerifolius Coastal leatree</td>
<td>Mature</td>
<td>Native EVC TAS SA WA NSW QLD</td>
<td>2 m</td>
<td>N-S: 2 m E-W: 2 m</td>
<td>0.22 m 0.22 m</td>
<td>Fair Fair</td>
<td>30+ years</td>
<td>Low Low</td>
<td>2.6 m 1.7 m</td>
<td>Multi-stemmed just above base of tree. DBH measured at base of tree.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Leptoporus acerifolius Coastal leatree</td>
<td>Mature</td>
<td>Native EVC TAS SA WA NSW QLD</td>
<td>3 m</td>
<td>N-S: 5 m E-W: 3 m</td>
<td>0.49 m 0.83 m</td>
<td>Fair poor Poor</td>
<td>0-5 years</td>
<td>Low Low</td>
<td>5.9 m 2.7 m</td>
<td>Very sparse canopy mass. Severe lean to the south. Tree has 3 posts supporting its weight.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Leptoporus acerifolius Coastal leatree</td>
<td>Mature</td>
<td>Native EVC TAS SA WA NSW QLD</td>
<td>3 m</td>
<td>N-S: 3 m E-W: 3 m</td>
<td>0.11 m 0.15 m (0.18m) 0.23 m</td>
<td>Poor Fast poor Poor</td>
<td>0-5 years</td>
<td>Low Low</td>
<td>2.3 m 1.8 m</td>
<td>Very sparse canopy mass. Severe lean to the south.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Leptoporus acerifolius Coastal leatree</td>
<td>Mature</td>
<td>Native EVC TAS SA WA NSW QLD</td>
<td>6 m</td>
<td>N-S: 5 m E-W: 5 m</td>
<td>0.88 m 0.88 m</td>
<td>Fair poor Fast poor 5-10 years</td>
<td>Low Low</td>
<td>8.2 m 2.8 m</td>
<td>Sparse canopy mass. Moderately lean to the south. DBH measured at base of tree.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Bismarckia integrifolia Coastal bismarckia</td>
<td>Mature</td>
<td>Native EVC NSW QLD</td>
<td>5 m</td>
<td>N-S: 2 m E-W: 2 m</td>
<td>0.28 m 0.28 m</td>
<td>Fair Fair poor 10-20 years</td>
<td>Low Low</td>
<td>3.1 m 1.8 m</td>
<td>Lopped at 1.8m above ground level. Majority of the canopy is completed of epocynastic growth.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Phoenix canariensis Canary Island palm</td>
<td>Semi mature</td>
<td>Exotic</td>
<td>2 m</td>
<td>N-S: 3 m E-W: 3 m</td>
<td>N/A Fast good Fair good 20+ years</td>
<td>Low Low</td>
<td>2.5 m 1.5 m</td>
<td>Adjusted TPE in accordance with section 3.2 of AAMR 2008.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Advertised Plan**
<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name &amp; Common Name</th>
<th>Age</th>
<th>Origin</th>
<th>Height</th>
<th>Canopy Spread E-W</th>
<th>DBH</th>
<th>DAS</th>
<th>Health</th>
<th>Structure</th>
<th>ULE</th>
<th>Amenity Value</th>
<th>Retention Value</th>
<th>TPZ Radius</th>
<th>SRZ Radius</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Labeophyllum incisatum Coastal tree</td>
<td>Mature</td>
<td>Native (VIC, TAS, SA, WA, NSW, QLD)</td>
<td>4 m</td>
<td>N-S: 4 m</td>
<td>0.16 m</td>
<td>0.21 m</td>
<td>Poor</td>
<td>Poor</td>
<td>0-5 years</td>
<td>Low</td>
<td>Low</td>
<td>3.1 m</td>
<td>2.5 m</td>
<td>Very sparse canopy mass. Severe lean to the south. The tree has 3 posts supporting its weight.</td>
</tr>
<tr>
<td>29</td>
<td>Callistemon sp. Brodiei</td>
<td>Semi mature</td>
<td>Native (AUS)</td>
<td>2 m</td>
<td>N-S: 2 m</td>
<td>0.11 m</td>
<td>0.16 m</td>
<td>Fair good</td>
<td>Fair good</td>
<td>30+ years</td>
<td>Low</td>
<td>Low</td>
<td>2 m</td>
<td>1.5 m</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Labeophyllum incisatum Coastal tree</td>
<td>Mature</td>
<td>Native (VIC, TAS, SA, WA, NSW, QLD)</td>
<td>3 m</td>
<td>N-S: 3 m</td>
<td>0.21 m</td>
<td>0.21 m</td>
<td>Fair</td>
<td>Fair</td>
<td>30+ years</td>
<td>Low</td>
<td>Low</td>
<td>2.5 m</td>
<td>1.7 m</td>
<td></td>
</tr>
</tbody>
</table>
4.1 Photographic evidence
The following photographs were obtained during the site visit:

Tree 1

Tree 2

Tree 3

Tree 4

Tree 5

Tree 6

Tree 7

Tree 8

Tree 9

Tree 10
5 Site map

The following map indicates tree location in relation to existing conditions:

- LOW RETENTION VALUE
- HIGH RETENTION VALUE
- COUNCIL OWNED TREE
- MODERATE RETENTION VALUE
- OTHER PERSON'S TREE

LEGEND

Page 15 of 26
6 Discussion

6.1 Tree Protection zone

The tree protection zone is determined by multiplying the trunk diameter of the tree at breast height, 1.4m from ground level, by 12. A 10% encroachment on one side of this zone is acceptable without investigation into root distribution or offset of the lost area.

Clause 3.2 of the Australian Standard AS4970 – 2009 Protection of Trees on Development Sites states that the TPZ of Palms, other monocots, cycads and tree ferns should not be less than 1 m outside the crown projection.

6.2 Structural root zone

The structural root zone (SRZ) is the setback required to avoid damage to stabilising structural roots. The loss of roots within the SRZ must be avoided. The SRZ is determined by applying the following formula: \((D \times 50) \times 0.42 \times 0.64\) where \(D\) = trunk diameter in metres.

6.3 Designing Around Trees

It may be possible to encroach into or make variations to the TPZ of the trees that must be retained. Encroachment includes excavation, compacted fill and machine trenching.

The following is referenced from section 3.3 of the Australian Standards AS4970 – 2009 Protection of Trees on Development Sites:

6.3.1 Minor encroachment

If the proposed encroachment is less than 10% of the area of the TPZ and is outside the SRZ, detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.

6.3.2 Major encroachment

If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborist must demonstrate that the trees would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This will require root investigation by non-destructive methods.
6.3.3 Non-destructive root exploratory investigation

Where it is proposed that development is considered to be a major encroachment, a non-destructive root exploratory investigation may be required within the alignment of the proposed encroachment.

By undertaking a non-destructive root exploratory investigation, the extent of roots within that particular area may be determined. If a negligible amount of roots are required to be removed or damaged in order to construct the proposed development, the tree may remain viable. If a significant amount of roots are proposed to be removed or damaged in order to construct the proposed development, the tree may not remain viable.

Obstructions (paving, vegetation, structures) within the alignment of proposed encroachments may be required to be removed prior to the non-destructive root exploratory investigation occurring.

The non-destructive root exploratory investigation report should:

- Be undertaken by a suitably qualified Arborist (AQF Level 5 Arboriculture).
- Detail the total distance of each excavation line.
- Detail the closest distance from the trunk centre to the excavation line.
- The size (diameter) and number of roots discovered and the depth of roots (where relevant).
- Include photographs of the subject tree(s) trenches and roots.
- Include a discussion of the findings of the root investigation and the impact of the proposed works on the long term health/structural stability of the tree(s).
7 Conclusion

7.1 Tree retention value

7.1.1 Council owned tree

The following tree is a Bayside City Council owned tree:

- Tree 1

7.1.2 Other person’s trees

The following trees do not belong to the property owner and are therefore considered to be other person’s trees:

- Tree 2
- Tree 7
- Tree 12
- Tree 17
- Tree 3
- Tree 8
- Tree 13
- Tree 18
- Tree 4
- Tree 9
- Tree 14
- Tree 19
- Tree 5
- Tree 10
- Tree 15
- Tree 6
- Tree 11
- Tree 16

7.1.3 Low retention value

The following trees are considered to be of low retention value as they are insignificant to the landscape:

- Tree 20
- Tree 23
- Tree 26
- Tree 29
- Tree 21
- Tree 24
- Tree 27
- Tree 30
- Tree 22
- Tree 25
- Tree 28

7.2 Trees requiring a permit to remove, destroy or lop

A permit is required to remove, destroy or lop the following trees under the VPO3 (3.1.1):

- Tree 9
- Tree 23
- Tree 26
- Tree 10
- Tree 24
- Tree 28
- Tree 22
- Tree 25
- Tree 30

A permit is required to destroy, damage or remove the following trees under Bayside Local Law (3.1.2):

- Tree 23
- Tree 25

The following tree is a Bayside City Council owned tree and must only be maintained by Council staff or Council contractors:

- Tree 1
8 Recommendations

8.1 Tree retention

The following trees do not belong to the property owner and should be considered for retention:

- Tree 1  •  Tree 6  •  Tree 11  •  Tree 16
- Tree 2  •  Tree 7  •  Tree 12  •  Tree 17
- Tree 3  •  Tree 8  •  Tree 13  •  Tree 18
- Tree 4  •  Tree 9  •  Tree 14  •  Tree 19
- Tree 5  •  Tree 10  •  Tree 15

In the event of tree retention the following is recommended in order to ensure that retained trees are adequately protected:

- Comply with construction measures (8.3)
- Comply with tree protection measures (8.4)

8.2 Tree removal

The following trees are of low retention value and may be considered for removal if necessary:

- Tree 20  •  Tree 23  •  Tree 26  •  Tree 29
- Tree 21  •  Tree 24  •  Tree 27  •  Tree 30
- Tree 22  •  Tree 25  •  Tree 28

In the event that the removal of a tree is undertaken, the following is recommended:

- Tree removal must be undertaken prior to construction commencing (including demolition).
- An offset planting program to accommodate the loss of the subject tree(s) should be considered.
- Written consent from the responsible authority must be obtained prior to tree removal.
8.3 Construction measures

The following construction measures must be undertaken to ensure that the health and/or structural integrity of retained trees are not compromised:

Development (including excavation) must not encroach into the SRZ, or greater than 10% into the TPZ unless the Project Arborist can determine that the trees' health and/or structural integrity is not expected to be compromised.

Development must not require more than 20% of a retained tree's canopy to be removed in order to be constructed.

Internal paths and driveways may be required to be constructed above grade and constructed via permeable materials of a pH neutral composition where an encroachment is proposed within the SRZ or greater than 10% into the TPZ or within the SRZ.

8.4 Tree Protection Measures

8.4.1 Pruning

- Only the minimum amount necessary for clearance in order to complete construction should be removed.
- Pruning should be undertaken by a suitably qualified Arborist (minimum AQF level 3).
- The pruning should be undertaken in accordance with the Australian Pruning Standard AS 4373 - 2007.
- Pruning should be undertaken prior to machinery being brought onto site, demolition and construction.

8.4.2 Tree protection fencing

- Tree protection fencing should be installed in pending locations that are recommended by the Project Arborist.
- TPF should be erected prior to machinery being brought onsite for the demolition of the existing dwelling.
- Fencing should be a minimum 1.8m high and comprised of wire mesh (or similar).
- Fencing should not encroach onto the footpath or roadway.
- The fencing should remain intact for the duration of the project.
- If the TPF should only be removed or shifted with the approval of the Project Arborist and the Responsible Authority.
### 8.4.3 Tree protection signage

- The signage on the TPF should be placed on TPZ fencing at regular intervals so that it is visible from any angle outside the TPZ.
- Signage should state ‘Tree Protection Zone, No Access’ or similar.
- Signage should be greater than 600mm X 400mm in size.

### 8.4.4 Ground protection

- In the event that ground protection is recommended by the Project Arborist it should consist of a layer of permeable membrane such as geotextile fabric beneath a 100mm thick layer of mulch or single-grade (no fines) crushed rock, then cover the mulch or crushed rock with a layer of strapped rumble boards.

### 8.4.5 TPZ maintenance

- Soil moisture during construction should be maintained at not less than 50% of field capacity (usually 10 litres of water per 1mm of each tree DBH per week).
- Irrigation may be applied by hand, automatic or manual irrigation system, or by fine spray from water tanker located outside the previously submitted exclusion zones.
- Water is to be applied at a volume and frequency required so as to maintain turgor and leaf retention and encourage healthy root development.
- The area within the tree protection fence should be covered with a layer of organic mulch (woodchips) to a depth of 100mm prior to the commencement of the project. Mulch material should comply with Australian Standard AS 4454.
8.4.6 Prohibitions within the TPZ

The following activities are prohibited within the TPZ:

- Machine excavation including trenching (unless approved by the Project Arborist, Arborist supervision may be required)
- Cultivation
- Storage
- Preparation of chemicals, including cement products
- Parking of vehicles
- Refuelling
- Dumping of waste
- Wash down and cleaning of equipment
- Placement of fill
- Lighting of fires
- Physical damage to the tree
- Pruning or damaging of roots greater than 30mm in diameter.

8.4.7 Scaffolding

- When scaffolding must be erected within Tree Protection Zones, cover the ground with a 10cm layer of mulch, and then cover this with boards and plywood to prevent soil compaction.

8.4.8 Drains and services

- In the event that any drains or services are required to encroach into the TPZ, the drains or services must only be implemented by non-root destructive means such as horizontal boring at greater than 1100mm depth or by low pressure hydro-excavation to ensure that the bark remains intact under Arboricultural supervision.
- This process must be conducted under the above conditions listed unless it has been shown by non-root destructive exploratory trenching that there will be minimal impact upon the tree and all roots greater than 40mm in diameter are capable of being retained.

8.4.9 Site storage

- A designated storage area where building materials, chemicals etc. can be stored should be located outside the TPZ of retained trees.
9 Limitation of Liability

Taylors Trees and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Taylors Trees and their employees cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated observations have been made from ground level and limited to accessible components without dissection excavation or probing.

Taylors Trees cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed. Treatment, pruning and removal of trees may involve considerations beyond the scope of Taylors Trees services, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Taylors Trees cannot take such issues into account unless complete and accurate information is given prior to or at the time of site inspection. Likewise, Taylors Trees cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

In the event that Taylors Trees recommends retesting or inspection of trees at stated intervals or installs any cable/s, bracing systems and support systems Taylors Trees must inspect the system installed at intervals not greater than 12 months unless otherwise specified in written reports. It is the client’s responsibility to make arrangements with Taylors Trees to conduct the re-inspection.

Information contained in this report covers those items that were examined and reflect the condition of those items at the time of inspection. There is no warranty or guarantee expressed or implied that the problems or deficiencies of the trees or property in question may not arise in the future. Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks involved with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.

If this written report is to be used in a court of law or any legal situation Taylors Trees must be advised in writing prior to the written assessment being presented in any form to any other party.
10 Definition of terms

10.1 Tree health

- Good
- Fair
- Poor
- Very poor
- Dead

Good: The tree is demonstrating good or exceptional growth for the species. The tree should exhibit a full canopy of foliage and have only minor pest or disease problems. Foliage colour size and density should be typical of a health specimen of that species.

Fair: The tree is in reasonable condition and growing well for the species. The tree should exhibit an adequate canopy of foliage. There may be some dead wood in the crown, some grazing by insect or animals may be evident, and/or foliage colour, size or density may be atypical for a healthy specimen of that species.

Poor: The tree is not growing to its full capacity. Extension growth of the laterals may be minimal. The canopy may be thinning or sparse. Large amounts of dead wood may be evident throughout the crown, as well as significant pest and disease problems. Other symptoms of stress indicating tree decline may be present.

Very poor: The tree appears to be in a state of decline, and the canopy may be very thin and sparse. A significant volume of dead wood may be present in the canopy, or pest and disease problems may be causing a severe decline in tree health.

Dead: The tree is no longer alive.

10.2 Structure

- Good
- Fair
- Poor
- Very poor
- Failed

The definition of structure is the likelihood of the tree to fall under normal conditions. A tree with good structure is highly unlikely to suffer any significant failure, while a tree with poor to very poor structure is likely or very likely to fall.

Good: The tree has a well-defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunks or the branches. Major limbs are well defined. The tree would be considered a good example for the species. Probability of significant failure is highly unlikely.

Fair: The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance at some branch unions or branches may be exhibiting minor structural faults. If the tree has a single trunk, this may be on a slight lean, or be exhibiting minor defects. Probability of significant failure is low.

Poor: The tree may have a poorly structured crown, the crown may be unbalanced, or exhibit large gaps. Major limbs may not be well defined; branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered major root damage. Probability of significant failure is moderate.

Very poor: The tree has a poorly structured crown. The crown is unbalanced, or exhibits large gaps. Major limbs are not well defined; branch unions may be poor or faulty at the point of attachment. A section of the tree has failed, or is in imminent danger of failure. Active failure may be present, or failure is probably in the immediate future.

Failed: A significant section of the tree or the whole tree has failed.
10.3 Useful Life Expectancy (ULE)

- Unsafe or 0 years
- Less than 5 years
- 5 to 10 years
- 10 to 20 years
- 20 +

Useful life expectancy is approximately how long a tree can be retained safely and usefully in the landscape providing site conditions remain unchanged and the recommended works are completed. It is based on the principles of safety and usefulness in the landscape and should not reflect personal opinions on species suitability.

Unsafe or 0 years: The tree is considered dangerous in the location and/or no longer provides any amenity value.

Less Than 5 years: The tree under normal circumstances and without extra stress should be safe and have value of minimum of 5 years. The tree will need to be replaced in the short term. Replacement plants should be established as soon as possible if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.

5 to 10 Years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 10 years. Trees in this category may require regular inspections and maintenance particularly if they are large specimens. Replacement plants should be established in the short term if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.

10 to 20 years: The tree under normal circumstances and without extra stress should be safe and of value of up to 20 years. During this period, regular inspections and maintenance will be required.

20 + years: The tree under normal circumstances and without extra stress should be safe and of value of more than 20 years. During this period, regular inspections and maintenance will be required.

10.4 Tree Retention Value

- High
- Moderate
- Low
- Other Person’s Tree

High: The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (e.g. habitat, shade, flowers or fruit). The tree is free from structural defects and is vigorous. Consider the retention of the tree and designing the development to accommodate the tree.

Moderate: The tree may offer some screening in the landscape or serve a particular function in the location and have minor structural defects. The tree may enter the mature stage of its life cycle. The tree may be retained if it does not hamper the design intent.

Low: The tree offers very little in the way of screening or amenity and may have significant structural defects. The tree may also be mature and entering the senescent stage of its life cycle. The tree may be removed if necessary.

Other Person’s Tree: The tree may be located within an adjoining property/land or nature strip. The tree is to be protected unless written consent from the tree owner(s) and/or responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.
10.5 Age
- Young
- Semi Mature
- Mature
- Senescent

Young: Juvenile or recently planted approximately 1-7 years.
Semi Mature: Tree actively growing.
Mature: Tree has reached expected size in situation.
Senescent: Tree is over mature and has started to decline.

10.6 Amenity Value

Very Low: Tree makes little or no amenity value to the site or surrounding areas. In some cases the tree might be detrimental to the amenity value e.g. unsightly, risk of weed spread.

Low: Tree makes some contribution of amenity value to the site but makes no contribution to the amenity value of the surrounding area. The removal of the tree may result in little loss of amenity. Juvenile trees, including street trees are generally included in this category. However, they may have the potential to supply increased amenity in the future.

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

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

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

10.7 Terms within tree data table
- DBH
- DAB
- CA1
- TPZ
- SRZ

DBH: Diameter at breast height (1.4m from ground level)
DAB: Diameter at base of tree
CA1: Circumference of trunk at 1m from ground level
TPZ: Tree Protection Zone
SRZ: Structural Root Zone
### 4.4 260-264 HIGHTETT ROAD, HIGHTETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/411/1 WARD: CENTRAL

City Planning & Amenity - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/313858

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>Steller 207 Pty Ltd</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The site is subject to restrictive covenant 1361041. The covenant does not restrict the proposed development.</td>
</tr>
<tr>
<td>Date application received</td>
<td>3 July 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>137 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Commercial 1 Zone</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay, Schedule 4 Special Building Overlay Development Contributions Overlay, Schedule 1</td>
</tr>
<tr>
<td>Site area</td>
<td>1,114 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>Yes, $6,116 Catchment area 15B.</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 buildings and works in a Commercial 1 Zone (C1Z), Design and Development Overlay, Schedule 4 (DDO4) and Special Building Overlay (SBO) and reduction of the car parking requirement associated with the food and drink premises (café).

Key details of the proposal are as follows:

**Buildings and works**

- Demolition of the existing buildings on the site;
- Construction of a three storey built form, comprising a food and drink premises at ground floor with child care centre at first and second floors, above a basement car park;

**Basement**

- Provision of twenty (20) car parking spaces.
- Pram store, cleaners store, laundry, storage, services room and waste storage.
Ground Floor
- A food and drink premises (café) with an area of 241m², with associated facilities and amenities.
- Childcare foyer and waiting room.
- At-grade car park at the rear, including dedicated pick-up and drop-off areas, with vehicle ramp to basement (13 spaces).
- Bin storage.

First Floor
- Child care centre main reception and facilities.
- Six (6) playrooms and external play spaces.

Second Floor
- Two (2) playrooms.
- External playspace and toilet facilities.

External
- The built form will be three storeys and have an overall height of 10.85m (12.37m to the top of the service screen) above natural ground level;
- Materiality including face brick tildes, precast concrete panel and feature tiles.

Uses
- The café (food and drink premises) is a Section 1 (‘as-of-right’) use.
- The child care centre (also a Section 1 Use) is proposed to operate as follows:
  - 124 children on-site at any one time;
  - Hours of operation 6:00am – 7:00pm Monday to Friday.

Car Parking
- Provision of car parking spaces at basement and ground floor level by way of:
  - Seventeen (17) staff spaces to child care and food and drink;
  - Thirteen (13) pick-up/drop off spaces to child care;
  - Three (3) staff spaces for food and drink.

All accessed via Highett Road.

The application plans are provided at Attachment 1.

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

History
There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements
A planning permit is required pursuant to:
- Clause 34.01-4 (Commercial 1 Zone) – Construct a building and carry out works.
- Clause 43.02-2 (Design and Development Overlay, Schedule 4) – Construct and carry out works.
• Clause 44.05-2 (Special Building Overlay) - Construct a building or to construct or carry out works.
• Clause 52.06-5 (Car Parking) – Reduction of the standard car parking requirement.

No Permit Required
Pursuant to Clause 34.01-1 (Commercial 1 Zone), a planning permit is not required to use the land as:
• A Child Care Centre (if any frontage at ground floor level must not exceed 2 metres); or
• A Food and Drink (Retail) premises.

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, 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>Traffic Engineer</td>
<td>Raised the following concerns:</td>
</tr>
<tr>
<td></td>
<td>• Car parking layout.</td>
</tr>
<tr>
<td>Waste Services</td>
<td>No objection.</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:
• Height of the built form;
• Overlooking;
• Overshadowing;
• Acoustic impacts to residential properties
• Parking / Traffic.

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

Consultation meeting
The applicant elected to provide a written response to the objections in lieu of 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 2018/411/1 for the land known and described as 260-264 Hightett Road, Hightett for the construction of buildings and works in a Commercial 1 Zone (C1Z), Design and Development Overlay, Schedule 4 (DDO4) and Special Building Overlay (SBO) and reduction of the car parking requirement associated with the food and drink premises (café) 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 but modified to show:

   a) Provision of a ‘Stop/Go’ system in relation to the vehicle ramp to the basement to the satisfaction of the Responsible Authority.

   b) Nomination of corner splays (or area) on either side of the vehicle entrance to at least 50 per cent clear of visual obstructions to the satisfaction of the Responsible Authority.

   c) Provision of a vehicular gate, roller door or similar, within the title boundaries of the subject site, to the west of the Right of Way exit to Middleton Street.

   d) Nomination of the headroom clearance of the vehicular entrance and basement on the elevations or section plan.

   e) Provision of a dedicated pedestrian entrance for the Child Care Centre to the Hightett Road frontage, without increasing the overall building height or decreasing any other setbacks.

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

   g) WSUD measures in accordance with condition 7.

   h) Any changes as required by Conditions 12-15 of this permit (Melbourne Water Conditions).

   i) A Tree Management and Protection Plan in accordance with Condition 16 of this permit.

   j) An updated Waste Management Plan in accordance with Condition 18 of this permit.

   k) A Car Parking Management Plan in accordance with Condition 19 of this permit.

   l) Payment of development contributions in accordance with Condition 20. Please provide information on the existing floor area, to allow for an accurate calculation of this required figure.

   m) Any modifications to the plans arising from the Laneway reconstruction plan in accordance with Condition 22.

   n) Any modifications to the plans arising from the Public works plan in accordance with Condition 24.
All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

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.

Street Trees

9. The street tree asset can be removed under Clause 6.5 of the Street and Park Tree Management Policy (2016) to allow the development to proceed with the installation of the proposed vehicle crossing and footpath awnings.

Drainage

10. 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.

11. 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.

Melbourne Water Conditions

12. Finished floor levels of all habitable areas (including toilets) must be maintained to be no lower than 31.3 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 31.0 metres to AHD.

13. Finished surface levels of non-habitable areas must be set no lower than 31.15 metres to Australian Height Datum (AHD) which is 150mm above the applicable flood level of 31.0 metres to AHD.

14. Entry apex to the proposed basement as well as all openings, vents or other entry and exit points that may allow for entry of floodwaters to the basement must be set no lower than 31.3 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 31.0 metres to AHD.

15. Walls must be provided surrounding the basement driveway, and the top of these walls must be set at least at 31.0 metres AHD.

Tree Management and Protection Plan

16. Before the development starts, including any related demolition or removal of vegetation, a Tree Management report and Tree Protection Plan in relation to the trees on adjoining properties, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management report must include:

a) 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;

b) Protection measures to be utilised and when they will be implemented; and

c) Stages of development at which the site arborist will inspect tree protection measures.

d) The Tree Protection Plan must be drawn to scale and show:

e) The location of all tree protection measures to be utilised.

f) 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.

Construction Management Plan

17. 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; and,
   vii) spillage from refuelling cranes and other vehicles and machinery;

i) The construction program;

j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

k) Parking facilities for construction workers;

l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

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

n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

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

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

q) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
   i) using lower noise work practice and equipment;
   ii) the suitability of the land for the use of an electric crane;
   iii) silencing all mechanical plant by the best practical means using current technology;
iv) fitting pneumatic tools with an effective silencer;

v) other relevant considerations; and,

vi) any site-specific requirements

During the construction.

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

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

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

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

v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Waste Management Plan

18. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

a) Dimensions of storage waste areas;

b) Storm water drains in storage areas should be fitted with a litter trap;

c) The number and size of bins to be provided;

f) Types of waste for collection, including colour coding and labelling of bins;

g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines);

h) Method of hard waste collection;

i) Method of presentation of bins for waste collection;

j) Sufficient headroom within the basement to accommodate waste collection vehicles;

k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction;

l) Strategies for how the generation of waste and recyclables will be minimised;

m) Compliance with relevant policy, legislation and guidelines.

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

Car Parking Management Plan

19. Before commencement of the uses on the land, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. The
Traffic and Parking Management Plan must be in accordance with the application documents but updated to include:

a) The location of pick-up and drop-off areas/zones and addressing the management of the car parking area during peak hours to the satisfaction of the Responsible Authority;
b) Further details in relation to the functionality of the ‘Stop/Go’ system;
c) The location of all areas on-site to be used for staff parking;
d) Areas where pick up and drop off of children are encouraged to occur;
e) The hours of operation of the car parking areas;
f) Proactive measures to be implemented that will encourage users to utilise the preferred pick up and drop off areas; and
g) Allocation of on-site parking corresponding to the endorsed plans.

When approved, the Traffic and Parking Management Plan will be endorsed and will then form part of the permit. The approved Traffic and Parking Management Plan must be implemented to the satisfaction of the Responsible Authority.

Development Contribution.

20. 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.

Acoustic Requirements

21. All recommendations stated within the Acoustic Report submitted with the application and prepared by Marshall Day (dated 12 June 2018) must be followed / complied with at all times.

Laneway reconstruction

22. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with Council’s specifications and must show:

a) Dimensions of the laneway to the south east of the site;
b) Australian Height Datum at the points where the laneway meets the adjoining boundaries;
c) The section of laneway constructed from its intersection with Middleton Street to the boundary of the subject site;
d) Construction details of the section of laneway in consultation with Council officers, adopting specific needs;
e) A clear notation to indicate that the owner of developed land (not developer) is responsible for all costs associated with the laneways construction.

23. Prior to the commencement of works, a laneway construction management plan, that includes traffic management, to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The laneway management plan must:

a) Be specific to the construction of the section of laneway;

b) Include community information and liaison processes for affected parties that includes notifications of road closure and alternate access opportunities. Include liaison contact details for affected parties to resolve vehicle and pedestrian access issues;

c) Include liaison contact details for any relevant government agencies/first responders such as VicRoads/Police/SE Water/Melbourne Water/United Energy etc.;

d) List construction stage hold points for the purposes of progress inspections by Council’s Engineers.

e) Include a resolution process for damage to adjacent properties/infrastructure;

f) Details of traffic management; and,

g) Before the occupation of the development the section of laneway must be constructed, drained and line marked in accordance with the plans endorsed under Condition 22 to the satisfaction of the Responsible Authority.

Public works plan

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

a) Details of upgrades to the existing Council footpaths on Highett Road from the western most part of the site to the intersection with Middleton Street;

b) Details of the location of new vehicle crossings and the reinstatement of any existing crossovers;

c) Details of new street tree plantings;

d) Details of new street furniture, including seats, rubbish bins, etc.;

e) Details of new bicycle parking facilities;

f) Details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new vehicle crossings;

g) Details of the relocation of existing street parking signs;

h) Details of any public lighting;

i) Details of any weather protection elements over the naturestrip/footpath (i.e. a canopy/verandah);

When approved, such plan will form part of the endorsed plans under this permit.
25. Prior to the occupation of the site associated with the development hereby approved, all public works associated with that stage must be completed in accordance with the endorsed Public Works Plan to the satisfaction of the Responsible Authority. The cost of all works associated with the endorsed plan must be borne by the developer/owner of the land.

Permit Expiry

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

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

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

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

Permit Notes:

- 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.

- The installation of the vehicle crossing and footpath awnings will severely impact the street tree asset. As the design does not allow any other option for the location of this vehicle crossing and to allow this development to proceed, the tree may be approved for removal under Clause 6.5 of the Street and Park Tree Management Policy (2016).

Before the vehicle crossing application will be approved, the applicant must pay $11,407.20 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council’s current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.
5. **Council Policy**

**Council Plan 2017-2021**

Relevant objectives of the Council plan include:

- Where significant development is directed to specified and planned activity centres and strategic locations, providing a transition to surrounding residential areas and incorporating improved infrastructure and open space.

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

- With village-style activity centres, combining retail at ground floor with increased opportunities for apartment-style living above.

- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

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

- Ensure new development responds to preferred neighbourhood character in activity centres.

**Bayside Planning Scheme**

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 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 21.09 Transport and Access
- Clause 21.10 Infrastructure
- Clause 21.11 Local Areas (Highett Neighbourhood Activity Centre)
- Clause 32.09 Commercial 1 Zone
- Clause 43.02 Design and Development Overlay (Schedule 4)
- Clause 52.06 Car Parking
- 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. Built Form

Clause 21.11 (Local Centres)

Clause 21.11 of Bayside Planning Scheme nominates the primary Activity Centres within Bayside, outlining a hierarchy of centres with Major Activity Centre, Neighbourhood Activity Centre and the Bayside Employment Area. The Highett shopping centre is nominated as a Neighbourhood Activity Centre seeking, amongst others, to ‘provide the opportunity for a mix of retail, employment, other associated activities and residential in that part of the Highett Shopping Centre to the west of the railway, in a form Retail core Active frontages required Create new frontages to streets incorporating off-street parking that complements the core of the centre located to the east of the railway, and to better link the two parts of the centre for pedestrians’.

Of relevance, in relation to proposed built form, the Policy seeks for proposed built form to:

- Define a strong and positive identity and image for the Highett area and create a strong sense of community pride and belonging.
- Restrict the height of commercial properties in the Highett Neighbourhood Activity Centre to three storeys.
- Allow sufficient space around new multi-level developments at ground level to provide the opportunity for landscaping that will create a garden appearance to streets and soften the building form from adjoining buildings.
- Open up views and access to the Lyle Anderson Reserve from Graham Road on properties west of Lyall Anderson Reserve.
- Improve the appearance, amenity, attractiveness, safety and sense of security throughout the entire Highett area.’

It is considered that the proposed built form provides an acceptable and site responsive mixed-use development that is acceptable having regard to the context of the site and the policy direction for the area, for the following reasons:

- The development introduces a two storey streetwall with a recessive upper level to follow the double storey podium streetwall in this section of Highett Road. The recessing of the upper level will reduce the visibility and prominence of the upper level.
- The form of the development emphasises both horizontal and vertical articulation producing a high standard of urban design and architectural form along Highett Road.
- The introduction of ground level food and drink premises which has been specifically designed to complement the child care centre and has been designed having regard to drop-off/pick-up associated with the child care centre.
- The introduction of substantial glazing and bench seating along the frontage of the food and drink premise will provide for appropriate levels of interaction between the public and private realms, increasing the levels of passive surveillance of the street.
- The development has visually interesting facades to all elevations and is acceptably resolved in its building envelope. The range of contemporary building materials and colours will achieve a high architectural quality.
• The proposal’s recessive built form from the residential properties to the south (rear) fronting Middleton Street will create an appropriate transition between the commercial and residential zones.

• The provision of at-grade and basement car parking results in efficient drop-off and pick up and staff car parking associated with both uses carried out on site.

• The provision of a crossover along Highett Road has been designed and integrated into the façade of the development, while the introduction of substantial ground level glazing and curved sections of the building will further ensure safe, manageable and efficient car parking subject to the inclusion of sightline splays.

It is considered however that the child care centre accessed from the food and drink premises does not result in an appropriate connection between to the public realm. It is considered that this will fail to provide ‘a strong and positive identity’ for the child care and will not provide adequate accessibility for pedestrians accessing the use. As such, it is recommended that a condition be included requiring the provision of a dedicated connection to the Highett Road frontage.

Design and Development Overlay, Schedule 4 (DDO4)

The built form is predominantly guided by the Design and Development Overlay, Schedule 4 (DDO4) in relation to location, siting, built form, streetscape considerations for the Highett Shopping Centre. The DDO4 seeks to, amongst others, ‘provide the opportunity for redevelopment of vacant and underutilised land at the rear of shops and buildings fronting Highett Road, provided the amenity of adjoining residential areas is respected and is not unreasonably affected’.

The DDO4 requires that built form:

• ‘must not exceed a maximum height of 7.5 metres (comprising 2 storeys) for that part of the building within 8 metres of the frontage of Highett Road and within 4 metres of a General Residential Zone 1 (GRZ1), other than near the corner of Highett and Graham Roads, Highett Road and Train Street and Highett Road and Middleton Street where there is potential to increase the height to a maximum of 11.0 metres (comprising 3 storeys).

• Buildings and works must not exceed a maximum overall height of 11.0 metres (comprising 3 storeys), except if a fourth storey can be accommodated without being visible from any part of Highett Road within 100 metres of the buildings.’

It is noted that the site is one property separated (or approximately 10 metres distance) from the corner of Middleton Street and Highett Road. It is considered that this entirely falls within the characterisation of ‘near’ this corner. As such, the above built form controls are not mandatory and can be used as discretionary built form guidance. Notwithstanding this, it is noted that the built form is compliant with the above, with exception of a 400mm variation to the Highett Road setback at the upper level and the services exceeding the overall height, both of which will be discussed below.

The proposed development will achieve an acceptable built form outcome having regard to the design objectives of DD04 of the Bayside Planning Scheme for the following reasons:

• The development introduces a two-storey street wall (with a maximum height of 7.4 metres) to Highett Road. This will follow the predominantly double storey street wall of the activity centre.

• The rear (southern elevation) of the form also has a double storey form (with a height of 7.2 metres, excluding the balustrade), which presents a transitional form to the Neighbourhood Residential Zone to the south.

• The upper level will be recessive and setback from the double storey podium,
setback 7.5m from the street (2.4m to 3.6m to the glass balustrade) and 12.3m to the rear boundary. The upper level will also be setback 18.62m from the western boundary, providing a generous setback to the Neighbourhood Residential Zone interface to the west. Given this, the upper level will have minimal visibility from the streetscape and residential interfaces to the south and west, with the upper level thereby being absorbed within the roof form of the double storey built form below.

- The overall building height of 10.8 metres (12.37m to the top of services), within an overall provision of three (3) storeys, is entirely consistent with the height and scale of both the existing and emerging character of the area. The DDO4 calls for a three (3) storey form and 11 metres in building height, which are complied with, excluding the services, which are commonly accepted as being able to encroach above the stated maximum heights (that has been clarified in numerous VCAT cases).

- The services will be centrally located within the roof form, setback approximately 15 metres from the frontage and approximately 16 metres from the rear, so as to absorb within the built form and have minimal visibility from the streetscape and sensitive interfaces to the south.

Overall, the proposal is considered to provide an acceptable built form response within this location of the Highett Road Activity Centre, and considered acceptable having regard to the existing mixed use character of the area.

6.2. Landscaping

The application does not propose to remove any trees protected by the Vegetation Protection Overlay (VPO3) or the Local Law.

6.3. Street tree(s)

Four small street trees are located within the footpath adjacent to the frontage of the subject site, and are proposed for removal to enable the provision of the proposal canopy. Council’s Street Tree Arborist has advised that they are supportive of the removal subject to conditions of permit, which are included in the recommendation.

6.4. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, with the site located within the PPTN Area, the following car parking rates apply:

<table>
<thead>
<tr>
<th>USE</th>
<th>SIZE</th>
<th>PLANNING SCHEME PARKING RATE (PPTN)</th>
<th>CAR PARKING REQUIREMENT</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food and Drink Premises</td>
<td>248m²</td>
<td>3.5 to each 100 sq m of leasable floor area</td>
<td>8 spaces</td>
<td>3 spaces (5 space reduction)</td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>124 Children</td>
<td>0.22 to each child.</td>
<td>27 spaces</td>
<td>30 spaces (3 space surplus)</td>
</tr>
</tbody>
</table>

A total of 33 car spaces will be provided on site, resulting in a reduction of the standard car parking rate pursuant to Clause 52.06-5 of the Bayside Planning Scheme of two (2) spaces.

The application was referred to Council’s Traffic Engineer who expressed 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.
The reduction of two (2) car parking spaces is considered acceptable in the surrounding context given the availability of on street parking close to the site, as demonstrated within the occupancy survey undertaken by TraffixGroup. The reduction of parking is considered acceptable for the following reasons:

- The site has a wide frontage, accommodating the ability for 5 vehicles along the frontage under existing conditions. The proposed reliance on parking space within the street to accommodate demands is not considered to be an unreasonable level of reliance.
- The parking surveys undertaken showed a minimum of 30 on-street parking spaces to be available at any one time on a weekday survey period (during the School term), which encompassed typical peak attendance times.
- The site is well serviced by public transport, proximate to Highett Station and bus routes along Highett Road and Worthing Road.
- The site is provided with good access to nearby bicycle infrastructure and networks.
- The likelihood of multi-purpose trips to the site and the Activity Centre are probable, with visitors to the child care centre also likely to visit the café, as will visitors from other facilities within the activity centre (particularly the nearby Woolworths).

For these reasons, the reduction of the standard car parking requirement is considered acceptable. As such, it is considered that the surrounding area will be able to absorb the two on-street car parking spaces.

The proposed car parking layout for pick-up/drop-off are provided within the site are accessible for ease of access and egress. The layout of the at-grade and basement car parking has been largely supported by Council's Traffic Engineers, with exception of:

- Pedestrian sight angles, with these included within the recommended conditions;
- Nomination of roller doors on the plans. Whilst these are nominated to the Highett Road vehicle ramp, it is noted that the exit to the ROW at the rear remains open. It is considered reasonable that this exit be secured with a vehicle gate or similar when considered against urban design safety considerations. As such, this will be included as a condition of permit;
- Provision of a ‘Stop/Go’ system in relation to the vehicle ramp to the basement, which will be included as a condition of permit;
- Nomination of the headroom clearance of the basement, which will be included as permit condition;

In addition to the above, a Car Parking Management Plan will be required via 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 TraffixGroup, in which it was noted:

“Childcare centres typically generate peak hour traffic in the order of 0.5 to 0.8 vehicle trip ends per child during the commuter peak hours. Childcare centres operate differently compared to primary schools and kindergartens. Staff members arrive initially before the childcare centre opens, with staff numbers increasing slowly as child attendance increases throughout the day. In addition to the above rate, we have conservatively assumed that 30% of staff spaces associated with the childcare centre are accessed during the peak hours (i.e. 6 additional trip ends per peak hour).
As childcare centres do not have set start or finish times (only operating hours), parents do not drop off or pick up children at the same time. Rather, the manner in which children are dropped off and picked up is spread throughout the morning and evening periods. Parents will often drop kids off or pick them up on the way to dropping/collecting other children from nearby schools, on the way to work (which can have varying start times) and on the way home from work (which can also have varying finish times). This is in sharp contrast to primary schools or kindergartens where set start and finish times result in a high level of traffic generated within a relatively short timeframe.

Adopting the higher rate of 0.8 vehicle trips per childcare place and assuming 30% of staff spaces are accessed during the peak hours, the proposed 124 place childcare centre is expected to generate 105 vehicle trip ends during the commuter peak hours.”

In relation to the food and drink premises, TraffixGroup noted that “the food and drink premises is provided with 3 staff spaces. It is conservatively assumed that each space will generate 4 vehicle trip ends per day (i.e. 1 trip per peak hour and 1 additional work related trip during business hours). This equates to a total of 3 vehicle trips during the peak hours and 12 vehicle trip ends per day”.

Concerns have been raised in relation to increased car parking congestion; however, it is considered that the proposed development will not unreasonably impact on the existing road network. It is considered that the traffic movements generated by the proposal will not unreasonably impact, and be able to be accommodated within, the existing road network.

6.5. Special Building Overlay
The construction of buildings and works within the Special Building Overlay require a planning permit, with Melbourne Water raising no objection to the proposal subject to conditions.

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

6.7. Development contributions levy
The subject site is located within catchment area 15B.
Based on the proposed application and the below recommendation, a payment of $6,116 (approx.) is required (being $525 per 100 square metres of site area for new commercial development on land zoned Commercial – minus the credit for the existing buildings). The payment of the development contributions is included as a condition of permit, and will include a requirement to provide specific details of the existing floor area to allow for an accurate calculation.

6.8. Objector issues not already addressed

Height
As outlined within this report, the double storey podium with recessive upper level is considered acceptable within the Height Neighbourhood Activity Centre and aligns with the built form objectives of DD4 and Clause 21.11 of the Bayside Planning Scheme.

Overlooking
It is noted that 2.0m high (acoustic) balustrading above finish floor levels have been provided to the south and western facades to prevent overlooking to the residential property to the south. Highett Road separates the residential properties to the north, with the distance exceeding 9.0 metres to these properties (i.e. No. 1 Major Street).
Overshadowing of No. 1 Major Street
No. 1 Major Street is located on the northern side of Highett Road opposite the subject site. Given it is to the north of the site, no overshadowing will occur.

Acoustic Impacts
It is noted that the use of the site as a child care centre and food and drink premises do not require planning assessment, as they are both Section 1 Uses within the Commercial 1 Zone. As such, the use of the land does not require assessment.

Notwithstanding this, a desktop acoustic assessment was provided within the application detailing the acoustic treatment contributing to preventing unreasonable noise from the proposal with specific regard to the proximate residential properties. The acoustic report determined that “based on an assessment which assumes all the children attending the child care centre will be outside at one time, the following measures have been recommended to achieve compliance with relevant design targets:

- **Outdoor play areas should not be used prior to 0700 hours**
- **Number of children permitted in outdoor play areas should be limited to no more than 50% of the centre capacity after 1800 hours**
- **Acoustic barriers around the outdoor play areas, as indicated in Section 5.6**
- **Reverberation control to semi-enclosed areas of outdoor play areas, as described in Section 5.8**
- **Plant noise will require further consideration during the detailed design stage of the project.**

With the above noise controls incorporated into the design, it is anticipated that noise from the proposed child care centre will achieve the relevant design targets.”

A condition will be included to ensure that all recommendations of this acoustic report are complied with at all times.

Support Attachments
1. Advertised Plans ↓
2. Site and Surrounds ↓
3. Traffic and Acoustic Reports ↓
Item 4.4 – Matters of Decision
Item 4.4 – Matters of Decision
Item 4.4 – Matters of Decision
Item 4.4 – Matters of Decision
### Legend

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<td>Objector(s)</td>
<td>⚫</td>
</tr>
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<td>(one out of screen)</td>
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*Figure 1 Aerial overview of the site and surrounds*
Figure 2 The site as viewed from the northern side of Highett Road

Figure 3 The site (looking east) from Highett Road
Figure 4 The rear of the site as viewed from Middleton Street (left - No. 45 Middleton Street).

Figure 5 No. 266 Highett Road, currently under construction.
Figure 5 No. 258 Hightt Road as viewed from Hightt Road.

Figure 6 Three storey development at No. 1 Major Street.
Figure 7 Three storey development at No. 481 Highett Road.
Item 4.4 – Matters of Decision
Project: HIGHTET ROAD CHILD CARE CENTRE

Prepared for: Stellar Pty Ltd
840 Dandenong Road
 Caulfield East VIC 3145

Attention: Sarah Pozzebon

Report No.: Rp 001 R01 20180378

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Document Control

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<td>BBEV</td>
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Cover Photo: Dan VanDenBrooke

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APPENDIX B PROPOSED OUTDOOR PLAY AREAS
APPENDIX C LEGISLATION AND GUIDELINES APPLICABLE TO CHILD CARE CENTRES
APPENDIX D PLANNING MAP
1.0 INTRODUCTION

It is proposed to develop a child care centre at 260-264 Highett Road, Highett.

Marshall Day Acoustics Pty Ltd (MDA) has been engaged by Steller Pty Ltd to conduct a noise assessment for the proposed development and prepare a report to accompany the Development Application.

This report provides details of the proposed site and operations, relevant noise criteria, assessment and recommended noise control treatment.

A glossary of acoustic terminology used in this report is provided in Appendix A.

2.0 PROJECT DESCRIPTION

2.1 Subject site

The subject site is located at 260-264 Highett Road, Highett and is bounded by the following:

- Highett Road to the north with residential uses beyond
- A future mixed-use development to the immediate east, which we understand will comprise of commercial tenancies on the ground floor and residential dwellings on the first floor
- Residential uses to the immediate south
- A medical centre to the immediate west with residential uses on Donald Street beyond

An aerial photograph of the subject site and surrounds is provided in Figure 1.

Figure 1: Aerial photograph of the subject site and surrounds (Source: Nearmap)

Table 1 below provides details of the nearest affected receivers that have been considered in our assessment. The location of each is shown in Figure 1 above.
Table 1: Details of the nearest noise sensitive receivers

<table>
<thead>
<tr>
<th>ID</th>
<th>Address</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>475 Hightett Road</td>
<td>Single storey dwelling</td>
</tr>
<tr>
<td>2</td>
<td>1 Major Street</td>
<td>Multiple apartments across three storeys</td>
</tr>
<tr>
<td>3</td>
<td>2A Major Street</td>
<td>Mixed use building with a café at ground level and multiple apartments on</td>
</tr>
<tr>
<td></td>
<td></td>
<td>levels 1-3 above</td>
</tr>
<tr>
<td>4</td>
<td>266 Hightett Road</td>
<td>Future two storey mixed use development, with commercial uses on</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ground floor and residential dwellings on first floor</td>
</tr>
<tr>
<td>5</td>
<td>45 Middleton Street</td>
<td>Single storey dwelling</td>
</tr>
<tr>
<td>6</td>
<td>2/256 Hightett Road</td>
<td>Single storey dwelling</td>
</tr>
<tr>
<td>7</td>
<td>50 Donald Street</td>
<td>Single storey dwelling</td>
</tr>
<tr>
<td>8</td>
<td>256 Hightett Road</td>
<td>Single storey dwelling</td>
</tr>
</tbody>
</table>

2.2 Proposed development

A summary of the proposed development is presented in Table 2.

Table 2: Summary of the proposed development

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basement</td>
<td>Carpark with 20 car spaces, a laundrey facility, bin area, childcare foyer</td>
</tr>
<tr>
<td>Ground</td>
<td>Carpark with 13 spaces, and a café with associated kitchen, toilets and storeroms</td>
</tr>
<tr>
<td>Level 1</td>
<td>Childcare centre playrooms, two outdoor play areas, reception, staff offices, meeting rooms and toilets</td>
</tr>
<tr>
<td>Level 2</td>
<td>Childcare centre playrooms, one outdoor play area and toilets</td>
</tr>
</tbody>
</table>

The outdoor play areas are indicated on the floor plan shown in Appendix B and Table 3 shows the anticipated age distribution of the 120 children who will attend the centre.

Table 3: Expected age distribution of children

<table>
<thead>
<tr>
<th>Age group</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 2 years</td>
<td>36</td>
</tr>
<tr>
<td>2 - 3 years</td>
<td>30</td>
</tr>
<tr>
<td>3 - 6 years</td>
<td>54</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
</tr>
</tbody>
</table>

The distribution of the children per age and the maximum capacity for each of the three outdoor play areas is shown in Table 4.
### 2.3 Operating conditions

The child care centre is proposed to operate between 0600 – 1830 hours, Monday to Friday.

It is understood that the outdoor play areas of the centre will not be used prior to 0700 hours.
3.0 LEGISLATION AND GUIDELINES

In the absence of regulations or legislation in Victoria that apply to noise from children at child care centres, the approach adopted in this assessment is based on:

- Experience with the guideline prepared by the Australian Association of Acoustical Consultants (AAAC) entitled Guideline for Child Care Centre Acoustic Assessment; and
- Implications of recent Victorian Civil and Administrative Tribunal (VCAT) decisions, including, in particular, the range of factors to be considered when assessing noise from child care centres.

A summary of applicable guidelines is provided in Table 5 below with a detailed description provided in Appendix C.

Table 5: Relevant legislation and guidelines applicable to child care centres in Victoria

<table>
<thead>
<tr>
<th>Document</th>
<th>Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment Protection Act 1970 (the Act)</td>
<td>The Act provides the overarching legislative framework for the protection of the environment in Victoria. It establishes obligations for the control of environmental noise and applies to all types of noise sources except rail operations. The legislation does not specify noise limit values, but sets out legal requirements to comply with State environment protection policies and prescribed standards.</td>
</tr>
<tr>
<td>State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1)</td>
<td>SEPP N-1 defines mandatory noise limits for commercial, industrial or trade premises in the Metropolitan Region of Melbourne. The limits apply to the level of noise occurring at neighbouring sensitive receivers. The noise limits are determined on the basis of land zoning and background noise levels, and are separately defined for day, evening and night periods. Refer to Appendix C1 for further detail and noise limit derivation.</td>
</tr>
<tr>
<td>State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)</td>
<td>SEPP N-2 defines mandatory noise limits for music associated with public premises in the State of Victoria, including indoor and outdoor venues. The limits apply to the level of noise occurring at neighbouring sensitive receivers. Noise limits are determined on the basis of background noise levels, and are separately defined for day, evening and night periods. Refer to Appendix C2 for further detail.</td>
</tr>
<tr>
<td>Recent VCAT Decisions</td>
<td>A number of recent VCAT decisions have been reviewed to determine an approach to noise mitigation that is consistent with planning precedent in Victoria. Most decisions affirm that the noise from children playing in child care centres is consistent with residential amenity. Two decisions worth noting, which are consistent with MDA’s experience and approach are: 1. Persuadettes v Hobsons Bay CC (Includes Summary) (Red Dot) [2012] VCAT 886 (28 May 2012) and 2. Bel Esplanade College v Bayside CC [2014] VCAT 856 (16 July 2014). A summary of the key outcomes of these decisions is provided in Appendix C3.</td>
</tr>
</tbody>
</table>

Re: 003 861 201305378_Noise Assessment_Highett Road Child Care Centre
4.0 EXISTING NOISE ENVIRONMENT

Table 6 presents the average background noise levels measured during the proposed centre’s operating hours. Appendix E contains the full measurement results and details of the survey.

Table 6: Measured background noise levels, dB

<table>
<thead>
<tr>
<th>Period</th>
<th>Time period</th>
<th>Background noise level, L_{eq}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Night</td>
<td>0600 – 0700 hours</td>
<td>36</td>
</tr>
<tr>
<td>Day</td>
<td>0700 – 1800 hours</td>
<td>45</td>
</tr>
<tr>
<td>Evening</td>
<td>1800 – 1830 hours</td>
<td>46</td>
</tr>
</tbody>
</table>

This document nominates the following goals for assessing noise from children in outdoor play areas:

- Up to 2 hours play per day – L_{eq,1min} noise level from outdoor play not to exceed the existing background noise level (L_{eq}) plus 10 dB
- More than 2 hours play per day – L_{eq,30min} noise level from outdoor play not to exceed the existing background noise level (L_{eq}) plus 5 dB.

However, issues with these noise goals have been identified and therefore, the noise goals presented in the AAAC guideline are primarily referenced as a means of providing contextual information about predicted noise impacts relative to existing conditions and to inform the design of noise control treatment.

A detailed description of the noise goals set by the guideline, the issues identified with its application and the revised approach adopted by MDA (and other acoustic consultants), is provided in Appendix C4.

The provisions of this document are often referred to in Victoria for general guidance on potential sleep disturbance.

Based on a review of research into sleep disturbance, the NSW policy nominates maximum external night-time noise levels at noise sensitive locations which are unlikely to awaken people from sleep.

Refer to Section Appendix C5 for further detail.
5.0 NOISE ASSESSMENT – CHILDREN IN OUTDOOR PLAY AREAS

This section presents:

- Noise data used to represent children in outdoor play areas
- A summary of recommended noise mitigation treatment options
- A comparison between the predicted noise levels and relevant criteria for noise from children in outdoor areas.

5.1 Drawings reviewed

The assessment of noise from the proposed child care centre is based on the following drawings by Perkins Architects, dated 30 May 2018.

Table 7: Drawings reviewed

<table>
<thead>
<tr>
<th>Drawing no.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>SK01</td>
<td>Proposed Ground Floor Plan</td>
</tr>
<tr>
<td>SK02</td>
<td>Proposed First Floor Plan</td>
</tr>
<tr>
<td>SK03</td>
<td>Proposed Second Floor Plan</td>
</tr>
<tr>
<td>SK04</td>
<td>Proposed Basement Plan</td>
</tr>
</tbody>
</table>

As part of the noise assessment, MDA has also considered a proposed mixed-use development, which we understand will be located on the adjacent lot at 266-268 Highett Road.

The following site plan drawing was provided so that the first floor residential receivers could be considered:


5.2 Noise design targets

Based on the legislation and guidelines referenced in Section 3.0 and the existing noise environment presented in Section 4.0, a summary of the noise design targets applicable to the site is presented in Table 8.

Table 8: Project noise criteria, dBA

<table>
<thead>
<tr>
<th>Assessment location and period</th>
<th>Design target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise from children in outdoor play areas</td>
<td>L_{eq}</td>
</tr>
<tr>
<td>0600 – 0700 hours (Night)</td>
<td>46</td>
</tr>
<tr>
<td>0700 – 1800 hours (Day)</td>
<td>58</td>
</tr>
<tr>
<td>1800 – 1930 hours (Evening)</td>
<td>56</td>
</tr>
<tr>
<td>Noise from use of car park</td>
<td>L_{eq}</td>
</tr>
<tr>
<td>0600 – 0700 hours (Night)</td>
<td>65</td>
</tr>
</tbody>
</table>

Since the centre does not intend to utilise the outdoor play areas prior to 0700 hours, the day and evening design targets have been used for this assessment.

Kp 001 801 20180378_Metas Assessment_Highet Road Child Care Centre
5.3 Calculation method

A 3-dimensional digital model of the venue and surrounding built environment has been created using the proprietary modelling software SoundPLAN (version 8.0).

Geometry data for the model has been sourced from public aerial photography, visual inspections of the area, and building heights defined on the basis of standard assumed heights per floor level. The geometries in the model are simplified representations of the built environment that have been configured to a level of detail that is appropriate for noise calculation purposes.

The SoundPLAN digital model has been used to calculate noise levels using the International Standard ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation (ISO 9613). ISO 9613 is a general environmental noise calculation standard that has been used extensively throughout Australia, New Zealand, and Europe since its publication in 1996.

The implementation of ISO 9613 within proprietary noise modelling software enables multiple sound transmission paths, including reflected and screened paths, to be accounted for in the calculated noise levels. While atmospheric effects are expected to have a negligible effect on the transmission of sound from the venue to nearby neighbouring sensitive receiver locations, it is noted that the ISO 9613 predicts noise levels for conditions which favour the propagation of noise.

5.4 Noise data

The AAAC guideline, discussed in Section 3.0, provides a range of typical sound power levels for a group of 10 children playing, as shown in Table 9. Noise levels measured by MDA at a number of child care centres are consistent with these values.

The upper values in the AAAC range of sound power levels have been used in the modelling.

Table 9: AAAC guideline typical sound power levels for groups of 10 children playing, dBA

<table>
<thead>
<tr>
<th>Age bracket</th>
<th>Sound power level, $L_{Aeq}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2 years old</td>
<td>77-80</td>
</tr>
<tr>
<td>2-3 years old</td>
<td>83-87</td>
</tr>
<tr>
<td>3-6 years old</td>
<td>84-90</td>
</tr>
</tbody>
</table>

5.5 Predicted noise levels and recommended mitigation

Noise levels at the nearest residential dwellings have been predicted based on the following assumptions:

- Children using the external play areas are equally distributed throughout each space
- The external play spaces are occupied by the maximum number of children permitted
- The external play areas are surrounded by solid barriers, as described in Section 5.6. Suitable barrier materials are detailed in Section 5.7
- Absorptive material is added to the ceiling of the semi-enclosed spaces, as described in Section 5.88

The predicted noise levels based on the assumptions detailed above are presented in Table 10.
Table 10: Predicted noise levels from children in external play areas, dB

<table>
<thead>
<tr>
<th>ID</th>
<th>Address</th>
<th>Predicted noise level, $L_{eq}$</th>
<th>Design target - day, $L_{day}$</th>
<th>Design target - evening, $L_{even}$</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>475 Highett Road</td>
<td>47</td>
<td>58</td>
<td>56</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>1 Major Street</td>
<td>58</td>
<td>58</td>
<td>56</td>
<td>Daytime only</td>
</tr>
<tr>
<td>3</td>
<td>2A Major Street</td>
<td>55</td>
<td>58</td>
<td>56</td>
<td>Yes</td>
</tr>
<tr>
<td>4</td>
<td>266 Highett Road</td>
<td>49</td>
<td>58</td>
<td>56</td>
<td>Yes</td>
</tr>
<tr>
<td>5</td>
<td>45 Middleton Street</td>
<td>43</td>
<td>58</td>
<td>56</td>
<td>Yes</td>
</tr>
<tr>
<td>6</td>
<td>2/256 Highett Road</td>
<td>43</td>
<td>58</td>
<td>56</td>
<td>Yes</td>
</tr>
<tr>
<td>7</td>
<td>50 Donald Street</td>
<td>45</td>
<td>58</td>
<td>56</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>256 Highett Road</td>
<td>45</td>
<td>58</td>
<td>56</td>
<td>Yes</td>
</tr>
</tbody>
</table>

With the incorporation of the recommended mitigation measures, noise levels from children in outdoor areas are predicted to meet the daytime design target at all nearby properties.

A marginal exceedance is predicted at one property (1 Major Street) during the evening period. The assessment was based on the worst-case scenario, assuming that the maximum number of children are using the outdoor play areas simultaneously. As such, the assessment is conservative. In reality, it is understood to be unlikely that more than half the children attending the child care centre will be outside at one time. A 50% reduction of the number of children outside would lead to a 3 dB decrease in the predicted noise levels.

As such, it is recommended that the number of children permitted outside after 1800 hours be restricted to no more than 50% of the centre’s capacity and that this should be documented in a Noise Management Plan, as discussed in Section 5.9.

5.6 Recommended noise barriers

The predicted noise levels provided in Table 10 are based on barriers around the outdoor play areas as shown in Figure 2 and Figure 3.
5.7 Typical noise barrier constructions

To provide the adequate noise attenuation, the construction material of the barriers must have a minimum surface density of 10-15 kg/m² and be free from holes and gaps. Some suitable materials for this purpose include:

- Wallmark Evo Wall Panels (75 mm thick, 15 kg/m²)
- 25 mm thick plywood timber panelling
- 9 mm thick fibre cement sheet
- 12 mm thick Perspex, polycarbonate or Danpalon
- 6 mm toughened laminated safety glass

• Any other approved material which meets the above surface density specification.

A material popular with a number of other childcare centres is Danpalon, which is a twin walled polycarbonate material. The use of 16 mm thick Danpalon or 6 mm glass for this purpose which has a surface mass of 11 kg/m² will meet the mass requirements detailed above and be suitable for use as it is transparent and will not unduly restrict light or vision.

All barriers must be free of gaps and penetrations. It is particularly important to ensure that the gap at the bottom of the barrier is minimised as far as practicable.

5.8 Reverberation control

The semi-enclosed areas of outdoor play areas, where a roof is located above, have potential to increase noise levels from the centre if reverberation build-up is not sufficiently controlled. Furthermore, there is potential that acoustic reflections from the ceilings in these areas will reduce the effects of the acoustic barriers around play areas.

It is recommended that ceilings in the semi-enclosed outdoor play areas be absorptive. Some suitable materials, which achieve sufficient acoustic performance and also provide a good degree of impact resistance include:

- 17 mm perforated plywood with acoustic insulation behind
- Timber battens with acoustic insulation behind.

The open area of either of the above options should be at least 20% and the acoustic insulation should be 50 mm thick, 32 kg/m² (e.g., 50 mm Rockwool).

Other ceiling types or finishes can also be used, provided that they achieve a minimum noise reduction coefficient (NRC) of 0.7.
5.9 Best practice noise management

As a best practice measure, it is recommended that a Noise Management Plan be developed to assist in managing the noise impacts and to reduce the incidence of unnecessary noise. Examples of management measures that should be incorporated into the plan include:

- Outdoor play areas not to be used prior to 0700 hours
- Number of children permitted in outdoor play areas to be limited after 1800 hours
- Crying children should be taken into the centre and comforted
- The behaviour of children should be monitored by adequately trained and informed child care workers
- Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children
- Carers should be educated to control the level of their voice while outside
- A contact phone number for nearby residents to facilitate communication and resolve any neighbourhood issues that may arise
- Use of amplified music outdoors should not occur at any time.
6.0 NOISE ASSESSMENT – CAR PARK ACTIVITY

Noise from activities occurring in the car park is not strictly assessable under Victorian legislation. As a guide, MDA refers to the NSW sleep disturbance criteria, which are applicable to the night-time period, between 2200 and 0700 hours.

As some carpark activity may occur immediately prior to 0700 hours (considered the night-time period), a sleep disturbance assessment is provided.

The majority of the centre’s carpark will be located at basement level. For the purpose of this assessment, we have based our predictions on the noise sources being in the ground level carpark.

6.1 Calculation method

The calculation method is outlined in Section 5.3.

6.2 Vehicle noise data

MDA has conducted numerous noise surveys involving noise generated by car movements, including doors closing, braking, engines starting and acceleration from a stationary position. Noise levels of vehicle pass-bys as well as voices of patrons in car parking areas have also been measured.

From these surveys, the calculated sound power level data used in the assessment are provided in Table 11.

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Octave band centre frequency (Hz)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>63</td>
</tr>
<tr>
<td>Worst case car</td>
<td>111</td>
</tr>
<tr>
<td>&quot;Normal&quot; car</td>
<td>110</td>
</tr>
<tr>
<td>Voices (shouting)</td>
<td>62</td>
</tr>
<tr>
<td>Vehicle pass by</td>
<td>100</td>
</tr>
</tbody>
</table>

Vehicle movements in the early morning period (prior to 0700 hours) are likely to be limited to staff vehicles. In consideration of this and the nature of this development, noise events from worst case cars have been excluded from the assessment.
6.3 Predicted noise levels

Predicted maximum noise levels from car park activity, with the recommended noise barriers detailed in Section 5.6, are summarised in Table 12.

Table 12: Predicted noise level, car park activities, dB $L_{da}$

<table>
<thead>
<tr>
<th>ID</th>
<th>Address</th>
<th>Patron voices</th>
<th>Vehicle pass by</th>
<th>Normal Car</th>
<th>Design target</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>475 Hightt Road</td>
<td>59</td>
<td>53</td>
<td>50</td>
<td>65</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>1 Major Street</td>
<td>63</td>
<td>58</td>
<td>60</td>
<td>65</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>2A Major Street</td>
<td>58</td>
<td>52</td>
<td>54</td>
<td>65</td>
<td>Yes</td>
</tr>
<tr>
<td>4</td>
<td>26G Hightt Road</td>
<td>62</td>
<td>55</td>
<td>58</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>5</td>
<td>45 Middleton Street</td>
<td>59</td>
<td>55</td>
<td>57</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>6</td>
<td>2/256 Hightt Road</td>
<td>48</td>
<td>46</td>
<td>49A</td>
<td>65</td>
<td>Yes</td>
</tr>
<tr>
<td>7</td>
<td>50 Donald Street</td>
<td>49</td>
<td>46</td>
<td>49</td>
<td>65</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>256 Hightt Road</td>
<td>45</td>
<td>42</td>
<td>44</td>
<td>65</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Maximum noise levels from car park activities are calculated to be compliant with the sleep disturbance criteria at all adjacent receivers.

7.0 OTHER NOISE CONSIDERATIONS

The following sections present details of noise sources that require further consideration at detailed design stage.

7.1 SEPP N-1 limits

Table 13 details the SEPP N-1 day, evening and night noise limit for each period. A full derivation is provided in Appendix C1.3.

Table 13: SEPP N-1 periods and noise limits

<table>
<thead>
<tr>
<th>Period</th>
<th>Noise limit, dB $L_{da}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>52</td>
</tr>
<tr>
<td>Evening</td>
<td>46</td>
</tr>
<tr>
<td>Night</td>
<td>41</td>
</tr>
</tbody>
</table>

7.2 Café tenancy

A café is proposed on the ground floor of the development. Detailed drawings and operational aspects of the café have not been provided, however, ultimately the café will require further consideration during the detailed design stage of the project.

At this stage, the type, capacity and location of commercial and centralised plant has not been established but is expected to include the following:
- Air-conditioning condensing units and packaged air-conditioning units
- Extract fans.

Plant noise from the café must comply with the SEPP N-1 noise limits and music noise must comply with SEPP N-2 noise limits at any dwelling in the vicinity of the site.

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Masonry construction and appropriate glazing are likely to be sufficient to achieve compliance with the SEPP N-2 music noise limits at nearby dwellings. Any outdoor seating areas for the café will require specific consideration, particularly if music is to be played outside.

It will be the responsibility of the future tenant to comply with SEPP N-1 and SEPP N-2.

7.3 Mechanical services

At this stage, the type, capacity and location of mechanical plant equipment has not been established. However, it is expected that plant noise can be adequately controlled with the inclusion of conventional and readily available noise control treatments such as acoustic screens, enclosures and duct attenuators where required.

Plant noise will require further consideration during the detailed design stage of the project.
8.0 SUMMARY

Noise from the proposed child care centre at 260-264 Higlett Road, Higlett has been assessed. The proposed child care centre will cater for up to 120 children with three outdoor play areas and associated car park.

A comprehensive approach to assessing noise impacts from child care centres has been developed based on relevant VCAT decisions. The AAAC guideline for child care centre noise, following a review of MDA experience and discussion with other AAAC members, has been used to assess noise from children in outdoor areas. This provides a conservative assessment as the upper range of the sound power levels for children of varying ages has been used.

Based on an assessment which assumes all the children attending the child care centre will be outside at one time, the following measures have been recommended to achieve compliance with relevant design targets:

- Outdoor play areas should not be used prior to 0700 hours
- Number of children permitted in outdoor play areas should be limited to no more than 50% of the centre capacity after 1800 hours
- Acoustic barriers around the outdoor play areas, as indicated in Section 5.6
- Reverberation control to semi-enclosed areas of outdoor play areas, as described in Section 5.8
- Plant noise will require further consideration during the detailed design stage of the project.

With the above noise controls incorporated into the design, it is anticipated that noise from the proposed child care centre will achieve the relevant design targets.
APPENDIX A  GLOSSARY OF TERMINOLOGY

Ambient  The ambient noise level is the noise level measured in the absence of the intrusive noise or the noise requiring control. Ambient noise levels are frequently measured to determine the situation prior to the addition of a new noise source.

A-weighting  The process by which noise levels are corrected to account for the non-linear frequency response of the human ear.

dB  Decibel
The unit of sound level.

L_{eq}  The A-weighted noise level equalled or exceeded for 90% of the measurement period. This is commonly referred to as the background noise level.

L_{acc}  The equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level.

L_{max}  The A-weighted maximum noise level. The highest noise level which occurs during the measurement period.

NRC  Noise Reduction Coefficient
A single number rating between 0 and 1 of the ability of a material to absorb sound. It is the average of the absorption coefficients in the 250-2000Hz octave bands rounded to the nearest 0.05. The larger the number, the more absorptive the material.

RT or T_{60}  Reverberation Time
The time (in seconds) taken for the sound pressure level generated by a particular noise incident to decay by 60 decibels following the conclusion of the noise event (hence T_{60} abbreviation).

Reverberation Time is used for assessing the acoustic qualities of a space, describing how quickly sound decays within a space. The reverberation time is related to the room volume and total absorption.

SWL or L_{sw}  Sound Power Level
A logarithmic ratio of the acoustic power output of a source relative to 10^{-12} watts and expressed in decibels. Sound power level is calculated from measured sound pressure levels and represents the level of total sound power radiated by a sound source.
APPENDIX B  PROPOSED OUTDOOR PLAY AREAS

B1   First Floor
Item 4.4 – Matters of Decision
APPENDIX C LEGISLATION AND GUIDELINES APPLICABLE TO CHILD CARE CENTRES

C1 SEPP N-1

C1.1 Application


SEPP N-1 defines a ‘commercial, industrial and trade premises’ as:

any premises except:

   (a) residential premises as defined in section 48A of the [Environment Protection] Act;
   (b) a street or road, including every carriageway, footpath, reservation and traffic island on any street or road;
   (c) a tram, light rail or railway line not being a siding, marshalling yard or maintenance depot of any tram, light rail or railway line; and
   (d) [land situated at Luna Park, St Kilda].

Section 48A of the Act defines residential premises as:

any building or part of a building used as or for the purposes of a private residence or residential flat.

C1.2 Assessment methodology

SEPP N-1 is a policy and technical document. The Policy prescribes the methodology and measurement procedure used to determine applicable noise limits and assessment of compliance. The Policy requires that proposed commercial premises be designed to comply with SEPP N-1 noise limits. Clause 16 of the Policy states:

Where it is planned to develop new commercial, industrial or trade premises, the premises shall be designed so that the noise emissions do not exceed the noise limits

Further, the occupier of commercial, industrial or trade premises has an ongoing obligation to meet the SEPP N-1 noise limits. Clause 15 of the Policy states:

where noise emissions from existing commercial, industrial or trade premises exceed the requirements set out in the Policy, steps shall be taken by the occupier to reduce the level of these noise emissions to, or below, the relevant Policy noise limits.

SEPP N-1 defines a ‘noise sensitive area’ as an area of land within 10m outside the external walls of:

a dwelling or residential building

a dormitory, ward or bedroom of a caretaker’s house, hospital, hotel, institutional home, motel, reformatory institution, tourist establishment or work release hostel.

The assessment of noise from the subject site under SEPP N-1 is based on the calculation of a noise limit at a receiver position, taking into account a zoning noise level derived from the land zoning types in the surrounding area and the background noise level.

Once a noise limit is established, the noise level (L_{eq}) due to the commercial premises is measured or predicted. If necessary, the L_{eq} noise level is adjusted for noise character and duration to give the effective noise level (L_{eq}). If the L_{eq} level exceeds the noise limit, then remedial action is required.
C.1.3 Calculation of noise limits

SEPP N-1 noise limits are calculated taking into account land 'zoning types' within a 70 m and 200 m radius of a noise sensitive building. Zoning types are categorised as type 1, 2 or 3. A prescribed formula is used to calculate a corresponding Zoning Level. In general, zone type designations are as follows:

- areas such as residential, rural and open space are type 1;
- areas such as commercial, business and light industry are type 2; and
- areas such as general industry and major roads are type 3.

Greater areas of type 2 and 3 land within a 200 m radius of a noise sensitive site result in higher Zoning Levels than a site with respectably larger areas of type 1 land.

The SEPP N-1 Noise Limit is equal to the 'zoning level' unless the background level at the noise sensitive site is categorised as low or high according to Clause 83 of the Policy. If the background level is low or high, the Noise Limit is calculated from a formula taking into account the Zoning Level and the Background Level.

The limits are separately defined for the day, evening and night periods as defined in Table 14.

Table 14: SEPP N-1 time periods and noise limits

<table>
<thead>
<tr>
<th>Period</th>
<th>Day of week</th>
<th>Start time</th>
<th>End time</th>
<th>Measured background, Leq, dB</th>
<th>Zoning level, dBA</th>
<th>Background relative to zoning level</th>
<th>Noise limit, Leq,dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>Monday-Friday</td>
<td>0700 hrs</td>
<td>1800 hrs</td>
<td>43*</td>
<td>52</td>
<td>Neutral</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Saturday</td>
<td>0700 hrs</td>
<td>1300 hrs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evening</td>
<td>Monday-Friday</td>
<td>1800 hrs</td>
<td>2200 hrs</td>
<td>42</td>
<td>46</td>
<td>Neutral</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>Saturday</td>
<td>1500 hrs</td>
<td>2200 hrs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sunday, Public holidays</td>
<td>0700 hrs</td>
<td>2200 hrs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Night</td>
<td>Monday-Sunday</td>
<td>2200 hrs</td>
<td>0700 hrs</td>
<td>34</td>
<td>41</td>
<td>Neutral</td>
<td>41</td>
</tr>
</tbody>
</table>

*Some weekday measurements were affected by extraneous noise from site activity and high wind speeds. As such, the measured background level from the Monday public holiday has been used to set the daytime limit, which is a conservative approach.
C2  SEPP N-2


Clause 20 of SEPP N-2 provides that:

Where the level of music noise from indoor or outdoor venues exceeds the noise limit, steps shall be taken by the occupier to reduce those levels to, or below, the noise limit.

SEPP N-2 sets noise limits that must be achieved in a 'noise sensitive area'. The Policy defines a noise sensitive area as:

(a) that part of the land within the apparent boundaries of any piece of land which is within a distance of 10 metres outside the external walls of any of the following buildings:
   - Dwelling (except Caretaker's House), [or] Residential Building.
   - Caretaker's house, Hospital, Hotel, Institutional Home Motel, Reformatory Institution, Tourist Establishment, Work Release Hostel.

For indoor venues, SEPP N-2 sets noise limits as shown in Table 15.

Table 15: SEPP N-2 criteria (music on more than 3 nights per week)

<table>
<thead>
<tr>
<th>Time period</th>
<th>Noise limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day/Evening</td>
<td>Music noise (LwA) not permitted to exceed background noise (LwA) plus 5dB</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Saturday 1000 - 2200hrs</td>
<td></td>
</tr>
<tr>
<td>Sunday 1200 - 2100hrs</td>
<td></td>
</tr>
<tr>
<td>Other 0900 - 2200hrs</td>
<td></td>
</tr>
<tr>
<td>Night</td>
<td>Music noise (LcnA) is not permitted to exceed the background noise level (LcnA) by more than 8dB in any octave band (63Hz-4kHz) at a noise-sensitive area</td>
</tr>
<tr>
<td>Saturday 2200 - 0900hrs</td>
<td></td>
</tr>
<tr>
<td>Sunday 0900 - 1200hrs</td>
<td></td>
</tr>
<tr>
<td>Other 2200 - 0900hrs</td>
<td></td>
</tr>
</tbody>
</table>

C3  Recent VCAT decisions

A number of recent VCAT decisions have been reviewed to determine an approach to noise mitigation that is consistent with planning precedent in Victoria. Most decisions affirm that the noise from children playing at child care centres is consistent with residential amenity. However, two decisions are especially worth noting:

- *Petrierides v Hobsons Bay CC* (includes Summary) [Red Dot] [2012] VCAT 686 (28 May 2012)

  This decision establishes that:

  Whist generally speaking the noise of children playing is reasonable in a residential area, this does not mean that a child care centre can obligate the need to act responsibly and appropriately by ensuring any noise impact is of an acceptable level.

  This decision is consistent with MDA’s experience that noise barriers are appropriate mitigation measures for child care centres adjacent to residential land uses.

- *Beis Efraim College Limited v Bayside CC* [2014] VCAT 856 (16 July 2014)

  In this case, the matter under consideration was a change in use. The subject site had previously been used as a child care centre, and the application was to use the site as a pre-school. The
application was being heard retrospectively, as the use of the site as a pre-school had already commenced. With regard to the evidence given by objectors, it is notable that:

- The objectors stated that when the site was used as a child care centre they did not experience problems with noise.

- Objections were raised concerning the height of the 3-4 m high noise barriers that were proposed. These barriers were recommended in an attempt to use the AAAC guideline values as mandatory noise limits; this is discussed further in the following section.

This decision provides an excellent outline of the factors to be considered when assessing noise from child care centres, referring to a New South Wales Land and Environment Court (LEC) decision (Meriden School v Pedavoli) which looks at the factors that should be considered when determining if noise is offensive.

- **Basic Element Pty Ltd v Hobsons Bay CC VCAT 522** (19 April 2017)

In this case, the matter under consideration was for a permit for a new child care centre in Newport. The VCAT chairman stated the following in regard to the AAAC guideline:

> There is no accepted standard for noise from people. Mr Tardio referred to a guideline for child care centres prepared by the Association of Australian Acoustical Consultants (the AAAC Guideline) that sets out recommendations for assessment methodology and acceptable noise levels. Other divisions of the Tribunal deemed that the AAAC Guideline should be given little weight in these matters as it (the L_{day}+5dB noise target) is highly conservative and has no statutory basis in any planning schemes.

Given that this comment was made in reference to the lower of the two AAAC noise targets (as per Table 16), MDA agrees and has consistently used a noise target for child care centres of L_{day} + 10dB.

### C.1.1 Factors to be considered

Based on our review of VCAT decisions, the factors that have been considered for this project are:

- The level of noise from the proposed use
- The nature of the noise
- Whether the noise is typical for the area
- The duration of exposure to the noise
- The time of day that the noise occurs
- Whether the noise occurs on weekends or is limited to weekdays only
- How many people are affected
- Whether all reasonable means of minimising the noise have been implemented.
C4 AAAC guideline

C4.1 Noise goals for outdoor areas

In October 2013, the Association of Australian Acoustical Consultants (AAAC) issued a document entitled Guideline for Child Care Centre Acoustic Assessment. Since that time, MDA and other consultants have trialled its use in assessing noise from child care centres. As a result the guideline is currently under review by the AAAC.

Table 16 shows the noise goals proposed by the current AAAC guideline for assessing noise from outdoor play areas.

<table>
<thead>
<tr>
<th>Use of outdoor area</th>
<th>Noise goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2 hours (total per day)</td>
<td>$L_{eq,15 min} -$ noise level from outdoor play not to exceed the existing background noise level ($L_{eq}$) plus 10 dB</td>
</tr>
<tr>
<td>More than 2 hours per day</td>
<td>$L_{eq,15 min} -$ noise level from outdoor play not to exceed the existing background noise level ($L_{eq}$) plus 5 dB</td>
</tr>
</tbody>
</table>

The $L_{eq,15 min}$ is an average noise level of children playing taken over a 15-minute period.

C4.2 Known issues with the AAAC guideline

Based on MDA experience and discussions with other AAAC members, the following issues have been identified:

- Child care centres no longer limit outdoor play. As noted in the Petzlerides v Hobsons Bay CC decision, "the benefits of exercise, outdoor activity, sunshine and a play-based approach to education are at the forefront of the minds of today's educators, including child care centres." The two-hour cut-off was not based on evidence regarding impacts, and was apparently included in the guideline without knowledge concerning contemporary practice.

- The noise goals do not acknowledge that the noise from children playing has a different character than other forms of environmental noise. For example, the $L_{eq}+5$ dB target was based on NSW criteria for industrial noise.

- The $L_{eq}+5$ dB target has been found to be unnecessarily restrictive.

- Strict compliance with the AAAC targets can lead to undesirable outcomes in terms of excessive noise barrier heights, as with the Bels Efraim College Limited v Bayside CC matter.

- The AAAC guideline does not consider the range of other factors that can affect noise impact. In the Meriden School v Pedavoli matter, for example, the Land and Environment Court's consideration of the other factors led to a finding that the noise from children playing was not offensive even though the AAAC noise goals were exceeded by 8 dB (i.e., were 13 dB above the background level).

- The conservative nature of the guideline targets has also been identified by VCAT (see Appendix C3 - Basic Element Pty Ltd v Hobsons Bay).
C.4.3 Revised approach

Based on the above considerations, the noise goals presented in the AAAC guidelines are primarily referenced as a means of providing contextual information about predicted noise impacts relative to existing conditions and to inform the design of noise control treatments. This study:

- Assesses noise from children playing in terms of the average noise levels (L_{eq}) at nearby residences
- Compares these levels to the underlying background noise levels (L_{ba}).

In particular, the assessment has considered the predicted impacts with respect to a 10 dB margin above background noise levels. The 5 dB margin is not referenced, as it is too restrictive and does not consider the character of the noise.

However, consistent with the outcomes of key VCAT decisions, comparisons based on the 10 dB margin do not constitute a definitive assessment of acceptability in isolation of other considerations. Instead, the comparison contributes to an overall assessment based on the range of factors identified above.

C5 Sleep disturbance

The NSW Road Noise Policy 2011 produced by the NSW EPA, provides guidance on the potential for sleep disturbance. While the policy applies strictly only in NSW, the provisions of the document are often referred to in Victoria for general guidance on potential sleep disturbance.

The NSW policy notes that from the research on sleep disturbance to date, it can be concluded that:

- Maximum internal noise levels below 50-55 dB L_{eq} are unlikely to awaken people from sleep
- One of two noise events per night, with maximum internal noise levels of 65-70 dB L_{eq} are not likely to affect health and wellbeing significantly.

It is generally accepted that a partially open window would provide approximately 10 dB noise reduction from outside to inside. Therefore, in accordance with the NSW Road Noise Policy sleep disturbance findings, we recommend that the maximum noise levels from all on-site activities at night should not exceed 60-65 dB L_{eq} outside an openable window of residential dwellings.
Item 4.4 – Matters of Decision
APPENDIX E  UNATTENDED NOISE MEASUREMENTS

Noise levels in the vicinity of the site were measured using a Rion NL-31 (serial number 503821) integrating sound level meter, between Wednesday 28 March and Thursday 5 April 2018. The microphone was fitted with a windshield and was set at a height of 1.5 metres above the local ground under free-field conditions.

Measurements were obtained using the ‘f’ response time and A-weighting frequency network. The equipment was checked before and after the survey using a field calibrator and no significant calibration drifts were observed.

Weather data has been taken from the Bureau of Meteorology’s weather station at Moorabbin Airport. No rainfall was observed during the survey period. Some moderate wind speeds were observed; however, the results of the survey are not considered to have been significantly affected.

The measurement location is shown in Figure 4.

Figure 4: Measurement location
Table 17 presents the average background noise levels measured between 0600 – 1830 hours. As the childcare centre will only operate Monday to Friday, the weekend and public holidays have not been included in the derivation of the design targets.

Table 17: Measured noise levels per period, dB

<table>
<thead>
<tr>
<th>Date</th>
<th>Night 0600 - 0700hrs</th>
<th>Day 0700 - 1800hrs</th>
<th>Evening 1800 - 1830hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday, 29 March 2018</td>
<td>39</td>
<td>52</td>
<td>48</td>
</tr>
<tr>
<td>Friday, 30 March 2018*</td>
<td>37</td>
<td>47</td>
<td>49</td>
</tr>
<tr>
<td>Saturday, 31 March 2018</td>
<td>30</td>
<td>45</td>
<td>44</td>
</tr>
<tr>
<td>Sunday, 1 April 2018</td>
<td>30</td>
<td>41</td>
<td>41</td>
</tr>
<tr>
<td>Monday, 2 April 2018*</td>
<td>35</td>
<td>43</td>
<td>44</td>
</tr>
<tr>
<td>Tuesday, 3 April 2018</td>
<td>35</td>
<td>46</td>
<td>45</td>
</tr>
<tr>
<td>Wednesday, 4 April 2018</td>
<td>36</td>
<td>46</td>
<td>46</td>
</tr>
<tr>
<td>Average weekday</td>
<td>36</td>
<td>48</td>
<td>46</td>
</tr>
</tbody>
</table>

*Public Holiday
APPENDIX F  UNATTENDED NOISE SURVEY RESULTS
Traffic Engineering Assessment

Proposed Commercial Development at
260-266 Highett Road, Highett

Prepared For
Steller 207 Pty Ltd

June, 2018
23689#1

Advertised Plan
Traffic Engineering Assessment

Proposed Commercial Development at
260-266 Hightett Road, Hightett
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Traffic Engineering Assessment
260-266 Highett Road, Highett: Proposed Commercial Development

1 Introduction

Traffic Group has been engaged by Steller 207 Pty Ltd to prepare a traffic engineering report for a proposed commercial development at 260-266 Highett Road, Highett.

This report provides a detailed traffic engineering assessment of the parking and traffic issues associated with the proposed development.

2 Proposal

The proposal is for a three storey commercial development on the site. The table below summarises the development and the car parking allocation.

Table 1: Development Summary

<table>
<thead>
<tr>
<th>Use</th>
<th>Size/No.</th>
<th>Car Parking Allocation</th>
<th>Resultant Car Parking Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Childcare Centre</td>
<td>124 childcare places</td>
<td>30</td>
<td>0.24 spaces per childcare place</td>
</tr>
<tr>
<td>Food and Drink Premises (cafés)</td>
<td>248m² (1 tenancy)</td>
<td>3</td>
<td>1.2 spaces per 100m²</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>38</td>
<td></td>
</tr>
</tbody>
</table>

The development provides 33 car spaces across a ground level and basement carpark, including 30 childcare spaces and 3 food and drink spaces. Of the 30 childcare spaces, 17 spaces will be allocated to staff and 13 spaces to parents. The on-site carpark also includes 1 disabled (ODA) car space.

Vehicle access to the site is proposed via a 6.1m wide two-way crossover to Highett Road, located at the site’s western property boundary. This access provides entry only to the ground level carpark (childcare centre parent parking) and two-way access to the basement level carpark (staff parking). A secondary access is provided via a ROW to Middleton Street which facilitates exit movements only from the parent parking areas.

As a result of the access to Highett Road, one on-street car space will be lost along the site’s frontage (i.e. 4 spaces available post-development).

A total of 8 bicycle spaces are provided on the basement level as horizontal rails for shared use by staff and customers.

A copy of the development plans prepared by Perkins Architects (dated June, 2018) is attached at Appendix A.
3 Existing Conditions

3.1 Subject Site

The subject site is located on the southwest corner of the intersection between Highett Road and Middleton Street in Highett. A locality plan, aerial photograph and photograph of the site’s frontage are presented at Figure 1 to Figure 3, respectively.

The site is rectangular in shape, has a total area of 1,513m² and a frontage to Highett Road of 27.9m. The site does not appear to be currently operating, however, has been previously used as a medical centre/retail. Car parking is provided at the rear of the site and accommodates approximately 17-18 car spaces.

A ROW is located at the rear of the site which provides vehicle access between the subject site carpark and Middleton Street. The ROW and crossover to Middleton Street is approximately 2.8m wide between walls.

There are 5 car spaces located along the site’s frontage to Highett Road subject to '1P 8am-8pm' restrictions.

The site is located within a Commercial Zone – Schedule 1 (C12) under the Planning Scheme and is on the periphery of the Highett Activity Centre (Shopping Centre), which includes a supermarket, retail outlets, public off-street car parking and other everyday needs.

Significant land-uses in the nearby area include:

- Highett Shopping Centre, located approximately 150m east of the site,
- Highett Railway Station, located approximately 200m east of the site, and
- Nepean Highway, located approximately 600m east of the site.

![Subject Site Map](image-url)
Traffic Engineering Assessment
260-266 Highton Road, Highton: Proposed Commercial Development

Figure 2: Subject site (view southwest)

Subject Site

Figure 3: Aerial Photograph
3.2 Road Network

Highton Road is classified as a 'Limited Arterial Road' (i.e. Council arterial road) under Bayside City Council’s Register of Public Roads (Version 1.4, December, 2009) and a Road Zone – Category 2 under the Planning Scheme. Highton Road is also a designated as a Category 2 – Road Zone under the Planning Scheme.

Highton Road is aligned in an east-west direction between Nepean Highway in the east and Sargood Street in the west (continues as Bridge Street). Immediately adjacent to the site, Highton Road has a carriageway width of approximately 9m, which accommodates a traffic lane in each direction with kerbside parking available on the south side only. West of the site, car parking is permitted along both sides of the road.
Traffic Engineering Assessment
260-266 Highbett Road, Highbett: Proposed Commercial Development

A posted speed limit of 40km/h applies to Highbett Road adjacent to the site. A speed limit of 60km/h applies west of Donald Street.

Middleton Street is designated as a ‘Collector Road’ under Bayside City Council’s Register of Public Roads (Version 1.4, December, 2009) and a Road Zone — Category 2 under the Planning Scheme. Middleton Street is aligned in a north-south direction between Highbett Road in the north and Bay Road in the south.

Middleton Street has a carriageway width of approximately 7.2m, which accommodates kerbside parking on both sides and a shared lane for two-way traffic (where kerbside parking occurs).

Figure 5 identifies the arrangements for traffic and parking available for a 7-7.5m wide carriageway.

A 7-7.5m carriageway is wide enough for two vehicles to pass each other while passing a parked car. It is wide enough for a two-lane carriageway to pass through at speed. One must give way.

Figure 5: 7-7.5m wide Pavements: On-street Parking Arrangements

On-street parking along Middleton Street includes a mix of unrestricted and short-term restrictions (1P and 2P). Between Highbett Road and the ROW parking is only permitted on the east side only (i.e. ‘No Stopping’ restrictions on the west side, ensuring two-way access through this section).

The default urban speed limit of 50km/h applies to Middleton Street.

A constructed ROW extends along the site’s southern boundary. This ROW provides rear access between the subject site and Middleton Street. The subject site is the only property currently taking vehicle access from the ROW, however, we note that the development at No. 266 Highbett Road may take vehicle access via the ROW. In the vicinity of the site, the ROW is typically 2.8m wide (measured between walls).

Photographs depicting the surrounding road network are presented in Figure 6 to Figure 9.

Figure 6: Highbett Road (view east)  Figure 7: Highbett Road (view west)
3.2.1 Road Safety Review

A review of the State Road Accident Records (CrashStats) has been undertaken in the vicinity of the site for the past 5 years of available data (01/01/2012 to 31/12/2016). The review included the area indicated in Figure 12.

---

1 County crash data is contained in the VicRoads’ CrashStats Accident Database and includes all reported casualty crashes (i.e. injury crashes), which are classified into Fatal injury, Serious injury and Other injury (i.e. minor injury) crashes. Property damage only or non-casualty crashes are not included in the database.
Figure 12: Road Safety Review Area

The review indicates that there have been 8 casualty crashes reported within the review area, with a summary provided at Table 2.

Table 2: Casualty Crash History (1st January, 2012 to 31st December, 2016)

<table>
<thead>
<tr>
<th>Location</th>
<th>Date</th>
<th>Time</th>
<th>Severity</th>
<th>Type (DCA code)</th>
<th>Type of Accident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hightett Road 17m west of Worthing Road</td>
<td>Mon 27/02/2012</td>
<td>21:00</td>
<td>Sl (P)</td>
<td>104</td>
<td>Pedestrian walking with traffic</td>
</tr>
<tr>
<td>Intersection of Hightett Road and Major Street</td>
<td>Fri 05/02/2016</td>
<td>18:50</td>
<td>Ci (B)</td>
<td>130</td>
<td>Rear end collision (vehicles in same lane)</td>
</tr>
<tr>
<td></td>
<td>Thur 11/11/2014</td>
<td>22:20</td>
<td>Ci (P)</td>
<td>102</td>
<td>Far side. Pedestrian hit by vehicle from the left</td>
</tr>
<tr>
<td></td>
<td>Sun 30/08/2015</td>
<td>14:37</td>
<td>Ci</td>
<td>130</td>
<td>Rear end collision (vehicles in same lane)</td>
</tr>
<tr>
<td></td>
<td>Wed 29/03/2017</td>
<td>10:15</td>
<td>Ci (P)</td>
<td>100</td>
<td>Pedestrian near side. Pedestrian hit by vehicle from the right</td>
</tr>
</tbody>
</table>
The review indicates that there have been 8 casualty crashes within the review area. Of these 8 casualty crashes, 4 involved pedestrians and 4 were classified as ‘Rear end’ crashes.

As Hightett Road is a Limited Arterial Road carrying high volumes of traffic, a higher level of casualty crashes is typically expected to occur due to the higher level of exposure.

We note that since a number of the crashes, Hightett Road and the surrounding road network have undergone a number of upgrades to improve road user safety.

The high level of road use within this area and the level of crashes involving pedestrians would warrant further investigations from Bayside City Council as the responsible road authority.

### 3.3 Public Transport

The site has access to a number of public transport services, with train and bus services provided in the nearby area. The available public transport services within a convenient walking distance are presented in Table 3 and Figure 13.

The proximity of the site to convenient public transport services, which link the site to nearby activity centres, the city and other regular destinations, reduces the site’s dependence on motor vehicles as a mode of transport.

#### Table 3: Summary of Public Transport Services

<table>
<thead>
<tr>
<th>Service</th>
<th>Between</th>
<th>Via</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hightett Railway Station – 200m east of the site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hightett Station</td>
<td>CDB &amp; Frankston</td>
<td>Mordialloc, Moorabbin, Caulfield &amp; Richmond</td>
</tr>
<tr>
<td>Hightett Road – along the site’s frontage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus Route 708</td>
<td>Carrum &amp; Hampton</td>
<td>Southland</td>
</tr>
</tbody>
</table>
3.4 Car Parking Conditions

A series of spot parking occupancy surveys have been conducted by TrafiX Group. These surveys were undertaken at various times to establish a parking profile for the area surrounding the site. The surveyed times were:

- 8:30am, 12pm, 1pm, 7pm, 8pm and 9pm on Friday 8th September, 2017,
- 12pm, 1pm, 7pm, 8pm and 9pm on Saturday 9th September, 2017, and
- 12pm, 1pm, 7pm, 8pm and 9pm on Sunday 10th September, 2017.

The detailed results of the surveys are provided at Appendix B.
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The survey times include the expected peak times for the proposed commercial tenancies and nearby residents.

There are 5 car spaces available along the site’s frontage to Highett Road subject to ‘1P 8am-8pm’ restrictions.

The survey area includes on-street parking within approximately 200m of the site as detailed in Figure 14.

![Traffic Engineering Assessment Map](image)

**Figure 14: Car Parking Survey Area**

The surveys found that on-street parking is in low-moderate demand during each of the surveyed time periods. A minimum of 30 vacant car spaces were recorded at 12pm on Friday 8th September, 2017 (47 parked cars, 61% occupancy).

During the other critical periods, the following results were recorded:

- Weekday Evening – 46-54 vacant car spaces,
- Saturday Daytime – 32-35 vacant car spaces,
- Saturday Evening – 44-46 vacant car spaces,
- Sunday Daytime – 47-48 vacant car spaces, and
- Sunday Evening – 51-52 vacant car spaces.

A summary of the car parking survey results are presented in Figure 15.
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Figure 15: Profile of On-Street Parking Demand
4 Traffic Engineering Assessment

4.1 Statutory Car Parking Assessment

The proposed development falls under the land-use categories of ‘childcare centre’ and ‘food and drink premises’ under Clause 74 of the Planning Scheme.

The Planning Scheme sets out the parking requirements for new developments under Clause 52.06.

The purpose of Clause 52.06 is:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

An assessment of the parking requirement of the development against the rates presented at the car parking table at Clause 52.06-5 of the Planning Scheme is set out in the table below.

Table 4: Statutory car parking requirement

<table>
<thead>
<tr>
<th>Use</th>
<th>Size / No.</th>
<th>Statutory Parking Rate</th>
<th>Parking Req.</th>
<th>Parking Provision</th>
<th>Shortfall / Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Childcare Centre</td>
<td>124</td>
<td>0.22 spaces to each child</td>
<td>27</td>
<td>30</td>
<td>+3</td>
</tr>
<tr>
<td>Food and Drink Premises (café)</td>
<td>248m²</td>
<td>4 spaces per 100m² of LFA</td>
<td>9</td>
<td>3</td>
<td>-6</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>36</td>
<td>33</td>
<td>-6</td>
</tr>
</tbody>
</table>

Note 1: Clause 52.06-5 specifies that where a car parking calculation results in a requirement that is not a whole number, the number of spaces should be rounded down to the nearest whole number.

The development has a statutory parking requirement under Clause 52.06-5 of 36 car spaces, including 27 childcare centre spaces and 9 food and drink spaces.

Based on the allocation of the 33 car spaces, the development has a shortfall of 6 food and drink spaces.

Accordingly, a car parking reduction is required under the decision guidelines of Clause 52.06-7.
4.2 Reducing the Requirement for Car Parking

Clause 52.06-7 allows for the statutory car parking requirement to be reduced (including to zero). An application to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

Clause 52.06-7 sets out that a Car Parking Demand Assessment must have regard to the following key factors:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or proposed occupants (residents or employees) of the land.
- Any empirical assessment or case study.

Planning Practice Note 22 (June, 2015) specifies that the provisions for reducing the car parking requirement draw a distinction between the assessment of likely demand for car parking spaces (the Car Parking Demand Assessment), and whether it is appropriate to allow the supply of fewer spaces than assessed by the Car Parking Demand Assessment. These are two separate considerations, one technical while the other is more strategic. Different factors are taken into account in each consideration.

Accordingly, the applicant must satisfy the responsible authority that the provision of car parking is appropriate on the basis of a two-step process, which has regard to:

- The car parking demand likely to be generated by the use.
- Whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the site.

An assessment of the appropriateness of reducing the car parking provision below the statutory requirement is set out below.
4.2.1 Car Parking Demand Assessment

An empirical assessment of parking demands for the food and drink premises is provided below. We have not undertaken an empirical assessment of the childcare centre demands as the rates specified in Clause 52.06-5 have been accommodated on-site.

Food & Drink Premises

The Planning Scheme rate of 4 spaces per 100m² LFA is generally appropriate for a food and drink premises. However, lower demands can be expected in inner areas well served by public transport services. This is especially relevant for the food and drink premises shown, which is more likely to service nearby residents and employees, rather than attract customers from a significant distance away. A more appropriate rate to adopt would be 3 car spaces per 100m².

Accordingly, the proposed 248m² café tenancy is expected to generate a parking demand of 7 car spaces.

Staff typically make up approximately a third of food and drink parking demands, equating to a demand of 3 car spaces. The provision of 3 car spaces on-site for staff is adequate to accommodate this demand.

The balance of parking would be associated with customers (4 car spaces). These demands would need to be accommodated on-street in the nearby area.

Based on the above, we are satisfied that the overflow parking demands of the development will be limited to short-term parking by customers only.

4.3 Appropriateness of Providing Fewer Spaces than the Number Likely to be Generated

The second step is to consider whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the site as assessed by the Car Parking Demand Assessment.

Clause 52.06-7 sets out a series of car parking provision factors that should be considered when assessing the appropriateness of providing fewer car spaces on the site than are likely to be generated by the use. The car parking provision factors are as follows, with the most relevant factors highlighted:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
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- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

These factors are considered below.

4.3.1 Car Parking Demand Assessment

The Car Parking Demand Assessment concludes that:
- All demands associated with the childcare centre will be fully accommodated on-site.
- Adequate car parking is provided to accommodate the long-term parking demands of staff.
- A short-term overflow demand of up to 4 customer spaces will occur during business hours.

4.3.2 Availability of Alternative Car Parking

As previously set out in this report, Traffix Group has undertaken parking surveys in the nearby area for proposed operating times of the food and drink premises.

The surveys found that on-street parking is in low-moderate demand during each of the surveyed time periods. A minimum of 30 vacant car spaces were recorded at 12pm on Friday 8th September, 2017 (47 parked cars, 61% occupancy).
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During the other critical periods, the following results were recorded:

- Weekday Evening – 46-54 vacant car spaces,
- Saturday Daytime – 32-35 vacant car spaces,
- Saturday Evening – 44-46 vacant car spaces,
- Sunday Daytime – 47-48 vacant car spaces, and
- Sunday Evening – 51-52 vacant car spaces.

Based on the above, we are satisfied that the overflow car parking demands associated with the development proposal can be comfortably accommodated on-street in the nearby area.

4.3.3 Future Growth of Activity Centre

Practice Note 22 (Using the Car Parking Provisions, June, 2015) states that:

In an Activity Centre, car parking issues have a part to play, but should not dominate when assessing an application for a use or development.

Where a change of use or relatively small extension is consistent with the strategic plan for the centre and car parking cannot easily be provided, it will often be more sensible to reduce the car parking requirement, rather than prevent the use or development. Some activity centres will have excellent public transport access, ample car parking or mainly serve local customers who arrive on foot. In such circumstances, an increase in business and activity would increase the overall viability of the centre, and the reduced number of car trips would have a positive impact.

In this instance, the development is unlikely to significantly increase the level of parking activity in the nearby area through commercial uses within the nearby Highett Activity Centre.

4.3.4 Access to Alternate Transport

The site is well served by public transport services, with Highett Railway Station located approximately 200m walking distance east of the site, as well as a number of bus services operating along the site’s frontage.

These services will provide a convenient alternative to car based travel for customers and staff of the proposed development.

Based on the decision factors of Clause 52.06-7, we are satisfied that the proposed level of car parking is appropriate and it is acceptable to provide fewer car spaces on the site than required under Clause 52.06-5.

4.4 Bicycle Parking

Clause 52.34 of the Planning Scheme specifies bicycle parking requirements for new developments and changes in use. The statutory bicycle parking requirements of the development are set out in the table below.


Traffic Engineering Assessment
260-266 Highett Road, Highett: Proposed Commercial Development

Table 5: Statutory Bicycle Parking Assessment – Clause 52.34

<table>
<thead>
<tr>
<th>Use</th>
<th>Size/No.</th>
<th>Statutory Bicycle Parking Requirement</th>
<th>No. Bicycle spaces required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Employee</td>
<td>Customer</td>
</tr>
<tr>
<td>Childcare Centre</td>
<td>124 places</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Retail</td>
<td>248m²</td>
<td>1 space to each 300m² of LFA</td>
<td>1 employee</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:
1. There is no requirement under Clause 52.34-3 to provide bicycle parking for Childcare Centre developments.
2. We have conservatively adopted the rate of ‘retail’ for the food and drink premises.

The proposed development has a statutory bicycle requirement of 2 bicycles.

The plans detail 8 secure bicycle spaces within the basement carpark for use by staff and customers. Accordingly, the development exceeds the requirements of Clause 52.34.

The secure bicycle parking spaces will be provided via 4 x ‘Flat Top’ horizontal rails (8 spaces). The dimensions for bicycle parking satisfies the specifications of the ‘Bicycle Victoria Bicycle Parking Handbook’ and AS2890.3-2015 and is satisfactory.

A minimum of 20% of all bicycle spaces are provided as horizontal at-grade spaces in accordance with AS2890.3-2015.

Based on the above, we are satisfied with the provision of bicycle parking in this development.

4.5 Parking Layout and Access

Traffic Group has provided design advice to the project architect to achieve a satisfactory carpark layout. The proposed parking layout and vehicle access arrangements have been assessed under the following guidelines:

- Clause 52.06-9 of the Planning Scheme (Design standards for car parking),
- AS2890.1-2004 – Part 1: Off-Street car parking, and
- AS2890.6-2009 – Part 6: Off-Street parking for people with disabilities, where relevant.

Key elements of the design include:

Design Standard 1 – Accessways

- The accessway widths accord with the requirements of Clause 52.06-9 (Design Standard 1).
- Vehicle access to the site is proposed via a 6.1m wide crossover to Highett Road in accordance with Clause 52.06-9 and AS2890.1-2004 for two-lane, two-way access.
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- The accessway and crossover to Highett Road has been offset 1m from the western property boundary to provide a pedestrian refuge between the site access and the existing crossover to No. 258 Highett Road.

- The ramp to the basement level and the accessway to the ground level carpark are provided at a minimum width of 3.6m between walls in accordance with Clause 52.06-9 and AS2890.1-2004 for a single lane accessway.

- A passing area measuring 6.1m wide x 7m long is provided in accordance with Clause 52.06-9 requirements as the site has access to a road in a Road Zone. A review of the ability for cars to pass in this area has been completed, with swept paths attached at Appendix C.

- A minimum headroom clearance of 2.2m is provided along the ramp and within the basement and ground level carpark in accordance with Clause 52.06-9 and AS2890.1-2004.

- All vehicles are able to enter and exit the site in a forwards direction in accordance with Clause 52.06-9 (Design Standard 1).

- A partially achieved pedestrian sight triangle is provided on the exit (west) side of the crossover to Highett Road, measuring 1.3m wide x 2.5m long. This area is to be at least 50% clear of visual obstructions, with no obstruction in excess of 900mm in height. If required by Council, a convex mirror could be provided to further assist with sightlines towards the west as a conditions of permit.

A sight triangle is not required on the east side of the crossover (i.e. sight triangle achieved within crossover).

- The ROW to Middleton Street does not provide fully compliant pedestrian sight triangles. We note that No. 45 Middleton Street has an existing low level fence which provides for adequate sightlines to the south. We understand the property at No. 266 Highett Road is to be developed and as such, sightlines to the north may be available through a splay or sight triangle as part of this application (to be determined).

Design Standard 2 – Car Parking Spaces

- The car space dimensions and accessway widths accord with the requirements of Clause 52.06-9 (Design Standard 2).

- The disabled car space and adjacent shared area are provided with dimensions that accord with AS2890.6-2009, including a minimum headroom clearance of 2.5m.

- The tandem car spaces are provided with 500mm additional length in accordance with Clause 52.069 requirements.

- Columns are located in accordance with Diagram 1 of Clause 52.06-9.

- Car spaces located adjacent to walls or any fixed objects are provided with adequate clearance to the obstruction in accordance with the requirements of Clause 52.06-9.

- Access to each of the critical car spaces has been checked for the 85th percentile design vehicle and has been found to be satisfactory. Swept path diagrams are attached at Appendix C.
Traffic Engineering Assessment
260-266 Higlett Road, Highett: Proposed Commercial Development

Design Standard 3 – Gradients

- The ramp grade accord with Clause 52.06-9, including changes in grades and maximum gradients.
- Ramp grades from the property boundary are flat for the first 7.5m into the site and grade changes are provided at a maximum of 1:8 (12.5%) in accordance with Clause 52.06-9.
- A maximum grade of 1:5 (20%) is provided through the mid-section of the ramp, which accords with Clause 52.06-9 for a private carpark.

Other Design Elements

- All traffic will arrive via the crossover to Higlett Road and depart to either Higlett Road or Middleton Street (depending on the vehicle user). That is, staff vehicles will use the ramp to access the basement carpark (i.e. to and from Higlett Road) while parents will utilise the ground level carpark for drop-off/pick-up activities. Parents will then exit the carpark via the ROW to Middleton Street. Accordingly, to ensure correct circulation of the on-site carpark is enforced a Car Parking Management Plan should be included as a condition of any permit issued.
- All car spaces within the basement carpark are allocated to staff. The ground level carpark is allocated for use by parent parking only associated with the childcare centre.
- A convex mirror has been provided to manage vehicle conflict along the single lane ramp to the basement carpark. Conflicts along the ramp will be minimal as traffic will be directionally biased associated with staff parking.
- A 1.5m wide pedestrian path is provided between within the ground level carpark to ensure a safe connection between the carpark and childcare centre for pedestrians.
- Wheel stops have been provided for car spaces abutting the pedestrian link in order to protect pedestrians in accordance with AS2890.1-2004. A wheel stop has also been provided for car space 9 to avoid overhang into the adjacent car space.

Based on the above, we are satisfied that the layout of the proposed parking spaces as detailed in the plans at Appendix A are satisfactory and that the access arrangements for the development will provide for safe and efficient movements to and from the site.

4.6 Traffic Impact

4.6.1 Traffic Generation

Childcare Centre

Traffix Group has undertaken extensive studies of existing childcare centres to produce empirical data for peak traffic generation rates and to better understand how they operate. Childcare centres typically generate peak hour traffic in the order of 0.5 to 0.8 vehicle trip ends per child during the commuter peak hours².

² As observed by Traffix Group during surveys at the following existing childcare centres: The Grove Childcare (38-40 The Grove, Coorong) on Thurs 3rd March, 2011, City Kids Early Learning Centre (222 Normanby Road, Southbank) on Wed 23rd March, 2011, and Little Learners Early Education (195 Gernons Road, South Morang) on Mon 10th October, 2011.
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Childcare centres operate differently compared to primary schools and kindergartens. Staff members arrive initially before the childcare centre opens, with staff numbers increasing slowly as child attendance increases throughout the day. In addition to the above rate, we have conservatively assumed that 30% of staff spaces associated with the childcare centre are accessed during the peak hours (i.e. 6 additional trip ends per peak hour).

As childcare centres do not have set start or finish times (only operating hours), parents do not drop off or pick up children at the same time. Rather, the manner in which children are dropped off and picked up is spread throughout the morning and evening periods. Parents will often drop kids off or pick them up on the way to dropping/collecting other children from nearby schools, on the way to work (which can have varying start times) and on the way home from work (which can also have varying finish times). This is in sharp contrast to primary schools or kindergartens where set start and finish times result in a high level of traffic generated within a relatively short timeframe.

Adopting the higher rate of 0.8 vehicle trips per childcare place and assuming 30% of staff spaces are accessed during the peak hours, the proposed 124 place childcare centre is expected to generate 105 vehicle trip ends during the commuter peak hours.

Food and Drink Premises

The food and drink premises is provided with 3 staff spaces. It is conservatively assumed that each space will generate 4 vehicle trip ends per day (i.e. 1 trip per peak hour and 1 additional work related trip during business hours). This equates to a total of 3 vehicle trips during the peak hours and 12 vehicle trip ends per day.

Summary

Based on the above, the development is expected to generate in the order of 108 vehicle trip ends per peak hour. This equates to approximately 2 movements every minute during the peak hours.

4.6.2 Traffic Distribution

Traffic generated by childcare centres is evenly split (approximately 50/50) between entry and exit movements during the peak hours as the majority of traffic movements are associated with parents undertaking drop-off and pick-up activities (involving an in and out movement).

Traffic is expected to be split evenly (50/50) between the east and the west for traffic accessing the site from Higlett Road. For vehicles exiting to Middleton Street it is expected that 90% of traffic will travel north towards Higlett Road before being distributed evenly between the east and the west.

Vehicle trips associated with the food and drink premises will be limited to the Higlett Road access only. We have conservatively assumed that the peak hour of the childcare centre and the food and drink premises coincide with the typical road network peak hours (i.e. 8-9am and 5-6pm).

Based on the above, the expected development traffic volumes generated by the site is provided at Figure 16.

The assessment also conservatively assumes that all of the childcare centre traffic movements represent a new trip, whereas in practice, some trips accessing the childcare centre will be diverted trips associated with vehicles already using Higlett Road (i.e. travelling to/from the Higlett Activity Centre or nearby local schools, for example).
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Figure 16: Development Traffic Volumes

The development traffic within Middleton Street will generate an additional 50 vehicle movements per peak hour (between the ROW and Highett Road). We are satisfied that the traffic impacts of the development will have a negligible impact on the safety or operation of Highett Road, Middleton Street and the surrounding road network and is acceptable from a traffic engineering perspective.

4.7 Loading and Waste Collection

Loading

Clause 65 of the Planning Scheme specifies that:

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

- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

We are satisfied that loading associated with the development will be infrequent, can be undertaken on-street in the nearby area or within the ground level carpark when parent demands are low, as required.

Deliveries to the commercial uses would be undertaken by smaller trucks and vans that can readily use the short-term on-street parking in the nearby area, including the 4 spaces available along the site’s frontage to Highett Road post-development.

Based on the above, we are satisfied that the non-provision of a loading bay is acceptable.
Traffic Engineering Assessment
260-266 Higlett Road, Higlett: Proposed Commercial Development

Waste Collection

Waste bins for the childcare centre are located within a bin room in the basement level carpark while the food and drink premises waste is stored within a bin room in the ground level carpark.

The Waste Management Plan (WMP) prepared by 'Frater Group' (dated June, 2018) details on-site collection is to be undertaken by private contractor using a 6.4m mini waste loader.

Waste collection can occur within the on-site carpark (basement and ground level) outside of the peak drop-off/pick-up times associated with the childcare centre. The waste collection vehicle will be able to turnaround within the basement carpark and circulate the ground level carpark, as required. Swept path diagrams of these manoeuvres are attached at Appendix C.

Based on the above, we are satisfied with the waste collection arrangements associated with the proposed development.
5 Conclusions

Having undertaken a detailed traffic engineering assessment of the proposed commercial development at 260-262 Highett Road, Highett, we are of the opinion that:

a) the development generates a statutory car parking requirement of 36 car spaces under Clause 52.06-5, including 27 childcare spaces and 9 food and drink spaces,

b) the provision of 33 car spaces, including 30 childcare spaces and 3 food and drink spaces results in a car parking reduction being sought under Clause 52.06-7 for 6 food and drink spaces,

c) the Car Parking Demand Assessment Indicates the following:
   i) all staff and parent parking demands for the childcare centre will be adequately catered for on-site,
   ii) all staff demands of the food and drink premises will be accommodated on-site, and
   iii) an overflow demand of up to 4 customer spaces during business hours.

d) the reduction of car parking is supported under Clause 52.06-7 on the following grounds:
   i) the Car Parking Demand Assessment,
   ii) the availability of alternative parking in the nearby area (including along the site’s frontage),
   iii) the site’s location nearby the Highett Activity Centre, and
   iv) the site’s proximity to alternative transport modes.

e) the proposed parking layout and access arrangements accord with the requirements of the Planning Scheme, AS2890.1:2004, AS2890.6:2009 (where relevant) and current practice,

f) the level of traffic generated as a result of this proposal will be moderate and will not have a detrimental impact on Highett Road (and its intersections), Middleton Street or the surrounding road network,

g) bicycle parking is provided in accordance with Clause 52.34 and AS2890.3-2015 requirements,

h) loading can be accommodated on-street in the nearby area or within the ground level carpark during off-peak periods and will not result in any amenity, traffic or road safety impacts,

i) waste collection can comfortably occur on-site during off-peak times, and

j) there are no traffic engineering reasons why a planning permit for the proposed commercial development at 260-262 Highett Road, Highett, should be refused, subject to appropriate conditions.
Appendix A: Development Plans
Traffic Engineering Assessment
260-266 Highbett Road, Highbett. Proposed Commercial Development

Appendix B:
Car Parking Surveys
## Item 4.4 – Matters of Decision

### Table: Parking Survey

<table>
<thead>
<tr>
<th>Location</th>
<th>Restriction</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Friday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen Street to Worthing Rd.</td>
<td>No Parking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Major Street to Trunk St.</td>
<td>No Parking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Anson St to Middle St.</td>
<td>No Parking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Middle St to Albert St.</td>
<td>No Parking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Highest St to Livington St.</td>
<td>No Parking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Highest St to Livington St.</td>
<td>No Parking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Worthing Rd to Major St.</td>
<td>No Parking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Highest St to Livington St.</td>
<td>No Parking</td>
<td>0</td>
<td>0</td>
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Percentage Occupancy: 29% - 71%
### Attachment 3

| Item 4.4 – Matters of Decision |

**Bayside City Council**  
**Planning & Amenity Committee Meeting**  
**12 February 2019**  
**Attachment 3**

**MESS STREET**

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- **Car Access**: Unrestricted

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### High Street
- **Parking Control**: No Stopping
- **Car Access**: 24-hour Access

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### Summary
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LEADER: Inside parking

Not available to the general public
Not available,ropely parked car is included as available
No Slope/Other no parking

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Traffic Engineering Assessment
260-266 Highett Road, Highett: Proposed Commercial Development

Appendix C: Swept Path Diagrams
Item 4.4 – Matters of Decision
Item 4.4 – Matters of Decision
4.5 109 ABBOTT STREET, SANDRINGHAM
VCAT AMENDED PLANS - SUPPORT THE GRANT OF A PERMIT
APPLICATION NO: 2018/353/1 WARD: CENTRAL

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/25425

This recommendation changes a delegate refusal where there is three or more objections. Council officers do not have delegation to make submissions to the Victorian Civil and Administrative Tribunal (VCAT) in favour of the proposal and require the Planning and Amenity Committee decision on the VCAT amended plans.

1. Application details

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<tr>
<th>Recommendation</th>
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<tr>
<td>Applicant for Review</td>
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<td>Objectors</td>
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<td>21 January 2019</td>
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<td>Statement of Grounds Lodged</td>
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Purpose

To report the officer’s recommendation on the VCAT amended plans circulated on 21 January 2019 to be substituted at the hearing listed for 5 March 2019 for planning permit application 2018/353/1 for the construction of four double storey buildings comprising a total of twelve dwellings above a basement level.

As supplied by the applicant for review, the statement of changes to the development plans are summarised as follows:

- Amended front setback for Dwelling 1 from the Vincent Street boundary, increasing from between 1.851 metres and 3.868 metres to a consistent 4 metre setback.
- Amended front setback for Dwelling 12 to the Vincent Street boundary, decreasing by approximately 1.2 metres.
- The ground floor mass removed from Dwellings 3, 4, 9 and 10 and replanned to create a break in the massing along the central pedestrian path and separation between Dwellings 3 and 4, and 9 and 10.
- The width for the central north-south break between the buildings increased from 2.8 metres to 3 metres at ground floor level, with the central pedestrian path increased from 1.5 metres to 1.7 metres in width.
- A reduction in the site coverage from 55 per cent to 50 per cent.
- Fire escape stair from basement to ground floor introduced.
- Visitor car parking space in basement removed.
- Waste management procedure changed to a private internal collection and bin room added to basement to allow for communal bins.
- Dwellings 9 and 12 increased in size to accommodate fourth bedroom.
- Dwellings 2, 4 and 9 flipped to prevent overlooking and minimise screening.
- Internal fencing and private open space replanned as a result of changes to the built form, with all dwellings still achieving a minimum 40 square metres of private open space.
- Reduction in window pop-outs along the central break to decrease overshadowing and remove pinch points, screens removed from the internal east and west elevations with clear glazing 1.7 metres above the finished floor level only.

The amended plans are provided at Attachment 1.

2. Background

An application for review under Section 79 of the Planning and Environment Act 1987 was lodged with the Victorian Civil and Administrative Tribunal in response to Council’s failure to grant a planning permit within the prescribed time.

Council officers formed a position of refusal on the application on 25 September 2018 with the following grounds of refusal listed:

1. The proposed development of the land does not meet with the purpose of the Neighbourhood Residential Zone as follows:
   a) The proposal does not respect the existing or preferred neighbourhood character of the area due to the built form, scale, mass and design detail of the building.
   b) The residential buildings do not comply with numerous objectives, standards and decision guidelines of Clause 55.

2. The proposal does not respect the existing neighbourhood character or preferred neighbourhood character as outlined within Precinct E3 of Clause 22.06 of the Bayside Planning Scheme due to:
   a) The proposal failing to ensure that new buildings do not dominate the streetscape through the built form, scale, mass and design detail of the building.
   b) The proposal fails to develop the area in a manner that conserves and enhances its valued character.
   c) The proposal failing to reflect the lightness and openness of the streetscape.
   d) The proposal fails to maintain a strong landscape character of residential buildings set within vegetated front gardens and streetscapes.

3. The proposal does not comply with the following standards and objectives of Clause 55 and of the Bayside Planning Scheme:
   a) Clause 55.02-1, Standard B1, Neighbourhood character – The proposal does not provide an appropriate design response to the neighbourhood and site or respect the existing or preferred neighbourhood character with regards to built form, scale, mass, design detail of the building and enhancing the garden setting of the area.
   c) Clause 55.02-5, Standard B5, Integration with the street objective – The proposal fails appropriately integrate with the Abbott and Vincent Street streetscape. The proposal fails to respond to prevailing setbacks and the openness of the streetscapes due to high front fences.
d) **Clause 55.03-1, Standard B6, Street setback** – The proposal fails to provide the minimum street setback that respects the existing or preferred neighbourhood character.

e) **Clause 55.03-3, Standard B8, Site coverage** – The proposal fails to ensure that the site coverage respects the existing or preferred neighbourhood character and respond to the features of the site.

f) **Clause 55.03-5, Standard B10, Energy efficiency** – Habitable rooms and area of secluded private open space areas are not located to maximise solar access.

g) **Clause 55.03-7, Standard B12, Safety** – Entrances to the centrally located dwellings are obscured and will be overshadowed. The access path to these dwellings will not benefit from a high level of surveillance.

h) **Clause 55.03-8, Standard B13, Landscaping** – The development fails to provide an acceptable level of landscaping and fails to respect the landscape character of the neighbourhood.

i) **Clause 55.04-1, Standard B17, Side and rear setbacks** – The proposal fails to ensure that the setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

j) **Clause 55.05-2, Standard B26, Dwelling entry** – Fails to ensure each dwelling entry is clearly visible and easily identifiable or provide a transitional space to the entry.

k) **Clause 55.05-5, Standard B29, Solar access to open space** – The proposal fails to provide for adequate solar access into the secluded private open space of new dwellings.

l) **Clause 55.06-2, Standard B32, Front fences** – The proposed fence design does not respect the existing or preferred neighbourhood character of both Abbott and Vincent Street.

m) **Clause 55.06-3, Standard B33, Common property** – The proposed common access way within the development at ground level may give rise to future management difficulties.

4. The proposed access arrangements fail to provide safe and convenient entry and egress from the development in accordance with Clause 52.06 of the Bayside Planning Scheme.

5. The proposed development fails to provide for safe and convenient waste management services.

A compulsory conference was held on 15 January 2019, where no resolutions were reached between the parties. A full merits hearing is listed for 5 March 2019 and scheduled to run for four days.

The original decision plans are provided at Attachment 2.

The original delegate’s report is provided at Attachment 3.

If the Committee does not support the VCAT amended plans, Council’s position at the VCAT hearing will be of refusal, as provided at Attachment 3.
3. Recommendation

That Council resolve to advise all parties and original objectors that it **Supports** the amended plans in respect of planning permit application 2018/353/1 for the land known and described as **109 Abbott Street, Sandringham**, for the construction of **four double storey buildings comprising a total of twelve dwellings above a basement level** in accordance with the amended plans and subject to the following draft conditions from the standard conditions:

**Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Jackson Clement Burrows Architects, Project Number 18-013, Drawing Numbers TP1-102 to TP10-103 inclusive and page 49 (material palette), dated 16 January 2019, but modified to show:

   a) The ground floor internal elevations of Townhouses 1, 2, 4, 5, 7, 9 and 12 to be provided with face brickwork, window defining hoods and/or window recesses (such as examples indicated at Page 16 of the ‘Without prejudice plan package’) to provide articulation and visual interest along the north/south central walkway of the development.

   b) Areas of hard paving within the street setbacks reduced.

   c) The provision of a “stop-go” signal system for the ramp along with priority being given for vehicles entering from the street to Council’s satisfaction.

   d) The basement access ramp to include the relevant height clearances at all critical points to Council’s satisfaction.

   e) Provision of suitable sight triangles where the ramp intersects with the footpath to view oncoming traffic when vehicles are exiting the ramp from the basement.

   f) Plant equipment located away from habitable room windows of dwellings and the habitable rooms of adjoining properties.

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

   h) Water sensitive urban design measures in accordance with condition 8.

   i) Landscaping plan in accordance with condition 14.

   j) An arboricultural impact assessment report in accordance with condition 17.

   k) A tree management report and tree protection plan in accordance with condition 18.

   l) A street tree management report and street tree protection plan in accordance with condition 22.

   m) A waste management plan in accordance with condition 25.

   n) A construction management plan in accordance with condition 26.

   o) Any development modifications recommended in response to conditions 17, 18 and 22 to ensure the continued health and longevity of all trees nominated to be retained.

   p) Drainage development contributions payment in accordance with
Condition 27.

q) Location of all plant and equipment, including hot water services and air conditioners, etc.

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. All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms.

5. 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.

6. All pipes (except downpipes and spouting), 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.

7. Before occupation, 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.

Water Sensitive Urban Design

8. Before the development starts, 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.

Drainage

10. 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.
11. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

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

Traffic

13. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

On-site Landscaping

14. 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 generally in accordance with the landscape plan prepared by John Patrick Landscape Architects and dated 17 May 2018 and 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. Vegetation proposed must generally be in accordance with the Bayside Landscape Guidelines June 2016.

d) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.

15. Before the occupation of the development, the landscaping on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

16. 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.

17. Prior to 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 must be approved by the Responsible Authority. The report must:

a) Identify impacts that may be detrimental to the tree.

b) Include design responses required to reduce any identified negative impact.

All plans associated with the development must be modified to include any recommendations made in the Tree Impact Assessment Report.

18. Prior to endorsement of plans pursuant to condition 1, including any related demolition or removal of vegetation, a tree management report and tree
protection plan, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The tree management report must include:

a) 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;

b) Protection measures to be utilised and when they will be implemented; and

c) Stages of development at which the site arborist will inspect tree protection measures.

The tree protection plan must be drawn to scale and show:

a) 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.

19. All actions and measures identified in the tree management report and tree protection plan must be implemented to the satisfaction of the Responsible Authority.

20. 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.

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 Trees

22. Before the development starts, including any related demolition or removal of vegetation, a street tree management report and street tree protection plan, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The tree management report must include:

a) Details of tree protection zones, as per AS4970, for all trees to be retained on the nature strip where any part of the tree protection zone falls within the subject site;

b) Protection measures to be utilised and when they will be implemented; and

c) Stages of development at which the site arborist will inspect tree protection measures.

The tree protection plan must be drawn to scale and show:

d) 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.
23. All actions and measures identified in the street tree management report and street tree protection plan must be implemented to the satisfaction of the Responsible Authority.

24. 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.

Street trees must not be removed, lopped, damage or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 3 metres of the street trees fronting both Abbott Street and Vincent Street street tree assets 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**

25. Before the endorsement of plans, a waste management plan must be submitted to and approved by the Responsible Authority. The waste management plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

a) Private collection of all waste streams;

b) Dimensions of storage waste areas;

c) Storm water drains in storage areas should be fitted with a litter trap;

d) The number and size of bins to be provided;

e) Facilities for bin cleaning;

f) Method of waste and recyclables collection;

g) Types of waste for collection, including colour coding and labelling of bins;

h) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines);

i) Method of hard waste collection;

j) Method of presentation of bins for waste collection;

k) Sufficient headroom within the basement to accommodate waste collection vehicles;

l) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction;

m) Strategies for how the generation of waste and recyclables will be minimised; and,

n) Compliance with relevant policy, legislation and guideline.

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

26. 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, and
      vii. spillage from refuelling cranes and other vehicles and machinery;
   i) The construction program;
   j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
   k) Parking facilities for construction workers;
   l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan;
   m) An outline of requests to Council/Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services;
   n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
   o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
   p) Include details of bus movements throughout the precinct during the construction period;
   q) A noise and vibration management plan showing methods to minimise
noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:

i. using lower noise work practice and equipment,
ii. the suitability of the land for the use of an electric crane,
iii. silencing all mechanical plant by the best practical means using current technology,
iv. fitting pneumatic tools with an effective silencer,
v. other relevant considerations, and
vi. any site-specific requirements;

During the construction:

r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
t) Vehicle borne material must not accumulate on the roads abutting the land;
u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the construction management plan may be approved in stages. Construction of each stage must not commence until a construction management plan has been endorsed for that stage, to the satisfaction of the Responsible Authority

Development Contributions

27. Prior to endorsement of the plan/s required under condition 1 of this permit, the permit holder must pay a drainage levy of $24,240 in accordance with the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

Time for starting and completion

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

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

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

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

**Permit Notes**

**Vehicle crossover permit**

A permit must be obtained from Council for all vehicular crossings. These must be
constructed under Council's supervision for which 24 hours' notice is required.

The applicant must clearly identify what impact, if any, the proposed vehicle
crossings will have on Council assets such as pits and trees, power poles etc. Such
items must be accurately shown on the plan.

**Building approval**

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.

**Asset Protection**

Prior to commencement of any building works, an Asset protection Application must
be taken out. This can be arranged by calling Asset Protection Administrator on
9599 4638.

The applicant is to bear the cost to reinstate/relocate the Council assets if any, to
provide the required access to the proposed development.

**Drainage – No easement**

Council records indicate that there is no easement within the property.

**Drainage – Discharge of Subterranean Water from Basements**

Subsurface water must be treated in accordance with Council's Policy for “Discharge
of Pumped Subterranean Water Associated with Basements or Below Ground
Structures”.

**Retention of existing street trees**

The existing street tree/s must not be removed or damaged.

**Parking permit**

All future property owners and / or residents within the development approved under
this permit will not be permitted to obtain resident or visitor parking permits.

**Open space requirement**

In accordance with the Bayside Planning Scheme, a public open space contribution
will apply in the event of the subdivision of the land.

4. **Assessment**

In considering the amended plans for this application, regard has been given to the
Planning Policy Framework, the Local Planning Policy Framework, provisions of the
Bayside Planning Scheme, Statement of Grounds received and the merits of the
application.

The assessment will focus on the above listed grounds of refusal to determine if they
have been appropriately addressed through the amended plans and are discussed
below.
Ground 1

1. The proposed development of the land does not meet with the purpose of the Neighbourhood Residential Zone as follows:

   a) The proposal does not respect the existing or preferred neighbourhood character of the area due to the built form, scale, mass and design detail of the building.

   b) The residential buildings do not comply with numerous objectives, standards and decision guidelines of Clause 55.

The amended plans remove the ground floor built form that connects the north and south building elements, with a setback of 4.14 metres between Dwellings 3 and 4 and 4.61 metres between Dwellings 9 and 10. This provides a degree of separation that responds to the predominant open rear yard character found within the surrounding precinct.

The amended plans also increase the front setback of Dwelling 1 to Vincent Street, from between 1.851 metres and 3.863 metres previously to a consistent setback of 4 metres in the amended plans. Additionally, the width of the central north-south break between the buildings has been increased from 2.8 metres to 3 metres at ground floor, with the central pedestrian path increased to 1.7 metres.

Combined with the introduction of the separation between Dwellings 3 and 4 and Dwellings 9 and 10 as detailed above, the proposed development is now considered to be respectful of the existing and preferred neighbourhood character of the area and is considered to meet the purpose of the Neighbourhood Residential Zone.

Whilst the proposal still maintains a contemporary design, sufficient spacing has been provided to allow for landscaping throughout the site. The front setback to Vincent Street now complies with the requirements of ResCode, with space for landscaping in front. Furthermore, the first floor elements are provided with articulation in the form of a varied materials palette, providing clear separation between the floors.

Subject to the acceptance of the draft conditions, this ground will no longer be pursued.

Ground 2

2. The proposal does not respect the existing neighbourhood character or preferred neighbourhood character as outlined within Precinct E3 of Clause 22.06 of the Bayside Planning Scheme due to:

   a) The proposal fails to ensure that new buildings do not dominate the streetscape through the built form, scale, mass and design detail of the building.

   b) The proposal fails to develop the area in a manner that conserves and enhances its valued character.

   c) The proposal fails to reflect the lightness and openness of the streetscape.

   d) The proposal fails to maintain a strong landscape character of residential buildings set within vegetated front gardens and streetscapes.

The amended plans have reduced the built form, scale and massing of the proposed buildings, resulting in a development that will not dominate the streetscape. Additionally, the changes depicted in the amended plan ensure the valued character of the surrounding area is conserved and enhanced and reflects the lightness and openness of the streetscape. The proposal is now considered to sufficiently maintain the landscape character with additional areas for planting within the front setback to Vincent Street and through the middle of the site.
Ground 3

3. The proposal does not comply with the following standards and objectives of Clause 55 and of the Bayside Planning Scheme:

   a) Clause 55.02-1, Standard B1, Neighbourhood character – The proposal does not provide an appropriate design response to the neighbourhood and site or respect the existing or preferred neighbourhood character with regards to built form, scale, mass, design detail of the building and enhancing the garden setting of the area.


   c) Clause 55.02-5, Standard B5, Integration with the street objective – The proposal fails appropriately integrate with the Abbott and Vincent Street streetscape. The proposal fails to respond to prevailing setbacks and the openness of the streetscapes due to high front fences.

   d) Clause 55.03-1, Standard B6, Street setback – The proposal fails to provide the minimum street setback that respects the existing or preferred neighbourhood character.

   e) Clause 55.03-3, Standard B8, Site coverage – The proposal fails to ensure that the site coverage respects the existing or preferred neighbourhood character and respond to the features of the site.

   f) Clause 55.03-5, Standard B10, Energy efficiency – Habitable rooms and area of secluded private open space areas are not located to maximise solar access.

   g) Clause 55.03-7, Standard B12, Safety – Entrances to the centrally located dwellings are obscured and will be overshadowed. The access path to these dwellings will not benefit from a high level of surveillance.

   h) Clause 55.03-8, Standard B13, Landscaping – The development fails to provide an acceptable level of landscaping and fails to respect the landscape character of the neighbourhood.

   i) Clause 55.04-1, Standard B17, Side and rear setbacks – The proposal fails to ensure that the setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

   j) Clause 55.05-2, Standard B26, Dwelling entry – Fails to ensure each dwelling entry is clearly visible and easily identifiable or provide a transitional space to the entry.

   k) Clause 55.05-5, Standard B29, Solar access to open space – The proposal fails to provide for adequate solar access into the secluded private open space of new dwelllings.

   l) Clause 55.06-2, Standard B32, Front fences – The proposed fence design does not respects the existing or preferred neighbourhood character of both Abbott and Vincent Street.

   m) Clause 55.06-3, Standard B33, Common property – The proposed common access way within the development at ground level may give rise to future management difficulties.
Clause 55.02-1, Standard B1, Neighbourhood Character:

As discussed in the two previous grounds, the amended plans adequately address compliance with Standard B1 relating to neighbourhood character.

Clause 55.02-2, Standard B2, Residential Policy:

As discussed in the officer’s report assessing the previous proposal, whilst the Neighbourhood Residential Zone is an area designated for minimal growth, it is considered reasonable for a unique site of this size, benefitting from two street frontages, located within the Principal Public Transport Network Area and appropriately located with regard to services and facilities, to support the construction of multiple dwellings on a lot of this size.

The previous proposal was not considered to be site responsive or respect the prevailing character of the area. However, as discussed above, the changes depicted in the amended plans result in a development that adequately responds to the neighbourhood character of the area and is considered satisfactory from a residential policy perspective.

Clause 55.02-5, Standard B5, Integration with the Street Objective:

The amended plans increase the separation for the north-south central break, from 2.8 metres to 3 metres at ground floor level and from 3 metres to 3.2 metres at first floor level. While these changes are subtle in nature, they assist in reducing the dominance of the proposed development within the two streetscapes.

Combined with the other alterations to the built form, including the increased front setback of Dwelling 1 to Vincent Street, these changes assist with integrating the development within the streetscape.

Clause 55.03-1, Standard B6, Street Setback:

The amended plans now comply with the front setback requirement to Vincent Street, with the exception of the first floor balcony of Dwelling 1 which encroaches 0.479 metres into the setback requirement. The slight encroachment is considered acceptable as the balcony provides additional articulation to the front façade and the variation is minor in nature.

It is noted that the front setback of Dwelling 12 to Vincent Street has reduced by approximately 1.2 metres. However, this remains compliant with the front setback standard and is acceptable.

Clause 55.03-3, Standard B8, Site Coverage:

The amended plans have reduced the building footprint to an extent that now complies with the site coverage standard and is therefore supported.

Clause 55.03-5, Standard B10, Energy Efficiency:

As discussed in the officer’s report assessing the previous proposal, due to the orientation of the site, it is inherently difficult to provide all proposed townhouses with a high level of solar access. Notwithstanding this, the changes depicted in the amended plans improves the solar access to areas of open space and habitable room windows.

Clause 55.03-7, Standard B12, Safety:

The officer’s report for the previous plans noted that the pedestrian entry points to the centrally located dwellings are not readily identifiable from the street and will not benefit from good solar access or passive surveillance as all eastern internal facing windows are screened to prevent internal views. The amended plans improve this through widening the internal pedestrian path and altering the location of the first floor windows to reduce the amount of screening required and providing greater levels of passive surveillance to the pedestrian path.
Clause 55.03-8, Standard B13, Landscaping:

The increased front setback of Dwelling 1 to Vincent Street and the separation provided between Dwellings 3 and 4 and Dwellings 9 and 10 central to the site reduces the site coverage, increasing opportunities for landscaping. Conditions contained within the recommendation section of this report require an amended landscape plan, as well as an arborist’s report to ensure the ongoing health of the trees to be retained on the subject site and those nearby on adjoining sites.

Clause 55.04-1, Standard B17, Side and Rear Setbacks:

The amended plans retain the ground floor setbacks to the east and west boundaries with the exception of the ground floor mass removed from Dwellings 3, 4, 9 and 10 through the central part of the site. The proposal remains compliant at ground floor level (though in the original report at Attachment 3, it incorrectly suggests that a 3.2 metres setback was required in lieu of the below listed 2.24 metres).

<table>
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<th>Ground Floor</th>
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<tr>
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<tr>
<td>West (side)</td>
<td>2.24m</td>
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</table>

Combined with the increased front setback of Dwelling 1 to Vincent Street and the widening of the central pedestrian path, the proposed development is considered to achieve an acceptable height and setbacks to the side boundaries at first floor that now adequately respect the existing and preferred neighbourhood character. The variations sought at first floor level are considered to be minor in nature and provide setbacks that respect the neighbourhood and minimise visual bulk on the adjoining properties.

Additionally, the setbacks to the side boundaries are considered sufficient to accommodate the planting of canopy trees that will assist in softening the built form when viewed from the surrounding properties. Conditions contained within the recommendation section of this report require an amended landscape plan and ongoing maintenance of landscaping to ensure the trees provide a softening effect on the proposed built form.

Moreover, it is noted that the existing dwelling on the subject site is constructed to the side boundaries in some parts and general closer the side boundaries than the proposed building, albeit largely single storey in those locations. The adjoining properties also have various outbuildings constructed on or close to the common boundary with the subject site that will further obscure views to the proposed development from the adjoining properties.

Clause 55.05-2, Standard B26, Dwelling Entry:

Dwellings 1, 6, 7 and 12 are provided with entry doors facing either Abbott Street or Vincent Street. While the entry doors to eight of the proposed dwellings remain partly concealed, the amended plans widen the central pedestrian pathway and improving the amenity provided to the dwelling entries. Additionally, the break in the built form created by the removal of the ground floor mass from Dwellings 3, 4, 9 and 10 forms a visual break in the built form that provides visual relief along the 53 metre long pedestrian pathway.
Clause 55.05-5, Standard B29, Solar access to open space:

The officer’s report for the previous plans noted that it is inherently difficult for all dwellings to have northern solar access due to the orientation of the site. However, it is noted that while only Dwellings 1 and 12 have their secluded private open space on the northern side of the dwelling, all dwellings meet the quantitative requirement of the standard, with the exception of Dwellings 6 and 7 which face Abbott Street and have their secluded private open space within the front setback to Abbott Street.

However, the secluded private open space areas of Dwellings 6 and 7 are 100 and 99 square metres, respectively. Given there are only two dwellings that fail the quantitative requirement of this standard, the proposed development is considered to meet the objective of allowing solar access into the secluded private open space of new dwellings.

Clause 55.06-2, Standard B32, Front fences:

The amended plans do not alter the proposed front fence to either Abbott Street or Vincent Street, maintaining the 1.8 metre high render and picket front fence. The proposed variation sought is necessitated by the reliance of the front setbacks to each street being used as an area of secluded private open space.

It is acknowledged that the picket elements will provide for some views into areas nominated for landscaping and as such compromising the privacy associated with these private open space areas. However, given the existing streetscape character in both Abbott Street and Vincent Street consists of some properties with similar high front fencing, the height of the proposed front fences are considered to complement the architectural design of the proposal and that of the surrounding area.

Clause 55.06-3, Standard B33, Common property:

The amended plans address the concern with the lack of surveillance of the central pedestrian pathway through widening the internal pedestrian path and altering the location of the first floor windows to reduce the amount of screening required, providing greater levels of passive surveillance to the pedestrian path.

Additionally, a condition contained within the recommendation section of this report requires amended plans to show the locations of all services, to ensure they are appropriately located away from habitable room windows to minimise noise impacts.

Ground 4

4. The proposed access arrangements fails to provide safe and convenient entry and egress from the development in accordance with Clause 52.06 of the Bayside Planning Scheme.

The amended plans maintain the same access arrangements for the proposed development. However, Council’s traffic engineer recommended the following to improve the access arrangements:

• The provision of a “stop-go” signal system for the ramp along with priority being given for vehicles entering from the street.

• The basement access ramp to include the relevant height clearances at all critical points.

• The provision of suitable sight triangles where the ramp intersects with the footpath to view oncoming traffic when vehicles are exiting the ramp from the basement.

Conditions contained within the recommendation section of this report therefore require the above measures to be shown on the plans to ensure the access arrangement are to Council’s satisfaction.
Ground 5

5. The proposed development fails to provide for safe and convenient waste management services.

The officer’s report assessing the original proposal noted that a private waste collection should occur within the basement and that it was likely that such an arrangement could be accommodated with the deletion of the visitor car parking space (not required by Clause 52.06) and minor internal reconfigurations at basement level. The amended plans remove the visitor car parking space from the basement level.

Additionally, the applicant has indicated that a private waste collection can be accommodated within the basement level. Therefore, a condition contained within the recommendation section of this report reflects the requirement for a private waste collection to be arranged.

5. Conclusion

Subject to draft conditions, the development is considered to show an acceptable level of compliance with the Bayside Planning Scheme.

For the reasons set out in this report, it is concluded that the proposed changes appropriately respond to Council’s grounds of refusal.

It is noted that at the time of writing this report, 18 statements of grounds have been lodged with the Tribunal, with eight joined as parties to the appeal and wishing to be heard at the hearing.

The statements of grounds refer mainly to the overdevelopment of the site and the failure of the proposal to respect neighbourhood character. Other concerns relate to traffic congestion, overlooking, overshadowing, landscaping and pedestrian safety. These have been addressed in either the above report or the previous officer’s report.

For the reasons set out in this report, it is recommended that Council supports the grant of a planning permit.

Support Attachments
1. Amended Development Plans ↓
2. Original Development Plans ↓
3. Original Delegate Report ↓
## TOWN PLANNING APPLICATION AMENDMENT

**109 ABBOTT STREET SANDRINGHAM**

**DRAWING SCHEDULE**

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Item 4.5 – Matters of Decision
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Attachment 1

FOR TOWN PLANNING PERMIT
### DEVELOPMENT SUMMARY

**PROJECT:** 18-013, 109 Abbott Street Sandringham  
**TOWN PLANNING APPLICATION**  
**DATE:** 16 JANUARY 2019  
**REVISION:** 1

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<td>36</td>
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</table>

**SUB TOTAL**  
758 889 855 2542 663 630 24

---

Add more details or questions as needed.
Item 4.5 – Matters of Decision
Item 4.5 – Matters of Decision
Item 4.5 – Matters of Decision
Item 4.5 – Matters of Decision
## DEVELOPMENT SUMMARY

**PROJECT:** 1A G-13, 109 ABBOTT STREET SANDRINGHAM

**TOWN PLANNING APPLICATION**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>19 JULY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVISION:</strong></td>
<td>9</td>
</tr>
</tbody>
</table>

**LAND AREA:** 187.1m²

**SITE COVERAGE:** 55%

**SPACING:** 42%

### TOWNHOUSES

<table>
<thead>
<tr>
<th>Type</th>
<th>Ground Floor</th>
<th>First Floor</th>
<th>Total NGA</th>
<th>Private Open Space</th>
<th>Secured Private Open Space</th>
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</tr>
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<tbody>
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<tr>
<td>TH 10</td>
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<td>233</td>
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<td>73</td>
<td>233</td>
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<tr>
<td>TH 12</td>
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<td>70</td>
<td>73</td>
<td>233</td>
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</table>

### VISITOR

<table>
<thead>
<tr>
<th>Area</th>
<th>Ground Floor</th>
<th>First Floor</th>
<th>Total</th>
<th>Private Open Space</th>
<th>Secured Private Open Space</th>
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<tbody>
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<td>391</td>
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<td>380</td>
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**109 ABBOTT STREET SANDRINGHAM**

**TOWN PLANNING APPLICATION**

19 JUNE 2018
Item 4.5 – Matters of Decision
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Refuse to grant a permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Construction of two, two-storey buildings comprising a total of 12 dwellings above a basement level and a reduction in the residential visitor car parking requirements</td>
</tr>
<tr>
<td>Application No.</td>
<td>5/2018/353/1</td>
</tr>
<tr>
<td>Address</td>
<td>109 Abbott Street SANDRINGHAM</td>
</tr>
<tr>
<td>Applicant</td>
<td>Contour Consultants Australia</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>8th June 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>60 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) Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>1,871 square metres</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>105</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No</td>
</tr>
<tr>
<td>Is a development contribution fee applicable?</td>
<td>Yes - $22,220 (12 proposed - 1 existing at a rate of $2,020 per dwelling) Catchment area 13</td>
</tr>
<tr>
<td>Responsible officer</td>
<td>Patricia Stewart</td>
</tr>
<tr>
<td>Signature</td>
<td>[Signature] 24/1/18</td>
</tr>
<tr>
<td>Planning delegate</td>
<td>[Signature] 24/1/18</td>
</tr>
<tr>
<td>Signature and date</td>
<td>[Signature] 24/1/18</td>
</tr>
</tbody>
</table>
1. Application details

Proposal
The application seeks construction of 12 townhouses with basement car parking and a front fence exceeding a height of 1.2 metres and a variation to the visitor car parking requirements.

Key details of the proposal are as follows:

- 12 double storey townhouses (six orientated along the eastern boundary and six orientated along the western boundary) with a central access path.
  - 9 no. x 3 bed townhouses
  - 3 no. x 4 bed townhouses
- Basement car park with access via the north-western boundary to Vincent Street.
  - The basement car park features 25 car parking spaces (two per dwelling with one visitor space)
  - The recent Planning Scheme Amendment VC148 removes the requirement for visitor car parking to be provided for site located within the Principal Public Transport Network such as this site.
- Site coverage: 55%
- Permeability: 22%
- Garden area: 42%
- 1.8 metre front fence to both streetscapes.
- Waste collection is proposed via Council kerbside collection via Vincent and Abbott Street.

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 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot and a front fence exceeding a height of 1.2 metres.

Planning Scheme Amendments
Planning Scheme Amendment VC 148 was gazetted on 31 July 2018.

The amendment introduces changes to the Victoria Planning Provisions (VPP) and all planning schemes arising from the Victorian Government's Smart Planning program. The program aims to simplify and modernise Victoria’s planning policy and rules to make planning more efficient, accessible and transparent.

This amendment introduces a number of changes throughout the planning scheme including the deletion of the State Planning Policy Framework (SPPF) and replaces it with a new integrated Planning Policy Framework (PPF) in Clause 10 to 19. A number of other changes include amendments to the Heritage Overlay, Development Plan Overlay, Signs, Land Adjacent to a Road Zone Category 1, Industrial Zones and Car Parking.

The most relevant aspect of the amendment relates to the changes to Clause 52.06, Car Parking. The amendment introduces the Principal Public Transport Network (PPTN) which reflects the routes where high-quality public transport services are or will be provided. It supports integrated transport and land use planning, by encouraging more diverse and dense development near high-quality public transport to help support public transport usage.
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>Referral response not finalised at the time of completing this report. Limited comments available relating to tree retention on the subject site and adjoining properties.</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>Concerns regarding proposed access and waste management but can be addressed through permit conditions.</td>
</tr>
<tr>
<td>Waste Management</td>
<td>No objection. Council’s Traffic Engineer has raised concerns about the proposed waste collection arrangements.</td>
</tr>
</tbody>
</table>

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1997 and 105 objections were received.

105 objections remain outstanding at the time of this report.

The following concerns were raised:

- Overdevelopment
- Neighbourhood character
- Setbacks
- Overlooking
- Overshadowing
- Traffic
- Car parking
- Waste management
- Construction management
- Landscaping
- Property values
Item 4.5 – Matters of Decision

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

Consultation meeting
A consultation meeting was held on 3 September 2018 attended by Council officers, the permit applicant and 41 objectors. As a result of this meeting no objections were withdrawn.
Following the objector consultation meeting the applicant responded with a response to each key item raised, these comments have been considered in this assessment. The applicant retains their position that the proposal is appropriate in its current form.

4. 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

- 10 Planning Policy Framework
- 11 Settlement
- 12 Environmental and Landscape Values
- 13 Environmental Risks and Amenity
- 14 Natural Resource Management
- 15 Built Environment and Heritage
- 15.01 Built Environment
- 15.02 Sustainable Development
- 15.03 Heritage
- 16 Housing
- 16.01 Residential Development
- 18 Transport
- 19 Infrastructure
- Clause 21.02 Bayside Key Issues and Strategic Vision
Item 4.5 – Matters of Decision

- Clause 21.03 Settlement and Housing
- Clause 21.04 Environmental and Landscape Values
- Clause 21.05 Environmental Risks
- Clause 21.06 Built Environment and Heritage
- Clause 21.09 Transport and Access
- Clause 21.10 Infrastructure
- Clause 22.06 Neighbourhood Character Policy (Precinct E3)
- 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
- 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. Strategic Justification

The Melbourne metropolitan planning strategy Plan Melbourne and other State based strategy has informed the development of the Planning Policy Framework within the Scheme. Planning should (amongst other criteria) make a positive contribution to local urban character and sense of place. Furthermore, it should reflect the particular characteristics, aspirations and cultural identity of the community. The clause sets out a list of strategies to achieve this. Clause 16 states that planning should provide for housing diversity and makes better use of existing infrastructure.

The subject site is located in an area identified as minimum residential growth in the Bayside Key Issues and Strategic Vision (Clause 21.02) and is outside of any identified activity centre. The intent of the Minimum Residential Growth Area is to maintain the low density scale of the residential area. Key issues identified in this clause include the need to manage growth associated with population growth and its impacts and the need to direct population growth into appropriate locations.

The proposed development would result in a higher density development than is characteristic of the area. The subject site is located within the Neighbourhood Residential Zone. One of the purposes of this zone is to manage and ensure that the development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. The decision guidelines require consideration of Victoria and local planning policies, as set out above, together with the purpose of the zone.

Whilst the Neighbourhood Residential Zone is an area designated for minimal growth it is considered reasonable for a unique site of this size, benefitting from two street frontages and located within the Principal Public Transport Network, is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.

The development as proposed is not site responsive and does not respect the prevailing character of the area. Higher density development such as that proposed is directed to be located within and around activity centres. Clause 21.06-1.1 notes a key issue as,
"development pressures and poorly designed and sited medium density housing ... can erode the preferred character and quality of some residential areas".

This development is considered to be at odds with the prevailing character of the area. These aspects are considered in more detail below in the following chapters of this report.

5.2. Neighbourhood character

The site is located within Neighbourhood Character Precinct E3. The proposal is considered to demonstrate an unacceptable level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 2.

In summary, the proposed design fails to respond to the existing development within the area and would introduce a dominant built form in two well established streetscapes.

The proposed development is setback from all boundaries with compliant ground floor side setbacks. Variations to the front and upper floor setbacks are also sought as discussed under Standard B17 below. The setbacks provide some opportunities for landscaping but are considered to fall short on meeting the bar set by the existing and preferred character of the area, particularly when viewed behind a 1.8 metre high front fence. The development pattern features a strong ‘backyard-scape’ with a sense of spaciousness and openness which the proposed variations to the front and side setbacks and narrow visual break central to the site undermines.

The continuous two storey built form presented to the east and west site boundaries is uncharacteristic and will appear anomalous in the development pattern of the area. This proposed built form also results in a long central pedestrian pathway with poor internal amenity. The approach of incorporating a central divide, providing visual separation between the built forms as they present to the streetscapes is an acceptable approach. The proposed separation distance however and the resultant internal amenity and sense of address to the central dwellings in particular is considered to be ordinary. Although there is a landscaping area either side of the central pedestrian accessway, the vegetation that can be reasonably established in this area would fail to soften the appearance of the sheer walls.

The proposed roof pitches are acknowledged as a positive and contemporary interpretation of the roof profiles found within the area. The proposed apex of the roof centrally to the site is also supported in concept as it reduces the bulk presented to the adjoining properties. It is however likely that given oblique views along the streetscape of both Abbott and Vincent Street it is unlikely that the pitched roof form will appreciated in its context, particularly when looking directly at the front façade as framed protruding balconies (off-wall dormer) will dominate the front facades and the pitched roof features which are characteristic of the area is not appreciated.

The continuous built two storey built form across the length of the site will create a building mass that is contrary to the outcomes sought by local policy. The sheer walls with minimal articulation to the side elevations will present building bulk when viewed from areas of secluded private open space.

5.3. 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:

Integration with the street (Standard B5)

The development will not appropriately integrate with the Abbott Street frontage due to the finer grain development pattern of the area. The reduced front setbacks at ground and first floor level, in a streetscape where well landscaped front gardens and recessed upper floor elements feature, will result in a robust built form that will dominate the streetscape.
In relation to Vincent Street, the subject site is currently read as the rear of Abbott Street. The development would present alongside a carport associated with 1 Collingwood Street and a large area of open space associated with 6-8 Vincent Street.

The front setbacks to Vincent Street, particularly to Townhouse 1, are limited and are not staggered to respond to the diagonal frontage or the 4 metres setbacks requirement at this location.

The overall building height at 8.85 metres is consistent with the overall building heights found along both streetscapes. Notwithstanding compliance, the proposed development features shear double storey walls. The introduction of increased setbacks at first floor level would allow the contemporary interpretation of the pitched roof form to be read within the streetscape but as currently proposed the framed protruding balconies limit views towards a feature which would typically assist with integrating the development within the streetscape.

Street setback (Standard B6)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott Street</td>
<td>8.8m</td>
<td>6.8m, 7.16m and 7.6m at ground floor</td>
<td>1.2m to 2m at ground floor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7.7m and 8.06m at first floor</td>
<td>0.74m to 1.1m at first floor</td>
</tr>
<tr>
<td>Vincent Street</td>
<td>4m</td>
<td>1.85m to 9.88m at ground floor</td>
<td>2.15m at ground floor</td>
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<td></td>
<td></td>
<td>1.99m to 10.78m at first floor</td>
<td>2.01m at first floor</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 proposed variations to Abbott Street are generally not supported as the built form steps forward of both adjoining properties, disrupting the street rhythm. As the first floor level is not recessed behind the ground floor wall, the non-compliances are more apparent from oblique views along Abbott Street.

The proposed variations to the Vincent Street front setback are considered to be at odds with the prevailing character of the streetscape. The site features a diagonal frontage and the proposal seeks to present the setback to Townhouse 1 at 1.85 metres in lieu of the required 4 metres (indicative of other street setbacks to the south side of Vincent Street). It is considered that the street setbacks to Vincent Street should be staggered to better respond to the development pattern of the street.

Balconies at first floor level encroach into the front setback by 1.2m. These encroachments are considered to provide articulation to the front façades but as discussed above further emphasise concerns relating to the proposed scale and massing of the built form on site.

Site coverage (Standard B8)

<table>
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<tr>
<th>Required</th>
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</thead>
<tbody>
<tr>
<td>50%</td>
<td>55%</td>
<td>5%</td>
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</table>

The subject site is unique within the area due to its size and presentation to both Abbott and Vincent streetscapes. Given the regular shape, the site is considered to have limited constraints and thus the proposed variation is indicative of development that is not site responsive. Compliant front and side setbacks, coupled with greater separation internal to the development would likely result in a compliant site coverage.
Energy Efficiency (Standard B10)
Due to the orientation of the site it is inherently difficult to provide all proposed townhouses with a high level of solar access. Notwithstanding this, the proposed layout fails to solar access to areas of secluded private open space and a high number of dwellings will rely on secondary light sources.

Safety (Standard B12)
The pedestrian entry points to the centrally located dwellings are not readily identifiable from the street and will not benefit from good solar access or passive surveillance as all eastern internal facing windows are screened to prevent internal views.

Side and rear setbacks (Standard B17)

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
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<td></td>
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<td>Proposed</td>
<td>Requirement</td>
<td>Proposed</td>
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<tr>
<td><strong>East</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>(side)</strong></td>
<td>3.2m</td>
<td>2.99m and 3.6m</td>
<td>3.74m</td>
<td>3.25m and 3.6m</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>(side)</strong></td>
<td>3.2m</td>
<td>2.99m and 3.6m</td>
<td>3.74m</td>
<td>3.25m and 3.6m</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 first floor east and west setbacks seek a variation between 0.14 metres and 0.49 metres. The resultant reduction in setbacks on addition to the length of wall to which it relates (two built forms of 23 metres each) is considered to result in an unreasonable level of visual bulk to adjoining properties, particularly the western boundary which provides a backdrop to areas of secluded private open space for 1, 3, 3A Collingwood Street and 107 Abbott Street.

It is important to note that whilst Council is generally supportive of the contemporary roof form and offsetting the pitch with resultant massing centrally to the site, the facade articulation to the east and west site boundaries are limited and features only timber cladding and timber screening.

The visual break provided between Townhouses 3 and 4 and Townhouses 9 and 10 to the east and western boundaries respectively is considered to provide limited visual relief to adjoining properties.

It is further noted that there are no proposed eaves incorporated within the design which is a feature of many properties within the area.

Dwelling Entry (Standard B26)
The development fronts both Abbott Street and Vincent Street. Entries are not considered to be clearly identifiable entry with dedicated pedestrian pathway being in constant shadow.

The entry doors to each dwelling are concealed and do not provide a sense of personal address. The pedestrian access path is a 53 metre long linear arrangement with no activation or breaks in built form that would otherwise provide visual relief.

Dwelling Entry (Standard B28)
All residences but for Townhouse 11 meets the requirements of this standard and are provided with adequate private open space for the reasonable recreation and service needs of residents.
It is noted that Clause 32.09-4 of the Bayside Planning Scheme requires a minimum garden area at ground floor level of 35% of the site area. This equates to 623m². A total of 748m² has been provided, equating to 42% garden area. It is acknowledged that this minor variation could be addressed through a permit condition, particularly given previous comments regarding site coverage.

Solar Access (Standard B29)

Due to the site orientation it is inherently difficult for all townhouses to have northern solar access.

- In the morning, all areas of secluded private open space associated with Townhouses 7 to 12 (fronting western site boundary) will be substantially overshadowed until 11am.
- By midday, all townhouses will receive optimum solar access. Townhouses 6 and 7 will be the worst affected but will still benefit from a usable area of secluded private open space based on the sunlight it will receive.
- In the afternoon, all areas of secluded private open space associated with Townhouses 1 to 6 (fronting eastern site boundary) will be substantially overshadowed.

It is considered that increase side setbacks, particularly at first floor level and the introduction of a visual break central to the site would facilitate improved solar access to the proposed development. Such a change would likely require a reduction in the number of dwellings proposed.

Front Fences (B31)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott Street</td>
<td>1.2m</td>
<td>1.8m</td>
<td>0.6m</td>
</tr>
<tr>
<td>Vincent Street</td>
<td>1.2m</td>
<td>1.8m</td>
<td>0.6m</td>
</tr>
</tbody>
</table>

A render and picket front fence of 1.8 metres in height is proposed to the front boundary of both streetscapes. Pursuant to Standard B32 a front fence to a maximum of 1.2 metres in height is provided preferred. The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

The proposed variation sought is necessitated by the reliance of the front setbacks to each street being used as area of secluded private open space. It is acknowledged that the picket elements will provide for some views into areas nominated for landscaping (and as such compromising the privacy associated with these areas) but given the height of the fence it is considered that the proposed fence profiles whilst complementing the architectural design of the proposal fails to allow the garden setting to lend itself to the street scene or allow the townhouses to activate the street.

Site Services (Standard B33)

The proposed pedestrian access pathway within the development at ground floor level may give rise to future management difficulties given the lack of communal surveillance to this area as a result of all eastern inward facing windows being screened.

Air conditioning, hot water systems and clothes lines have not been indicated on the plans. There is sufficient space around the townhouses to accommodate all services; however given the proximity to neighbouring properties, a condition of approval is recommended to ensure the locations of all services are appropriately located away from habitable room windows to minimise noise impacts.
5.4. Landscaping

A referral response from Council's Arborist has not been completed at the time of finalising this report. Notwithstanding this, the vegetation on the existing site comprises of a single quality large tree with perimeter plantings of various qualities and generally medium to small in size. The landscape character of the wider area is of occasional large trees with moderate to smaller trees in front and rear setbacks.

Information currently available to Council officers however indicated that the retention of the Liquidambar tree (Tree 4 as reference in the John Patrick Arboricultural Report dated May 2018) is supported. The Tree Impact Assessment however does not provide a high level of comfort at this stage detailing how this can occur. The report is relying on assumptions and does not include any form of root mapping to confirm the soil volume that is reasonably assumed to include root colonisation. The assumption extends to the footing system of the dwelling and the extent it has limited root growth. These assumptions are reasonable but not reliable unless supported by some evidence. It is further noted that this report fails to satisfy Council's Arborist that the Scarlet-flowered Gum (Tree 6) and other vegetation to the adjoining site boundary at 111 Abbott Street can be reasonably retained.

In respect of the proposed landscaping plan it is considered that the proposed setbacks are insufficient to accommodate a reasonable level of canopy tree planting.

5.5. Street trees

The street tree located to the Vincent Street frontage and identified as Tree 25 in the John Patrick Landscape Architects report dated May 2018 (cited as a Pin Oak at Page 6 and a Liquidambar at Page 15, the latter being correct) will be at risk being damaged during the construction process.

The three street trees along the Abbott Street, identified as Trees 1, 2 and 3 in the John Patrick Landscape Architects report dated May 2018, have very limited access around them that will be limited further once tree protection fencing is installed. They will be at risk to above and below ground damage thought out the construction process.

Council's Park's Arborist has identified that all street trees will require protection during the demolition and construction.

Should a planning permit issue, a condition requiring a Tree Management Plan will be required as a condition of permit.

5.6. Car parking and traffic

Access

Council's Traffic Engineer has offered no objection to the proposed access arrangements subject to conditions relation to the provision of suitable sight triangles where ramp intersect with the footpath to view oncoming traffic when vehicles are exiting the basement. Draft plans provided by the applicant demonstrates that this can be achieved comfortably on site.

Concerns raised by objectors relating to non-compliance with AS2890.1 (i.e. opposite "T" intersection) have been considered by Council's Traffic Engineer who notes the ramp does not require passing bay at the entrance according to Planning Scheme. However, the access point is located within a prohibited location under the AS2890.1, the proposal involves 12 residential units. It is therefore recommended that the ramp to be treated at least with 'stop-go signal system' along with priority given for vehicles entering the basement which would ultimately help to avoid the delay and impact on Vincent Street. The permit applicant has provided details to Council which has been referred to Council's Traffic Engineer who is satisfied with the details provided. This could form a condition of permit.

Car Parking

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. A total of 24 private car parking spaces have been provided with one visitor car parking space.

Pursuant to Amendment VC148 and the site being designated as being within the Principal Public Transport Network. The effect of this amendment is that the original requirement for the provision of two visitor car parking spaces (as advertised prior to the introduction of VC 148) is no longer mandatory. Please refer to Section 2 of this report for further discussion.

Concerns have been raised in relation to increased car parking congestion however it is considered that the proposed development will not unreasonably impact on the car parking network in the street. In addition, car parking congestion was not raised as a concern by Council’s Traffic Engineer.

Waste Management
A Waste Management Plan has been provided to Council and has been reviewed and supported by Council’s Waste Management Officer. The Leigh Waste Management Plan dated 11 July 2018 proposes a Council kerbside collection with bins to be stored within the basement and placed along the both Abbott and Vincent Street frontages. Whilst this arrangement could conceivably work due to the width of the frontage, it is not however supported by Council’s Traffic Engineer due to sight lines and safety. Further it is considered to be inconvenient and result in poor amenity resulting in the nature strip being dominated with bins on collection days.

It is considered that a private waste collection should occur within the basement. It is likely that such an arrangement could be accommodated with the deletion of the visitor car parking space (not required pursuant to Clause 52.06) and minor internal reconfigurations at basement level could accommodate a waste collection vehicle.

5.7. 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.

5.8. Development contributions levy
The subject site is located within catchment area 13.
Based on the proposed application and the below recommendation, a payment of $22,220 would be required as a condition of permit if a Notice of Decision to Grant a permit was recommended.

5.9. 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.
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 5/2018/353/1 for the land known and described as 109 Abbott Street SANDRINGHAM, for the construction of 12 townhouses with basement car parking and a front fence exceeding a height of 1.2 metres on the following grounds:

1. The proposed development of the land does not meet with the purpose of the Neighbourhood Residential Zone as follows:
   a) The proposal does not respect the existing or preferred neighbourhood character of the area due to the built form, scale, mass and design detail of the building.
   b) The residential buildings do not comply with numerous objectives, standards and decision guidelines of Clause 55.

2. The proposal does not respect the existing neighbourhood character or preferred neighbourhood character as outlined within Precinct E3 of Clause 22.06 of the Bayside Planning Scheme due to:
   a) The proposal failing to ensure that new buildings do not dominate the streetscape through the built form, scale, mass and design detail of the building.
   b) The proposal fails to develop the area in a manner that conserves and enhances its valued character.
   c) The proposal failing to reflect the lightness and openness of the streetscape.
   d) The proposal fails to maintain a strong landscape character of residential buildings set within vegetated front gardens and streetscapes.

3. The proposal does not comply with the following standards and objectives of Clause 55 and of the Bayside Planning Scheme:
   a) Clause 55.02-1, Standard B1, Neighbourhood character – The proposal does not provide an appropriate design response to the neighbourhood and site or respect the existing or preferred neighbourhood character with regards to built form, scale, mass, design detail of the building and enhancing the garden setting of the area.
   c) Clause 55.02-5, Standard B5, Integration with the street objective – The proposal fails appropriately integrate with the Abbott and Vincent Street streetscape. The proposal fails to respond to prevailing setbacks and the openness of the streetscapes due to high front fences.
   d) Clause 55.03-1, Standard B6, Street setback – The proposal fails to provide the minimum street setback that respects the existing or preferred neighbourhood character.
   e) Clause 55.03-3, Standard B8, Site coverage – The proposal fails to ensure that the site coverage respects the existing or preferred neighbourhood character and respond to the features of the site.
   f) Clause 55.03-5, Standard B10, Energy efficiency – Habitable rooms and area of secluded private open space areas are not located to maximise solar access.
   g) Clause 55.03-7, Standard B12, Safety – Entrances to the centrally located dwellings are obscured and will be overshadowed. The access path to these dwellings will not benefit from a high level of surveillance.
h) Clause 55.03-8, Standard B13, Landscaping – The development fails to provide an acceptable level of landscaping and fails to respect the landscape character of the neighbourhood.

i) Clause 55.04-1, Standard B17, Side and rear setbacks – The proposal fails to ensure that the setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

j) Clause 55.05-2, Standard B26, Dwelling entry – Fails to ensure each dwelling entry is clearly visible and easily identifiable or provide a transitional space to the entry.

k) Clause 55.05-5, Standard B29, Solar access to open space – The proposal fails to provide for adequate solar access into the secluded private open space of new dwellings.

l) Clause 55.06-2, Standard B32, Front fences – The proposed fence design does not respect the existing or preferred neighbourhood character of both Abbott and Vincent Street.

m) Clause 55.06-3, Standard B33, Common property – The proposed common access way within the development at ground level may give rise to future management difficulties.

4. The proposed access arrangements fail to provide safe and convenient entry and egress from the development in accordance with Clause 52.06 of the Bayside Planning Scheme.

5. The proposed development fails to provide for safe and convenient waste management services.
Figure 1: Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
</tbody>
</table>
Figure 2. 3 and 4 View towards the southern site boundary with Abbott Street
Figure 3. 3 and 4 View towards the southern site boundary with Abbott Street
Figure 4, 3 and 4 View towards the southern site boundary with Abbolt Street
Figure 5 View towards the site, along Vincent Street, looking west
Figure 6 View towards the site, along Vincent Street, looking east
Figure 7 View towards 8A and 8B Vincent Street

Figure 8 View towards 39 and 39A Vincent Street which has approval for a 4 unit development
**Neighbourhood Character Precinct E3**

**Preferred Future Character Statement**

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

### Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>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 and be appropriate to the building era.</td>
<td>Demolition of dwellings that contribute to the valued character of the Precinct.</td>
<td>Responds The existing dwelling on site is not protected by a heritage Overlay or Neighbourhood Character Overlay. The proposed development is not considered to make a good fit within the streetscape for the reasons outlined in the body of this report.</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 proposed development provides opportunities for landscaping however it is considered increased side setbacks requirements would improve opportunities to soften the presentation of the development to the respective streets and adjoining properties Refer to Section 5.4 of the report for further discussion</td>
</tr>
<tr>
<td>To provide space for front gardens.</td>
<td>- Buildings should be sited to allow space for the planting of trees and shrubs.</td>
<td>Loss of front garden space.</td>
<td>Does not respond Refer to Section 5.4 of the report for further discussion</td>
</tr>
<tr>
<td>To maintain the rhythm of spacious visual separation between buildings.</td>
<td>- Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation</td>
<td></td>
<td>Does not respond The proposed side setbacks coupled with a central break, featuring development along the east and west boundaries is an approach that is generally supported. Notwithstanding this, the limited 2.8 metres break between the rows of townhouses and the presentation of sheer walls / lack of first floor setbacks falls to adopt the finer grain elements of both streetscapes that disrupts the street rhythm</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
</tr>
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</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.  
  • Minimise paving in front garden areas including driveways and crossovers. | Car parking structures that dominate the façade or view of the dwelling.  
  Front setbacks dominated by impervious surfaces. | Responds  
The proposed access arrangements off Vincent Street are not considered to dominate the site frontage to Vincent Street. |
| To ensure new development respects the dominant building scale and forms within the streetscape. | • Recess upper storey elements from the front façade.  
  • Incorporate pitched roof forms with eaves. | Does not respond  
The proposed built forms incorporates pitched roof forms which is a robust feature of the streetscapes.  
The proposed sheers walls however result in reduced setbacks to adjoining built forms which often feature recessed upper floors and as such read as finer grain elements in the streetscape. |
| To use lighter looking building materials and finishes that complement weatherboard where it predominates in the streetscape. | • Incorporate timber or other non-masonry wall materials where possible. | Heavy materials and design detailing where weatherboard predominates (eg. Large masonry columns and piers) | Responds  
The proposed materials schedule is considered satisfactory however the composition of the timber cladding and timber screening which dominates both the east and west elevation could be improved with a greater variety of materials. |
| To maintain the openness of the streetscape.                              | • Provide open style front fences, other than along heavily trafficked roads.  
  • Front fence style should be appropriate to the building era. | High, solid front fencing | Does not respond  
A 1.8 metre high front fence is proposed to both Abbott and Vincent Street. Whilst the fence height is indicative with other fences within the area. Proposed pickets allows for limited views into the front setbacks which are proposed to feature some existing (Liquidambar Tree 4) and proposed vegetation. This design response is considered to be inconsistent with the preferred neighbourhood character. |
### 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 To construct or extend a dwelling in or forming part of an apartment development.</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>
</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>No</td>
<td>Refer to Attachment 2.</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 (as amended). Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td>No</td>
<td>Refer to ‘Strategic Justification’ section of the report for an assessment of the proposal against the relevant policy context.</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>Yes</td>
<td>The development comprises of 9 x 3 bed townhouses and 3 x 4 bed townhouses. Three townhouses feature a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong> Provides appropriate utility services</td>
<td>Yes</td>
<td>The proposal will make use of existing infrastructure servicing the site.</td>
</tr>
<tr>
<td>B5 Integration with the Street</td>
<td>No</td>
<td>Refer to Attachment 2 and Sections 5.2 and 5.3 of this report for further discussion.</td>
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</tr>
<tr>
<td>Integrate the layout of development with the street</td>
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<tr>
<td>and infrastructure without overloading the capacity.</td>
<td>developer will be responsible for upgrading this infrastructure if necessary to accommodate the development. Council’s drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.</td>
<td></td>
</tr>
</tbody>
</table>
## CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **B6 Street Setback**  
The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. | No | Requirement to Abbott Street: 8.8m.  
Proposed: 6.8m, 7.16m and 7.8m at ground floor  
7.7m and 8.06m at first floor  
Requirement to Vincent Street: 4m.  
Proposed: 1.85m to 9.88m at ground floor  
1.99m to 10.78m at first floor  
Balconies at first floor level encroach into the front setback by 1.2m. These encroachments are considered to provide articulation to the front façades.  
Refer to Sections 5.3 of this report for further discussion. |
| **B7 Building Height**  
Building height should respect the existing or preferred neighbourhood character. | Yes | Maximum: 9m.  
Proposed: 8.85 metres  
It is noted that the basement at no point rises more than 0.4m above natural ground level. |
| **B8 Site Coverage**  
Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | No | Maximum: 50%  
Proposed: 55%  
Refer to Sections 5.3 of this report for further discussion. |
| **B9 Permeability**  
Reduce the impact of stormwater runoff on the drainage system and facilitate on-site stormwater infiltration. | Yes | Minimum: >20%  
Proposed: 22% |
| **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. | No | Refer to Sections 5.3 of this report for further discussion. |
| **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. Access to the dwellings is not considered to be communal open space for recreational needs. |
| **B12 Safety**  
Layout to provide safety and security. | No | Refer to Sections 5.3 of this report for further discussion. |
for residents and property.

<table>
<thead>
<tr>
<th>B13 Landscaping</th>
<th>No</th>
<th>The siting of the development does create sufficient opportunities for meaningful landscaping, particularly along the east and west property boundaries. See Section 5.4 of the report for further discussion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide appropriate landscaping.</td>
<td></td>
<td></td>
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<tr>
<td>To encourage:</td>
<td></td>
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<tr>
<td>- Development that respects the landscape character of the neighbourhood.</td>
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<tr>
<td>- Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</td>
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<tr>
<td>- The retention of mature vegetation on the site.</td>
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<table>
<thead>
<tr>
<th>B14 Access</th>
<th>Can be addressed through permit conditions</th>
<th>See Section 5.6 of the report for further discussion.</th>
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</thead>
<tbody>
<tr>
<td>Ensure the safe, manageable and convenient vehicle access to and from the development.</td>
<td></td>
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<tr>
<td>Ensure the number and design of vehicle crossovers respects neighbourhood character.</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>B15 Parking Location</th>
<th>Yes</th>
<th>On site car parking is provided in the form of a basement carpark. Refer to Section 5.6 of the report for further discussion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide resident and visitor vehicles with convenient parking.</td>
<td></td>
<td></td>
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<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>
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</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>No</td>
<td>Refer to Section 5.3 of the report for further discussion.</td>
</tr>
<tr>
<td>Ensure the height and setback respects</td>
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<td>the existing or preferred</td>
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<td>neighbourhood character and limits the</td>
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<tr>
<td>amenity impacts on existing dwellings.</td>
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<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
<th>Proposed</th>
<th>Requirement</th>
<th>Proposed</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>East (side)</strong></td>
<td></td>
<td>3.2m</td>
<td>2.99m and 3.6m</td>
<td>3.74m</td>
<td>3.25m and 3.6m</td>
</tr>
<tr>
<td><strong>West (side)</strong></td>
<td></td>
<td>3.2m</td>
<td>2.99m and 3.6m</td>
<td>3.74m</td>
<td>3.25m and 3.6m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B18 Walls on Boundaries</th>
<th>N/A</th>
<th>There are no walls proposed to be constructed on the boundary.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure the location,</td>
<td></td>
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<tr>
<td>length and height of a</td>
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<tr>
<td>wall on a boundary respects the existing or preferred</td>
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<td>preferred neighbourhood</td>
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<tr>
<td>character and limits the</td>
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<tr>
<td>amenity impacts on existing dwellings.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>B19 Daylight to Existing Windows</th>
<th>Yes</th>
<th>The development has been sufficiently setback from all habitable room windows to abutting properties.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow adequate daylight into</td>
<td></td>
<td></td>
</tr>
<tr>
<td>existing habitable room windows.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B20 North Facing Windows</th>
<th>Yes</th>
<th>North-facing windows associated with 107 Abbott Street are located within 3 metres of the common boundary. It is unclear if these windows are to habitable rooms. Notwithstanding this, the proposed development is sufficiently offset in accordance with this Standard to demonstrate compliance.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow adequate solar access</td>
<td></td>
<td></td>
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<tr>
<td>to existing north-facing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>habitable room windows.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B21 Overshadowing Open Space</th>
<th>Yes</th>
<th>Additional overshadowing will occur in the morning to the adjoining properties to the west and in the afternoon to the adjoining driveway to the east. Additional overshadowing is within the reasonable limits of the standard.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure buildings do not</td>
<td></td>
<td></td>
</tr>
<tr>
<td>significantly overshadow</td>
<td></td>
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</tr>
<tr>
<td>existing secluded private</td>
<td></td>
<td></td>
</tr>
<tr>
<td>open space.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B22 Overlooking</th>
<th>Yes</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit views into</td>
<td></td>
<td></td>
</tr>
<tr>
<td>existing secluded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>private open space and habitable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>room windows.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| B23 Internal Views | Can be addressed through permit conditions | All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been treated appropriately in accordance with this Standard.
At ground floor level internal fencing heights have not been nominated but it is noted this concern could be addressed through a standard condition.
Notwithstanding the compliance with the standard it is considered the heavy reliance and resultant restriction to solar access along the internal accessway is a poor design response. |
| B24 Noise Impacts | Yes | It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.
A condition of permit could ensure all air condition and site services are appropriately located to minimise noise impacts. |
### CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B25 Accessibility</td>
<td>Yes</td>
<td>Entries are accessible for people with limited mobility with a lift provided from the 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>B26 Dwelling Entry</td>
<td>No</td>
<td>Refer to Section 5.3 of the report for further discussion</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Yes</td>
<td>All habitable windows will open out onto a space clear to the sky.</td>
</tr>
</tbody>
</table>
| B28 Private Open Space                                      | No                       | Minimum:
A hallway 25m² secluded, 40m² overall with a minimum dimension of 3 m;
A balcony of 8m² with a minimum width of 1.6m.
Proposed: See below and Section 5.3 of this report for further discussion. |

<table>
<thead>
<tr>
<th>Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse 1</td>
<td>58</td>
</tr>
<tr>
<td>Townhouse 2</td>
<td>41</td>
</tr>
<tr>
<td>Townhouse 3</td>
<td>50</td>
</tr>
<tr>
<td>Townhouse 4</td>
<td>49</td>
</tr>
<tr>
<td>Townhouse 5</td>
<td>40</td>
</tr>
<tr>
<td>Townhouse 6</td>
<td>103</td>
</tr>
<tr>
<td>Townhouse 7</td>
<td>106</td>
</tr>
<tr>
<td>Townhouse 8</td>
<td>42</td>
</tr>
<tr>
<td>Townhouse 9</td>
<td>54</td>
</tr>
<tr>
<td>Townhouse 10</td>
<td>54</td>
</tr>
<tr>
<td>Townhouse 11</td>
<td>35</td>
</tr>
<tr>
<td>Townhouse 12</td>
<td>49</td>
</tr>
</tbody>
</table>

| B29 Solar Access to Open Space                             | No                         | See Section 5.3 of the report for further discussion.                                                                                   |
| B30 Storage                                                 | Yes                        | Designated storage areas are provided to within the basement level.                                                                     |
### CLAUSE 55.06 DESIGN DETAIL

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B31 Design Detail</strong></td>
<td>Yes</td>
<td>Refer to Section 5.2 of the report for further discussion.</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>No</td>
<td>Required: 1.2 metres</td>
</tr>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td>Proposed: 1.8 metres</td>
<td></td>
</tr>
<tr>
<td><strong>B33 Common Property</strong></td>
<td>No</td>
<td>See Section 5.3 of this report for further discussion.</td>
</tr>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B34 Site Services</strong></td>
<td>Yes</td>
<td>All appropriate site services can be easily catered for on-site. Mails boxes are shown to adjoin the pedestrian entry with waste storage provisions being provided within the basement level. A condition could require the location of solar hot water systems and air conditioning units to be located away from adjoining habitable room windows.</td>
</tr>
</tbody>
</table>
1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Amend a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Mr D Johnson</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants or S173 Agreements.</td>
</tr>
<tr>
<td>Date application received</td>
<td>9 October 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>19 – Amended 24/01/2019</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Development and Contribution Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>1213.14m²</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, however a cultural heritage management is not required.</td>
</tr>
</tbody>
</table>

Proposal

The application seeks approval to amend the permit pursuant to Section 72 of the Planning and Environment Act 1987.

The list of the proposed amendments is as follows:

Main Building

- Various minor changes to size and location of windows. No additional overlooking opportunities arise.
- Very minor changes to ceiling heights (overall building height would not change).
- Extend length of unit 4 first floor deck 2 (located at the front of the site) by 850mm and delete the stairs.

Rear Outbuilding

Existing rear outbuilding has been demolished. The previous scheme sought to retain the external structural elements and extend on this. The following changes would now apply when the two plans are compared:

- Southern wall on boundary amended from between 3.5m and 3.6m, to between 3.2m and 3.9m.
- External material of southern wall on boundary changed from face brick to render.
• Eastern wall on boundary amended from between 3.6m and 5.6m, to between 3.9m and 6.0m.
• External material of eastern wall on boundary changed from face brick to render.
• Ground floor ceiling height increased from 2.4m to 2.7m.
• First floor ceiling height reduced from 2.5m to 2.4m.
• Various changes to the west façade, including window modifications (no additional overlooking).
• Change to external stairwell location.
• Internal layout changes;
• Pool reduced in size.

The application plans are provided at Attachment 1.
The plans currently endorsed are provided at Attachment 2.
An aerial image and photographs of the site and surrounds are provided at Attachment 3.

History
Planning Permit 2016/421/1 was issued by Council on 11 January 2017.
The permit allows for additions and alterations to an existing residential building with two or more dwellings on a lot and a front fence exceeding 1.2 metres.
Plans were endorsed by Council on 18 July 2018 (Attachment 2).

2. Planning controls
Pursuant to Section 72 of the Planning and Environment Act 1987, the ambit of discretion is limited to the proposed changes sought by the applicant. Consideration cannot be given to elements already approved as part of the original application but not sought to be amended.

Original Planning Permit requirements
A planning permit is required pursuant to:
• Clause 32.09-6 (Neighbourhood Residential Zone) – Construction and extension of two or more dwellings on a lot and construction of a front fence exceeding 1.2 metres.

Planning permit requirements associated with this amendment:
• There are no new triggers associated with the proposed amendment for this permit.

Planning Scheme Amendments
Amendment VC110 was gazetted on 27 March 2017 and introduced a minimum garden area for lots 400sqm and above, amended the mandatory height controls and the deleting the minimum number of dwellings allowed per lot in the Neighbourhood Residential Zone.
Transitional provisions at clause 32.09-14 state that planning applications received or approved prior to the introduction of VC110 are not subject to the policy changes as described.
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 3 objections were received. All objections related to the one property to the rear of the site.

   3 objections remain outstanding at the time of this report.

   The following concerns were raised:
   - Object to additional height of rear wall on boundary;
   - Now that the existing rear outbuilding is being demolished, it should be reconstructed in accordance with ResCode Standards (with respect to wall heights)
   - Unhappy with how the existing wall on boundary was demolished without notification.
   - First floor rear deck area has changed from a service area to a recreation area.
   - Overlooking.

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

   Consultation meeting
   A consultation meeting was not held for this application.

   Under usual circumstance, these three objections would be considered one objection, as they all relate to the one property (6 Cole Street). There is a technicality here whereby each objector has provided a different address.

4. Recommendation

   That Council resolve to issue a Notice of Decision to Amend a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2016/421/1 for the land known and described as 1/8 Cole Street Brighton, for the additions and alterations to an existing residential building with two or more dwellings on a lot and a front fence exceeding 1.2 metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

   1. Before the use and/or development start/s, 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 (Council date stamped 7 October 2016) but modified to show:
a) The Eastern boundary fence providing a visual barrier to a minimum height of 1.8 metres in accordance with Standard B22.

b) The two windows serving the family room of dwelling four and the two enlarged windows serving bedroom one of dwelling four in the eastern elevation at first floor level to either be screened, obscure glazed or have raised sill levels in accordance with Standard B22.

c) Existing crossover adjacent to the eastern boundary to be removed and reinstated to a width of 3.6 metres and offset from the eastern boundary by 0.8 metres.

d) Parking space accessed from eastern crossover to be a minimum of 2.7 metres in width and with a gradient that does not exceed 1 in 16 in accordance with AS2890.1.

e) Existing crossover adjacent to the western boundary to be removed and reinstated to a width of 3 metres and offset from the western boundary by 0.8 metres.

f) A minimum of 5.2 metres of aisle width to be clear of all obstructions and vegetation for the 90 degree parking spaces.

g) Adequate sightlines provided where each driveway intersects with the front footpath in accordance with AS2890.1.

h) Soil volume between the pool and the southern boundary fence to be retained and no compaction of this soil to take place.

i) No soil excavation to occur within 2.9 metres of the tree stem of the Norfolk Island Hibiscus (*Lagunaria patersonii*) located on the nature strip fronting the property.

j) Tree protection plan in accordance with condition 12.

k) The wall along the southern boundary must be amended such that it does not exceed the height of the previously approved wall at any point (this condition relates to the wall only, not the associated screening).

2. The use and/or development as shown on the endorsed plans must not be altered 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, 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.

5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

6. Before occupation, 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 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.

8. Before the occupation of the development starts, the area(s) set aside for vehicle parking and access ways 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.

9. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

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.

12. Before the development starts, 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.

13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for
implementing the Tree Management Plan must be submitted to the Responsible Authority.

15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

16. 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.

17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.

18. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

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
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The applicant must clearly identify what impact, if any the proposed vehicle crossing will have 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 to provide the required access to the proposed development.
The following table is to be added at the end of the permit:

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 February 2019</td>
<td>Amendment to the permit under Section 72 of the Planning and Environment Act 1987 to:</td>
</tr>
<tr>
<td></td>
<td><strong>Include the following condition:</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Addition of condition 1(k)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Approve changes to the plans as follows:</strong></td>
</tr>
<tr>
<td><strong>Main Building</strong></td>
<td>- Various minor changes to size and location of windows. No additional overlooking opportunities arise.</td>
</tr>
<tr>
<td></td>
<td>- Very minor changes to ceiling heights (overall building height would not change).</td>
</tr>
<tr>
<td></td>
<td>- Extend length of unit 4 first floor deck 2 (located at the front of the site) by 850mm and delete the stairs.</td>
</tr>
<tr>
<td><strong>Rear Outbuilding</strong></td>
<td>- Rear building demolished and now reconstructed.</td>
</tr>
<tr>
<td></td>
<td>- Changes to wall on boundary heights.</td>
</tr>
<tr>
<td></td>
<td>- Amendment to ceiling heights.</td>
</tr>
<tr>
<td></td>
<td>- Various changes to the west façade, including window modifications (no additional overlooking).</td>
</tr>
<tr>
<td></td>
<td>- Change to external stairwell location.</td>
</tr>
<tr>
<td></td>
<td>- Internal layout changes;</td>
</tr>
<tr>
<td></td>
<td>- Pool reduced in size.</td>
</tr>
</tbody>
</table>

5. Council Policy

**Council Plan 2017-2021**

Relevant objectives of the Council plan include:

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

Relevant strategies of the Council plan include:

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

- Clause 9  Plan Melbourne
- Clause 11  Settlement
- Clause 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 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 55  Two or more dwellings on a lot
- Clause 65  Decision Guidelines

6. Considerations

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

The consideration of the amendments is limited to the proposed changes sought by the applicant. Consideration has not been given to elements already approved as part of the original application but not sought to be amended.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct C1. The proposal is considered to still demonstrate a high level of compliance with the preferred future character statement and precinct guidelines.

The proposed changes are considered minor in nature and as a result the affects and contributions this development has on neighbourhood character remain largely the same, therefore the previous comments in the original officer report from 12 July 2016 still remain relevant [Attachment 4].

Overall, none of the proposed changes are considered large enough to have an impact or change these findings and therefore, still remains in line with the existing and future neighbourhood character policy objectives of C1.

6.2. Assessment of amendments

This report undertakes an assessment of an amendment to the original plans. As such, many areas of Clause 55 are not applicable for re-assessment. The relevant sections of Clause 55 have been considered in the below discussion.

Main Building

Changes to the main building are minor and inconsequential from a planning perspective. No additional overlooking occurs as a result of window modifications, and changes to ceiling heights are so minor as to not be noticeable from the naked eye.
The increased deck size is acceptable, and comfortably complies with all relevant setbacks requirements.

Rear Outbuilding

Many of the changes to the rear outbuilding are inconsequential from a planning perspective, including the layout change, stairwell change, window modifications and reduction in pool size.

The contentious (as evident through the objections) part of the amendment relate to the increased wall on boundary height. This is discussed as follows:

South Wall:

The length of the south wall has not altered, however the height has increased from a maximum of 3.6m to 3.9m. Given that the proposed new height well exceeds ResCode (where the maximum height is stipulated at 3.6m), this is not considered to be reasonable. A condition will be placed on the permit to reduce the height back to that which was previously approved.

East Wall:

The eastern wall would increase in height in similar fashion to the southern wall (a rise of approximately 300mm). The associated amenity impact here is less than that associated with the southern wall, and the wall adjoins the neighbouring wall on boundary and a non-sensitive area of SPOS. Noting no objection from the adjacent owner, this change is considered to be acceptable. It is noted however the wall height would naturally reduce as a result on the condition imposed to address the south wall.

6.3. 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.

6.4. Development contributions levy

This is an amendment to an existing permit the Development Contributions Levy is not considered relevant as it would have been paid as a part of the original Permit.

6.5. Objector issues not already addressed

Now that the existing rear outbuilding is being demolished, it should be reconstructed in accordance with ResCode Standards (with respect to wall heights).

This is not a reasonable expectation. Council are comparing the two sets of plans, and irrespective of the fact that the outbuilding is now being demolished and replaced, the pre-existing wall height is the reasonable benchmark. This being said, Council agrees with the objectors that in its current form, the wall is too high, as it exceeds that previously approved. Condition 1(k) has therefore been included, to reduce the wall height back to that previously approved.

Unhappy with how the existing wall on boundary was demolished without notification.

This is not a relevant planning consideration.

First floor rear deck area has changed from a service area to a recreation area.

The use of the rear deck adjoining the objector’s property has always been approved as recreation space. This has not been altered through this amendment.

Overlooking.

No additional overlooking occurs as a result of this amendment application. All screening
previously approved would remain, and no overlooking occurs upon the objectors property.

Support Attachments
1. Development Plans ↓
2. Current Endorsed Plans ↓
3. Site and Surrounds ↓
4. Original Officer Report ↓
5. Permit ↓
Item 4.6 – Matters of Decision
Item 4.6 – Matters of Decision

PROPOSED ROOF PLAN SCALE 1:100

FRACTAL DESIGN ARCHITECTS
53 Remus Drive, Frankston, 3199
P: 03 9771 0559  email: fractald@lygon.com.au

Clients: Pue & Martin Adams

PROPOSED ALTERATIONS AND ADDITIONS TO 6 UNIT BLOCK AT 8 COLE ST, BRIGHTON
Item 4.6 – Matters of Decision
Item 4.6 – Matters of Decision

Page 440 of 509
Attachment 2

Item 4.6 – Matters of Decision
Item 4.6 – Matters of Decision
TREE MANAGEMENT AND PROTECTION PLAN

PLANNING AND ENVIRONMENT ACT 1987
BAYSIDE PLANNING SCHEME

This plan complies with Condition No. 1
Planning Permit: 2016/421/1  Sheet: 10 of 10

Issued: 11 January 2017  Endorsed: 18 July 2017
Responsible Authority

Site Address:
8 Cole Street
BRIGHTON

Report Prepared for:
Martin and Prue Adams

Received
6 APR 2017
Planning Department

Prepared by:
Mark Reynolds
Arboricultural Consultant

Prepared 12 March 2017
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1. BACKGROUND

The Tree Management and Protection Plan (TMP) has been prepared to guide protection measures required for the protection of five (5) trees or groups of trees located on the neighbouring properties and road reserve adjacent to the redevelopment site at 8 Cole Street, Brighton.

In preparation of the plan, a site inspection was undertaken on Thursday 2 March 2017. An assessment of the five (5) trees or groups of trees located on 6, 6a and 10 Cole Street, adjacent to the proposed development site, and one (1) tree on the road reserve was undertaken. The trees were surveyed and have been mapped on the attached tree protection plan in Section 2. Only the identified trees as shown on this plan are to be protected as part of this tree management and protection plan. These are the only trees that may be impacted by the proposed redevelopment of the land.

This plan provides an overview of health, structure, dimensions and tree protection zones of the identified trees or groups of trees. This plan also provides a tree management and protection plan that outlines the requirements for protecting the identified trees in accordance with the Australian Standard AS4970:2009 – Protection of Trees on Development Sites and the conditions of permit from Bayside Council (Planning Permit No: 2016/421/1, Dated: 11 January 2017).

1.1. REFERENCED STANDARDS

The following Australian Standards are referenced and referred to in this document:

- AS4970–2009 Protection of Trees on Development Sites
- AS4373–2007 Pruning of Amenity Trees
- AS4687-2007 Temporary Fencing and Hoardings
- AS11319-1994 Safety Signs for the Occupational Environment
- AS4454-2012 Composts, Soil conditioners and Mulches

1.2. GUIDANCE NOTES

This Tree Management and Protection Plan is to be read in conjunction with the attached tree protection plan (Section 2) which shows the tree protection zones and tree protection measures required during the development. The tree numbers referenced on the plans can be cross referenced with the tree data tables within this document.

Role of the Project Arborist

A Project Arborist must be engaged to supervise and advise on the actions that are required to be undertaken during all stages of development/construction. The Project Arborist must be suitably qualified in Arboriculture and experienced in tree protection on development sites. The Project Arborist must hold a minimum AQF Level 5 (Diploma Level) in Arboriculture or equivalent and or relevant experience in accordance with the Australian Standard AS4970:2009.

The Project Arborist is responsible for monitoring and certification of the TMP. Only the Project Arborist may vary the requirements of the TMP under written consent of the local Responsible Authority. Only the Project Arborist may submit any staged reports as required by the TMP and or local Responsible Authority.
3. TREE MANAGEMENT PLAN

This Tree Management and Protection Plan (TMPP) has been developed to guide the implementation of tree protection measures required during the proposed site development.

3.1. TREES TO BE PROTECTED

The following trees have been identified for protection. The protection of these trees forms the basis of this tree management and protection plan.

<table>
<thead>
<tr>
<th>Table 1: Trees to be Protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree No</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>

3.2. TREE PROTECTION ZONES OF TREES TO BE PROTECTED

<table>
<thead>
<tr>
<th>Table 2: Tree Protection Zones and Tree Protection Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree No</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>

Some trees have been assessed as a group planting as they are in a hedgerow or group planting (trees numbered 3 and 4). The root system is limited on the subject site due to the presence of the existing outbuilding (Pool House) within the tree protection zone of tree number 4. This existing footing and building is to remain in place. Additionally, the existing building footprint on the edge of the tree protection zone of tree number 5 will not change, only minor landscaping works will be undertaken in this area. All of the trees will incur an encroachment of less than 10% into their tree protection zones from any major works. Only tree number 5 will incur a higher level of encroachment, however the works within this area will be minor (paving above grade and soft landscaping).

3.3. ACTIVITIES TO BE RESTRICTED WITHIN THE TREE PROTECTION ZONE

Unless approved by the Project Arborist or as specifically allowed within this Tree Management and Protection Plan (TMPP), the following activities are to be restricted within the Tree Protection Zones (TPZ). This list of activities has been adapted from the *Australian Standard AS4970–2009–Protection of Trees on Development Sites.*
3.4. **PROJECT ARBORIST SUPERVISION AND CERTIFICATION**

The Project Arborist must be on site at these specified times to supervise and certify that the tree protection measures have been undertaken. The certification template in Appendix 6.3 must be completed to certify the TMPP.

<table>
<thead>
<tr>
<th>Stage</th>
<th>Type</th>
<th>Action Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1: Pre Demolition</td>
<td>Induction Meeting</td>
<td>To be advised</td>
</tr>
<tr>
<td>Stage 1: Pre Demolition</td>
<td>Certification of Tree protection</td>
<td>To be advised</td>
</tr>
<tr>
<td>Stage 2: Construction</td>
<td>Induction Meeting</td>
<td>To be advised</td>
</tr>
<tr>
<td>Stage 2: Construction</td>
<td>Certification of Tree protection</td>
<td>To be advised</td>
</tr>
<tr>
<td>Stage 3: Landscape Construction</td>
<td>Induction Meeting</td>
<td>To be advised</td>
</tr>
<tr>
<td>Stage 3: Landscape Construction</td>
<td>Final Certification</td>
<td>To be advised</td>
</tr>
</tbody>
</table>

3.5. **SPECIAL TREE MANAGEMENT ACTIONS**

The following specific actions must be undertaken in chronological order. These actions must be adhered to at all times and the Project Arborist must ensure that all actions have been undertaken to ensure compliance with the Tree Management and Protection Plan (TMPP). The following actions are shown as ‘Required’ or ‘Not Required’. All ‘Required’ actions must be undertaken and the specific actions must be followed.

### 3.5.1. PRIOR TO CONSTRUCTION – DEMOLITION STAGE

<table>
<thead>
<tr>
<th>Site Induction</th>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>A site induction meeting is to be organised with the Builder and Demolition contractors and Project Arborist to identify the trees to be protected as part of this tree management and protection plan. During this time the TMPP must be provided to all parties and this documentation should be provided to all contractors and form part of the contract documents for the project.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Destructive Root Excavation and Root Pruning</th>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-destructive root pruning may be required prior to demolition to expose all roots and to correctly prune any exposed roots. The requirement for non-destructive root excavation and pruning will be noted here and must occur prior to any site demolition and or site excavation and levelling. The location of the non-destructive root excavation is shown on the Tree Protection Plan in Section 2.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Specific Actions:

No non-destructive excavation is required. All excavation works will be outside of the tree protection zones.
### Infrastructure Removal within the Tree Protection Zone

Any existing infrastructure within the tree protection zone of any tree to be protected must be removed by hand under the supervision of the Project Arborist. All infrastructure must be removed by carefully removing the hard infrastructure away from the tree(s) to outside of the tree protection zones. Care must be undertaken not to disturb the root system that may be present within the tree protection zone.

**Specific Actions:**
All infrastructure within the tree protection zones (paths etc) are to be removed by hand only. No machinery must be used within the tree protection zones.

### Vegetation Removal within the Tree Protection Zone

All trees/shrubs identified for removal within the tree protection zones of the tree(s) to be protected are to be removed by hand. All trees/shrubs approved for removal are to be removed by hand and any stumps to be removed must be overseen by the Project Arborist. Care must be undertaken not to disturb the root system that may be present within the tree protection zone.

**Specific Actions:**
No existing vegetation exists on the site within the tree protection zones of the trees. This is not required.

### Tree Pruning

Tree pruning may be required on the trees to be protected. All pruning works must be undertaken in accordance with the Australian Standard AS4373-2007—Pruning of Amenity Trees. All pruning works are to be approved by the Project Arborist during the site induction meeting at the beginning of the project.

**Specific Actions:**
No specific pruning is required for this project as there is ample clearance from all trees from the proposed works.

### Tree Protection Fencing

A tree protection fence is to be installed as shown in the tree protection plan in Section 2. The tree protection fence must be rigid (chain link or similar) and must not be less than 1.8 metres in height. Fencing must be firmly attached to a removable concrete base or similar. Star pickets and para-webbing must not be used as a tree protection fence. Fencing must be in accordance with the Australian Standard for Temporary Fencing and Hoardings (AS 4687). Further details of tree protection fencing can be found in Appendix 6.2.7.

**Specific Actions:**
A tree protection fence is required to be placed around the road reserve tree, along the rear southern boundary and along the eastern boundary within the tree protection zone of tree number 5. The fencing is to be located as shown on the tree protection plan in Section 2.

### Ground, Trunk and Branch Protection

In cases where the TPZ cannot be entirely fenced, ground protection may be required. Ground protection is used to prevent soil compaction through point loading to the root system. Ground protection must be used where noted on the Tree Protection Plan in Section 2.

In some cases, where access is limited, trunk and or branch protection may be required to prevent mechanical injury to any part of the tree during construction. Specific details of trunk and branch protection are provided below if required. Further details can be found in Appendix 6.2.8 - Tree Protection Fencing, Trunk and Branch Protection and Ground Protection.

**Specific Actions:**
No ground or trunk or branch protection is required as the trees will be protected by the tree protection fencing.
### 8 Tree Protection Zone Mulching

<table>
<thead>
<tr>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mulching may be required within the tree protection zone to reduce water runoff and to reduce competition from weed growth. Mulching may only be required within the fenced area and not within the total tree protection area.

The tree protection fenced area is shown in the tree protection plan in Section 2.

**Specific Actions:**

Mulch, using mixed particle size composted wood chip, must be used within the tree protection fenced area of trees numbered 2, 3 and 5. Mulching is not required for the tree protection areas surrounding the road reserve tree.

### 9 Tree Protection Zone Signage

<table>
<thead>
<tr>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Tree Protection zone signage is to be placed on the tree protection fencing within the tree protection zone of any tree to be retained. The signage must detail the tree protection area to be isolated from works. The signage must be clearly visible to all persons on the site and must be in accordance with the Australian Standard AS4970-2009—Protection of Trees on Development Sites. Further details of Tree Protection Signage can be found in Appendix 6.2.9.

**Specific Actions:**

Tree protection signage is to be placed on the tree protection zone fences. The Project Arborist contact details must be shown on the tree protection signage. (Note: Signage is available from Arbor Survey Pty Ltd)

### 10 Site Access Location and Storage of Materials / Wastes

<table>
<thead>
<tr>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Site access must be from outside the tree protection fenced area and will need to be determined during the initial site induction meeting. The site access must not traverse through the tree protection area. In cases where the site access is not practical, only the Project Arborist can modify the tree protection area. Any modification to the tree protection area (including ground protection requirements), must be shown on an updated Tree Protection Plan and submitted with the Certification for the Stage 1 works that is to be completed by the Project Arborist.

An area must be designated on site ideally 10 metres distance from any tree protection area of the tree(s) to be retained, where all building materials/ refuse, chemicals, fuel/ oils etc. can be stored throughout the project. Only the Project Arborist can approve the storage location of all building materials and or equipment within close proximity to any tree that is protected. All washing up of equipment including concrete products must be located at a suitable distance from any tree protection zone.

**Specific Actions:**

Site access from machinery must be located outside of the tree protection zones and material storage areas must also be outside of the tree protection zones. The site access and recommended storage area is shown on the tree protection plan in Section 2.

### 11 Supplementary Measures

<table>
<thead>
<tr>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

During periods of dry weather (i.e. Summer period - October to April) irrigation should be supplied to the tree(s) to be protected where applicable. Application should be at a rate of 10 litres per centimetre of trunk diameter (DBH). This should be applied on a twice weekly basis during peak summer periods. Watering requirements may be varied at the discretion of the Project Arborist.

**Specific Actions:**

The Project Arborist is to advise and detail any watering requirements during the initial site induction meeting. The watering requirements are to be documented on the tree management plan certification form in Appendix 6.3.
### 3.5.2. During Construction

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Site Induction Prior to Construction</td>
<td>☑️</td>
<td>☐</td>
</tr>
<tr>
<td>13</td>
<td>Maintenance of the Tree Protection Area</td>
<td>☑️</td>
<td>☐</td>
</tr>
</tbody>
</table>

A site induction meeting is to be organised with the Builder and Project Arborist to identify the trees to be protected as part of this tree management and protection plan (TMP). During this time the TMP must be provided to all parties and this documentation should be provided to all contractors and form part of the contract documents for the project.

During construction, the Project Supervisor/Builder must ensure that all tree protection fencing and signage are in place in accordance with the requirements in section 3.5.1 – Items 6 - 9. All tree protection requirements must remain in place during the construction phase.

**Specific Actions:**

Only the Project Arborist may authorise the removal or modification to the tree protection measures during the construction period.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Utility Service Location and Installation</td>
<td>☑️</td>
<td>☐</td>
</tr>
</tbody>
</table>

Prior to construction, all services must be marked out on site. Services must be installed outside of any tree protection area. All services must be suspended underneath a building that is within the tree protection zone. Where no option exists for the location of services, services that must enter the tree protection area must be bored under the tree protection area. All boring activities must be supervised by the Project Arborist. The Project Arborist must detail the boring activities in the certification report.

**Specific Actions:**

All services must be located outside of the tree protection area or bored underneath the tree protection zone. Only the Project Arborist may approve the location of services within any tree protection zone.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Building Footings and Retaining Walls</td>
<td>☑️</td>
<td>☐</td>
</tr>
</tbody>
</table>

The footings for any proposed retaining wall and or hard surfacing within the tree protection zone of the trees to be protected may be required to be designed so that there is minimal impact to the root system of the tree.

The installation of the deck footings/retaining walls within the tree protection zone must be supervised by the Project Arborist. There should be minimal damage to the root system of the trees during this process if the root system has been prepared during the demolition stage of the project as identified in section 3.5.1 – Item 2.

The Project Arborist must inspect the installation of all footings/retaining walls to ensure that there has been no damage to the root systems during excavation. This must be noted on the certification report by the Project Arborist.

**Specific Actions:**

The footings for the deck within the tree protection zone of tree 4 (group) must be piers with the deck raised above the existing grade/soil level. There must be no excavation other than for the pier/post holes for the deck.

### 3.5.3. Post Construction and Site Re-establishment

1. Decommissioning of the tree protection measures

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Site Induction Prior to Landscape Construction</td>
<td>☑️</td>
<td>☐</td>
</tr>
</tbody>
</table>

At the landscape construction phase of the project, the Project Arborist is to meet with the landscape construction contractors for the project to advise on the requirements for tree protection during any installation of soft or hard landscape elements (including irrigation, lighting, paving or areas of potential cut or fill). All excavation including replanting within the tree protection zone must be undertaken by hand and approved by the Project Arborist.
The tree protection area must remain watered during this time (See Section 3.5.1 – Item 11) for watering requirements to limit any stress to tree health during the landscape construction phase of the project.

### Decommissioning of the Tree Protection Measures

<table>
<thead>
<tr>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the conclusion of the bulk building works/hard landscape works the Project Arborist must visit the site and approve the removal of the tree protection measures if they are still in place. The Project Arborist is to advise on any supplementary measures that are required (i.e. further pruning) to maintain the health of the tree(s).

**Specific Actions:**
Only the Project Arborist may approve the removal of all tree protection measures. The removal of tree protection measures must be certified by the Project Arborist.

### Hard and Soft Landscape Works

<table>
<thead>
<tr>
<th>Required</th>
<th>Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Any hard infrastructure works including paths, retaining walls, decks, installation of irrigation and or lighting with the tree protection zone of a protected tree must be supervised and approved by the Project Arborist. There must be no excavation within any tree protection zone unless approved by the Project Arborist.

All soft landscape works (planting) must be undertaken by hand and damage to the root system below must be minimised. Any large roots discovered during planting must be protected and the planting location must be altered.

**Specific Actions:**
The Project Arborist must approve any works involving excavation or construction within the tree protection zone of any identified tree. The proposed paving within the tree protection zone of tree number 5 must be of a porous material (i.e. porous pavers) and must be constructed above the existing natural soil level. All mulch must be scraped back by hand ensuring no damage to the root system in this area.

The Tree Protection Plan in Section 2 must be used to guide the installation of the above tree management plan requirements.

The Project Arborist must be on site at all times as noted in Section 3.4, Table 3 and must keep records of all tree protection measures and actions required during the development process.

Should you have any questions regarding this Tree Management and Protection Plan please contact Mark Reynolds of Arbor Survey Pty Ltd on 0407 851 852.
4. Company Profile and Qualifications

4.1.1. 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)

4.1.2. 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
- Treescaping Consulting Pty Ltd – Arboricultural Consultant
- Bayside City Council – Vegetation Planner/Senior Investigations Arborist

4.1.3. 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
5. METHODOLOGY

The collection of data was undertaken by Mark Reynolds on Thursday 2 March 2017. The data was captured on site of the characteristics of the subject trees and is recorded in this report in a detailed table, located in Appendix 6.1. A Tree Protection Plan is provided in Section 2. The tree protection zones have been drawn to scale on the attached map but are not to paper scale at A4 in this report. The tree protection zones and structural root zones show the extent of each zone in reference to the supplied development plan.

The trees were assessed and the Genus/ species, origin, height and canopy width, calculated diameter at breast height (DBH) and the characters of health and structure were recorded. Additionally, age class and protection value of the trees was assessed using the descriptors as set out in the explanation of terms in Appendix 6.2. Physical tree dimensions were used to assess the tree protection and structural root zones and the construction impact to the trees based upon the Australian Standard AS4970:2009 – Protection of Trees on Development Sites.

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 works. These calculations are based upon the Australian Standard AS 4970: 2009 - Protection of Trees on Development Sites.

The survey and assessment undertaken of the subject trees was made from a visual inspection from ground level only. The trees were not 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 date of assessment only.
### 6. APPENDICES

#### 6.1. 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>Protection Value</th>
<th>Size (m²)</th>
<th>TPZ (m)</th>
<th>TPZ Area (m²)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Logania petersoni</td>
<td>Norfolk Island</td>
<td>Exotic</td>
<td>59</td>
<td>9</td>
<td>8</td>
<td>Good</td>
<td>Fair - Good</td>
<td>Mature</td>
<td>High</td>
<td>2.7</td>
<td>5.4</td>
<td>92</td>
<td></td>
<td>Tree located on road reserve 3m from existing crossing</td>
</tr>
<tr>
<td>2</td>
<td>Olea europea</td>
<td>Olive</td>
<td>Exotic</td>
<td>&lt;10</td>
<td>4</td>
<td>3</td>
<td>Good</td>
<td>Fair - Good</td>
<td>Young</td>
<td>High</td>
<td>1.5</td>
<td>2.0</td>
<td>13</td>
<td></td>
<td>Small tree 0.3 m from boundary</td>
</tr>
<tr>
<td>3</td>
<td>Metrosideros excelsis</td>
<td>Pechutakawa</td>
<td>Exotic</td>
<td>&lt;10</td>
<td>4</td>
<td>2 - 3</td>
<td>Poor</td>
<td>Poor</td>
<td>Young</td>
<td>High</td>
<td>1.5</td>
<td>2.0</td>
<td>13</td>
<td></td>
<td>Group of four trees</td>
</tr>
<tr>
<td>4</td>
<td>Pitistes pamphylus</td>
<td>Koahku</td>
<td>Exotic</td>
<td>Approx. 15</td>
<td>6</td>
<td>3 - 4</td>
<td>Poor</td>
<td>Poor</td>
<td>Mature</td>
<td>High</td>
<td>1.5</td>
<td>2.0</td>
<td>13</td>
<td></td>
<td>Group of four trees, dieback within</td>
</tr>
<tr>
<td>5</td>
<td>Fraxinus excelsior</td>
<td>Golden Ash</td>
<td>Exotic</td>
<td>Approx. 30</td>
<td>9</td>
<td>6</td>
<td>Fair</td>
<td>Fair - Good</td>
<td>Mature</td>
<td>High</td>
<td>2.1</td>
<td>3.6</td>
<td>41</td>
<td></td>
<td>Located within 0.3 metres from boundary, existing building 3 metres from boundary, no impact</td>
</tr>
</tbody>
</table>

*Note: DBH (cm) is the diameter at breast height (1.3m from natural ground level), Basal Dia (cm) is the diameter of the trunk above the root flare, TPZ (m) is the structural root 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. These measurements and distances are calculated from the Australian Standard AS4906:2009 - Protection of Trees on Development Sites.
6.2. EXPLANATION OF TERMS

6.2.1. 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 (from Matheny & Clark, 1994).

Compartmentalisation
Physiological process which creates the chemical and mechanical boundaries that act to limit the spread of disease and decay organisms (from Matheny & Clark, 1994).

Decay
Degeneration and de-lignification of plant tissue, including wood, by pathogens or micro-organisms (AS4373).

Diameter at Breast Height (DBH)
DBH is measured at 1.4 metres 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.

Epiglomeric Shoots
Shoots which arise from adventitious or latent buds (usually dormant). They are generally produced in response to environmental stress.

Included Bark
The pattern of development at a branch union where bark is turned inward rather than outward or pushed out. Relates to the branch bark ridge. (from Matheny & Clark, 1994)

Live Crown Ratio
6.2.4. **Structure**

Structure relates to the physical form of the tree, including the trunk(s), main scaffold branches and roots. Structure includes the attributes that may influence the probability of major trunk, limb or root failure.

Structure is rated according to the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>The form of the tree is typical for the species and exhibits good symmetrical form. Major limbs are well formed with acceptable branch taper and unions appear to be strong with no signs of defects. The tree has minimal defects throughout the trunk and limbs. There is no sign of root plate heave or damage to the root system. The tree is unlikely to suffer branch or trunk failure under normal environmental conditions.</td>
</tr>
<tr>
<td>Fair</td>
<td>Tree has a fairly consistent form for the species. Tree may exhibit minor structural defects that may be managed through formative pruning. Only minor wounds are present that do not affect the overall stability or structural integrity of the tree. Minor root damage may have occurred in the past. Defects present are likely to cause only minor branch failure under normal environmental conditions.</td>
</tr>
<tr>
<td>Poor</td>
<td>Tree has a poorly formed crown that is not symmetrical. Branch and or trunk taper may be unacceptable and scaffold limbs may be overextended. Branch unions may exhibit significant defects that cannot be managed through formative pruning. Major root damage may have occurred and there may be evidence of root plate heave. Defects that are present may result in catastrophic failure of branches or trunk under normal environmental conditions.</td>
</tr>
</tbody>
</table>

6.2.5. **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>

6.2.6. **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...</td>
</tr>
</tbody>
</table>
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).

**Moderate**

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).

**High**

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).
6.2.7. Examples of Tree Protection Fencing

6.2.8. Examples of Trunk and Ground Protection

Notes:
1. For trunk and branch protection, use burlap and padding that will prevent damage or marks. Burls are to be
   wrapped with six (6) and nailed for security.
2. For the trunk and branches, industry thickness to prevent self-competition on a 1.5" circumference.

Trunk Protection
Ground Protection Boards

Ground Protection Boards
### 6.3. Certification Template

<table>
<thead>
<tr>
<th>Site Address</th>
<th></th>
<th>Contact Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Arborist Name:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Manager/ Builder/ Owner:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### STAGE 1 - PREDEMOLITION

<table>
<thead>
<tr>
<th>Site Induction - Demolition Contractors</th>
<th></th>
<th>Date/ Time of Meeting</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting on Site Held?</td>
<td>Yes / No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Persons Present:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| TMPP copy given to all parties? | Yes / No |  |  |

#### Site Access

| Site Access determined and acceptable? | Yes / No |  |  |
| Modification Required to Tree Protection Plan? | Yes / No |  |  |
| Pruning and Vegetation/ Infrastructure Clearance within the TPZ? | Yes / No |  |  |

#### Tree Pruning

| Tree Pruning required? | Yes / No |  |  |
| Tree Pruning undertaken to AS4373? | Yes / No |  |  |
| Tree Pruning undertaken in accordance with TMPP recommendations? | Yes / No |  |  |
| Vegetation cleared from TPZ in accordance with TMPP recommendations? | Yes / No |  |  |
| Infrastructure cleared from TPZ in accordance with TMPP recommendations? | Yes / No |  |  |

#### Fencing/ Trunk & Branch Protection/ Ground Protection/ Mulching

| Fencing installed in correct location as per TMPP Protection Plan? | Yes / No |  |  |
| Ground protection installed correctly as per TMPP Protection Plan? | Yes / No |  |  |
| Trunk & Branch Protection installed correctly as per TMPP? | Yes / No |  |  |

#### Signage

| Has the Tree Protection Area been mulched to 100mm depth? | Yes / No |  |  |
| Is mulch type in accordance with the TMPP? | Yes / No |  |  |

| Signage present? | Yes / No |  |  |
| Signage complies with TMPP? | Yes / No |  |  |

#### Root Pruning

| Signage has Project Arborist contact details? | Yes / No |  |  |
| Has root pruning been undertaken in accordance with TMPP? | Yes / No |  |  |

#### Supplementary Measures (list as needed)

| Other |  |  |  |

### Comments/ Notes re Stage 1 Certification

| Photographs Taken? | Yes / No |  |  |
| Date(s) Inspected: |  |  |  |
| Compliance Date: |  |  |  |

Signed: ___________________________
# STAGE 2 - CONSTRUCTION

## Site Induction - Builders/ Construction Trades

**Meeting on Site Held?** Yes / No  
**Date/ Time of Meeting**

**Persons Present:**

---

**TMPP copy given to all parties?** Yes / No

### Site Access

- Site Access determined and acceptable? Yes / No
- Modification Required to Tree Protection Plan? Yes / No

### Storage of Materials

- Has an area been designated on site for the storage of materials/ waste? Yes / No / NA
- Does the storage area for materials etc. comply with the TMPP? Yes / No / NA

### Utility Service Locations

- Have all utility services been marked out on site? Yes / No / NA
- Are all services located outside of the TPZ? Yes / No / NA
- Are services required to be bored under TPZ? Yes / No / NA

### Maintenance of Tree Protection Area

- Is all tree protection fencing in the correct location? Yes / No / NA
- Does the tree protection plan need to be modified? Yes / No / NA
- Is all trunk and branch protection or ground protection in place? Yes / No / NA
- Has the Tree Protection Area been mulched to 100mm depth? Yes / No / NA
- Is mulch type in accordance with the TMPP? Yes / No / NA
- Has the Tree Protection Area been watered in accordance with the TMPP? Yes / No / NA

### Footings

- Are all footings and installation in accordance with the TMPP? Yes / No / NA

---

**Comments/ Notes re Stage 2 Certification**

---

**Photographs Taken?** Yes / No

**Date(s) Inspected:**

**Compliance Date:**

**Signed:**

---

Item 4.6 – Matters of Decision
### STAGE 3 - BUILDING COMPLETION AND LANDSCAPE CONSTRUCTION

<table>
<thead>
<tr>
<th>Site Induction - Landscape Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting on Site Held?</td>
</tr>
<tr>
<td>Persons Present:</td>
</tr>
</tbody>
</table>

| TMPP copy given to all parties? | Yes / No |
|---------------------------------|

<table>
<thead>
<tr>
<th>Site Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Access acceptable for landscape construction?</td>
</tr>
<tr>
<td>Modification Required to Tree Protection Plan?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storage of Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has an area been designated on site for the storage of materials/waste?</td>
</tr>
<tr>
<td>Does the storage area for materials etc. comply with the TMPP?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Removal of Tree Protection Fencing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can tree protection fencing and or ground protection be removed?</td>
</tr>
<tr>
<td>Are specialised tree protection measures required?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Landscape Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do all works within the Tree Protection Area comply with the TMPP?</td>
</tr>
<tr>
<td>Has the Tree Protection Area been watered in accordance with the TMPP?</td>
</tr>
</tbody>
</table>

#### Comments / Notes re Stage 3 Certification

| Photographs Taken? | Yes / No |
|---------------------|
| Date(s) Inspected: | |

#### Compliance Date:

#### STAGE 4 - FINAL CERTIFICATION

The Project Arborist has inspected all stages of the project as defined by the Tree Management and Protection Plan. Any action that has not complied has been rectified and approved by the Project Arborist. All works as noted within the approved Tree Management and Protection Plan have been undertaken and any modifications to the Tree Management and Protection Plan have been approved in writing by the Local Responsible Authority.

| Final Certification Approved? | Yes / No |
|-------------------------------|
| Project Arborist: | |
| Date of Final Certification: | |

| Photographs Taken? | Yes / No | Signed: |
|---------------------|

| Signed: | |

| Issue Date: 18/3/2017 | Uncontrolled when printed | Version: 1 | Document Ref: 1946018 Cole Street Brighton |
ATTACHMENT 2
SITE AND SURROUNDS IMAGERY

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>

There are two objectors who are located further away and are not shown in the aerial image above.
Figure 2 View towards the site from the northeast

Figure 4 View towards the site from the northwest
1. **Purpose and background**

The following application is reported to the Planning Delegate for determination.

<table>
<thead>
<tr>
<th>Application number</th>
<th>5/2016/421/1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application address</td>
<td>1/8 Cole Street BRIGHTON (refer Attachment 1)</td>
</tr>
<tr>
<td>Title / Covenant</td>
<td>No restrictions on title</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr D Johnson</td>
</tr>
<tr>
<td>Proposal</td>
<td>Additions and alterations to an existing residential building with two or more dwellings on a lot and a front fence exceeding 1.2 metres (refer application plans).</td>
</tr>
<tr>
<td>Date application received</td>
<td>12 July 2016 (Amended Plans lodged: 7 October 2016)</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>16 December 2016</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Approve</td>
</tr>
<tr>
<td>Planning officer</td>
<td>Josh Maitland</td>
</tr>
<tr>
<td>Signature / Date</td>
<td></td>
</tr>
<tr>
<td>Planning delegate</td>
<td>Arthur Vatzakis</td>
</tr>
<tr>
<td>Signature / Date</td>
<td></td>
</tr>
</tbody>
</table>

Planning permission is sought for additions and alterations to an existing block of five flats, including the following:

- Unit 4 and 5 on first floor to be amalgamated.
- Partial demolition and construction of carport.
- Two storey extension to front.
- Single storey extension at ground floor to west and rear.
- First floor extension to link flat block with pool house.
- Creation of pool at rear of property and existing garage converted into pool house.
- Alterations to a number of windows and doors including relocated entrance to unit 2.
- Lift installed to access first floor.
- Front fence in brickwork to 2.02 metres in height.

2. **Policy implications**

   **Planning permit requirements**

   Clause 32.09-5 (Neighbourhood Residential Zone) – Additions and alterations to a building with two or more dwellings on a lot.

   Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of a front fence exceeding the height in Clause 55.06-2 associated with two or more dwellings on a lot.

3. **Stakeholder Consultation**
External referrals

There were 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>Traffic Engineer</td>
<td>No objection, subject to minor modifications.</td>
</tr>
<tr>
<td>Drainage Engineer</td>
<td>No objection, subject to conditions</td>
</tr>
<tr>
<td>Street Tree 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 0 objections were received.

4. Council Policy

Council Plan 2013-2017

Relevant strategies of the Council plan include:

- 3.1.1 Developing planning strategies and policies with our community that enhance Bayside’s liveability along with its natural and built environment.
- 3.1.3 Advocating Council’s planning and urban design objectives.

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 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 52.06 Car Parking
- Clause 55 Two or More Dwelling 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 and the individual merits of the application.

5.1 Neighbourhood character

The site is located within Neighbourhood Character Precinct C1 and the proposal is
considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 2.

In particular, the proposal would retain the existing building and would not detract from the character and appearance of the existing building, which is considered to contribute to the character of the area. The proposal would retain the visual separation and sense of space around the existing building and has been amended to minimise the size and dominance of the proposed carport. The additions and alterations at the front of the property are considered to integrate well into the fabric of the original building and would not dominate the streetscape. The proposal would not involve the removal of any significant vegetation and the existing street tree would be retained.

5.2 **Design and Development Overlay 1**

The proposal is located within the Design and Development Overlay 1 (DDO1). The proposed alterations and additions would not increase the height of the existing building and the size of the existing roof deck would not increase. The objectives of the DDO1 are:

- To protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay.
- To relate the scale and form of any new development to the landform of the coast.
- To maintain a pedestrian scale along Beach Road.
- To protect the foreshore from overshadowing.
- To manage the increased pressure for higher buildings along the coast.
- To protect the amenity and privacy of residential properties.

The proposal is considered to be well designed and would not detract from views of Bayside from the foreshore. The proposed increase in scale of the proposal is considered to respect the existing scale of development in the area. The proposal is considered to comply with the objectives of the Bayside Coastal Strategy (1997) and Victorian Coastal Strategy (2002).

The proposal is removed from the coastal foreshore and would not result in shadowing of this area. The proposal would not increase the overall height of the existing building and as discussed in depth in the ResCode section of this report, the proposal would not result in unreasonably amenity or privacy impacts on neighbouring properties. Given all of the above, the proposal is considered to accord with the objectives of the DDO1.

5.3 **Compliance with Clause 55 (ResCode)**

An assessment against the requirements of Clause 55 is provided at Attachment 3. Pursuant to Clause 55, a development must meet all of the objectives of this clause and should meet all of the standards of this clause. Those non-compliant standards are discussed below, noting the corresponding objectives have been achieved.

**Side and Rear Setbacks (Standard B17)**

The extension to the converted pool house and workshop does not comply with the side (in relation to the eastern boundary) and rear setback control and the extensions to the block of flats do not comply with the side setback control in relation to the eastern boundary. The objective of the standard is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The converted pool house and workshop would extend along the southern boundary by an additional 2.89 metres at a height of 3.515 metres. Pursuant to the rear setback control, the portion of the extension above 3.6 metres should be setback 3.099 metres. This top 150mm of the wall that requires the setback is considered to be a minor variation and given the distance in excess of 10 metres to neighbouring windows to the rear, no unreasonable amenity impacts would result. Located to the rear of the property, this variation would not impact on the neighbourhood character of the area.
The pool house would also extend an additional 3.87 metres along the eastern boundary at a height of 5.637 metres. This would match the height of the existing brick boundary wall. An additional infill of brick wall is also proposed to the same height to replace an existing timber lath screen. These proposed extensions of the pool house and workshop along this eastern boundary would adjoining the neighbouring garage for the majority of their length, limiting any amenity impacts on this neighbouring property. The infill extension would replace existing screening to the same height and would not result in any further impacts on the neighbouring property. Given the above, the proposed extensions of the pool house and workshop along the eastern boundary would not result in unreasonable bulk or amenity impacts on any neighbouring property. The setback in excess of 30 metres from the street would ensure the extensions have no significant impact on the character of the area.

The proposed first floor extension to the front of the existing block of flats would not comply with the side setback control in relation to the eastern boundary. A setback of 3 metres is proposed when 5.672 metres is required to achieve the control. The proposed extension would sit in line with the existing eastern elevation of the building and would be 120mm lower in height than the rest of the first floor. This extension would sit adjacent to an existing carport at No.10 Cole Street. This neighbouring property has habitable windows facing the proposed extension at ground and first floor level; however the setback of 7.168 metres from these windows would ensure no unreasonable bulk and amenity impacts occur. Given the proposed first floor addition would extend no closer to the boundary than the existing building, the proposal is not considered to undermine the visual separation or sense of space between buildings and is considered an appropriate response to the existing and preferred neighbourhood character of the area.

Given all of the above, the proposal is considered to achieve the objective of standard B17.

Walls on Boundaries (Standard B18)

The proposed extension to the converted pool house and workshop would not comply with the maximum or average height on the boundary controls in relation to the eastern and southern boundaries. The objective of this standard is to ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The proposed extension of the converted pool house along the southern boundary would be to a height of 3.615 metres. As discussed under standard B17 above, the extension is considered to be sufficiently setback from the neighbouring windows to avoid any unreasonable amenity impact and given the location to the rear of the property would not impact on the neighbourhood character of the area. It is noted the proposal easily complies with the maximum length allowed along this boundary.

The proposed extension of the converted pool house and workshop along the eastern boundary would be to a height of 5.637 metres. The extension would be to the same height as the existing portion of the wall on this boundary and would adjoin an existing garage at No.10 Cole Street for the majority of its length. As discussed under standard B17 above, this wall is not considered to have an unreasonable impact on the visual bulk and amenity experienced by the neighbouring property and would not impact on the neighbourhood character of the area.

Given all of the above the proposal is considered to achieve the objective of this standard.

Overlooking (Standard B22)

The objective of this standard is to limit views into existing secluded private open space and habitable room windows. The proposed includes a number of additional and enlarged existing windows and glazed doors to the eastern elevation at ground floor level. The development plans do not specify the type or height of the boundary fencing to this boundary. To comply with this standard a condition of approval is recommended to ensure the eastern boundary fence provides a visual barrier to a minimum height of 1.8 metres.

The proposal also includes two additional windows in the eastern elevation at first floor level serving the family room of dwelling four. Two existing windows in this elevation serving bedroom one of dwelling four have also been enlarged. These four windows are located within 9 metres of habitable windows at No.10 Cole Street. To avoid unreasonable
overlooking of neighbouring properties a condition of approval is recommended to either
screen, obscure glazed and fix or raise the sill levels of these windows to comply with
standard B22.

Front Fences Standard (B32)

A brickwork front fence is proposed between 1.9 and 2.02 metres in height. Vehicle and
pedestrian gates to 1.9 metres in height are also proposed. Pursuant to this standard a front
fence to 1.2 metres is required. The objective of this standard is to encourage front fence
design that respects the existing or preferred neighbourhood character.

A number of high brick or rendered front fences form the existing character in the immediate
area. The proposed fence would be of a similar height to the adjoining blockwork fence at
No. 10 Cole Street and is considered to respond to the existing character of the area.

5.4 Car parking and traffic

The proposal provides five off street parking spaces in accordance with Clause 52.06.
Council’s Traffic Engineer has reviewed the application and raised no objection subject to a
number of minor modifications to the crossovers and parking arrangements.

The existing eastern-most crossover is proposed now have vehicles reversing onto Cole
Street. Council’s Traffic Engineers have requested the existing crossover should be removed
and reinstated with a width of 3.6 metres and a 0.8 metre separation from the eastern
boundary to ensure pedestrian safety. The car space accessed by this crossover must be 2.7
metres in width in accordance with AS2890.1 given that it abuts a wall on one side. The
gradient of this driveway must not exceed 1 in 16 fulfilling the car parking grades requirement
within parking modules in accordance with AS2890.1.

Council’s Traffic Engineer have also requested the western most crossover to be 3 metres in
width and offset from the western property boundary by 0.8 metres in accordance with
Council’s vehicle crossing policy. A minimum 0.8 metres of clear aisle width should be
maintained where the 90 degree car spaces are proposed. While this has been achieved, it is
the minimum in the Bayside Planning Scheme, and as such no vegetation should be planted
along the western boundary in these two locations.

Adequate sight lines must be provided where each driveway intersects with the front footpath
in accordance with AS2890.1. Accordingly, all structures including foliage, front and side
fences within the sightlines must be limited to a maximum height of 0.75m or kept clear. All of
the above requirements are included as conditions of approval.

The proposal would reduce the number of residential units at the site by one and as such is
not expected to result in increased traffic generation or adverse impacts on the local road
network. Furthermore, Council’s Traffic Engineer has raised no objection in this regard.

5.5 Vegetation and landscaping

The application plans show the removal of 7 trees from the site including Silver Birch (Betula
pendula), Camellia (Camellia japonica) and Broad-leaved Privet (Ligustrum lucidum).
Council’s Arborist in their referral response advised that these trees have low amenity values
and their removal is acceptable if replaced with new coastal tree plantings and
landscaping.

A landscaping plan has been submitted in support of the application. The proposal includes 6
coastal canopy trees with the capacity to reach in excess of a height of 8 metres and spread
of 4 metres at maturity. Council’s Arborist advises all species are generally tolerance of
coastal conditions and salt laden winds.

There is screening vegetation at No. 6 Cole Street growing adjacent to the subject sites
southern boundary which has the potential to be adversely impacted by the proposed pool.
Council’s Arborist has advised the setback of the pool from the Western site boundary is
sufficient to ensure these neighbouring trees are viable post-construction; however the soil
volume between the pool and site boundary must be maintained at the natural ground level
and protected from compaction.
There is an early-mature Desert Ash (Fraxinus angustifolia) growing at No. 10 Cole Street adjacent to the subject sites eastern boundary. Council’s Arborist has advised the structural root zone (SRZ) of this tree projects into the subject site and tree protection measures are required to ensure this tree remains viable post-construction. Tree protection measures for the all neighbouring trees where their TPZ’s project into the subject site are included as conditions of approval.

A Lageronia patersonii (Norfolk Islands Hibiscus) is located within the nature strip and is proposed for retention. Council’s Open Space Arborist has advised that the location of the proposed vehicle crossing extension will not impact the tree’s health and stability; however, soil excavation must not occur within 2.9 metres from the edge of the Norfolk Island Hibiscus street tree stem at ground level. Council’s Open Space Arborist has requested tree protection conditions for the Norfolk Island Hibiscus, which are included as a condition of approval.

6. Recommendation

That the Delegate resolve to:

Issue a Approve under the provisions of the Bayside Planning Scheme in respect of Planning Application No. 2016/421/1 for the land known and described as 1/8 Cole Street BRIGHTON, for additions and alterations to an existing residential building with two or more dwellings on a lot and a front fence exceeding 1.2 metres, subject to the following conditions:

1. Before the use and/or development start/s, 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 (Council date stamped 7 October 2016) but modified to show:

   a) The Eastern boundary fence providing a visual barrier to a minimum height of 1.8 metres in accordance with Standard B22.

   b) The two windows serving the family room of dwelling four and the two enlarged windows serving bedroom one of dwelling four in the eastern elevation at first floor level to either be screened, obscure glazed or have raised sill levels in accordance with Standard B22.

   c) Existing crossover adjacent to the eastern boundary to be removed and reinstated to a width of 3.6 metres and offset from the eastern boundary by 0.8 metres.

   d) Parking space accessed from eastern crossover to be a minimum of 2.7 metres in width and with a gradient that does not exceed 1 in 16 in accordance with AS2890.1.

   e) Existing crossover adjacent to the western boundary to be removed and reinstated to a width of 3 metres and offset from the western boundary by 0.8 metres.

   f) A minimum of 5.2 metres of aisle width to be clear of all obstructions and vegetation for the 90 degree parking spaces.

   g) Adequate sightlines provided where each driveway intersects with the front footpath in accordance with AS2890.1.

   h) Soil volume between the pool and the southern boundary fence to be retained and no compaction of this soil to take place.

   i) No soil excavation to occur within 2.9 metres of the tree stem of the Norfolk Island Hibiscus (Lageronia patersonii) located on the nature strip fronting the property.

   j) Tree protection plan in accordance with condition 12.

2. The use and/or development as shown on the endorsed plans must not be altered 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, 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.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

6. Before occupation, 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 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.

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

9. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

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.

12. Before the development starts, 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.

13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

16. 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.

17. Before the development starts, the permit holder must apply to Council for the Legal
Point of Discharge for the development from where storm-water is drained under gravity
to the Council network.

18. Before the development, detailed plans indicating, but not limited to, the method of storm-
water discharge to the nominated Legal Point of Discharge (and On-Site Detention
System where applicable) must be submitted to and approved by Council’s Infrastructure
Assets Department.

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

- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of
  Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The applicant must clearly identify what impact, if any the proposed vehicle crossing will
  have 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 to provide the
  required access to the proposed development.
Attachment 1

Figure 1 Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
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<tr>
<td>Subject site</td>
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</table>
Figure 2 View towards the site from the northwest on Cole Street

Figure 3 View towards the site from the northeast on Cole Street
Neighbourhood Character Precinct C1

Preferred Future Character Statement

The mix of dwelling styles, including a substantial presence of pre WW2 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>
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</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 proposal would retain the existing building, which is considered to contribute to the character of the area. While the front elevation of the building would be altered, the proposed additions and alterations are not considered to detract from the character and appearance of the existing building. |
| 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  
The proposal would not result in the removal of any significant trees or preclude the planting of further vegetation. The proposed landscape plan is considered to include sufficient canopy tree planting and planting that is tolerant of coastal conditions. |
| 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 weeds. | Responds  
The proposal would not involve the removal of any significant vegetation and the existing street tree would be retained. The proposed landscape plan is considered to include sufficient canopy tree planting and planting that is tolerant of coastal conditions. |
<p>| To retain the sense of spaciousness in the area and provide adequate space | • Buildings should be sited to allow space for the planting of | | Responds |</p>
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
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<tbody>
<tr>
<td>for front gardens.</td>
<td>trees and shrubs.</td>
<td></td>
<td>The proposal would retain the visual separation and sense of space around the existing building.</td>
</tr>
<tr>
<td>To minimise the dominance of car parking facilities, driveways and crossovers</td>
<td>• Locate garages and car ports at or behind the line of the dwelling.</td>
<td>Car parking facilities that dominate the facade or view of the dwelling.</td>
<td>Responds The application has been amended to minimise the size and dominance of the proposed carport. Two car parks were also relocated to the rear of the property. A significant portion of the front yard would remain as either grass or a planting bed.</td>
</tr>
<tr>
<td></td>
<td>• Minimise hard paving in front yards.</td>
<td>Loss of front garden space.</td>
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<td></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 facade and the front setback area is retained as predominantly garden space.</td>
<td></td>
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</tr>
<tr>
<td>To ensure that new buildings and extensions do not dominate the streetscape</td>
<td>• Recess upper level elements from the front facade.</td>
<td>High pitched roof forms with dormer windows.</td>
<td>Responds The proposed first floor extension to unit four would not be recessed from the front facade and the glazed veranda would project from the front facade by 600mm, however the additions and alterations at the front of the property are considered to integrate well into the fabric of the original building and would not dominate 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</td>
<td>Responds The subject site does not adjoin any buildings identified in the Bayside Scheme as possessing heritage qualities.</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>• Use a mix of materials including timber or other non-masonry wall materials in building design.</td>
<td>Large, poorly articulated external wall surfaces of one material only.</td>
<td>Responds While the proposal does not employ a large palette of materials, the additions and alterations would be effectively integrated into the original building through a matching design brickwork and a continuation of the architectural detailing. The proposal is considered to be well detailed and does not feature large masonry columns of blank facades as the objective intends to avoid. Given all the above, the</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
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<tr>
<td>To encourage the openness of the streetscape.</td>
<td>• Provide open style fencing, other than along heavily trafficked roads.</td>
<td>High, solid front fencing.</td>
<td>Proposal is considered to respond to the existing and preferred character of the area.</td>
</tr>
<tr>
<td>To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting the reserve and visible from the reserve.</td>
<td>• Articulate the form of buildings and elements, particularly front façades, and include elements that lighten the building form such as balconies, verandahs, non-reflective glazing and light transparent balustrading. • Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, non-masonry sheeting, glazing, stone and brick. • Provide a fence or landscaping treatment to delineate the property boundary fronting the foreshore reserve. • Provide articulated roof forms to create an interesting skyline when viewed from the beach.</td>
<td>Buildings that have no relationship to the foreshore setting. Poorly articulated roof and building forms. Highly reflective materials or glazing. Blank walls facing the foreshore. Lack of distinction between public and private spaces along the foreshore.</td>
<td>Does not respond</td>
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<td>While the proposed front fencing cannot be described as encouraging the openness of the streetscape, as discussed in the report, the proposed front fence is considered to reflect the existing neighbourhood character.</td>
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<td>Responds</td>
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<td></td>
<td>The property does not front the foreshore reserve, however the additions and alterations are considered to integrate well into the fabric of the original building and would respond to the original architecture style and detailing of the existing building. While the palette of materials employed is not extensive the use of brickwork to match existing is considered appropriate.</td>
</tr>
</tbody>
</table>
### Title and Objective

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer Attachment 2.</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>
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<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Yes</td>
<td>The subject site is appropriately located with regard to services and facilities to support extensions to the existing dwellings.</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>
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<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>N/A</td>
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<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td></td>
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<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Yes</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>
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<tr>
<td><strong>B5 Integration with the Street</strong></td>
<td>Yes</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>
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<tr>
<td><strong>B6 Street Setback</strong></td>
<td>Yes</td>
<td>Proposal does not extend any further forward of an existing wall forming the eastern elevation.</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>
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<tr>
<td><strong>B7 Building Height</strong></td>
<td>Yes</td>
<td>The proposal does not increase the existing building height.</td>
</tr>
<tr>
<td>Building height should respect the existing or preferred neighbourhood character</td>
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<tr>
<td>Item</td>
<td>Description</td>
<td>Decision</td>
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</table>
| B8 Site Coverage | Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | Yes | Maximum: 50%  
Proposed: 48.5% |
| B9 Permeability | Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration. | Yes | Minimum: 20%  
Proposed: 23% |
| B10 Energy Efficiency | Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy. | Yes | The proposal provides appropriate solar access to the dwellings. |
| B11 Open Space | Integrate layout of development with any public and communal open space provided in or adjacent to the development. | N/A | |
| B12 Safety | Layout to provide safety and security for residents and property. | Yes | No safety issues are considered to be likely to arise. |
| B13 Landscaping | To provide appropriate landscaping. To encourage: Development that respects the landscape character of the neighbourhood. Development that maintains and enhances habitat for plants and animals in locations of habitat importance. The retention of mature vegetation on the site. | Yes | Refer 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. | Yes | Appropriate vehicular access is provided.  
Maximum: 33% of street frontage  
Proposed: 25% of street frontage |
| B15 Parking Location | | Yes | The proposed car parking areas are appropriately |

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Item 4.6 – Matters of Decision

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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.

**B17 Side and Rear Setbacks**
Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impact on existing dwellings.

No

Refer report and table below. Areas of non-compliance are underlined. It is noted only the proposed additions to the existing property have been compared against the setback controls.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
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<tbody>
<tr>
<td>Required</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.

No

Eastern Boundary
- Maximum Height: 3.6m
  - Proposed: **5.637m**
- Maximum Average Height: 3.2m
  - Proposed: **5.637m**
- Maximum Length: 19.85m
  - Proposed: 15.09m
- Southern Boundary
  - Maximum Height: 3.6m
    - Proposed: **3.615m**
  - Maximum Average Height: 3.2m
    - Proposed: **3.615m**
  - Maximum Length: 13.85m
    - Proposed: 9.15m

**B19 Daylight to Existing Windows**
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.

**B20 North Facing Windows**
Allow adequate solar access to existing north-facing habitable room windows.

Yes

No north facing windows on adjoining properties are within 3 metres of the southern boundary of the subject site.

**B21 Overshadowing Open Space**

Yes

Shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Decision</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>B22 Overlooking</td>
<td>Limit views into existing secluded private open space and habitable room windows.</td>
<td>No</td>
<td>Refer report. Addressed via conditions.</td>
</tr>
<tr>
<td>B23 Internal Views</td>
<td>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</td>
<td>Yes</td>
<td>Existing overlooking between first floor roof terrace and bedroom 1 windows to unit 3 on the ground floor remains unchanged.</td>
</tr>
<tr>
<td>B24 Noise Impacts</td>
<td>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</td>
<td>Yes</td>
<td>The development will not generate any noise above that typically expected from a residential building. Air conditioning units have been located appropriately at roof level and adjacent to the pool house.</td>
</tr>
<tr>
<td>B25 Accessibility</td>
<td>Consider people with limited mobility in the design of developments.</td>
<td>Yes</td>
<td>Entries are easily accessible for people with limited mobility. The development could be retrofitted to accommodate people with limited mobility in the future if required.</td>
</tr>
<tr>
<td>B26 Dwelling Entry</td>
<td>Provide a sense of identity to each dwelling.</td>
<td>Yes</td>
<td>One dwelling would be easily identifiable from the street. The remaining entries to the dwellings are no loss visible from the street than existing.</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Allow adequate daylight into new habitable room windows.</td>
<td>Yes</td>
<td>All habitable windows have direct access to daylight.</td>
</tr>
<tr>
<td>B28 Private Open Space</td>
<td>Provide reasonable recreation and service needs of residents by adequate pos.</td>
<td>Yes</td>
<td>Currently no lower level units have access to any private open space and the proposal would not alter this. The first floor terrace to unit four would be reduced; however continues to easily meet the requirement of this standard. The proposed pool at the rear of the site would provide communal outdoor space for all units that was used for parking previously.</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>
<td>Yes</td>
<td>Appropriate solar access to the private open space areas is provided.</td>
</tr>
<tr>
<td>B30 Storage</td>
<td>Provide adequate storage facilities for each dwelling.</td>
<td>Yes</td>
<td>Three outdoor storage areas have been provided along the eastern boundary for the ground floor units. Unit four would have access to the storage/workshop area in the pool room outbuilding.</td>
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<tr>
<td>Item</td>
<td>4.6 – Matters of Decision</td>
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<thead>
<tr>
<th><strong>B31 Design Detail</strong></th>
<th>Yes</th>
<th>Refer Attachment 1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
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</table>

| **B32 Front Fences** | No | Required: 1.2m  
Proposed: 1.9 – 2.94m |
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<tbody>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
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</tbody>
</table>

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<thead>
<tr>
<th><strong>B33 Common Property</strong></th>
<th>Yes</th>
<th>The proposed site layout is considered to ensure all communal areas are practical, attractive and easily maintained. It is noted, given the existing building is being maintained, there is limited scope to provide private open space for the ground floor units.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B34 Site Services</strong></th>
<th>Yes</th>
<th>Plans show clotheslines, mailboxes and storage areas as required. Space for meters has been provided alongside the entries of each dwelling.</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>
</tbody>
</table>
PLANNING PERMIT
2016/421/1

Responsible Authority: Bayside City Council
Planning Scheme: Bayside

Address Of The Land: No. 1/8 Cole Street BRIGHTON

The Permit Allows:
Additions and alterations to an existing residential building with two or more dwellings on a lot and a front fence exceeding 1.2 metres in accordance with the endorsed plans and subject to the following conditions.

The Following Conditions Apply To This Permit:

1. Before the use and/or development start/s, 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 (Council date stamped 7 October 2016) but modified to show:
   a) The Eastern boundary fence providing a visual barrier to a minimum height of 1.8 metres in accordance with Standard B22.
   b) The two windows serving the family room of dwelling four and the two enlarged windows serving bedroom one of dwelling four in the eastern elevation at first floor level to either be screened, obscured glazed or have raised sill levels in accordance with Standard B22.
   c) Existing crossover adjacent to the eastern boundary to be removed and reinstated to a width of 3.6 metres and offset from the eastern boundary by 0.8 metres.
   d) Parking space accessed from eastern crossover to be a minimum of 2.7 metres in width and with a gradient that does not exceed 1 in 16 in accordance with AS2890.1.
   e) Existing crossover adjacent to the western boundary to be removed and reinstated to a width of 3 metres and offset from the western boundary by 0.8 metres.
   f) A minimum of 5.2 metres of aisle width to be clear of all obstructions and vegetation for the 90 degree parking spaces.
   g) Adequate sightlines provided where each driveway intersects with the front footpath in accordance with AS2890.1.
   h) Soil volume between the pool and the southern boundary fence to be retained and no compaction of this soil to take place.
   i) No soil excavation to occur within 2.9 metres of the tree stem of the Norfolk Island Hibiscus (Lagunaria patersonii) located on the nature strip fronting the property.

Arthur Vatsalis
Date issued: 11 January 2017
Signature for the Responsible Authority
j) Tree protection plan in accordance with condition 12.

2. The use and/or development as shown on the endorsed plans must not be altered 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, 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.

5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

6. Before occupation, 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 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.

8. 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.

9. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.

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.

12. Before the development starts, 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.

Page 2 of 4

Date issued: 11 January 2017

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.
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.

13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

16. 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.

17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.
PLANNING PERMIT
2016/421/1

Responsible Authority: Bayside City Council
Planning Scheme: Bayside

18. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

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:
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The applicant must clearly identify what impact, if any the proposed vehicle crossing will have 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 to provide the required access to the proposed development.

Date issued: 11 January 2017
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.
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 is lodged with the Victorian Civil and Administrative Tribunal.
* An application for review must be made on an Application for Review form which can be obtained from the
  Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
* An application for review must state the grounds upon which it is based.
* 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.
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.

Council has a target for 2018/19 that 55% of all Planning & Amenity Committee and Delegated Officer decisions should not be set aside by VCAT. This is comparable with other inner urban Council’s 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 67 decisions, of which

- 31 have been settled by consent orders; and,
- 3 have been withdrawn; 1 has been dismissed and 2 have been struck out.

The total number of LGPRF measured decisions for the year to date is therefore 30. The table below reflects the new 2018/19 LGPRF reporting requirements for Council.

<table>
<thead>
<tr>
<th>LGPRF Statutory Planning Measure 4 (SP4) – Decision Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time period</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>July 2018</td>
</tr>
<tr>
<td>August 2018</td>
</tr>
<tr>
<td>September 2018</td>
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<tr>
<td>October 2018</td>
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<tr>
<td>November 2018</td>
</tr>
<tr>
<td>December 2018</td>
</tr>
<tr>
<td>TOTAL DECISIONS</td>
</tr>
<tr>
<td>LGPRF Result</td>
</tr>
</tbody>
</table>
Attachment 1 included provides a summary of each case identifying the key issues for Council policy and strategy.

2. Recommendation
   That Council:
   1. receives and notes the report; and
   2. notes the outcome of VCAT decisions on the planning applications handed down during December 2018.

Support Attachments
1. VCAT Determined Appeals for December 2018 ↓
VCAT Determined Appeals from 1/12/2018 to 31/12/2018

Subject land  
7 Moor ST, SANDRINGHAM

Application no.  
2017.649.1

VCAT reference no.  
P1259/2018

Applicant  
Phillip Crouch Architects

Referral Authority  
N/A

Respondents  
N/A

VCAT Member  
J A Bennett

Date of hearing  
6/12/2018

Date of order  
6/12/2018

Proposal  
Construction of a two storey dwelling on a lot less than 500 square metres

Officer recommendation/ Delegate determination  
Refusal

Council determination  
Not applicable

Appeal type  
Refusal to Grant a Permit

Plans substituted (prior to hearing)  
Yes

VCAT determination  
Issue permit

LGPRF outcome  
N/A

The subject site is zoned Neighborhood Residential Zone (Schedule 3), and is also covered by the Design and Development Overlay (Schedule 1), and the Development Contributions Plans Overlay Schedule 1.

The application proposed the construction of one dwellings on a lot less than 500 square metres. This matter was refused by Council officers on 26 April 2018 due to issues with the applications compliance with Neighborhood Character and interaction with the streetscape.

The applicant lodged a subsequent an appeal against Council’s refusal. Prior to the appeal proceeding to a hearing, the amended plans which addressed Councils concerns were formally lodged and circulated to adjoining land owners at the direction of VCAT. No objections were lodged to VCAT during this period of notice. Council then signed a consent order and a Planning Permit was issued on 6 December 2018.
Subject land: 1/22 Exley RD, HAMPTON EAST
Application no.: 2017.724.1
VCAT reference no.: P1786/2018
Applicant: Mendel Haller
Referral Authority: Respondents

VCAT Member
Date of hearing
Date of order: 20/12/2018
Proposal: Construction of two double storey attached dwellings and a two lot subdivision

Officer recommendation/
Delegate determination: Notice of decision
Council determination: Not applicable
Appeal type: Conditions
Plans substituted
(prior to hearing)

VCAT determination: appeal withdrawn
LGPRF outcome: N/A

Comments:
The application for review was an applicant appeal to conditions 1(a) and 1(d) of permit 2017/724 issued by Council.

The applicant withdrew the appeal.
Subject land 1/4 Carpenter ST, BRIGHTON
Application no. 2017.187.1
VCAT reference no. P2717/2017
Applicant Keen Planning
Referral Authority N/A
Respondents Mr M Potter and others
VCAT Member Rachel Naylor
Date of hearing 5/09/2018
Date of order 19/12/2018
Proposal Construction of a three storey residential building containing ten
dwellings over basement car parking and the construction of a front
fence exceeding a height of 1.5 metres

Officer recommendation/ Notice of decision
Delegate determination
Council determination Refusal
Appeal type Refusal to Grant a Permit
Plans substituted (prior to hearing)
VCAT determination no permit granted
LGPRF outcome AFFIRMED

Comments:

The Tribunal in its Order dated 19 December 2018 upheld Council’s decision and Refused to grant the Applicant a Planning Permit for the construction of a three (3) storey building containing nine (9) apartments and basement car parking with 15 car spaces. The Tribunal accepted the Applicant’s general description of the land as having an eclectic character evidencing a range of architectural forms, styles and eras. However the Tribunal did accept Council’s arguments that there is obvious vegetation in the neighbourhood in terms of public and private vegetation with scattered canopy vegetation particularly at the front of the properties. The zoning of the land as General Residential Zone 2 (GRZ2) ensure that the subject site is an area denoted by the Planning Scheme as designated for growth and change but this does not mean that any form of three (3) storey development would be acceptable.

Member Naylor held that the proposed design detail for this Application was unacceptable. The Tribunal was not impressed that the Applicant had not availed themselves of the opportunity given to them at the Practice Day Hearing to reduce the number of car spaces provided in the basement plan from 15 spaces to 10 due to the implementation of Amendment C 148 which reduced the number of car spaces required for land that is in walking distance of “high quality transport.” This change meant that there was no longer any requirement for the Application to propose visitor car parking. Thus, the Applicant did not change the layout of the car park which extended from boundary to boundary. This limited the ability of the Applicant to provide opportunities for building separation and greater landscaping.

The Tribunal held that this aspect coupled with the proposed swimming pool within the front setback and non-compliant side setbacks at the upper level compromised the landscaping opportunities of the subject site contrary to the neighbourhood character. The changes provided by the Applicant were insufficient to achieve an acceptable design response given the strong policy support for a spacious setting and landscaping for new built form. The limited side setbacks and the large basement which impacts on being able to plant in natural ground all contribute to a built form “which is simply too much for this site and is borrowing from the amenity of the adjoining properties.”(paragraph 38).
Subject land: 1 Bryson AVE, BRIGHTON
Application no.: 2016.814.1
VCAT reference no.: P934/2018
Applicant: Mayfield Developments Pty Ltd
Referral Authority: N/A
Respondents: Mark Johanssen and Others
VCAT Member: S. R. Cimino
Date of hearing: 10/09/2018
Date of order: 17/12/2018
Proposal: Construction of a three-storey building comprising no more than 9 dwellings and a front fence in excess of 1.5 metres

Officer recommendation/Delegate determination: Refusal
Council determination: Not applicable
Appeal type: Refusal to Grant a Permit
Plans substituted (prior to hearing): Yes

VCAT determination: issue a permit
LGPRF outcome: N/A

Comments:

The subject site is zoned General Residential, and is also covered by the Design and Development Overlay 11, The Special Building Overlay and the Development Contributions Plan Overlay.

The application was refused (under delegation) for a three storey building comprising 10 dwellings. Grounds related to non-compliance with the DDO11, inappropriate response to neighbourhood character and non-compliance with numerous ResCode standards.

The applicant lodged an appeal against Council’s refusal, and a compulsory conference was set to discuss the issues.

The compulsory conference was held on 4 September 2018, attended by the legal representative of eight objecting parties, along with applicant representation and Council planning officer. Throughout the conference, a number of amendments were tabled, including a reduction in the number of dwellings (to nine), increased setbacks and a number of facade and layout changes. All parties eventually agreed on an acceptable outcome, and this was ratified by Councillors at the 16 October 2018 Planning and Amenity Committee Meeting.

A Planning Permit was issued by VCAT in accordance with the signed agreement, on 3 January 2019 (the delay was due to the applicant needing to obtain a signed Cultural Heritage Management Plan).
Subject land 1 Salisbury ST, SANDRINGHAM
Application no. 2017.149 1
VCAT reference no. P404/2018
Applicant Rodney James Veugelers
Referral Authority N/A
Respondents N/A
VCAT Member Laurie Hewet
Date of hearing 3/10/2018
Date of order 4/12/2018
Proposal Construction of two dwellings on a lot
Officer recommendation/ Delegate determination Refusal
Council determination Not applicable
Appeal type Refusal to Grant a Permit
Plans substituted (prior to hearing) Yes
VCAT determination issue permit
LGPRF outcome SET ASIDE

The subject site is located within the Neighbourhood Residential Zone (Schedule 3), Design and Development Overlay (Schedule 3), and Development Contributions Plan Overlay (Schedule 1).

The permit applicant lodged an appeal pursuant to Section 77 of the Planning & Environment Act 1987 against Council’s refusal to grant a permit for the construction of two dwellings on a lot.

In support of their case, the Council argued that owing to the proposed side street setbacks and the removal of a substantial canopy tree located within the front of the lot, the proposed development by its scale, bulk and form, would be exposed and prominent in the streetscape and that the mature canopy tree to be removed makes a strong contribution to the character of the neighbourhood and to the established garden setting. In all of this, the proposed development did not respond fully to the purpose of the Neighbourhood Residential Zone, the objectives of Clause 55 of the Bayside Planning Scheme and the neighbourhood character policy at Clause 22.06, Precinct E3.

The Tribunal held in finding for the permit applicant the proposed development was a suitable response to the purpose of the Neighbourhood Residential Zone, Neighbourhood Character Precinct E3 and the objectives of Clause 55 of the Bayside Planning Scheme with regard side street setback.

Although the tree under contention was considered a prominent specimen, the Tribunal held that trees of its size are not well represented in the private domain of properties in the neighbourhood. Within this context, the Tribunal considered the removal of the tree would not have an adverse effect on neighbourhood character. Reinforcing that a generous street setback from Salisbury Street would allow appropriate replacement planting. Furthermore, that concerns relating to the health of the tree galvanise the view that its removal is acceptable.

The Tribunal set aside Council’s decision and instructed that a permit issue subject to conditions.
Subject land: 7 Point AVE, BEAUMARIS
Application no.: 2017.7489.1
VCAT reference no.: P1090/2018
Applicant: Monica Burnside
Referral Authority: N/A
Respondents: Chris & Dhana Dare & Others
VCAT Member: Jane Tait
Date of hearing: 23/11/2018
Date of order: 5/12/2018
Proposal: Two (2) lot subdivision
Officer recommendation/ Delegate determination: Refusal
Council determination: Refusal
Appeal type: Refusal to Grant a Permit
Plans substituted (prior to hearing): Yes
VCAT determination: no permit granted
LGPRF outcome: AFFIRMED

Comments:

The Tribunal in an Order dated 5 December 2018 affirmed Council’s decision and refused to Grant the Applicant a Planning Permit as it found that the proposed subdivision was inconsistent with the neighbourhood character that is recognised for its Significant Landscape Overlay Schedule 1 (SLO-1).

The Applicant at the hearing had attempted to substitute Amended Plans for the Application Plans which contained revised building envelopes. The Tribunal refused to allow the substitution of these Plans at the hearing because the other parties had been denied the opportunity to assess the Revised Plans and it would have been contrary to procedural fairness to allow this.

The Tribunal held that the subdivision if allowed to proceed would increase the potential for conflict with existing vegetation due to reduced space in which to develop a dwelling on each lot. The Tribunal in making its decision noted the VPO-43 and the SLO-1 applying to the subject site. The former Overlay seeks to prevent the loss of native and indigenous vegetation incurred by development. The SLO-1 applying to the subject site identifies this area as having a high level of vegetation cover and bushland.

Member Tait held that the unique vegetation character of the area is so significant that it warrants a co-ordinated response to the development and subdivision. The Tribunal was unconvincing that subdivision alone could protect the neighbourhood character due to the constraints placed upon the site by the existing neighbourhood character. The Tribunal found that the proposed lot sizes would be amongst some of the smallest in the area and was not convinced that these lots would be able to accommodate two dwellings which maintain the rhythm of spacious visual separation between buildings and maintain the bayside vegetative character.

The Tribunal held that “in this case, the special circumstances relating to the landscape significance of this neighbourhood warrant an integrated approach to the development and subdivision.” (paragraph 66).
**Subject land**  
4 Bemmersyde AVE, BRIGHTON

**Application no.**  
2018.146.1

**VCAT reference no.**  
P1699/2018

**Applicant**  
Bemmersyde KV Pty Ltd

**Referral Authority**  
N/A

**Respondents**  
N/A

**VCAT Member**  
Michael Neithorpe

**Date of hearing**  
27/11/2018

**Date of order**  
7/12/2018

**Proposal**  
dwellings with basement car parking and a fence in excess of 1.5 metres in the Design and Development Overlay  
Construction of a three-storey building consisting of ten (10)

**Officer recommendation/ Delegate determination**  
Refusal

**Council determination**  
Refusal

**Appeal type**  
Refusal to Grant a Permit

**Plans substituted (prior to hearing)**  
Yes

**VCAT determination**  
issue a permit

**LGPRF outcome**  
N/A

**Comments:**

The subject site is located within the General Residential Zone (Schedule 2), the Design and Development Overlay (Schedule 11) and the Development Contributions Overlay (Schedule 1).

A Notice of Refusal to Grant a Planning Permit for the Construction of a three storey building consisting of ten (10) dwellings with basement parking and a front fence in excess of 1.5 metres. An Application for Review was lodged to the Victorian Civil and Administrative Tribunal (VCAT) under Section 77 of the Planning and Environment Act 1987. One objector joined as a party to the proceedings, but subsequently withdrew before the Compulsory Conference.

At the Compulsory Conference held on the 27 November 2018, agreement was reached between both parties. This decision was ratified by the Planning and Amenity Committee on 10 December 2018. The Tribunal subsequently directed that the decision of the responsible authority be set aside and a permit be granted.

The Hearing was vacated.
Subject land 14 Mc Naught ST, BEAUMARIS
Application no. 2018.307.1
VCAT reference no. P1734/2018
Applicant Kristianne Badgery
Referral Authority N/A
Respondents N/A
VCAT Member Laurie Hewet
Date of hearing 17/12/2018
Date of order 17/12/2018
Proposal Removal of a native tree in a Vegetation Protection Overlay
Officer recommendation/ Refusal
Delegate determination
Council determination Not applicable
Appeal type Refusal to Grant a Permit
Plans substituted (prior to hearing)

VCAT determination issue a permit
LGPRF outcome SET ASIDE

It was agreed that the health of the tree was not in dispute here. This was decided as common ground between Council, the applicant and the Member.

What we were debating was the "structure" of the tree.

The member acknowledged that Council had many reasons to refuse the permit as the responsible authority. – Against VPO3 objectives, neighbourhood character, tree health was in good health etc.

Acknowledged that the applicant did not provide any tree risk assessment material or a report regarding the trees structure.

Only said that their opinion was the tree was unsafe

Member proceeded to grant permit due to the "risk of human safety being deemed greater and more important than the health of the tree" – used the example of if this was in a paddock it would not affect anyone however as it is in the city it is an important risk to consider.
5. Confidential Business

There was no confidential business submitted to the meeting.